



**PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA
AGENDA
February 10, 2016
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

-
1. Call To Order
 2. Pledge Of Allegiance
 3. Adoption Of Minutes
 - 3.I. February 27, 2016 - Regular Session
Documents: [JANUARY 27, 2016 DRAFT PC MINUTES - REGULAR SESSION.PDF](#)
 4. New Business
 - 4.I. Comprehensive Plan Compliance Review - Public Alley Vacation - 600 Block Of Amelia Street
Documents: [ROW VACATION - VAKOS - 616 AMELIA ST.PDF](#)
 5. General Public Comment Period
 6. Other Business
 - 6.I. Variance - BZA - George Washington Executive Center
Documents: [BZA VARIANCE - GENERAL WASHINGTON EXECUTIVE CENTER.PDF](#)
 - 6.II. Discussion - Downtown Parking Analysis
Documents: [PARKING ANALYSIS.PDF](#)
 7. Adjournment



PLANNING COMMISSION MINUTES

January 27, 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

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

s

1. CALL TO ORDER

The January 27, 2016 Planning Commission meeting was called to order by Chairman Roy McAfee.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

- January 13, 2016 Adopted – Regular Session

PUBLIC HEARING

4. **RZ2016-01: Employment Resources, Inc,** requests a rezoning and proffer amendment from Light Industrial (I-1) and Conditional Commercial Downtown (CD) to Conditional Commercial Downtown at 404 Willis Street (the Gladys Oberle School) GPIN 7779-91-3157. The proposed zoning would change a 0.8829 acre portion of the property from I-1 to Conditional CD to accommodate additions to the existing school building needed for security and would remove the existing conditions, including but not limited to restrictions on land use and a requirement for all brick construction, on the remaining 3.7470 portion of the property to accommodate future unspecified commercial use. The entire

property is proposed to have a conditional proffer limiting use to non-residential use. The proposal does not specify the site's future floor-area-ratio. The Comprehensive Plan designates the area for Transitional Office, which has no specific recommended commercial density.

Mr. Craig presented the application.

Mr. Beavers asked how this application came to the attention of City Staff.

Mr. Craig said the applicant contacted staff with their requests to improve and expand their facilities and it was determined that this was the best path to take in order to accomplish their goals.

Mr. Pates asked about considering this application in two stages. He noted that if City Council rezones the I-1 portion to C-D and nothing happened to the rest of the property, then their whole site and one lot would all be zoned C-D, which would mean that they could do everything allowed by right in the C-D district. He asked if this is correct.

Mr. Craig said it is already a split-zoned site and the 3.747 portion has restrictions/conditions that were put on it during the Cobblestone rezoning. Those conditions would remain in place on that portion of the land. The only restriction on the I-1 portion (0.8829 acres) if it is approved for rezoning to C-D would be the residential use.

Mr. Dynes said he recalls that there was a public right-of-way that was vacated, which was located on this property that had limitations that were agreed to as part of the vacation.

Mr. Craig said yes, the right-of-way for Ludlow Street was vacated for the School's use and is part of the I-1 portion. If the school sells the land, including the right-of-way, then he believes the school will have to pay the City for the right-of-way land.

Dana Herlong, Architect for the applicant, stated that the amount was \$18,000.

Mr. Friesner noted the increase in commercial square footage from 20,000 to 115,000. He asked if this is to accommodate the existing building or future construction.

Mr. Craig said that is simply the default FAR in the Commercial-Downtown zoning district. Currently, the building on the site is bigger than 19,230 square feet so they need an increase in FAR.

Mr. O'Toole asked for clarification. He asked staff if the applicants would be able to go up to 115,000 square feet.

Mr. Craig said yes. He said the C-D zoning district permits a 3.0 FAR. Currently, the site is restricted on I-1 to a .5 FAR, which is 19,230 square feet; and currently the building is bigger than that.

Mr. O'Toole said then if this rezoning is approved the applicants can have the existing building go to 115,000 square feet.

Mr. Craig said that would be the change in the base zoning for the property, yes.

Mr. O'Toole asked the current square footage of the building.

Mr. Craig said it is approximately 21,170 square feet. He said the applicants would be permitted to increase the current building to 115,000 square feet if the applicant could figure out how to make it work, but this is really about the applicant getting the appropriate zoning to allow them to build the vestibules to provide needed security at the current school.

Mr. Friesner said the proposal had an additional structure, but that is not part of this application.

Mr. Craig said that is correct, that structure is shown on the 3.747 acre portion. He said they envision an expansion but they are not certain what that will be and that is what the applicants and staff continue to work through. He said the I-1 piece that is the subject of the current rezoning request is to allow the applicants to build the vestibules, which are similar to foyers. He said the applicants are splitting up the request because of the immediacy for security.

Mr. Pates said that another approach for the applicants to deal with their existing issues could be to simply seek permission to have a less non-conforming use, or they could modify the existing use under the current zoning.

Mr. Craig said it is a non-conforming use and to expand it you would run into the FAR issue, etc. He said there are a lot of issues keeping this as I-1.

Mr. Pates asked if their application is considered a conditional rezoning request.

Mr. Craig said yes. Both pieces will be conditional. The subject rezoning request today would be conditioned to omit residential uses and the other part of the property already has the conditional rezoning attached to it.

Mr. Pates asked if there is a proposed Ordinance for a conditional rezoning that has gone through the City Attorney.

Mr. Craig said the City Attorney has been extraordinarily busy the past couple months and she is aware of the subject request, and she also agrees that this is the best path for the applicants but she has not yet prepared an Ordinance at this time.

Mr. McAfee asked Mr. Pates to clarify exactly what type of Ordinance the Planning Commission needs in order to proceed with the request.

Mr. Pates said there ultimately needs to be an Ordinance drafted for a conditional rezoning that will be considered by the City Council. He said he thought generally that the Planning Commission and the City Council generally had an Ordinance in front of them to consider. He said the reason for this is because there are often problems with conditional rezoning's particularly when you have something like this, such as different parcels or a split parcel, there are legal issues that can arise.

Mr. McAfee asked staff if it is common of other Planning Commissions for that Ordinance to be in front of the Planning Commission prior to considering an application.

Mr. Johnston said that in his experience it typically is not. Although he said there is nothing wrong with it and occasionally in the past the City Attorney has been able to develop an Ordinance prior to an application coming before the Commission, but with most jurisdictions the Planning Commission makes the recommendation and then the Ordinance is developed from that recommendation.

Mr. Dynes said he would like to have seen the proffers that are on the balance of the property shown for the area I-1 to be rezoned. He asked if it was considered to rezone the property to C-T.

Mr. Craig said C-T has some of the same problems that I-1 has and it would immediately be a non-conforming use. The zoning does not work and they would not be able to do any expansions because of the FAR.

Mr. Dynes said if they were to combine the properties that would not be the case and you would be able to meet the FAR requirements.

Mr. Johnston said that the building is located on the I-1 portion of the parcel/property and to rezone it to C-T would not work.

Mr. Dynes said that the point is you have two parcels, two lots and if you combine them...

Mr. Craig clarified for Mr. Dynes that it already is **one** property that has two different zonings on that one property. He said that to answer the original question as to whether to rezone this property to C-T was considered is yes, but that it would not work.

Mr. Dynes asked how the condition to omit residential uses on the I-1 portion of the property came up.

Mr. Craig said staff had been working with the applicants and because it is also omitted from the other portion of the property, which is already rezoned C-D, everyone agreed this was a good condition.

Mr. Dynes asked if for whatever reason this operation goes out of business, what are the potential outcomes from a development point of view?

Mr. Craig said they could use it for non-residential use, whatever is allowed in the C-D zoning district that has not been proffered out.

Mr. O'Toole said he had a question about a comment that was made that the proposed rezoning from I-1 to C-D will not have a large impact on the road network. He said Young Street is pretty well impacted just the way it is and to expand the building would obviously allow for more traffic.

Mr. Craig the comment is based on what is proposed, which is to add vestibules for security purposes within the school. He said there are no plans to increase students or busses or anything with that expansion. However, he said, changing things on the larger

parcel, which is currently zoned C-D, is a concern and that is why the applicants have been working through with staff and why they have bisected this rezoning request.

Mr. McAfee asked the applicant if they had anything to add.

Ms. Dana Herlong, Herlong Architects, City of Fredericksburg, - Architect for the applicant. She said that ERI has been around 25 years and transformed this property into a wonderful school and it takes up just about all of the property they acquired. They acquired the other portion of the property in 2013. She said they have been looking at a Master Plan for implementation in 8 – 10 years. She said they eventually envision a field house, recreation center, tennis courts, green house, etc. She said there will be no convenience stores, gas stations, residential dwellings, etc., on the remaining portion of the property currently zoned C-D. She said it is going to be a “school campus” in their minds.

Ms. Joan McLaughlin, 210 Caroline Street and President of ERI. – She said they have 40 employees and 56 students. She gave a recent example of an incident where a student brought in a box cutter to the school (this student has since been removed from the school). She said there is an urgent need to make the entrances to the school safer and cannot do this without the rezoning. She noted that she intends to retire soon and noted that the new President of ERI was present this evening.

Mr. McAfee opened the floor for public hearing.

There was no public comment.

Mr. McAfee closed the public hearing.

Mr. Dynes asked if there was going to be a change in ownership of the school as part of her retirement

Ms. McLaughlin said ERI is a non-profit and belongs to the community and will continue to belong to the community. She said there are no plans to change ownership.

Mr. Pates said he has always heard nothing but good things about the school and about the way it is run, and he also has great respect for Ms. Herlong, Architect. However, he said that he continues to have concerns in approving a rezoning at this time because if the property were sold tomorrow the new owners would be able to do things that are not consistent with the remainder of the property or with the City’s vision. He said there may be a way to accomplish this with clear proffers that condition that this portion of the site would continue to be used as a school in its present configuration, or however you would want to say it. Then if a new owner comes in and wants to provide a different use, then they would simply have to come in and seek an amendment of those proffers. This would allow you to make the changes that you need without opening up all other possibilities. He said this is just an idea and that the City cannot require it.

Mr. Dynes said he also supports the School, its mission and its purpose. Part of his concern, however, is if the City puts in place zoning that makes it attractive for this use to change and the property used for another purpose, then the City is putting in place a financial slope that your successors may not be able to avoid because land gets developed. He said he is very concerned that the property is adjacent to a National

Military Cemetery. He said he would like to see all of the conditions listed on the C-D zoned portion of this property also incorporated into the request for the I-1 to C-D rezoning if it were to move forward. He said he sees no reason why they couldn't agree to this and it would not prevent the current owners from doing what they have said they intend to do.

Mr. Craig said that he had been remiss in neglecting to inform Commissioners that John Hennessey from the National Park Service who indicated he is working on comments for the remaining portion of this site but has no issues with the rezoning request before for the Commission this evening regarding the 0.8829 portion of the property being rezoned from I-1 to C-D.

Mr. McAfee asked that the above information regarding Mr. Hennessey be included in the record and asked what the proffers are for the previously rezoned portion of the property (Cobblestone).

Mr. Craig read the proffers that are still relevant (**Ordinance 03-13 and Ordinance 02-09 – ATTACHMENT A**).

Mr. Friesner said he wants them to be able to build the vestibules and that it makes sense. However, he said he is concerned with allowing the standard FAR for this parcel just because of the size that it allows. In general, he said, he does not understand the legality of why the proffers for the previously rezoned portion of this parcel to C-D would not automatically also include the 0.8829 portion once it is rezoned to C-D since it is now all one parcel of land.

Mr. Craig said there are a couple important lines. There are boundary lines for a parcel and usually those coincide with zoning lines but sometimes they do not. There is currently a zoning line bisecting this parcel so we have two zonings. This line is also the dividing line for the proffers. He also noted that one of the things that could be considered moving forward is to take the kind of proffers that are being suggested this evening and then take all the proffers and overlay them to all of the parcel.

Mr. Beavers made a motion to recommend approval of the rezoning request to rezone the 0.8829 acre portion of the subject property from I-1 to C-D.

Dr. Gratz seconded the motion to include that no residential development will be permitted as a condition.

Mr. Beavers agreed.

Motion carried by a vote of 5 – 2 with Dynes and Pates voting against the motion.

Mr. McAfee opened the floor for General Public Comment.

There was no general public comment.

Mr. McAfee closed the General Public Comment.

OTHER BUSINESS

5. Planning Commissioner Comment

Mr. Pates referenced an upcoming Board of Zoning Appeals (BZA) application that is to be heard in February. He noted that the State Code requires the Planning Commission to discuss BZA applications and may make its recommendation to the BZA. He asked how the Planning Commission desires to deal with these applications in the future.

Mr. Johnston said that all BZA applications will be placed on the Planning Commission Agenda in the future for its discussion and recommendation to the BZA. He also noted that a member of the Planning Commission may serve on the Board of Zoning Appeals and that there is currently a vacancy as well as an alternate position available. He suggested that any Commissioner interested in serving on the BZA contact the Clerk of Council for an application or if they have any questions. He also explained the BZA duties.

Mr. Pates said he would like to discuss the current application coming before the BZA at the February 10, 2016 Planning Commission meeting and to provide the Commission recommendation formally to the BZA.

Mr. Craig provided a brief description of the upcoming BZA application to Commissioners and said he would provide additional details in the February 10, 2016 Commission packets.

Mr. McAfee thanked staff for providing a memo regarding the downtown parking analysis, which Mr. Dynes had requested at the previous meeting.

Mr. Dynes said he thinks the City needs to propose raising the fee for buying out (fee-in-lieu) for parking.

Mr. Johnston said this is a fee established by City Council. The Planning Commission can certainly give a statement of its opinion to City Council but it would not be an ordinance or resolution.

Mr. Friesner asked about the parking fee-in-lieu process when a property is a historic property.

Mr. Johnston said if you have an historic property all parking requirements are waived and there is no need to provide parking. He said, if you do a change in use, you also get somewhat of a free pass. But, if you are doing an entirely new use, like Sedona Tap House, you can pay a fee in lieu of actually providing a space.

Mr. Dynes made a motion to recommend to City Council that the fee-in-lieu be increased to \$16,500 per space.

Mr. O'Toole seconded the motion.

Mr. Pates said he does not think the Commission should be voting on this because it is not prepared or really qualified to make such a dollar recommendation to Council. He

suggested it would be better to say that in light of this, they should consider increasing the parking fee rather than giving a specific number. He said he does not know if it should be \$16,500 or \$18,500, or what cost; and just because it conforms with some research that has been done, he said there are a lot of other considerations to be had. He said he feels the Commission is invading the Council territory in making a dollar amount recommendation. He said he believes it is worthy of discussion but he would not be prepared to vote this evening.

Mr. McAfee asked if Mr. Pates would want to offer a substitute motion.

Mr. Pates made a substitute motion that given the parking analysis provided by Mr. Freehling in his memo dated January 26, 2016, that the Planning Commission would recommend to Council that they reexamine the fee-in-lieu of parking to make it more realistic and commensurate with the actual cost of providing parking spaces downtown.

Mr. Beavers seconded the motion.

Mr. Pates asked if the \$16,500 figure came from surface parking or structured parking?

Mr. Dynes said he believes there were three (3) data points, and \$16,500 was the “workout” of each of them.

Dr. Gratz made another substitute motion to table this item until the next regular Planning Commission meeting so there is enough time for Commissioners to think about it.

Mr. Friesner seconded the motion to table until February 10th.

Motion carried by a vote of 5 – 2 with McAfee and O’Toole voting against the motion.

6. Planning Director Comments

Mr. Johnston reminded Commissioners that they are scheduled to have a work session prior to their regular meeting on February 10, 2016 to discuss the CIP with Mark Whitley, Assistant City Manager. The meeting is to be held at 6:00 p.m. in the Council Chambers.

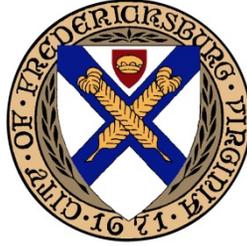
Mr. Johnston informed Commissioners of recent City Council action at its February 9, 2016 meeting.

Mr. Johnston informed Commissioners of upcoming agenda items for the February 10, 2016 meeting – regular session.

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 Public Alley, adjacent to GPIN 7779-94-7781 (616 Amelia Street)
DATE: February 1, 2016 (for the **February 10, 2016 meeting**)

ISSUE

William Square, L.L.C. requests a Comprehensive Plan Compliance Review to determine if the vacation of a public alley located within the 600 block of Amelia Street, adjacent to GPIN 7779-94-7781, is substantially in accord with the 2015 Comprehensive Plan per the Code of Virginia, Section 15.2-2232. The 870 square foot (0.02 acres) area is located on the south side of Amelia Street, 80 feet east of Washington Avenue, and is zoned C-D, Commercial-Downtown.

RECOMMENDATION

Approval of the attached resolution finding the request to vacate a public alley to be substantially in accord with the City's 2015 Comprehensive Plan.

BACKGROUND

The public alley is the remaining portion of several alleys that were originally created by John G. Hurkamp with the recordation of the "Hurkamp Plat" on July 8, 1875.

On July 10, 1990, the City Council adopted Ordinance 90-33 approving the vacation of all of the alleys except the 10 feet x 87 feet segment which is the subject of the current request. The initial vacation was approved in conjunction with the expansion of the Free Lance-Star facility to incorporate the two-story office area and distribution facility. In 1990, the remnant alley was preserved to provide access to the last residential property on the block facing Amelia Street. The house has since been relocated to the north side of Amelia Street and the alley infrastructure is now incorporated into the parking lot of the Free Lance-Star.

GPIN 7779-94-7781 was acquired by William Square, L.L.C. in December, 2015. The purpose of the current vacation request is to facilitate the comprehensive redevelopment of the property. No formal designs have been submitted to date.

Zoning

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

Street / Alley Vacation Process

The legal process for alley 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 and alleys go before the Planning Commission to determine substantial compliance with the City's Comprehensive Plan. If the Planning Commission finds the vacation of the public alley 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 public alley.

COMPREHENSIVE PLAN COMPLIANCE REVIEW ANALYSIS

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

Transportation Policies, Chapter 3, pages 59-60:

Policy 12: "Reclaim and maintain the City's alleyways, to relieve on-street parking demand and to handle utilities and services."

Due to the 1990 vacation of the connecting alleys and the 2015 consolidation of all of the parcels on the block into one 2.09 acre parcel, the remaining 10 feet x 87 feet alley section no longer provides public transportation benefits to any individual lots. Further as currently designed, the alley provides no public benefit for services or parking for the existing Free Lance-Star facility or what could be created during the comprehensive redevelopment of GPIN 7779-94-7781. Staff notes that the Unified Development Ordinance, Section 72-52.3, encourages and regulates the use of alleys with new development. Staff will review any proposal to redevelop the property in accordance with Section 72-52.3 and require the reestablishment of public or private alleys, as appropriate.

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 2: A Well-Balanced Mix of Uses Downtown

"Achieve a sustainable mix of commercial and residential development in downtown Fredericksburg that fits the historic character of the urban core and helps people to live, shop, and work in the city center."

The owner of the property is currently developing designs for the re-use and redevelopment of the property. The application notes that a more efficient design can be achieved without the

obstruction of the existing alley. Redevelopment of the site will support the revitalization of the William Street corridor and downtown Fredericksburg.

Summary

Staff recommends that the Planning Commission find that the request to vacate the public alley adjacent to GPIN 7779-94-7781 (616 Amelia Street) will not hinder transportation and will advance the business 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 870 square feet (0.02 acres) of vacated alley 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 January 12, 2016

Survey Exhibit, prepared by Sullivan, Donahoe, and Ingalls, dated November 24, 2015

Aerial Photo from FredGIS

Alley History Exhibit

Public Works Memo, dated February 2, 2016

cc: Doug Fawcett, Director of Public Works



February 10, 2016
Planning Commission
Resolution No. 16-__

MOTION:

SECOND:

RE: APPROVAL OF THE PROPOSED VACATION OF AN ALLEY ON THE FORMER FREE LANCE-STAR PROPERTY AT 616 AMELIA STREET AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN

ACTION: APPROVED; Ayes: 0; Nays: 0

The City Council has received an application from William Square, LLC to vacate a public alley 87 feet long and 10 feet wide extending from Amelia Street into the former Free Lance-Star property at 616 Amelia Street (GPIN 7779-94-7781). The City Council had vacated other alleys on this site by adoption of Ordinance 90-33 on July 10, 1990. However, the subject alley was retained at that time, due to the presence of a single family residential use adjacent to the alley. That dwelling was subsequently relocated off the site, and the alley no longer serves a public purpose. The applicant proposes to redevelop the site under plans to be developed. The purpose of the vacation application is to remove the encroachment of the alley on the redevelopment site. The area to be vacated is shown on a plat entitled "Plat of Consolidation, Lots 1, 2, 3 & Part of 4 of the Thornton Town Subdivision and Lots 1-13, A-1 of the John G. Hurkamp Division and the Alleys Quit Claimed in D.B. 239 PG. 689" by Sullivan, Donahoe, and Ingalls, dated November 24, 2015.

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

The proposed vacation of the public alley, to remove the encroachment, is consistent with the transportation and business chapters of the 2015 Comprehensive Plan, as stated more fully in the staff report.

The Fredericksburg Planning Commission therefore resolves the proposed vacation of the public alley is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

RUDY COYNER

ATTORNEYS AT LAW

OLIVER RUDY LAW BUILDING
9910 WAGNERS WAY
P.O. BOX 58
CHESTERFIELD, VA 23832

CARRIE E. COYNER
KERRY B. HUTCHERSON
OLIVER RUDY (1937-2007)

Email: kerry@rudycoyner.com
Telephone (804) 748-3600
Facsimile (804) 748-4671

January 12, 2016

Beverly R. Cameron
City Manager; City of Fredericksburg, VA
715 Princess Anne St.
Room 203
Fredericksburg, VA 22401

Dear Mr. Cameron,

I'm writing on behalf of my client, William Square, L.L.C., regarding a ten-foot by eight-seven-foot alley (the "Alley") that lies adjacent to tax map parcel (TMP #7779-94-7781) in the City of Fredericksburg (the "City") that my client recently purchased and consolidated (see attached "Plat of Consolidation"). My client wishes to further consolidate by including the Alley in a single parcel for future redevelopment of the city block bounded by Washington Avenue and William, Douglas, and Amelia Streets (the "Property"). My client respectfully requests that the City take whatever steps are necessary to abandon and quitclaim to William Square, L.L.C. its title or interest, if any, in the Alley. Please allow me to provide background information in support of this request.

The Alley is the remaining portion of several alleys that were created by recordation of a plat in Deed Book X, Page 232 (the "Hurkamp Plat") when John G. Hurkamp, my client's predecessor in title, acquired several parcels of land located in the City of Fredericksburg, including the land that is today identified as TMP #7779-94-7781. The City abandoned and quitclaimed any interest it had in several of the alleys created by the Hurkamp Plat by adoption of City Ordinance No. 90-33 and by execution of a Quitclaim Deed, dated November 2, 1990 and recorded in the Fredericksburg Circuit Court Clerk's Office in VOL 239, Page 689 (the

“1990 Quitclaim Deed”). The Alley, however, was not included among those alleys that were abandoned and quitclaimed by Ordinance No. 90-33 and the 1990 Quitclaim Deed.

Due to the abandonment of the other alleys in 1990, the Alley can no longer function as a thoroughfare because it extends only eighty-seven feet into the Property and terminates within the William Square, L.L.C. parcel. Vacating the Alley would allow my client to redevelop Property comprehensively and avoid the need to design future site improvements around the Alley, which in turn would support revitalization of the William Street corridor and downtown Fredericksburg (see City of Fredericksburg Comprehensive Plan, pages 219-223).

For the foregoing reasons, William Square, L.L.C. requests that the City abandon and quitclaim any interest it has in the Alley to William Square, L.L.C. I understand that Va. Code § 15.2-2006 provides a process that the City must follow in order to abandon a public right-of-way, and my client’s engineer, Mr. Darrell Caldwell will follow up with your office and other appropriate City staff to work through this process. To assist, I have prepared the attached draft Quitclaim Deed for the City Attorney to review and for you to execute whenever the City Council has authorized the abandonment and quitclaim of the Alley. I have also attached the Plat of Consolidation, the Hurkamp Plat, and the 1990 Quitclaim Deed for your reference. Thank you for your assistance in this matter, and please contact me should you have any questions.

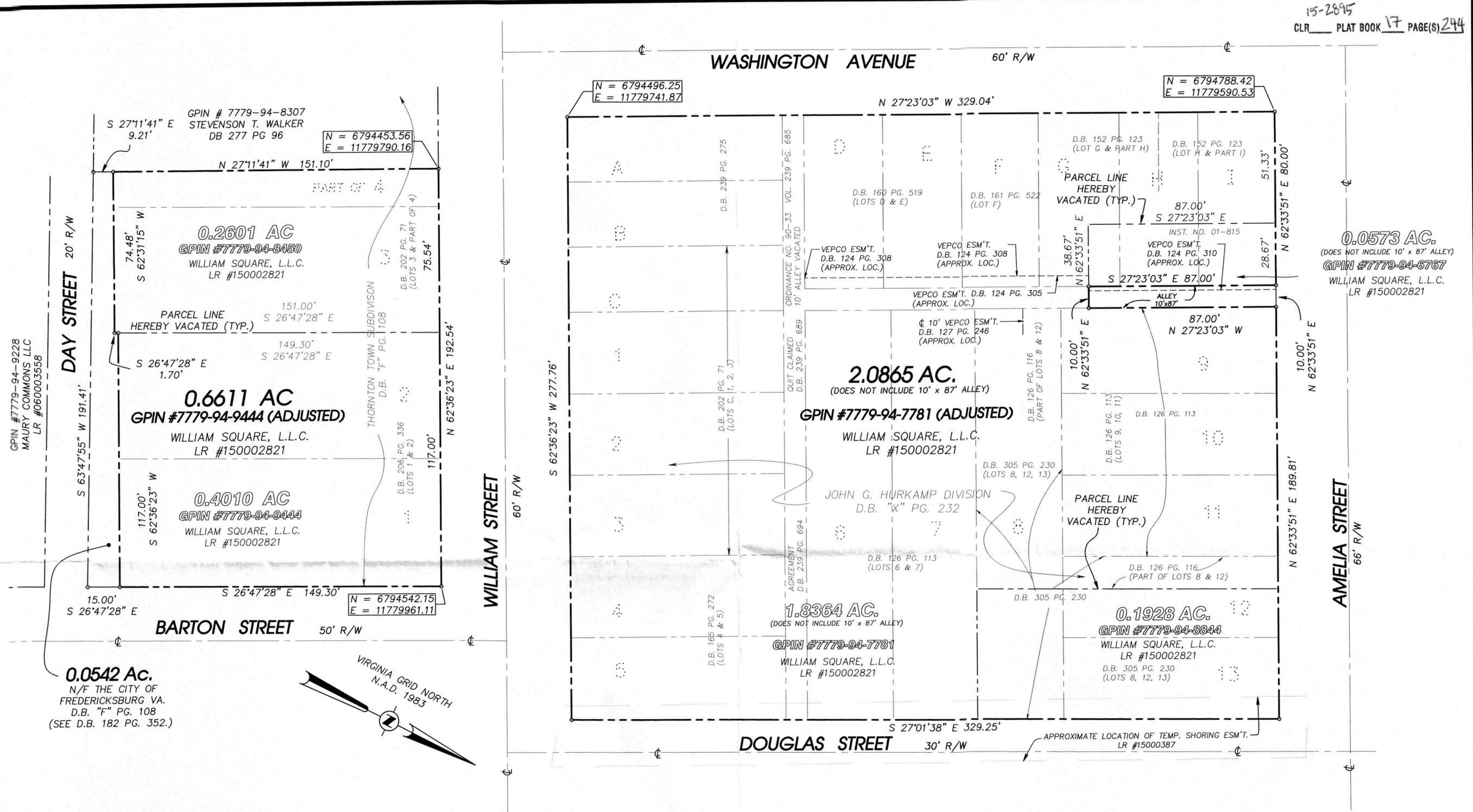
Sincerely,



Kerry Brian Hutcherson, Esq.

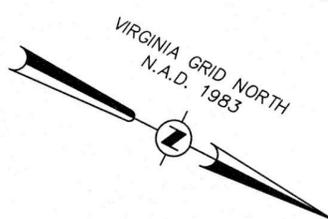
Enclosures: Plat of Consolidation
Hurkamp Plat
Draft Quitclaim Deed
1990 Quitclaim Deed

CC: William Square, L.L.C. (via e-mail)



GPIN #7779-94-9228
MAURY COMMONS LLC
LR #060003558

0.0542 Ac.
N/F THE CITY OF
FREDERICKSBURG VA.
D.B. "F" PG. 108
(SEE D.B. 182 PG. 352.)



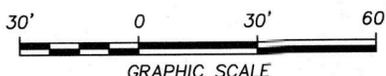
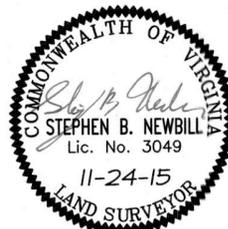
THE PLAT OF THE LAND SHOWN HEREON IS REFERENCED TO THE VIRGINIA COORDINATE SYSTEM OF 1983 AS COMPUTED FROM A FIELD SURVEY WHICH TIES THIS SUBDIVISION BOUNDARY TO SPOTSYLVANIA COUNTY MONUMENT "CVS"

THE GRID FACTOR THAT HAS BEEN APPLIED TO THE FIELD DISTANCE TO DERIVE THE REFERENCED COORDINATES IS 0.99996753. 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. THE FOOT DEFINITION USED FOR CONVERSION OF THE MONUMENT COORDINATES IS THE "U.S. SURVEY FOOT" ON 1 FT = 1200/3937 METER.

GEODETIC CONTROL MONUMENTS EXISTING OR PLACED WITHIN THE BOUNDARIES OF THIS SUBDIVISION SHALL NOT BE DISTURBED. THE LANDOWNER ASSUMES THE RESPONSIBILITY FOR REPLACEMENT OF ANY DISTURBED MONUMENT.

NOTE:
ALL INTERIOR PARCEL AND
LOT LINES ARE HEREBY VACATED
BY THE RECORDING OF THIS PLAT



PLAT OF CONSOLIDATION

GPIN #7779-94-8450 & GPIN #7779-94-9444
LOTS 1, 2, 3 & PART OF 4
OF THE THORNTON TOWN SUBDIVISION

AND
GPIN #7779-94-7781, GPIN #7779-94-8844
& GPIN #7779-94-6767
LOTS 1-13, A-I OF THE

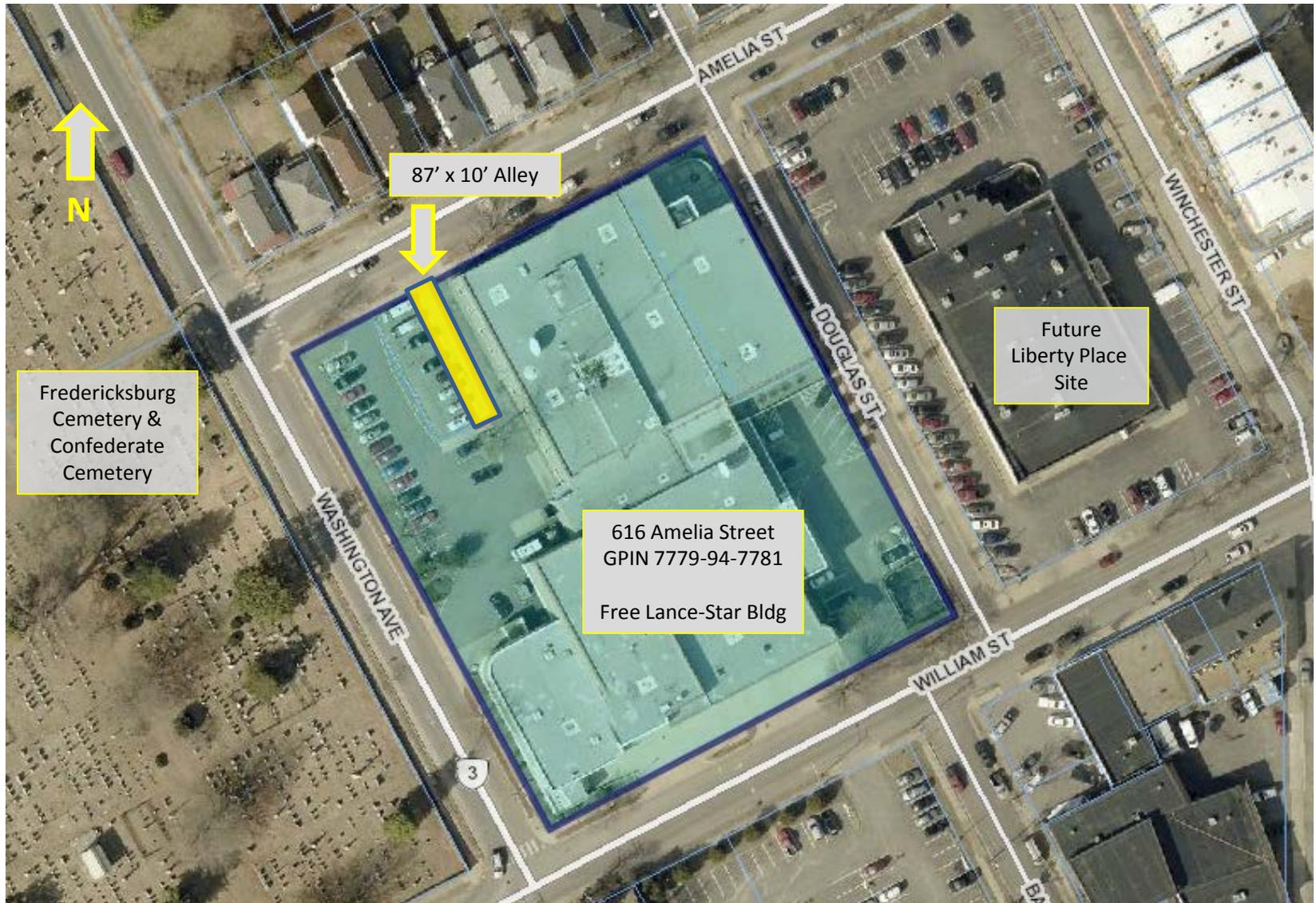
JOHN G. HURKAMP DIVISION
AND THE ALLEYS QUIT CLAIMED IN D.B. 239 PG. 689

LOCATED IN THE CITY OF FREDERICKSBURG, VIRGINIA
OCTOBER 14, 2015 SCALE: 1" = 30'

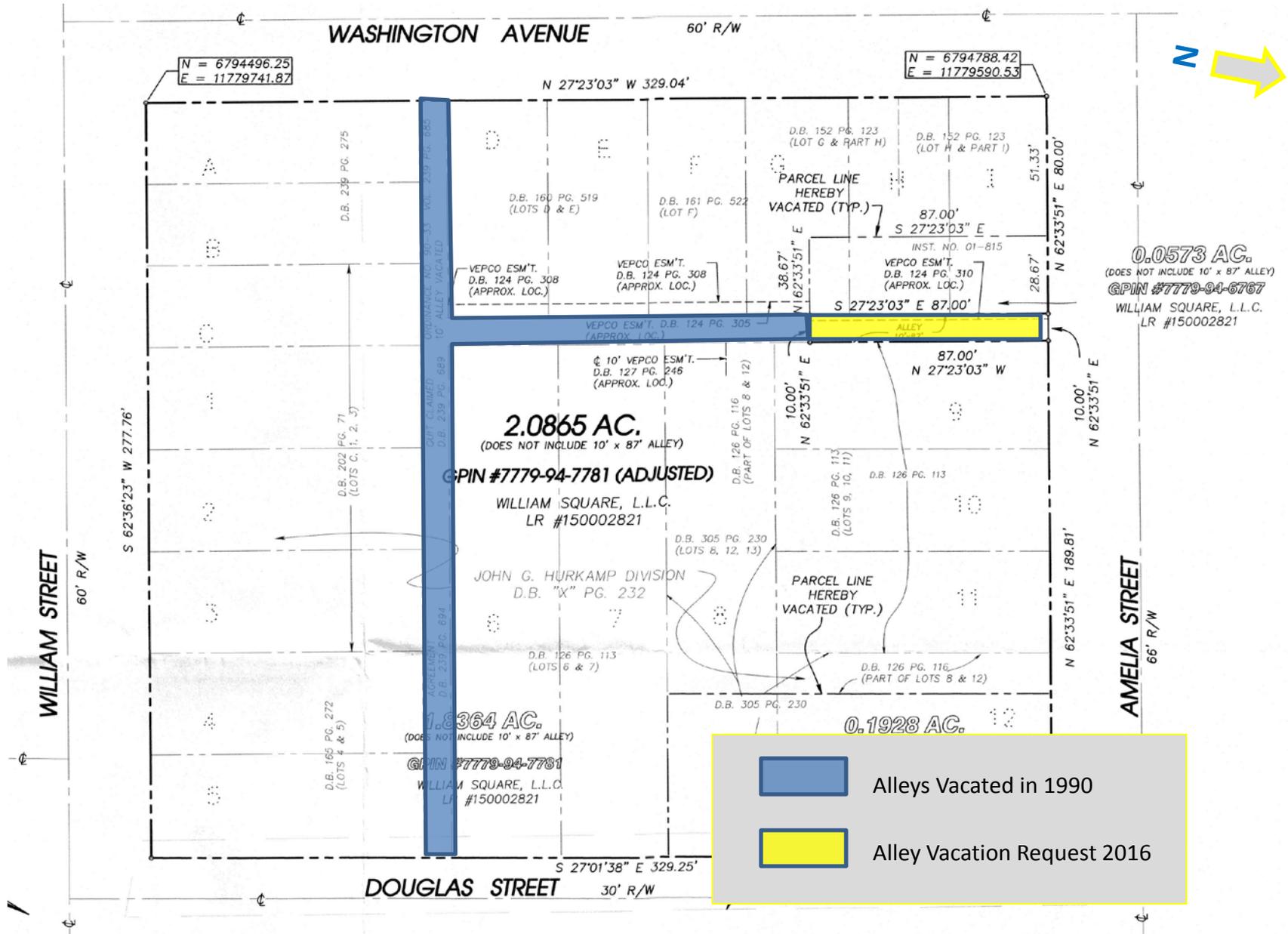
SULLIVAN DONAHOE AND INGALLS

ENGINEERS, LAND PLANNERS & SURVEYORS
P.O. BOX 614 FREDERICKSBURG, VIRGINIA 22404
PHONE 540-898-5878 FAX 540-898-3390

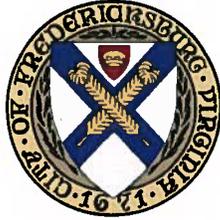
616 Amelia Street / Alley Vacation



616 Amelia Street / Alley Vacation



	Alleys Vacated in 1990
	Alley Vacation Request 2016



MEMORANDUM

TO: Marne E. Sherman
Development Administrator and Code Enforcement Officer
FROM: Doug Fawcett, Director of Public Works *Doug Fawcett*
DATE: February 2, 2016
SUBJECT: Proposed Vacation of Alley – 616 Amelia Street

Public Works staff has reviewed the proposed vacation of a 10' x 87' public alley at 616 Amelia Street. We have concluded that there is no likely future public use for this alley and thus do not object to the vacation.



MEMORANDUM

TO: Chairman Roy E. McAfee
FROM: Mike Craig, Zoning Administrator
DATE: February 1, 2016 for the February 10 meeting
RE: V2015-02: Variance request from UDO section 72-31.5b to permit ten 14 foot 6 inch wide multi-family units at 2217 Princess Anne Street (GPIN 7779-89-7284).

ISSUE

Code of Virginia §15.2-2310 states that, the zoning administrator shall transmit a copy of a variance application to the local planning commission which may send a recommendation to the Board of Zoning Appeals or appear as a party at the hearing. The issue before the Planning Commission is whether or not they wish to make a recommendation to the board or appear as a party at the hearing. The staff report prepared for the January 25 Board of Zoning Appeals meeting that was postponed due to inclement weather is attached below for your consideration.

City Code § 72-22.8 states that, a variance may be approved when owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice be done.

Code of Virginia § 15.2-2201 and § 15.2-2309 have eight additional criteria that must be met in order for a variance to be approved:

1. "that the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance."
 2. "the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area."
 3. "the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance."
 4. "the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property."
 5. "the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application."
 6. "the strict application of the ordinance would produce undue hardship relating to the property;"
 7. "the hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 8. "the character of the district will not be changed by the granting of the variance."
-

BOARD OF ZONING APPEALS STAFF REPORT:

RECOMMENDATION

Deny the variance request on the grounds that it does not meet the requirements for a variance set forth in Virginia State Code § 15.2-2201 and § 15.2-2309.

BACKGROUND – NOVEMBER 16

2217 Princess Anne Street is a large lot in the Princess Anne Street corridor that contains two buildings. One building is a four story hotel dating to 1926. The other, called “Building C” by the Applicant, is a two story building on the southern portion of the lot close to the Princess Anne Street right-of-way. Building C dates to 1950.

2217 Princess Anne Street is zoned Commercial Highway (CH). Currently, both buildings contain office users. Building C, according to the Applicant, is primarily medical office.

Commercial Highway permits a variety of residential and non-residential uses including multi-family dwelling units. City Code § 72-32.4.C(1) states that, residential development in the CH Zoning District shall conform to R-12 Zoning District dimensional standards (§ 72-31.5.B). Here is a breakdown of how those standards apply to the development of multi-family dwelling units on the property:

2217 Princess Anne Street (2.8 acres)		
Standard	Multifamily	2217 Princess Anne Street By-Right
Residential Density, Maximum	12 units / acre	34 units
Nonresidential FAR, Maximum	N/A	N/A
District Size, Minimum (acres)	5 (may reduce with SE)	N/A (existing zoning)
Lot Area, Minimum (square feet)	None	N/A
Lot Width, Minimum (feet)		
Interior Lot	Each unit shall maintain a minimum width of 18 feet	Each unit shall maintain a minimum width of 18 feet
Corner Lot		
Front Setback, Minimum (feet)	25	25
Side Setback, Minimum (feet)	25	25
Rear Setback, Minimum (feet)	35	35
Setback from Other Districts, Minimum (feet)	40	40
Open Space Set-Aside, Minimum (%)	25%	25%
Height, Maximum (feet) *	50	40*

* Princess Anne Street Corridor Overlay limits height to 40'

VARIANCE ANALYSIS

Variances are evaluated according to the criteria contained in the UDO, Section 72-22.8, as follows – “The BZA may authorize a variance from the zoning regulations in this Ordinance as not contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice be done.” Responses to each criterion are contained in *italics*:

The City contemplates residential use for the GWEC area. The Comprehensive Plan designates this property as General Commercial and has a specific recommendation that this property be part of a larger Planned Development-Mixed Use rezoning. The intent of the rezoning is stated to be “to provide more suitable land uses as well as provide transitional uses between the commercial activity along the road and the nearby residential neighborhoods” (Comprehensive Plan p 217).

However, the area has not been rezoned and the current zoning regulation requires that multifamily units be a minimum of 18 feet wide. The City Council intended this regulation to be

one of a collection of tools that would “promote the health, safety, convenience, and general welfare of the public”¹. Changing zoning tools requires a deliberate legislative act. In this case, as described in the Comprehensive Plan, the most appropriate means to change the zoning law at 2217 Princess Anne Street is through the zoning map amendment process outlined in § 72-22.4.

Further, Virginia State Code section § 15.2-2201 and § 15.2-2309 sets the following criteria that must be met for the Board of Zoning Appeals approve a Variance request:

9. “that the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance.”

The request meets this criterion:

General Washington Executive Center was acquired in good faith.

10. “the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.”

It is not clear whether this request meets this criterion:

The variance would change the type of multifamily dwelling unit permitted in the zoning district.

It is unclear what impact narrower units will have on the neighborhood. This policy change should be analyzed through a zoning map amendment or zoning text amendment process.

11. “the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.”

The request does not meet this criterion:

If granted, there would be no reason why any other property in the CH Zoning District would not also qualify for a variance from the minimum unit width standard. A policy change of that magnitude is rightly made through a text amendment legislated by the City Council following the procedures set forth in City Code §72-22.3.

Additionally, there are zoning classifications, like PDMU, that would permit the development of the multifamily units as proposed. The purpose of the Board of Zoning Appeals’ Variance process is to provide relief when, “owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done”².

12. “the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property.”

The request meets this criterion:

The variance would not result in such change.

13. “the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of §15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A 4 of § 15.2-2286 at the time of the filing of the variance application.”

¹ City Code § 72-12.0

² City Code § 72-22.8.D

The request meets this criterion:

Special Exceptions from bulk requirements are only supposed to be considered in the context of a special use permit, special exception for use, or conditional rezoning application. However, while a Special Exception is not available the Applicant does have the ability to rezone his property to achieve his development goals.

14. “the strict application of the ordinance would produce undue hardship relating to the property;”

The request does not meet this criterion:

On Exhibit A, the Applicant states that without the requested Variance Building C could be developed as 28 units. With the Variance, Building C would only yield 22 units. Further, the Applicant has sufficient room on the site at 2217 Princess Anne Street (including building additional stories onto Building C) to construct or redevelop his other building into the full amount of residential units permitted by the existing zoning ordinance (34 units). The zoning regulation is not preventing the use of 2217 Princess Anne Street for multifamily units and therefore there is no undue hardship stemming from the zoning.

It is unclear how the Applicant’s argument that the 18’ width requirement is an undue hardship. Exhibit C and D purport to show that the 14’ 6” wide unit requires less structural adjustment than the 18’ wide units. The City’s Construction Plan Reviewer, Jeff Bragg, reviewed Exhibit C and D and noted that:

“I understand that portions of these existing T-Section concrete floor panels need to be removed to allow access to the proposed 2nd floor of these units. The amount of the floor removed is initially dependent upon what is necessary to provide stairway access with proper head clearances. Depending on where the joints are located in the floor panels, and where the structural webs fall, it is also understandable that more of the floor structure may need to be removed than what is necessary for stairway access to the 2nd floor of each unit.

The one difference I see is that the 18’ wide units are shown with a considerable amount of floor structure proposed being removed, as opposed to what is shown being removed in the 14’ wide units. Unlike the 14’ units, more of these 18’ units are shown with a wide open 1st floor plan without interior bearing which would naturally require larger beams to support these floor panels where they are supported. So in part there are definitely existing conditions that dictate the design, but the open floor plan shown in ‘Exhibit D’ seems to be exacerbating those conditions.”

The Applicant has also provided other scenarios (Rejected scheme B-1 and B-2) that would permit the redevelopment of Building C into multifamily units. The reason the Applicant has rejected these scenarios are aesthetic.

City Code § 72-31.5b does not prevent the reasonable use of the property. The site is currently in use as offices. There is ample room on-site and in existing buildings for the Applicant to develop the 34 multifamily units allowed under CH zoning without a variance.

15. “the hardship is not shared generally by other properties in the same zoning district and the same vicinity;

The request does not meet this criterion:

There is no hardship and therefore any variance granted to 2217 Princess Anne Street will also have to be granted to any other property in the CH zoning district. This type of change is supposed to be handled through an amendment to the zoning ordinance itself by the City Council.

16. “the character of the district will not be changed by the granting of the variance.”

The request does not meet this criterion:

As discussed, the City’s Comprehensive Plan envisions a change for this area from Commercial Highway to a Planned Development Mixed Use. Part of that transition may involve permitting narrower apartments. That type of legislative policy decision is the City Council’s to make. The variance process is intended to provide relief when the strict interpretation of the zoning ordinance results in an undue hardship. As demonstrated above the Applicant is not suffering an undue hardship.

CONCLUSION:

This request does not meet 4 of the 8 criteria that must be met in order for a variance to be granted by the Board of Zoning Appeals. It is unclear whether or not the proposal meets a fifth criterion. The requested variance should be denied.

ATTACHMENTS:

1. Application and Supporting Materials



Fee (\$300): _____ App No. _____

**City of Fredericksburg
BOARD OF ZONING APPEALS
Community Planning & Building Department
715 Princess Anne Street, P.O. Box 7447
Fredericksburg, Virginia 22404**

ZONING VARIANCE

What is a variance? A reasonable deviation from those provisions in the Zoning Ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk, or location of a building or structure when the strict application of the Zoning Ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of this article, and would result in substantial justice being done. It shall not include a change in use which could be accomplished by a rezoning, a conditional zoning, or a special use permit.

Who can grant a variance? The Board of Zoning Appeals (BZA) has the authority to grant variances in cases where strict application of the Zoning Ordinance would result in unnecessary hardship for the property owner.

What is the Board of Zoning Appeals (BZA)? The BZA is a five-member board comprised of City residents and appointed by the Circuit Court. The BZA will hear and consider requests for variances to the City of Fredericksburg Zoning Ordinance, and appeals of the Zoning Administrator's decisions.

What is the basis for a variance? The BZA must make the following three findings, as set forth in the Code of Virginia §15.2-2309(2), in order to grant a variance:

1. The strict application of the ordinance would produce undue hardship;
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

How do I prove a hardship? To prove hardship, a property owner must show that the strict application of the terms of the ordinance effectively prohibits or unreasonably restricts the use of the property. A variance may be justified by:

1. the exceptional size or shape of a property at the time of the effective date of the ordinance, or
2. the exceptional topographic conditions or other extraordinary situation of such property.

The BZA must be satisfied, upon the evidence heard, that granting a variance will alleviate a clearly demonstrated hardship, as distinguished from a special privilege or convenience sought by the applicant.

What is the application process? Variance applications must be filed with the Community Planning & Building Department.

- A pre-submission conference is held between the applicant and a Planning Services Division staff member. A solution may be discovered without the need for a variance.
- A complete variance application with original signatures and all associated materials must be submitted with seven (7) copies of all material and the application fee (\$300) by the established deadline. (Please provide an electronic version of accompanying materials, if possible.)
- The Planning Services Division will advertise the variance request as a notice of public hearing once a week for two consecutive weeks prior to the hearing date in the local newspaper. The notice will specify the date, time, and place of the hearing so persons affected may appear and present their views.
- The applicant will notify adjoining property owners of the requested variance and hearing date.
- A Planning Services Division staff member will prepare a staff report that will accompany the variance application and both will be forwarded to the members of the BZA for their review before the meeting date.

- At the public hearing the BZA will approve, deny, or defer the variance request until a later date after hearing the applicant and all interested parties.
- **The policy of the Board of Zoning Appeals is that members will not discuss variance cases with applicants prior to a scheduled public hearing of the Board of Zoning Appeals.**

How long does a typical variance process take? The average variance process is approximately four to six weeks from submission to action.

What if I want to appeal the decision of the BZA? Any one aggrieved by a decision of the BZA has thirty (30) days to appeal the decision to the Fredericksburg Circuit Court.

Name of Applicant: General Washington Executive Center, LLC

Telephone: 540-424-2076 Email tommymitchellleasing@gmail.com

Mailing Address: 614B Caroline Street, Fredericksburg, VA 22401

Interest in Property: Owner

If the Applicant is not the Property Owner, complete the Affidavit for Special Power of Attorney Owner Consent Form (attached).

Name of Property Owner (if different from applicant): n/a

Mailing Address: _____

_____ Telephone _____

Property Description

The property is described as follows: 58,000 sq. ft. office building built in the 1930s as the Stratford Hotel

Street Address: 2217 Princess Anne St Zoning District: CH

Tax Map ID 2858 GPIN No. 7779-89-7284

Legal Description (include subdivision and lot number): LT 1-16 19-28 31-34 BL 164-6-L1 & PT 17 & 18 Van Buren St. & 2217 PR Anne St 2.797

This is a request for a variance to Section 72-31.5 B of the Zoning Ordinance. Only those items previously listed in the definition of a variance may be requested.

Describe the proposed variance and the reason(s) such a variance is necessary. The following items must be specifically addressed for this application to be considered complete: (Use additional sheets, if necessary.)

1. How the strict application of the provisions of the Zoning Ordinance would create undue hardship.

Please see attached document.

2. What exceptional circumstances or conditions are applicable to the property, or to the intended use of the property, that do not apply generally to other properties in the same zoning district and the same vicinity.

Please see attached document.

3. How a variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed thereby.

Please see attached document.

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

No Yes

If yes, provide the date and type of application: _____

If necessary, additional sheets may be used

Property Owners List

Subject Address: 2217 Princess Anne Street

GPIN: 7779-89-7284

Property Address	Owner Name & Mailing Address	GPIN
2401 Princess Anne St	Larry Arlington Lancaster 229 Germania St Fredericksburg, VA 22401	7779-89-4496
2400 Van Buren St	Donelson Rebecca M & Carol A Keith 718 Chiswick Park Rd Henrico, VA 23229	7779-89-5572
2216 Caroline St	Fredericksburg Housing Associates II LP C/O Equity MGMT II LLC 8975 Guilford Rd STE 100 Columbia, MD 20814	7779-89-9415
2100 Caroline St & 2102 Caroline St	PADB C/O Downtown Properties PO Box 1246 Fredericksburg, VA 22402	7779-99-0268 & 7779- 99-1205
2104, 2106 & 2108 Caroline St	Upper Caroline Street LLC 614-B Caroline St Fredericksburg, VA 22401	7779-99-1213, 7779- 99-1231 & 7779-99- 1250
208, 212, 214, 216 & 218 Hunter St	General Washington Executive Center LLC C/O the Galleria 614-B Caroline St Fredericksburg, VA 22401	7779-99-0190, 7779- 99-0057, 7779-99- 0014, 7779-89-9070 & 7779-88-9947
2113 Princess Anne St	General Washington Executive Center LLC C/O the Galleria 614-B Caroline St Fredericksburg, VA 22401	7779-88-8994
2100 Princess Anne St	Pitts Benj T Est 105 Amelia St Fredericksburg, VA 22401	7779-88-8830
2200 Princess Anne St	Sponseller Paul N & SAGRARIO R Trs 132 Woodland Rd Fredericksburg, VA 22401	7779-88-6986
2206 Princess Anne St	Doris G Eglevsky 205 Caroline St Fredericksburg, VA 22401	7779-89-5070
2216 Princess Anne St	Medicorp Properties Inc. Attn: MHS-General Accounting 2300 Fall Hill Ave #418 Fredericksburg, VA 22401	7779-89-4164

2400 Princess Anne St	E R Morris PO Box 1 King George, VA 22485	7779-89-3359
0 Hunter Street	City of Fredericksburg, Dora M. Clary et al, and Carrie Moncure et al c/o City Manager PO Box 7447 Fredericksburg, VA 22404	7779-89-9115 & 7779- 89-9137

7405186-1 031970.00003

APPLICATION FOR VARIANCE
CITY OF FREDERICKSBURG, VIRGINIA
BOARD OF ZONING APPEALS

Applicant/Owner: General Washington Executive Center, LLC
Sole Member LLC, owned by Thomas Mitchell

Property: GPIN 7779-89-7284, 2217 Princess Anne Street
City of Fredericksburg, VA

Variance Request: Variance to Section 72-31.5 B of City UDO

Current Zoning: Commercial Highway (“CH”)

Date: December 28, 2015

OVERVIEW:

This variance request is being made pursuant to Section 72-22.8, et al., of the City’s Uniform Development Code (“UDO”). The Applicant is requesting a variance to the minimum lot width requirements under Section 72-31.5 B. The subject Property is zoned Commercial Highway (“CH”), which allows by right, in relevant part, residential uses (R-12 standard) at a density not to exceed 12 units to the acre. The Applicant desires to redevelop a portion of the Property for multifamily purposes. The Property was originally a hotel, and is currently used as commercial office space. The adaptive re-use of the Property is consistent with the City’s comprehensive plan and Section 3.3.1 of the City Design Guidelines for the Princess Anne Street Historic Corridor Overlay District.

This request is not contrary to the public interest and the literal enforcement of the subject ordinance will cause an unnecessary hardship upon the property owner; and approval of this variance request will be consistent with the spirit of the ordinance and provide a positive impact to the immediate community.

- I. Proposed Variances:** The proposed project includes a total of 22 proposed multifamily units, as shown on that certain attached “Exhibit C” prepared by James O. McGhee Architects, P.C., entitled “General Washington Executive Center, Building ‘C’ 2217 Princess Anne Street” (“Exhibit C”). The request is to grant a variance for 12 of the 22 units allowing said 12 units to be constructed with a minimum lot width of 14’-6”. The remaining 10 units will be 18’-10” in width.

Given the condition of the existing building, the Applicant believes this request is in accordance with Section 72-22-.8, et al, of the City UDO. In this regard, if the

Applicant were required to meet the minimum lot width requirements within the subject area shown on “Exhibit D” for the 18’ wide units, there would likely be structural issues with this part of the building because the Applicant would have to remove certain support beams and other supporting material and improvements (refer to Exhibits A, B1, B2, and D). However, if allowed this variance, the Applicant would not have to remove said structural materials and supports. In addition, removing the said beams and other structural material would not be economically feasible for the owner, and thus would prohibit the applicant from redeveloping this portion of the Property. Thus, given all of the foregoing, and the current condition of the site, as acquired by the Applicant in good faith, this request is reasonable and without the variance would likely cause undue hardship to the property owner.

II. How the strict application of the provisions of the Zoning Ordinance would create undue hardship.

Response:

The subject Property was originally constructed in 1926 and utilized as a hotel. Most recently, the Property has been used as commercial office space. The Property is zoned CH, which allows residential units with a density of 12 units per acre. The City’s Comprehensive Plan and accompanying design standards encourage an adaptive re-use of the Property. The market for commercial office space in this area is poor and overly saturated. There is also a need for additional residents in this area, especially those with disposable incomes. Thus, the Applicant properly evaluated a redevelop plan for a portion of the Property for residential uses. Pursuant to the Applicant’s analysis for a portion of the site, it was determined that the Applicant may be able to develop by right 28 multifamily units with a minimum lot width of 18’ (Exhibits B1,B2, and D) However, once the Applicant further analyzed the architectural and construction requirements for such a proposal, it was determined that “Exhibits B1, B2, and D” would likely cause structural challenges and require the Applicant to unnecessarily remove key structural(*) supports, materials and improvements. Thus, the Applicant reviewed a second proposal (Exhibit C) and this was to include only 22 multifamily units with 12 of those units at a minimum width of 14’-6”, and 10 of those units at 18’-10”, all as shown on the attached Exhibits. Thus, a variance in the lot minimum width under R-12 is necessary. Otherwise, the Applicant would be subject to an extreme modification of the structure, which could likely cause structural integrity challenges *(require removal of all structural floor elements and modifications to roof support structure). Further, if the Applicant was required to undertake such modifications, it would not be economically feasible for the Applicant to do so, and thus the Applicant would not be able to redevelop this section of the Property.

Thus, due to existing condition of the building on the Property within the area of the proposed renovations, the strict application of the ordinance would prohibit the owner from the reasonable and beneficial use of the property. The strict application of the ordinance would result in unnecessary or unreasonable hardship to the owner. The

subject property was purchased in good faith by the owner believing the current structure was suitable for the proposed use described herein.

III. What exceptional circumstances or conditions are applicable to the property, or to the intended use of the property that do not apply generally to other properties in the same zone or neighborhood?

The General Washington Executive Center is one of the most prominent properties on the Old Route 1 Highway District and along the Princess Anne Street corridor. Entirely unique in its architecture and four story scale, it stands apart from the “Machine Modern” style the rest of the corridor possesses. There are currently no existing renovation projects in the Old Route 1 Highway District addressing residential installations. Section 3.3.1 of the Design Guideline handbook for the Princess Anne Corridor clearly states that a project should “embrace opportunities for adaptive reuse of historic buildings”, containing an illustration of the General Washington Executive as the clear example for this guideline. Converting the old medical facility in building C in to individual residential units will spearhead the corridor’s rehabilitation efforts and set the standard for future rehabilitation projects. With only a few exterior alterations, the project will maintain its architectural integrity and only enhance the aesthetic beauty of Princess Anne Street.

Given the foregoing, the need for this variance is not shared generally by other properties. In fact, there are no similar uses (e.g. mix of commercial and residential) among other properties in this zoning area or surrounding neighborhood. Thus, we do not believe this type of specific request will be of a recurring nature and may be reasonably resolved through this application without the necessity of a general amendment to the zoning ordinance.

Further, the intended use of the Property with the proposed variance is not inconsistent or contrary to the spirit and purpose of the ordinance or City Comprehensive Plan.

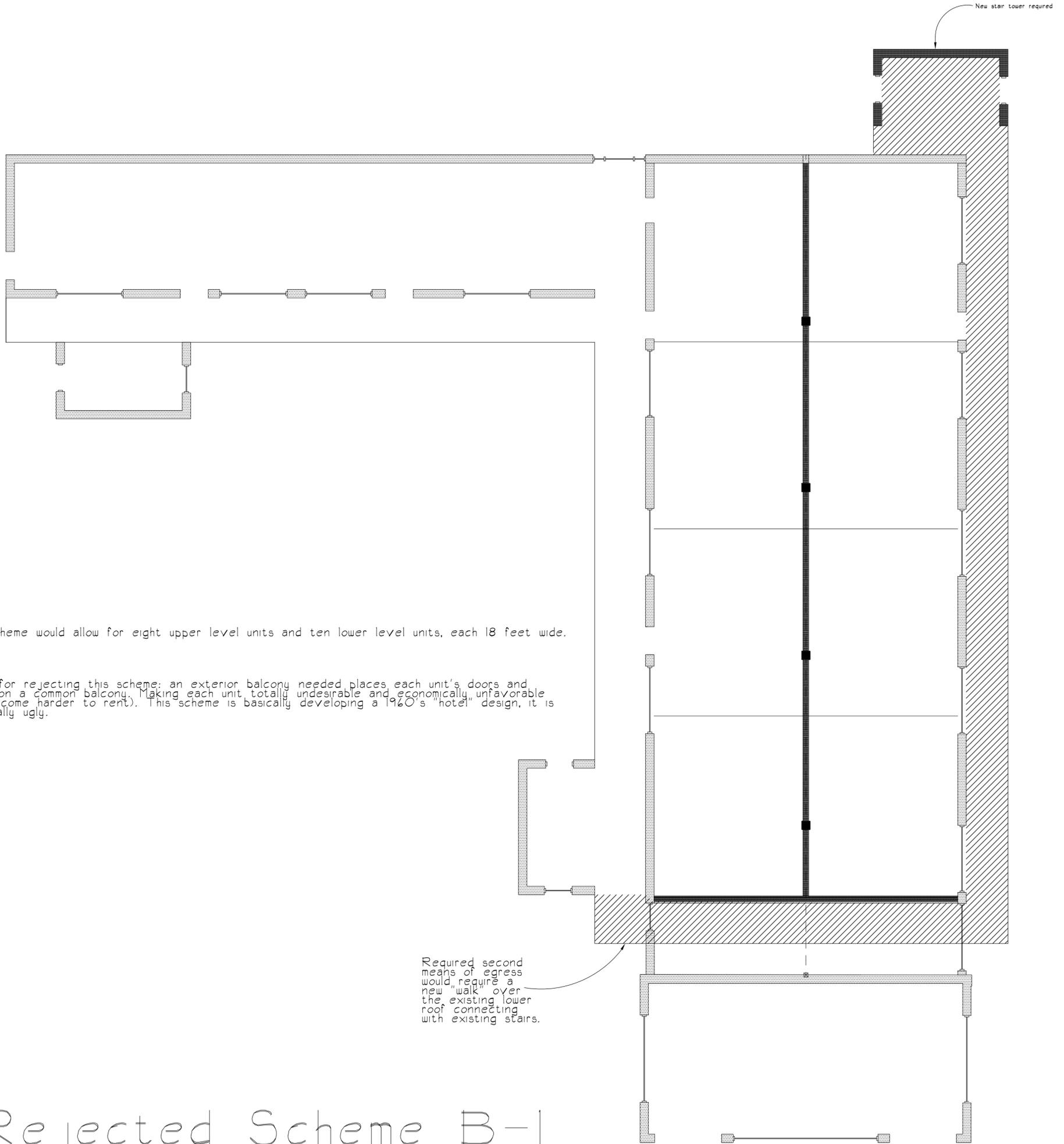
IV. How a variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed thereby.

As a reminder, the Property is zoned CH. The CH district allows residential uses with a density of no greater than 12 units per acre. The proposed use is consistent with these requirements and the intent of the CH zoning district.

It is our opinion that a variance to the adaptive reuse of Property (at Building C location), as shown on the attached Exhibit, will not be of any substantial detriment to adjacent properties and the character of the district will only be strengthened by the project. New residential units will add a diverse and unique parameter to the corridor and implement a substantial contribution to the “old meets new” guideline that district

needs. The project will also eliminate its position in the real estate market of a Medical Facility, thus alleviating strain from that particular marketplace and no longer being in competition with surrounding buildings on the 2200-2216 block of Princess Anne Street. The project will enrich the community and meet the ever-growing need for new, modern housing while maintaining the architectural splendor of Downtown Fredericksburg.

Given the foregoing, it is our position that this variance request will not be detrimental to the public welfare or injurious to the property or improvements in the zoned area and neighborhood.



Note 1:
 This scheme would allow for eight upper level units and ten lower level units, each 18 feet wide.

Reason for rejecting this scheme: an exterior balcony needed places each unit's doors and windows on a common balcony. Making each unit totally undesirable and economically unfavorable (they become harder to rent). This scheme is basically developing a 1960's "hotel" design, it is esthetically ugly.

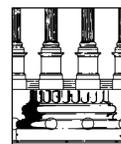
Required second means of egress would require a new walk over the existing lower roof connecting with existing stairs.

Rejected Scheme B-1

GPIN # 7779897284

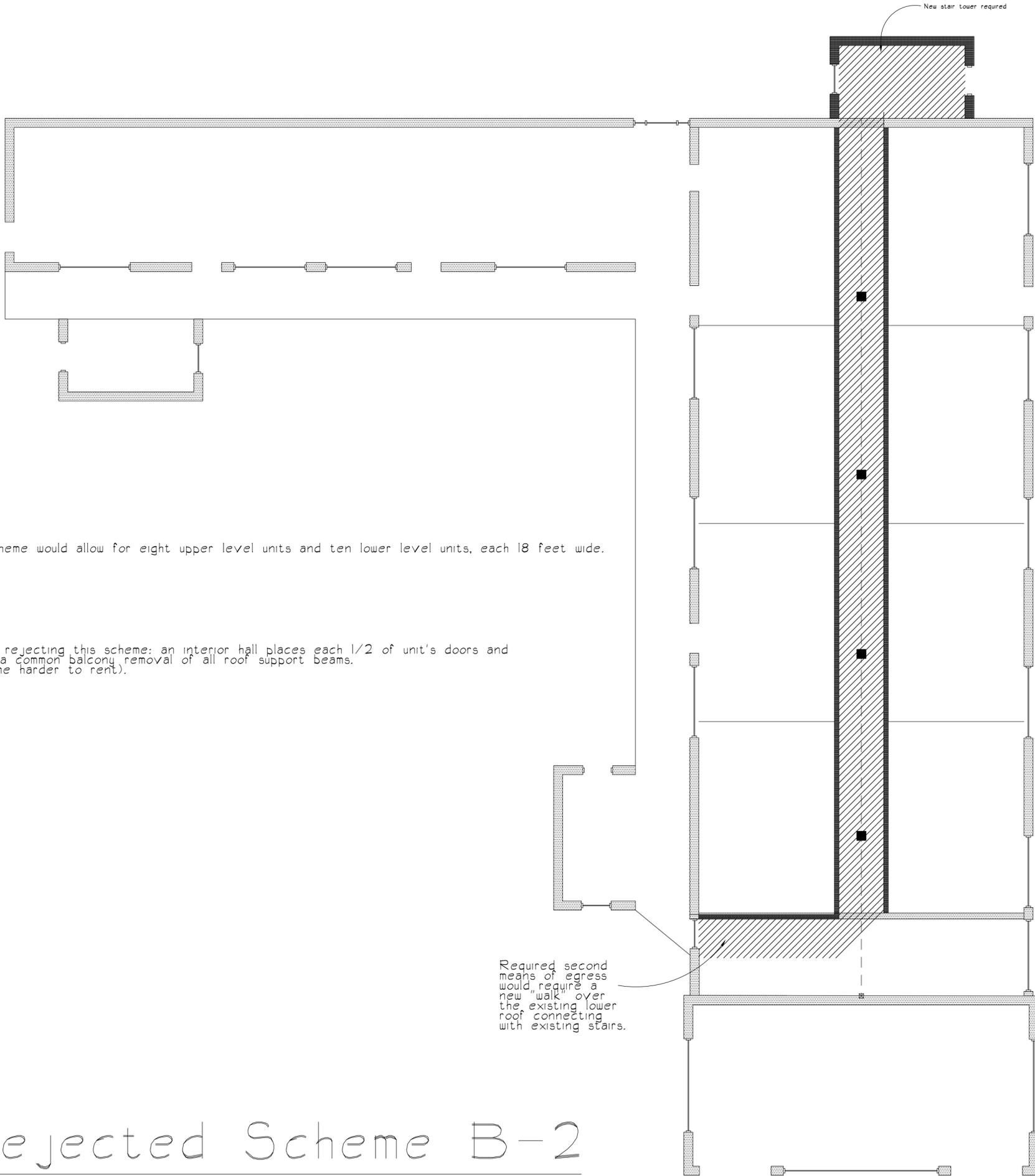
GENERAL WASHINGTON EXECUTIVE CENTER
 BUILDING 'C'
 2217 PRINCESS ANNE STREET

12-23-2015



JAMES O. MCGHEE
 ARCHITECTS, P.C.

400 CAROLINE STREET
 FREDERICKSBURG, VIRGINIA 22401
 Phone 540 371 9091 • Fax 540 371 5831



Note 1:
 This scheme would allow for eight upper level units and ten lower level units, each 18 feet wide.

Reason for rejecting this scheme: an interior hall places each 1/2 of unit's doors and windows on a common balcony, removal of all roof support beams. (they become harder to rent).
 esthetical

Rejected Scheme B-2

GPIN # 7779897284

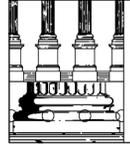
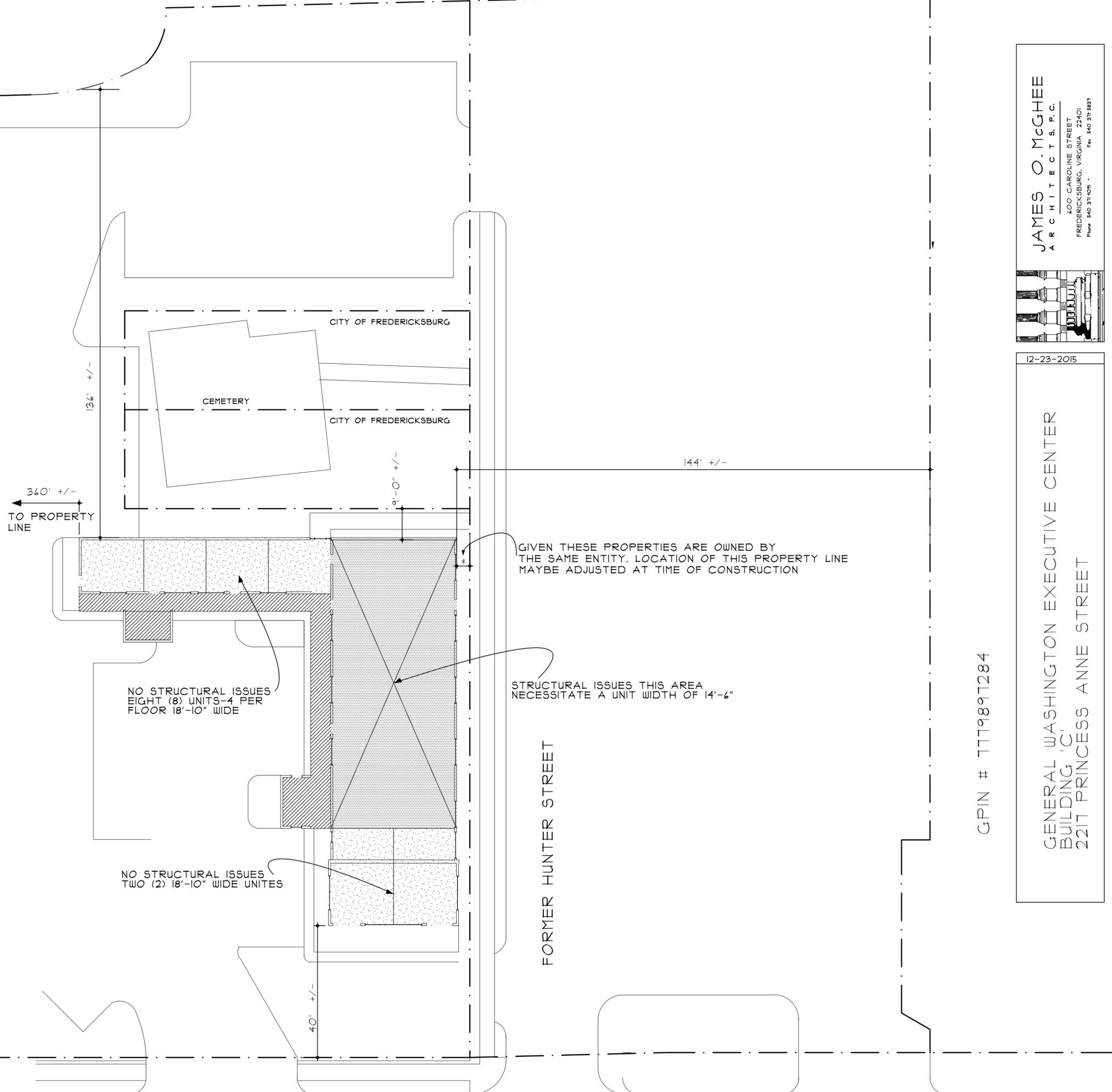
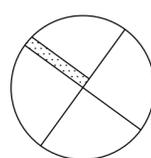
<p>GENERAL WASHINGTON EXECUTIVE CENTER BUILDING 'C' 2217 PRINCESS ANNE STREET</p>	<p>12-23-2015</p>		<p>JAMES O. MCGHEE ARCHITECTS, P.C. 400 CAROLINE STREET FREDERICKSBURG, VIRGINIA 22401 Phone 540 371 1091 • Fax 540 371 5857</p>
---	-------------------	---	---

EXHIBIT B-2



BUILDING 'C'
 INFORMATIONAL SITE PLAN no scale



SITE INFORMATION

AREA = 2.8 ACRES

CH ZONING

ALLOWABLE RESIDENTIAL UNITS @ 12 PER ACRE = 33.6

ALLOWABLE HEIGHT = 40 FEET

INFORMATION FOR THE PORTION OF EXISTING STRUCTURE IN THIS REQUEST (SHADED AREA ON PLAN)

NUMBER OF RESIDENTIAL UNITS

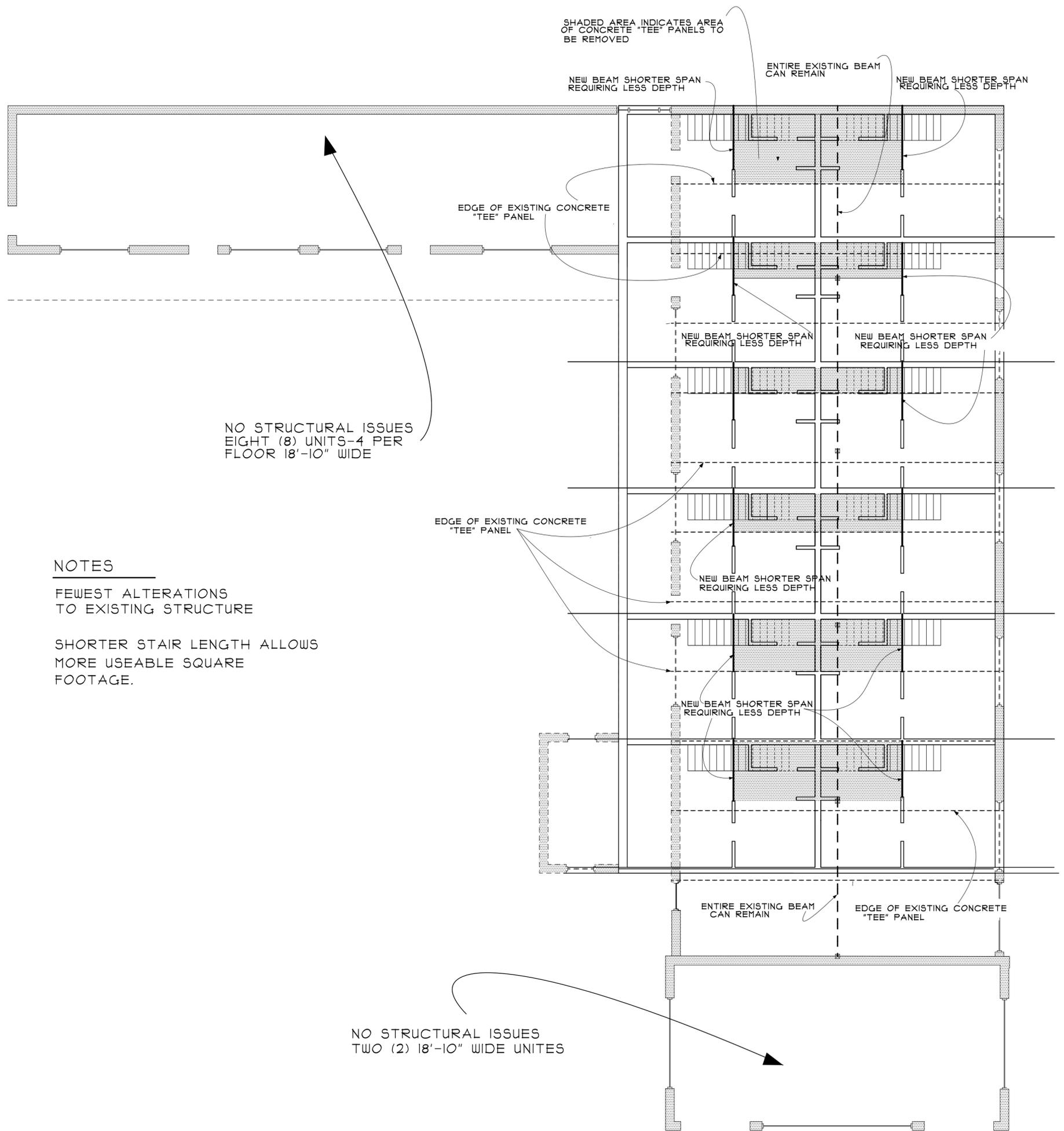
WITHOUT APPROVAL = 28

WITH APPROVAL = 22

EXISTING HEIGHT = 22'

UNCHANGED

NOTE:
 WITH APPROVAL
 10 UNITS WILL BE 18'-10" WIDE
 12 UNITS WILL BE 14'-6" WIDE



NOTES

FEWEST ALTERATIONS
TO EXISTING STRUCTURE

SHORTER STAIR LENGTH ALLOWS
MORE USEABLE SQUARE
FOOTAGE.

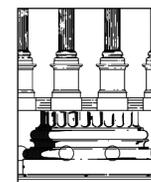
DIAGRAM OF REQUIRED STRUCTURAL ALTERATIONS

14' UNIT

GPIN # 7119897284

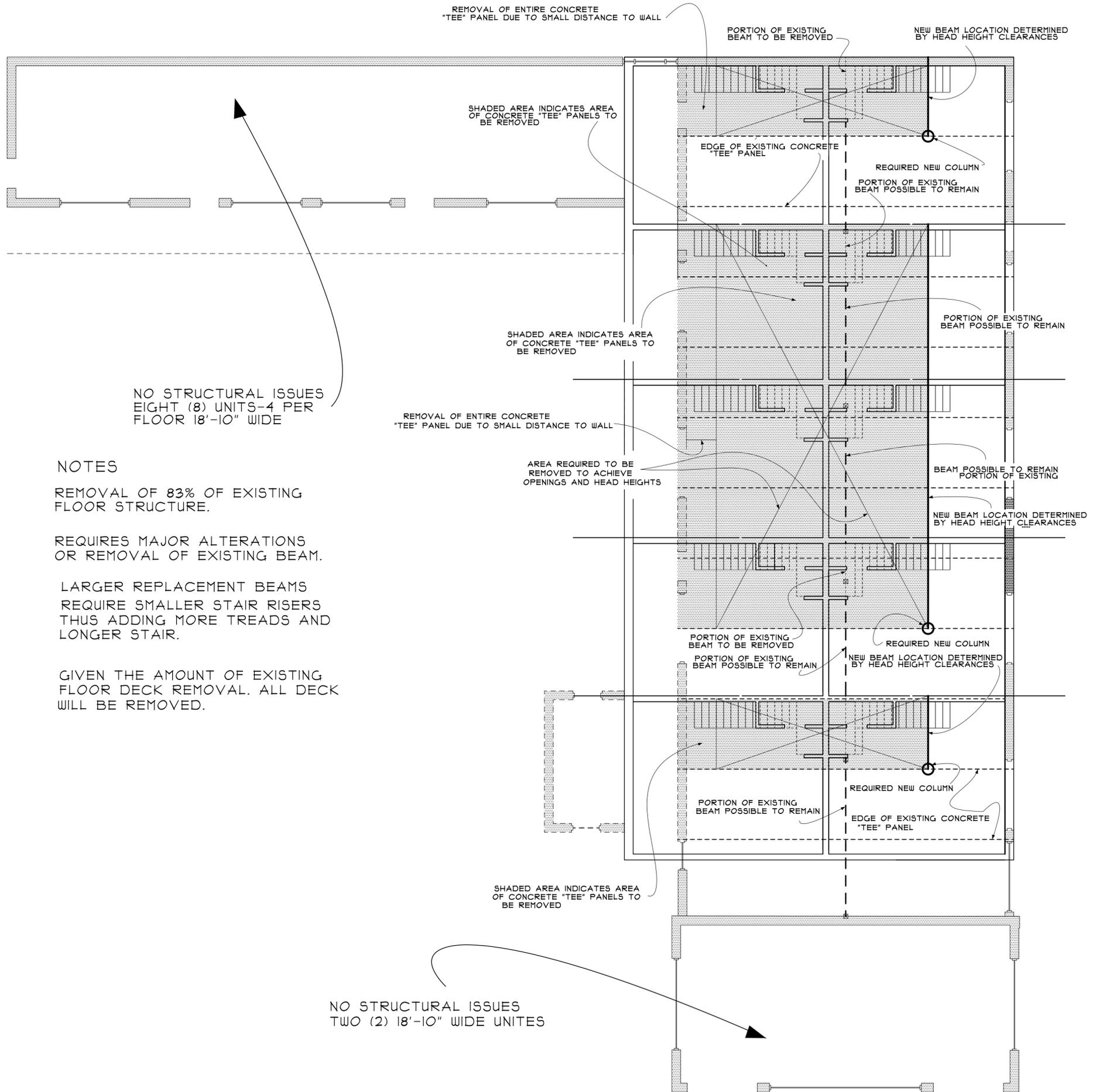
GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015



JAMES O. MCGHEE
ARCHITECTS, P.C.

600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 Fax 540 371 5837



NO STRUCTURAL ISSUES
EIGHT (8) UNITS-4 PER
FLOOR 18'-10" WIDE

NOTES

REMOVAL OF 83% OF EXISTING
FLOOR STRUCTURE.

REQUIRES MAJOR ALTERATIONS
OR REMOVAL OF EXISTING BEAM.

LARGER REPLACEMENT BEAMS
REQUIRE SMALLER STAIR RISERS
THUS ADDING MORE TREADS AND
LONGER STAIR.

GIVEN THE AMOUNT OF EXISTING
FLOOR DECK REMOVAL. ALL DECK
WILL BE REMOVED.

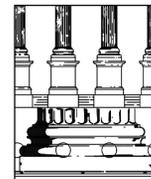
DIAGRAM OF REQUIRED STRUCTURAL ALTERATIONS

18' UNIT

GPIN # 7119897284

GENERAL WASHINGTON EXECUTIVE CENTER
BUILDING 'C'
2217 PRINCESS ANNE STREET

12-23-2015



JAMES O. MCGHEE
ARCHITECTS, P.C.

600 CAROLINE STREET
FREDERICKSBURG, VIRGINIA 22401
Phone 540 371 1091 • Fax 540 371 5837

EXHIBIT D



MEMORANDUM

TO: Charles R. Johnston, Director of Planning and Community Development
FROM: Bill Freehling, Assistant Director for Economic Development
RE: Downtown parking analysis
DATE: January 26, 2016

ISSUE

What does it cost the City of Fredericksburg to acquire parking spaces in the downtown area?

RECOMMENDATION

This analysis should be considered along with other materials as Fredericksburg continues to evaluate its parking needs.

BACKGROUND

The Fredericksburg Planning Commission recently conducted reviews of two municipal parking projects in the downtown area – Liberty Place and 1016 Charles St. (the former StellarOne Bank property). The Planning Commission determined that both projects were consistent with the 2015 Comprehensive Plan, which calls for sufficient parking to help ensure that downtown Fredericksburg remains the regional center of commerce and culture.

Because of escalating downtown real estate values, parking has become increasingly costly in the decade that has followed the completion of the city's first garage at the corner of Wolfe and Sophia streets. That 297-space garage cost approximately \$20,000 per space to develop.

Since that time the City of Fredericksburg has taken on three projects to increase the inventory of public parking spaces. A discussion of each follows, at the request of a Planning Commissioner who inquired to staff about costs per space.

A. 904 Princess Anne St.

Since the beginning of 2014, the City of Fredericksburg has been leasing 40 parking spaces at 904 Princess Anne St. after regular business hours. These spaces are available to the public from 6 p.m. to 6 a.m. during the week, and on nights and weekends. The city pays \$15,600 per year to lease these spaces, a rate that breaks down to \$390 per space per year. That rate is consistent with privately negotiated agreements for after-hours parking downtown. The city also is responsible

for removing snow from this lot. A pay station provides modest annual revenue to the city. Some have suggested that use of the lot would be more robust if the city made it free.

B. 1016 Charles St.

The City of Fredericksburg entered into a partnership with the Fredericksburg Economic Development Authority in December 2015 to purchase the former StellarOne Bank property at the corner of Amelia and Charles streets. The city's share of the purchase price was \$525,000, and the budget for developing the site was set at \$125,000. It is likely that the City of Fredericksburg will come in under budget; the approximate cost of the project including the planning and site work is \$625,000.

Twenty-nine of the parking spaces will be available to the public 24-7, and it is likely that one additional on-street space will be added as part of the project. That yields a total increase of 30 spaces available full-time.

Another 16 parking spaces on the property will be available to the public on weeknights, weekends and holidays at no extra cost. Since those spaces are available to the public approximately half of the time, it would be reasonable to count them as one-half spaces when calculating the overall price per space. That means these part-time spaces are roughly equal to eight full-time spaces.

Thus the city is adding approximately 38 full-time-equivalent parking spaces as part of the 1016 Charles project. Using the project cost of \$625,000, the approximate cost per full-time-equivalent space is \$16,500.

The City of Fredericksburg has not determined whether to add a pay-on-foot station to this lot. It will make at least some of the full-time parking spaces available for lease during the day at a rate of \$80 per month, or \$960 per year.

C. Liberty Place

The City of Fredericksburg has entered into an agreement with the developer of Liberty Place to purchase 119 parking spaces at the complex in the block enclosed by Amelia, William, Winchester and Douglas streets. Another 30 spaces in the complex will be available to the public on nights and weekends at no extra cost. Using the same logic as above, those can be treated as 15 full-time-equivalent spaces, bringing the total number of full-time-equivalent spaces at Liberty Place to 134. The city's total cost for the Liberty Place spaces is \$1.96 million. That breaks down to approximately \$14,625 per space (technically the city is only paying for the spaces at Liberty Place that are in excess of Unified Development Ordinance requirements, which contributes to the lower cost).

FISCAL IMPACT

This analysis does not attempt to estimate the indirect tax revenues derived from investing in downtown parking. There are clearly economic impacts in the form of meals, sales, business license and lodging tax revenues from the people parking in these municipal spaces.