



**PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA AGENDA
June 8, 2016
AGENDA
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL**

-
1. Call To Order
 2. Pledge Of Allegiance
 3. Adoption Of Minutes
 - 3.I. May 11, 2016 - Regular Meeting - DRAFT

Documents: [MAY 11, 2016 - REGULAR MEETING-DRAFT.PDF](#)

4. Unfinished Business/Action Item
 - 4.I. SE2016-01 - Timbernest, LTD Special Exception Requests

Documents: [SE2016-01 - TIMBERNEST, LTD - SPECIAL EXCEPTION FROM GENERAL DENSITY AND FLOODPLAIN DENSITY.PDF](#)

5. General Public Comment Period
6. Planning Commissioner Comment
7. Planning Director Comment
8. Adjournment



DRAFT

**PLANNING COMMISSION
MINUTES**

May 11, 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 - ABSENT
Jim Pates, Secretary
Jim Beavers
Roy Gratz
Tom O'Toole

CITY STAFF

Chuck Johnston, Director of CP&B Dept
Mike Craig, Zoning Administrator

1. **CALL TO ORDER**

The May 11, 2016, Planning Commission meeting was called to order by Chairman McAfee. Mr. McAfee explained the standard meeting procedures.

2. **PLEDGE of ALLEGIANCE**

3. **ADOPTION OF MINUTES**

- **April 13, 2016 – Regular Meeting - Adopted**

PUBLIC HEARINGS

4. **SE2016-01 - Timbernest, LTD**, requests special exceptions for general density, density in the floodplain, height, and required parking to redevelop 506 – 512 Sophia Street (GPIN 7789-23-5802) and a portion of 525 Caroline Street (GPIN 7789-23-3825) in the Commercial-Downtown (CD) Zoning District. The development plan is to demolish the existing multi-family buildings on 506-512 Sophia Street, adjust the existing property lines to create a 0.52 acre parcel fronting along Sophia Street, and redevelop the new site.

**Allowed by right in
Commercial Downtown Zoning**

Density

12 townhomes per acre
18 multifamily units per acre
(In addition, property in the 100
year floodplain is limited to ½
permitted density)

Height

50 feet

Parking

38 spaces
required for 525 Caroling Street
(Fredericksburg Square building)

Requested Special Exceptions

29 units per acre
(7 new townhome units and
7 new multi-family units)

57 feet

22 spaces
for 525 Caroline Street

The Comprehensive Plan designates the area where the subject properties are located as 'Downtown' and does not provide a specific policy for residential density, height, or parking.

Mr. Craig presented the application along with a brief slide show to familiarize members of the public with the project site and proposal.

Mr. Craig noted that the original special exception requests for height and parking are no longer necessary or being requested. The applicant has reduced the height of the building to the allowable 50 feet. He said the proposed uses will occupy parking currently dedicated to the Fredericksburg Square use. However, the Square building (originally built in 1854 and reconstructed in 1927) meets the UDO's definition of a Historic Building and in accordance with subsection 72-53.1.B(2) is exempt from parking requirements. The only special exceptions being asked for at this time are for general density and density in the floodplain.

Mr. Craig noted that on April 25th and May 9th, the Architectural Review Board reviewed the project application with respect to demolition of the existing buildings, site planning and the new construction. The UDO allows for the ARB to review special exceptions and special uses and provides it the opportunity to make a recommendation on these projects. He said that although they have not made an official motion as a body they offered the following. The membership generally was in favor of the density special exception as long as the architecture could be made to fit in with the surrounding context. There was concern in terms of the mass and scale of the townhomes along Sophia Street. He said the ARB may require those to be shorter with the option that they be wider to gain back buildable square footage. He said that the site layout was generally okay. The ARB did not want to make a firm motion because he believes they perceive there is more work to be done on this project. Two members of the ARB, he said,

were not okay with permitting the demolition of the existing apartment buildings and their comments did not proceed beyond that point.

Mr. Craig said they are recommending that the Planning Commission defer a vote to allow the applicant to address the City's Architectural Review Board and the remaining Technical Committee comments. He said this is a complicated application, with a lot of moving parts. He said some additional information came in the day he was writing the staff report and he has not vetted some of the technical aspects and he also needs to work with Public Works regarding the curb cuts. He also asked that if the Planning Commission sees something with respect to the application that they provide clear guidance to the applicant with aspects the Commission likes, or things they believe need to be changed.

Mr. Beavers asked about properties considered to be 50% in the floodplain. He asked what difference it makes if it's 50%, or not, because if you are in the floodplain you are in the floodplain and if you are not, you're not.

Mr. Johnston said that not being the author of that provision, he can only guess. He said one issue that he would observe is yes, there is a definitive line for the 100-year floodplain, but some properties are only in the floodplain up to one-foot and other properties are in up to eight or 10 feet. So, he said, there is great variations as what is theoretically usable by simply elevating a structure a modest number of feet as opposed to perhaps 10 or 12 feet up in the air. That could be part of the thinking that there should be some sort of reduction for land that is located in the floodplain. He noted areas of the City that have several properties located within the floodplain that are not in the main flow of the river, so there may have been some sense that it may have been acceptable, but he can only surmise why.

Mr. Beavers asked that if the City could do it all over again, would we just say you can build, or you cannot build, because the 50% determination makes no sense.

Mr. Johnston said you might add in the criteria, the third dimension – the degree that a property is within the floodplain he believes should bear some issue. One of the problems with properties that have been developed within the floodplain is that they get pushed up to the maximum capacity for height because you have to elevate it and the desire for at least two living-space floors over a garage so you have a full three-story house at a full 35 feet.

Mr. Pates said he believes part of it is simply that the City had not wanted to encourage development/new construction within the floodplain, and that you can't ban it completely because that is basically taking people's properties. So, he said, he believes the idea was that by having the density that you would have less construction, less people, less obstruction of the floodplain within those areas.

Staff and Commissioners continued to discuss different aspects regarding the floodplain, the floodway, etc.

Mr. Pates referenced the existing site plan sheet. He confirmed that the Fredericksburg Square Property and the parking lot behind it are one property, consisting of about a half-acre, and then where the apartment buildings are is another parcel.

Mr. Craig said this was correct.

Mr. Pates asked then, on the existing Fredericksburg Square parcel, what is the current parking requirement for that parcel.

Mr. Craig said for that building as it exists and meeting the definition of a historic building in the UDO, parking is not required.

Mr. Pates said he finds this very hard to believe that you have existing historic buildings downtown with existing parking that now the City is suddenly taking the position that they don't have to have any parking at all?

Mr. Craig said that is the policy that the City Council adopted with the UDO in 2013.

Mr. Pates said he cannot believe that the City Council meant to wipe out all existing parking for historic buildings in Fredericksburg. He said this makes no sense whatsoever.

Mr. Craig said they talked about this a little bit and one thing he wants to reiterate is that any new construction does have to be parked and he understands Mr. Pates' point about historic buildings. But, any new construction, or any additions to historic buildings, all require parking.

Mr. Pates said then what the City is essentially telling people is let's just get rid of all of our parking and let's go up 50 feet on every parcel in downtown Fredericksburg that has a historic structure on it.

Mr. Craig said if you were adding another story, or elevating that structure, that extra story requires parking. He said it is just the historic part, the reuse, and the rehabilitation of that original structure that is exempt.

Mr. Johnston said he thinks the assumption was that if there were some redevelopment adjacent to an historic structure that the ARB review would ensure that it is appropriate or blending or consistent with the character. He said three years ago back before he came to the City, he understands this was a long and lengthy debate with Council regarding downtown parking and that some

people were even saying that all parking across the board downtown ought to be waived.

Mr. Pates said that so now, also, since that is in this parking area where you can pay a fee in lieu of parking, nobody had to provide parking anywhere, essentially.

Mr. Craig said the fee in lieu is only for 50% of the parking.

Mr. O'Toole referenced the proposed site plan on Lot 2 and asked where exactly the parking is located.

Mr. Craig said it is all in the first floor of the units. He described the layout of all the parking for the project.

Mr. O'Toole said then it is basically private parking.

Mr. Craig said that is correct.

Dr. Gratz asked about the report provided by the Historic Resources Planner that was provided in the PC packets, which offers alternative ways of developing this project. He asked if it has any standing or just a report that was provided to the ARB.

Mr. Craig said Kate Schwartz is the new Historic Resources Planner for the City and she was looking at ways to mitigate the impact on the historic district and presented that information to the ARB. He said he included her packet with the Planning Commission materials so the PC could review it.

Mr. Pates said an important piece is the ARB approval of the demolition of the existing apartments. He said he believes it would make better sense for the Planning Commission to consider this request after the ARB has given its determination.

Mr. Craig said staff specifically asked that to the ARB, whether or not they would be in favor of the demolition. He said that as the staff report states, two members of the ARB wanted more information and additional study. The other members of the ARB were generally okay with the demolition and were more interested in discussing the remainder of the proposed project. He said the ARB has not yet made a formal motion, however.

Mr. Johnston pointed out that the ARB has not voted on the project yet because Mr. Perroy has not made a formal application to the ARB so it has basically been a discussion. However, Mr. Johnston said, we can certainly encourage Mr. Perroy to make application to the ARB in order to move this along through that process. He said typically, as many will recall, the ARB does not like to approve a demolition without knowing what will be coming afterward.

Dr. Gratz confirmed that staff is asking the Commission to vote to defer action until its next meeting.

Mr. Craig said that is correct.

There were no additional questions for staff.

Mr. McAfee asked if the applicant had additional information he would like to present.

Mr. Van Perroy (applicant) – 525 Caroline Street noted that a few years ago the ARB had approved a demolition for the hotel but that it was not done at that time so he is required to acquire the ARB's approval. He described in detail how he envisions the project to be laid out.

Mr. McAfee opened the public hearing for this application.

Mr. James McGhee – 526 Caroline Street – said he is happy to see something done with this development and only has a concern regarding aesthetics of the structure, which he is confident that the ARB will address.

Mr. Tommy Mitchell – 100 Frederick Street – said he is in favor of the project and that it is a nice improvement for Sophia Street, which will have a nice economic component for the city.

There were no additional comments from the public.

Mr. McAfee asked if the Commission desires to hold the public hearing open.

Mr. Johnston said that if the public hearing is held open then staff will not be required to readvertise if there are any major changes to the application.

Mr. Beavers asked if the hearing is held open would the next Commission meeting be May 25th?

Mr. Craig said it could be that date of the June 8th meeting, whichever the Commission prefers.

Mr. McAfee closed the public hearing on this item

Mr. Johnston addressed Mr. Pates' suggestion regarding the Commission postponing a decision until the ARB has made a decision as to the demolition. He noted that Mr. Perroy has not made a formal application to the ARB and that the absolute soonest the ARB would be able to review and make a decision

would be at their next scheduled public hearing, which is June 13th, a week following the June 8th regular meeting of the Planning Commission.

Mr. Beavers said he would be willing to make a motion because he does not see any reason to defer a decision. He said he has reviewed the material very carefully and the demolition is not a concern in his mind. He made a motion to recommend approval of the special exception request.

There was no second to the motion.

Mr. Beavers withdrew his motion.

Mr. McAfee said there are a few open questions. He said he has some concerns and does not like losing density. He said the parking is okay with him, however. A concern is that as a pedestrian, this is somewhat of a "cluster". Specifically, he said when he thinks about walking on the sidewalks by the project, it is not pedestrian friendly due to the curb cuts for the proposed garages. He said he does not have issues with the density or the demolition, but he would like to see a layout that he could expect to see an elderly person or a young child be permitted to walk around and not get run over. He said he does not believe the project as currently submitted is pedestrian friendly, but he does believe that this problem is easily solved with a little bit of rearranging.

Mr. McAfee thanked Mr. Perroy not only for his current efforts but for all his past efforts in making an attempt to improve these properties. He said he would like to see this project move forward in some manner after the various concerns are addressed. He said that there are too many unanswered questions to vote on the application this evening.

Mr. Pates noted that Mr. McAfee addressed having pedestrian friendly sidewalks on the interior of this project. He said these are not City streets but are instead entirely private on the interior. He noted that the townhouses will face inward of the private development and he asked why there is concern about pedestrian access inside a private development.

Mr. McAfee said that he believes the way the Comprehensive Plan is written and the way the UDO is written that we make no distinction the interior layout and the exterior layout as far as safety is concerned.

Mr. Johnston said he believes, in general, that is true. He said he believes there is a gradation of streets and how they should be handled. Certainly, we would not encourage a series of driveways and garages on Sophia Street. But in not having garages on Sophia Street there has to be an "alley" of some sort for service and for parking. Units 1, 2 and 3 would not be possible without having that rear alley. The shape of the property for units 4, 5, & 6, are somewhat similar. Unit 4 has a door that is going to front on Sophia Street. The

only means of access for units 5, 6, & 7 is an alley and given the shape of the property.

Mr. Craig said the UDO is set up in a way that residential units are supposed to front on streets. There is a provision that they can be in the interior of the block and there are Administrative Exceptions that permit that. And the issue that we have got, which is brought up by Mr. McAfee, is that the majority of these units are put into this special situation. There are places on the site where they would not have to be that way – where there could be a more typical access for any resident or any visitor where all the access would not be crammed into one alley. That is not how our UDO is set up or what the Comprehensive Plan envisions.

Mr. McAfee said Mr. Craig mentioned the applicants would need an administrative exception for these driveways.

Mr. Craig said that is correct.

Mr. McAfee and they would also need an administrative exception for the disconnection because there is something blocking these two driveways from being together. That is also against our policies.

Mr. Craig responded, yes sir, as would the lots being off of the alley. Lots can be served by a couple of different means but they have to meet certain standards. The Code is set up so that lots front on streets. In these more intense districts there are alternatives. Alleys are not one of those permitted options but you can serve lots off of alleys with that "exception."

Mr. McAfee said he cannot believe that this piece could not be developed in a way that Mr. Perroy wants to without having these types of conflicts. He said he believes there is enough space to accomplish this.

Mr. Johnston said one of the other issues raised by the ARB is that by virtue of having a 24-foot driveway and 5-foot sidewalks, having 34 feet between buildings, some of the members thought that was excessive and very wide and not appropriate to what they were thinking. It may be, he said, in his personal view, townhouses may not be the right answer here. Perhaps, he said, it should be more of a multi-family type building so you don't have this issue of alleys.

Mr. McAfee addressed Mr. Craig and said that it seems to him that if you took this whole piece of property and developed it as a mixed-use piece you could get close to 36 units by-right.

Mr. Craig said if you meet the definition of mixed use, which that would require accounting for the commercial space in the Fredericksburg Square building, by right you would be permitted 24 units (but you would still have to work with the

floodplain density requirements), but with a special use permit you could get up to 36.

Mr. Pates said this has been a very interesting discussion particularly in terms of the configuration of these unit facing an interior alley, especially something that small and manageable. He said it seems to him that those kind of projects seem to work in most cases and he personally does not see a problem with interior facing units like this. He said it is interesting and different, which is an appealing part of the application because it gives the residents a sense of privacy and sense of community.

Mr. Beavers said he agrees with Mr. Pates' comments and believes the market will dictate whether these will be owner-occupied units. He said he knows the applicant would like them to be owner-occupied.

Dr. Gratz asked if the Fire Department has looked into accessibility to these units.

Mr. Craig said they have reviewed the design and they have said they have sufficient access.

Dr. Gratz said he is not crazy about the design and tends to agree with the analysis of staff regarding that issue. He said he does not believe the design to be very appealing.

Mr. Pates said he had a question about the memo provided in the PC packet, written by Ms. Schwartz. Specifically, he said, her opinion that the apartments on Sophia Street is a contributing structure in the historic district. He said he was curious how she arrived at that opinion and said that generally speaking he thought that contributing historic structures were not to be demolished.

Mr. Craig said he did not believe this was her opinion but that she had pulled what was catalogued as part of a historic survey.

Mr. Johnston said yes, it was part of the survey. He said the building on Sophia was specifically referenced to the survey because of its age, he believes. He said buildings B and C in the back were not even part of the survey.

Mr. O'Toole said, personally he likes the design and layout of the proposal. He said, however, he is also a little concerned about the "green space", but he thinks that will work itself out. He asked if the item is tabled tonight, how long is staff thinking that these issues will be resolved, other than an ARB vote.

Mr. Craig said it is up to the Planning Commission. He said staff anticipated more issues with the access but it appears that the Commission does not have that many issues. He said these are the types of issues staff wants resolved and

will be working with Public Works and the applicant to resolve them. He said he believes this can be done within a week.

Dr. Gratz made a motion to table this item until the June 8, 2016, Planning Commission meeting to allow additional time for the applicant to address concerns voiced by the Planning Commission, staff, the TRC, and the Architectural Review Board

Mr. Beavers seconded the motion.

Mr. Craig requested that the Planning Commission provide the applicant with bullet points that they would like to see addressed prior to its next meeting.

Mr. McAfee said the application will be continued until the June 8, 2016 meeting and would like to see the following addressed:

- Address the UDO requirements regarding pedestrian access;
- Access to project
- Review and address concerns regarding the impact of the historical block face

Mr. McAfee requested that Ms. Schwartz be present at the June 8th meeting to address any questions that the Commission may have regarding the ARB requirements.

Mr. McAfee said there is a motion on the floor, which has been seconded. He called for the vote.

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

GENERAL PUBLIC COMMENT

- 5. 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.*

Mr. McAfee opened the floor for general public comment.

There were no speakers.

Mr. McAfee closed the General Public Comment period.

OTHER BUSINESS

6. Planning Commissioner Comment

Mr. Pates provided a statement regarding his concerns to several matters: (Full statement is included as **ATTACHMENT A**.)

- the timeline of the Comprehensive Plan Update and resulting Area Plans progress;
- the lack of planning efforts by the Commission; and
- cancellation of meetings.

Mr. McAfee addressed Mr. Pates' concern regarding the progress of the Area Plan process. He said the process has been moving forward and that a selection committee has met on a few occasions to review the eight proposal, which had been submitted by vendors. He said there has been a vendor selected and a contract is being written by the City to hire this vendor to commence work on the Area Plans.

There were no additional Commissioner Comments.

Planning Director Comment

Mr. Johnston said there are various applications that will be coming before the Commission in June.

Mr. Johnson updated Commissions regarding the Proffer Guidelines process. He noted that the General Assembly recently passed new proffer laws that has caused the City to regroup and rework the policy guidelines.

He said the City Council is moving forward with Liberty Place.

ADJOURNMENT

Meeting adjourned.

Roy McAfee, Chair

Attachment A

**Planning Commission Meeting
May 11, 2016**

STATEMENT OF JAMES M. PATES

I wanted to talk briefly tonight about something that has been of concern to me this evening and that has increasingly concerned me over the past 6 months, namely, how little time this Commission is spending on *actual planning*. Tonight, we were considering an application for special exceptions needed for a project in the Historic District, but we are doing that without any of the planning that is needed to transform our Comprehensive Plan into a useful document.

This Commission approved a partial Comp Plan Update back in March 2015, a document that was **three years late** but that still lacked any update of roughly one-third of the Plan, namely, a Land Use Plan. Since that time, this Commission has done virtually no planning of any kind, a period of 14 months. Specifically, I have five areas of concern:

First, we still have no published Comprehensive Plan Update. I find this incomprehensible. The timeline:

March 25, 2015 – The Planning Commission voted to approve the draft Plan (without a Land Use Plan component), even though we did not have a final document in front of us. I voted against the Plan at that time because we did not have the actual document being approved.

September 8, 2015 - The Council approved the Plan with no changes, but it lacked any “Action Plan” or prioritization of projects or a schedule

September 30, 2015 - The Planning Commission discussed the Action Plan and made certain recommendations to Council.

November 10, 2015 - The Council approved the Action Plan, which was to be included with the Comp Plan Update.

December 9, 2015 - I asked for a copy of the final published Plan. I was told that it was being prepared and would be ready shortly.

January 13, 2016 - I asked again.

Today, May 11, we still have no published hard copy of the Plan. There *is* a document on the City’s website, but it is not an actual finished document, with photographs, charts, action plan, etc.

Second, when the Council launched the Comp Plan Update in January 2014, it was projected that the Plan would be updated by December 2014 and that a consultant would then be hired to help with the individual Area Plans for each of the 10 areas in the City. The whole process was projected to take 2-3 years or the end of 2017. We had little public participation or outreach for the Plan, with the thought being that this would happen as part of the Area Planning process.

As to today, little process has been made. This Commission, as a group, has had no involvement with the selection of the consultant and I don't think one has even been hired, 9 months after the Council approved the Plan. This is time that has been largely wasted.

Third, the Commission has made no effort to do any planning itself. Instead, we have missed many meetings, with no action or discussion at all of many of the critical planning issues facing the City.

We had NO MEETINGS on the following dates. We missed:

- 2 meetings in July
- 2 meetings in August
- 1 meeting in October
- 1 meeting in November
- 1 meeting in December
- 1 meeting in February 2016
- 2 meetings in March 2016
- 1 meeting in April 2016

TOTAL MISSED MEETINGS = 11 canceled meetings since last July.

Fourth, one of the important planning issues that has been discussed for the 29 months I've served on the Commission is the City's lack of any kind of proffer policy. We have considered conditional rezonings during this period and the applicants have made voluntary cash proffers and we have approved them, but with no useful guidance on whether those proffers actually offset the applicant's share of needed public improvements. Most of those proffers, in my opinion, have been grossly inadequate. Why couldn't we have done our homework on this issue on all those dates when we had no meetings?

Fifth, and perhaps most importantly, by doing little or no planning, this Commission is abdicating its responsibilities to assist the City Council in planning the future of the City and turning that function over to City staff. How can the City Council do its job when this Commission is not doing its own?

Thank you.



MEMORANDUM

TO: Chairman McAfee and Planning Commission Members
FROM: Mike Craig, Zoning Administrator
DATE: June 1, 2016 for the June 8 meeting
SUBJECT: SE2016-01 Timbernest, LTD requests Special Exceptions from general density and floodplain density to redevelop 506 – 512 Sophia Street (GPIN 7789-23-5802) and a portion of 525 Caroline Street (GPIN 7789-23-3825) in the Commercial-Downtown (CD) Zoning District.

ISSUE

Should the Planning Commission recommend approval of the Special Exceptions to increase the general permitted density and increase the density permitted in the 100 year floodplain for the proposed River Walk Square multi-family and townhome redevelopment?

RECOMMENDATION

Recommend approval on the condition that the Applicant either:

- a. Revises the project as described in the body of this report to infill the Caroline Street block face and maintain an equivalent parking and service area to what exists today.
- b. Proposes a viable alternative to off-set the impact of eliminating 26 on-site spaces currently used by the Fredericksburg Square building.

Any recommendation for approval should include at a minimum the following proposed conditions:

1. The project shall be developed in substantial accordance with the General Development Plan entitled "Townhomes at Riverwalk Square" by Commonwealth Architects dated May 31, 2016 (the "GDP"). The GDP may be modified by the City's Architectural Review Board during the Certificate of Appropriateness Process.
2. A direct pedestrian access from Riverwalk Square to Caroline Street as generally shown on the GDP shall be constructed by the developer prior to the first issuance of the first Occupancy Permit in Riverwalk Square.
3. Pedestrian and vehicular access between Riverwalk Square and Fredericksburg Square along Riverwalk Square shall be maintained in perpetuity as generally shown on the GDP.
4. The developer shall construct the Sophia Street streetscape as generally shown on the GDP and in accordance with Public Works comments prior to the issuance of the first Occupancy Permit in Riverwalk Square.
5. The developer shall remove the two curb cuts and driveways on either side of the Fredericksburg Square building, restore the streetscape in the area, and restripe the parking lane along Caroline Street to maximize the amount of public parking spaces prior to the issuance of the first Occupancy Permit in Riverwalk Square.

GENERAL BACKGROUND

GPIN 7789-23-5802 is 0.31 acres zoned CD and contains 13 multi-family units addressed as 506-512 Sophia Street and 1-9 Ashby Court. The existing density on-site is 42 units per acre. The buildings on this parcel were built circa 1940 as warehouse space and were subsequently redeveloped into residential units. The building fronting on Sophia Street is considered a contributing structure in the historic district. The other two behind the front building are not considered contributing. The three buildings are served by their own access off of Sophia Street and have surface parking. These buildings and their parking generally fill the entire lot.

GPIN 7789-23-3825 is 0.65 acres zoned CD and contains the 15,168 square foot Fredericksburg Square building fronting on Caroline Street. The Square building is part of a key historical streetscape along Caroline Street. Between Wolfe and Lafayette the only two gaps in the block face are on either side of the Square building. The two gaps are paved areas that are now fenced off from the street and used as open space for a wedding tent and a luncheon gazebo. Behind the Square building and stretching all the way to Sophia Street is a parking lot containing 26 parking spaces.

Both properties are completely within the 100 year floodplain.

SPECIAL EXCEPTION REQUEST BACKGROUND

Timbernest LTD proposes to reconfigure their two properties as shown on their "Proposed Site Plan sheet A2" to create a 0.52 acre parcel on which seven townhomes and seven multi-family dwelling units would be built. The density for the parcel would be 29 units per acre. The CD zoning district generally permits multi-family units at 18 units per acre and townhomes at 12 units per acre. § 72-51.1 requires that the generally permitted density be cut in half for properties where more than 25% of the land is in one hundred-year frequency floodplains, which would limit density on the property to 9 and 6 units per acre respectively.

The proposal does not qualify for an administrative change in non-conforming use, though the project is a similar density and use to what is proposed.. The request does not meet the criteria for the continuation of a nonconforming use in § 72-61.1 because the buildings or structures containing the non-conforming use (density) are being demolished.

STAFF ANALYSIS

Unified Development Ordinance (UDO) § 72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the UDO:

a. The CD Zoning District

§ 72-32.2.A states that the purpose of the CD Zoning District is *"to promote harmonious development, redevelopment, and rehabilitation of uses in the commercial areas of the Old and Historic Fredericksburg (HFD) Overlay District. The regulations of this district are intended to implement the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting the geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area."*

There are elements of the request that are in accordance with the purpose of the CD zoning district:

- The request is to redevelop an existing permitted use (single family attached and multi-family dwelling units) at a density that is lower and closer to the by-right permitted density on-site (existing 13 units on 0.31 acres @ 42 units per acre vs. proposed 14 units on 0.52 acres @ 29 units per acre).
- Proposed townhomes 1-4 conform to the general setback pattern of adjacent structures on the block.
- Townhomes 1-4 are oriented toward Sophia Street in a way that:
 - o Respects the geometry of the downtown streetscape;
 - o Enhances pedestrian circulation; and
 - o Minimizes vehicular and pedestrian access conflicts among uses;
- Riverwalk Square will have a pedestrian access from the site through the Fredericksburg Square property to Caroline Street.
- The Fredericksburg Square property will retain alley / service access through the Riverwalk Square.

There are elements of the request that are not in accordance with the purpose of the CD zoning district:

- Ten out of 14 units are not oriented towards the geometry of the downtown streetscape.
- Redeveloping GPIN 7789-23-3825 (the Square property) in a way that respects the geometry of the downtown streetscape and maintains continuity with the architectural precedents of the historic area would be phased in a way that redevelopment filled in the gaps in the historic streetscape first and then potentially developed on the service areas of the site if possible second (see excerpts from Kate Schwartz's ARB attached to this memo as Exhibit A).

b. Old and Historic Fredericksburg Overlay District

In accordance with § 72-21.7, the Applicant's request was presented to the City's Architectural Review Board (ARB) on April 25 and again on May 9 for a review.

After discussion, the ARB members stated that:

- The membership was generally in favor of the density special exception as long as the architecture could be made to fit into the surrounding context.
- The main architectural concern was about the mass and scale of the townhomes along Sophia. The Applicant has changed his architectural design in response, but the ARB has not evaluated the new proposal.
- The site layout is generally acceptable. Adding units mid-block is an accepted way to add density in the downtown.
- Two members were not in favor of with permitting the demolition of the existing apartment buildings. However, it was noted that the ARB previously approved demolition of the buildings in 2009.

The Historic District Handbook (HDH) contains Site Planning criteria including continuity of street edge, spacing between buildings, fences and walls, and parking (HDH pg 68-73). Along Sophia Street, Townhomes 1-3 reinforce the existing street edge, have a comparable spacing between buildings to the existing development, and are served by parking that is to the rear of the building. Seven units multi-family units are proposed in the area of GPIN 7789-23-5802 that currently contains multi-family units.

The remaining four units, however, are built on the existing service and parking area of the Square building. As a result, the service functions associated with the Square building are proposed to be eliminated.

c. Development Standard Exceptions and Exemptions

As submitted the development proposal would require administrative exceptions from the Development Standards in § 72-5 of the City Code:

- §72-51.3 Lots. This section requires that lots in the CD Zoning District either front on public streets, private streets, or a driveway meeting the standards in § 72-52.4. The seven multi-family building and Townhomes 5-7 (potentially equating to a total of four lots housing a total of 10 units) will be located mid-block and will be primarily accessed by an alley. Alleys are meant to provide vehicular access behind buildings in tandem with a complete street with unbroken pedestrian access. The Applicant has added a pedestrian connection to Caroline Street in order to provide for a better, more diverse access plan than previously submitted.
- § 72-53.1.D(1)(d)[1][a] Off-street parking; configuration; arrangement. This section requires that all off-street parking and circulation areas be arranged to facilitate access by and safety of both pedestrians and vehicles. Pedestrian access to Townhome 5-7 is deficient. The majority of the “sidewalk” will be comprised of driveway entrances and will put pedestrians and vehicles in conflict with one another. To address this deficiency, the Applicant added stamped concrete sidewalks to the Riverwalk Square plan. While this change of materials does make the pedestrian area more visible, the conflict between the pedestrian and vehicles using Townhome 5-7 remains.

The Square building meets the UDO’s definition of a Historic Building. Section 72-53.1.B(2)(b) states that rehabilitation or re-use of an historic building is exempt from the parking requirements. The Square building changed use in 1996 from the Elks Lodge to its current use as a wedding hall and cabaret. In 1996 the Square building was deemed to require 46 parking spaces. Under the current UDO requirements non-historic buildings with a similar use as the Square building (15,168 square feet of auditorium use @ 1 required space per 400 square feet) would require 38 parking spaces. There are 26 spaces currently being used off-street and 3 spaces adjacent to the property on-street.

d. Overall Consistency with the UDO

Since the Public Hearing on May 11, the Applicant has worked to bring his proposal more in-line with the UDO. The Applicant has added pedestrian access to the Caroline Street block face, added a complete Sophia Street streetscape in accordance with Public Works’ planning, added alley access through the Riverwalk site to the Fredericksburg Square building, and is continuing to work through architectural issues with the ARB.

Opting to build internal to the block rather than infilling development along Caroline Street is still a fundamental design issue that will require two administrative exceptions to the UDO’s development standards. However, the Applicant has provided connective infrastructure in the plan that will minimize pedestrian and vehicular conflicts. While the project is generally consistent with the UDO, the need to obtain two administrative exceptions makes the project’s consistency a fairly

debatable question that may be evaluated by the Planning Commission in their recommendation to the City Council.

2. Consistency with the Comprehensive Plan (CP)

a. The Applicant's proposal is within Land Use Planning Area 7, Downtown. The Land Use Planning Area 7 Opportunities relevant to this proposal are:

(Consistencies)

- Promote residential and mixed-use development.
- Support redevelopment that respects historic structure, but without dictating architectural style or limiting creativity.
- The Future Land Use Map calls for this area to be Commercial-Downtown and sub planning area 7B states that the west side of Sophia Street constitutes an urban edge (as does the Urban Riverfront Corridor on page 117).
- The Commercial-Downtown Land Use Category calls for a relatively dense urban setting.

The proposal promotes residential redevelopment in a way that members of both the ARB and Planning Commission have stated creatively adds density into the Downtown. The project has sufficient inner-parcel pedestrian and automotive access. The Sophia Street block face and streetscape (comprised of a full brick sidewalk public streetscape with colonial street lights and street trees) matches Public Works' visioning and planning for Sophia Street. The Applicant still must work with the ARB on the mass and scale of their project.

(Inconsistencies)

- Evaluate parking needs and develop appropriate strategies (shared parking, structures, etc.) that provide for the continued viability of downtown Fredericksburg as well as its further growth and development.
- Protect the historic aspects of the downtown business district, through careful adaptive reuse of existing buildings and appropriate new construction on infill sites.
- The Commercial-Downtown Land Use Category calls for development that "promotes continued harmonious development and redevelopment, with an emphasis on maintaining pedestrian circulation, the integrity of the street grid, and continuity with the historic character of the community."

The layout of the site is inverted. Development is proposed on the interior of the block at the expense of parking and service areas despite there being room for redevelopment along Caroline Street. A symptom of the design is that pedestrian access to townhomes 5-7 conflict with the driveways for those homes.

b. Chapter 7 Residential Housing and Neighborhood contains several goals relevant to this application including:

(Consistent)

- Goal 1: Neighborhood Character;
- Goal 3: Distinct and Attractive Neighborhoods;
- Goal 8: Variety of Housing;
- Goal 9: Homeownership;

The proposal provides for new homeownership opportunities in the historic downtown and provides a variety of housing on-site. The ARB members stated they were comfortable with the proposed quality of the architectural elements, but did have issues with the mass and scale which the Applicant is continuing to work on.

(Inconsistencies)

- Goal 2: Neighborhood Quality;

- Goal 4: Adequate Public Services and Facilities;

The proposal will eliminate 26 off-street spaces. Redeveloping this essential service area for a different use would shift parking off-site into the City's public parking network. The Applicant has not provided a sufficient plan to replace the parking.

c. Chapter 5 Environmental Protection states that, "development within the floodway fringe is allowed as long as it will not adversely impact the environment or cause a hazard to human safety, as controlled through Building Codes and other applicable regulations." The proposal is entirely within the 100 year-floodplain.

d. Overall consistency with the Comprehensive Plan:

Since the Public Hearing on May 11, the Applicant has added both automobile and pedestrian connectivity into their plan, has provided a full public streetscape along Sophia Street and he has revised his architectural elevations in order to address the ARB's concerns. The density request meets a significant portion of the goals and policies in the Comprehensive Plan.

The density request, however, still contradicts the Comprehensive Plan in two ways. First, the Applicant has opted to build density into the interior of the block prior to infilling existing gaps in the Caroline Street block face. Second, and as a result of number one, the site design eliminates valuable parking and service areas without mitigating the impact on, specifically, the Downtown public parking supply. It is fairly debatable whether or not this application conforms to the Comprehensive Plan.

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

The ARB has completed a preliminary review of this request. The Technical Review Committee has completed their review and the Applicant has responded to comments made. The Planning Commission held a public hearing on this item on May 11 and deferred the project until June 8 to continue working on the application.

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

As described in Section 1 and Section 2 above, the current proposal is not completely in line with the UDO and Comprehensive Plan. The major issue is that a significant portion of the project is proposed to be built on an internal service area which will have external effects on the public parking supply.

The development is proposed completely within the 100 year flood-plain. The base flood elevation is 38 feet and the general elevation of the site is 36 feet. The development would double the footprint of development in the floodplain. The footprint of the existing development on-site is 5,538 square feet. The footprint of the proposed Riverwalk Square development is roughly 11,520 square feet. Development in the floodplain will be subject to the City's Floodplain Overlay District requirements and the flood-proofing requirements in the Building Code.

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

The request for density Special Exceptions is an unusual request. GPIN 7789-23-5802 currently contains 13 dwelling units that are approaching the end of their usable life. The Applicant's proposal is to redevelop the site with one additional unit at a lower density for the total site. The proposal does not qualify for an administrative change in non-conforming use because the request does not meet the criteria for the continuation of a nonconforming use in § 72-61.1 because the buildings or structures containing the non-conforming use (density) are being demolished.

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

The major potential adverse impact of the proposed residential density on the community and surrounding neighborhood is the removal of 26 off-street parking spaces from the Square site. While parking is not required for the Fredericksburg Square Building, the elimination of the spaces will have an impact on parking supply in the Downtown.

The Applicant has not fully explored offset this impact as much as possible. The Applicant should revise his plan to move the proposed density to the portion of the lot fronting Caroline Street thus preserving the service area interior to the block. Without doing so, at a minimum the applicant should eliminate the defunct curb cuts along Caroline Street and restripe the parking lane the public parking supply would gain four additional on-street spaces. The Applicant could also offset the loss of usable spaces by paying into the Downtown Parking Fund or creating an off-site shared parking agreement.

The proposal will add one residential unit to the site. Outside of the impact to the Downtown parking supply, the additional unit will not have a substantial impact on public school system, public utilities, public parks, or the overall transportation network.

7. *Conclusion.*

The Applicant has made changes to their application that bring their proposal more in-line with the UDO and the Comprehensive Plan. The Applicant has added pedestrian connectivity to Caroline Street, alley access for the Fredericksburg Square building through Riverwalk, a full streetscape along Sophia Street, and has altered their architectural elevations in response to ARB comments.

This is a fairly debatable application. On-balance, the request conforms to a significant amount of the policies and visions in the City's UDO and Comprehensive Plan. However, the project will have an important drawback created by the decision to develop internal to the site before infilling the existing Caroline Street block face. This design does not conform to the purpose of the zoning district or the Comprehensive Plan and has a material impact in that private parking will be pushed into the public parking network.

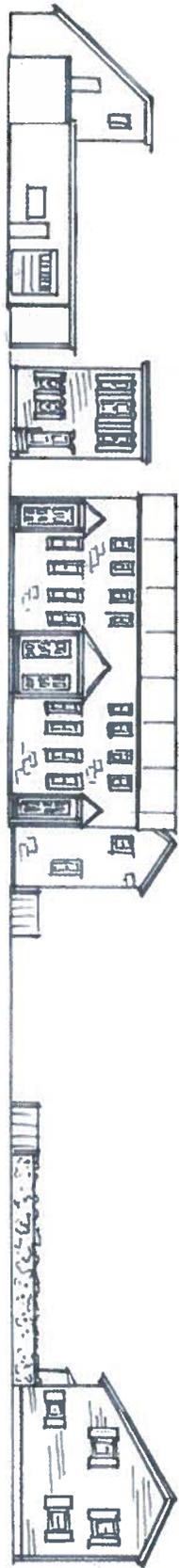
There are two ways to mitigate this impact – either the Applicant should redesign their site as described in the body of this report or should propose a viable alternative to off-set the impact of eliminating 26 on-site spaces currently used by the Fredericksburg Square building. If the Applicant proposes an alternative parking plan that does not rely on shifting parking from the inside of the site into the historic Caroline Street block face then staff would recommend approval.

As proposed, the Planning Commission could reasonably recommend approval of the project to the City Council. If that is the will of the commission then staff recommends that the Commission consider at a minimum the conditions included in Staff's recommendation.

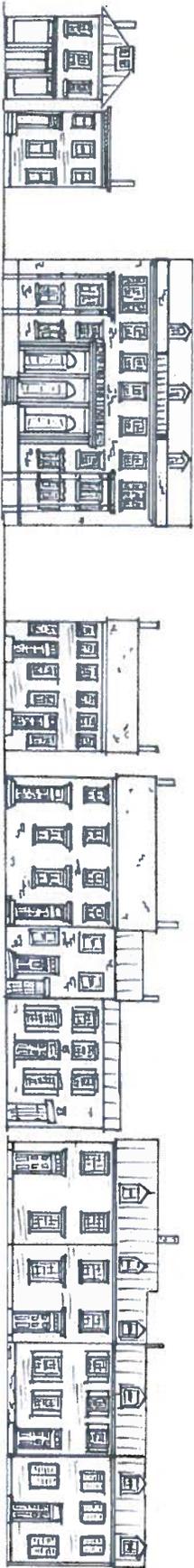
ATTACHMENTS

Exhibit A – Excerpt from Kate Schwartz’ memo
Revised General Development Plan

EXHIBIT A
Attachment E.1 – EXISTING STREETSCAPE



BLOCK FACE 1
500 BLOCK SOPHIA STREET (WEST SIDE)



BLOCK FACE 2
500 BLOCK CAROLINE STREET (EAST SIDE)

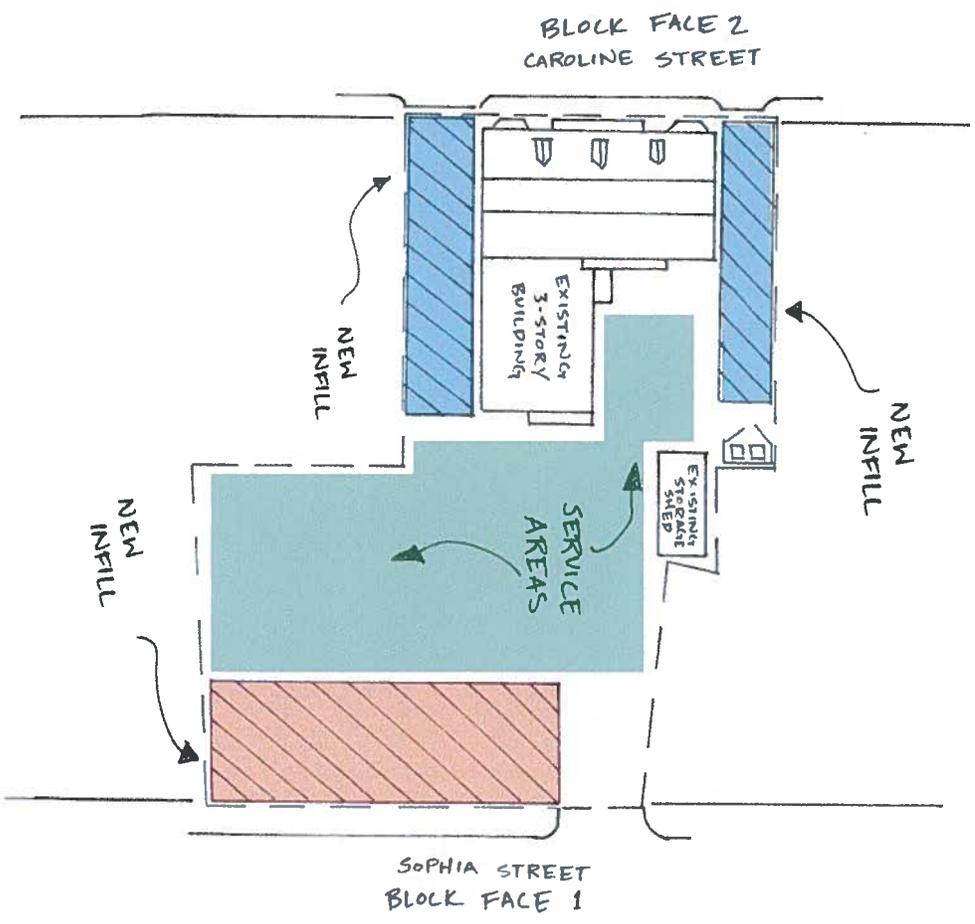
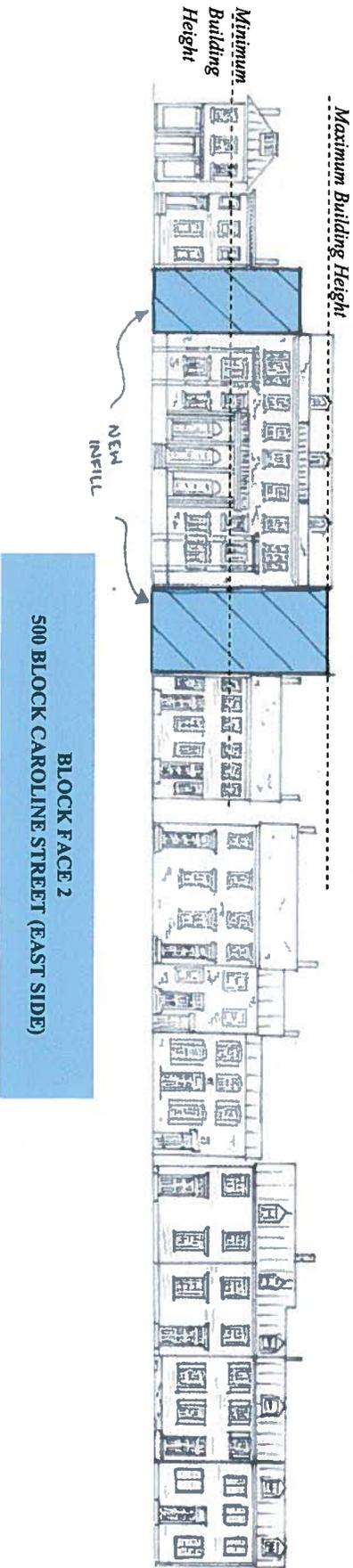
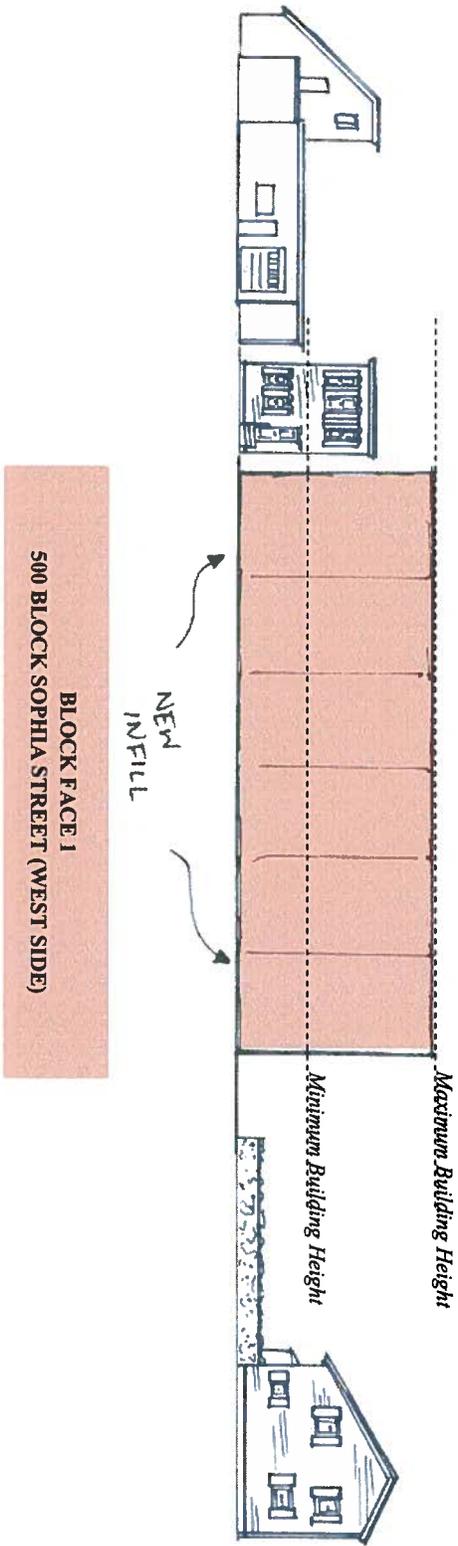
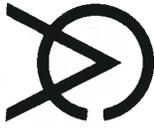


EXHIBIT A
Attachment E.2 - RECOMMENDED SITE PLANNING

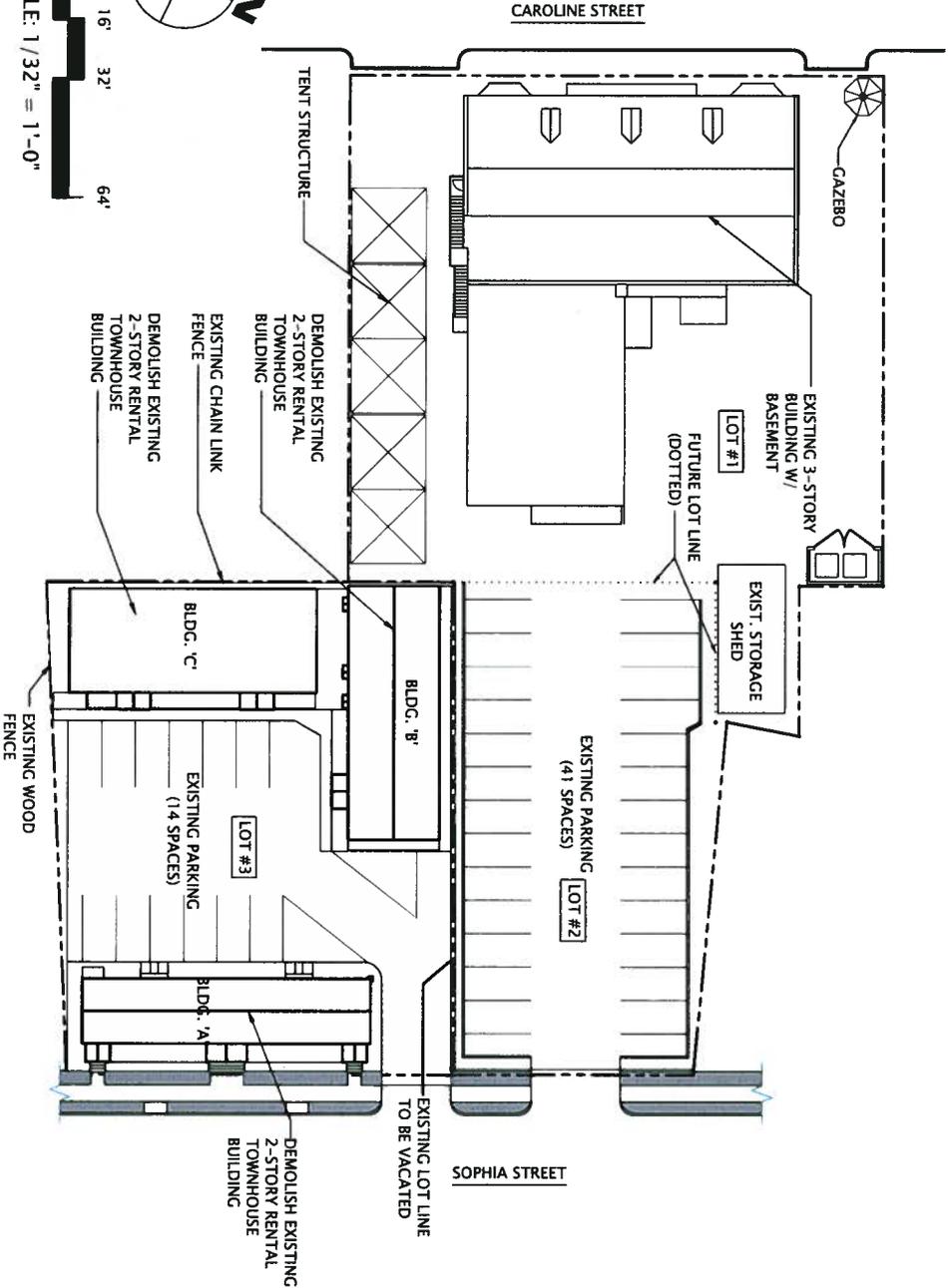
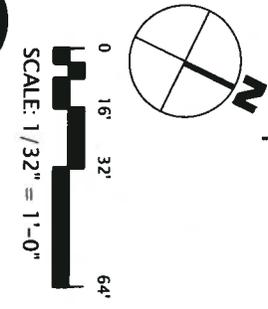
EXHIBIT A

Attachment E.3 – INFILL RECOMMENDATION





EXISTING SITE PLAN TOWNHOMES AT RIVERWALK SQUARE



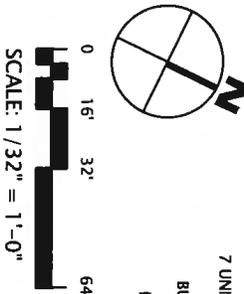
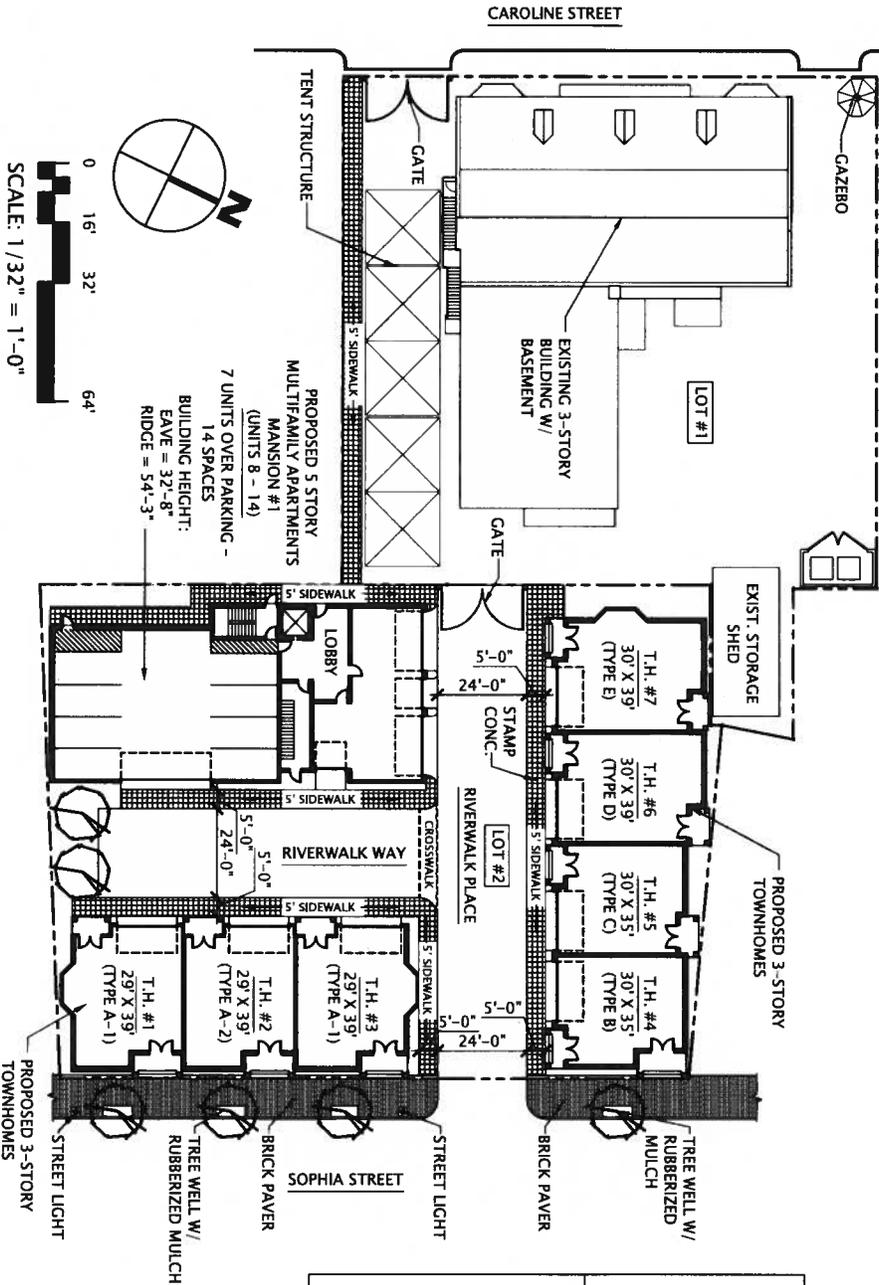
LOT #1 AND LOT#2 = 29,716 SF (0.682 ACRE)	
EXISTING 3 STORY BUILDING W/ BASEMENT	5,090 S.F.
FIRST FLOOR	6,888 S.F.
SECOND FLOOR	3,943 S.F.
THIRD FLOOR	3,698 S.F.
TOTAL	19,619 S.F.
LOT #3 = 14,097 SF (0.324 ACRE)	
EXISTING 2 STORY RENTAL TOWNHOUSE BLDGS.	
BUILDING 'A' - 4 TOWNHOUSES	1,194 S.F.
FIRST FLOOR	1,194 S.F.
SECOND FLOOR	1,194 S.F.
BUILDING 'B' - 5 TOWNHOUSES	1,496 S.F.
FIRST FLOOR	1,496 S.F.
SECOND FLOOR	1,496 S.F.
BUILDING 'C' - 4 TOWNHOUSES	1,653 S.F.
FIRST FLOOR	1,653 S.F.
SECOND FLOOR	1,653 S.F.
TOTAL:	8,686 S.F.
TOTAL TOWNHOUSES:	13 UNITS

PROPOSED SITE PLAN TOWNHOMES AT RIVERWALK SQUARE

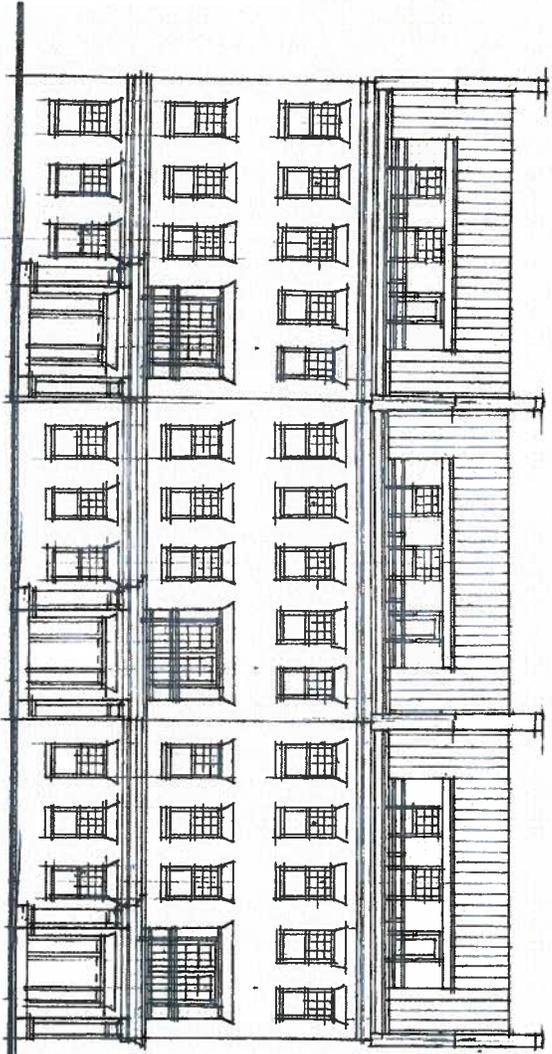
506 - 520 SOPHIA STREET, FREDERICKSBURG, VA

05/31/16

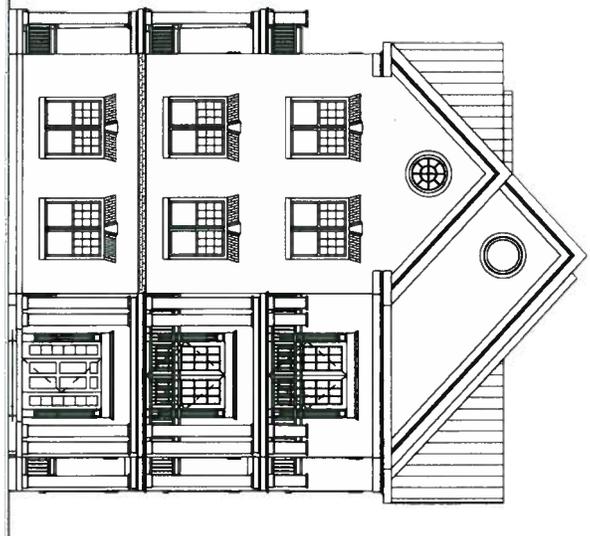
A2



LOT #1 = 20,484 SF (0.470 ACRE)	
EXISTING 3 STORY BUILDING W/ BASEMENT	5,090 S.F.
BASEMENT	6,888 S.F.
FIRST FLOOR	3,943 S.F.
SECOND FLOOR	3,698 S.F.
THIRD FLOOR	19,619 S.F.
TOTAL	
LOT #2 = 23,328 SF (0.536 ACRE)	
PARKING REQUIREMENTS:	
TOWNHOUSES: 1.5 PER D.U. X 7 UNITS =	10.5 SP.
1 PER EVERY 5 UNITS =	1.0 SP.
APARTMENTS: 1.5 PER D.U. X 7 UNITS =	10.5 SP.
1 PER EVERY 5 UNITS =	1.0 SP.
TOTAL REQ. SPACES:	23 SP.
TOTAL SPACES PROVIDED:	28 SP.



SOPHIA STREET ELEVATION



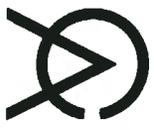
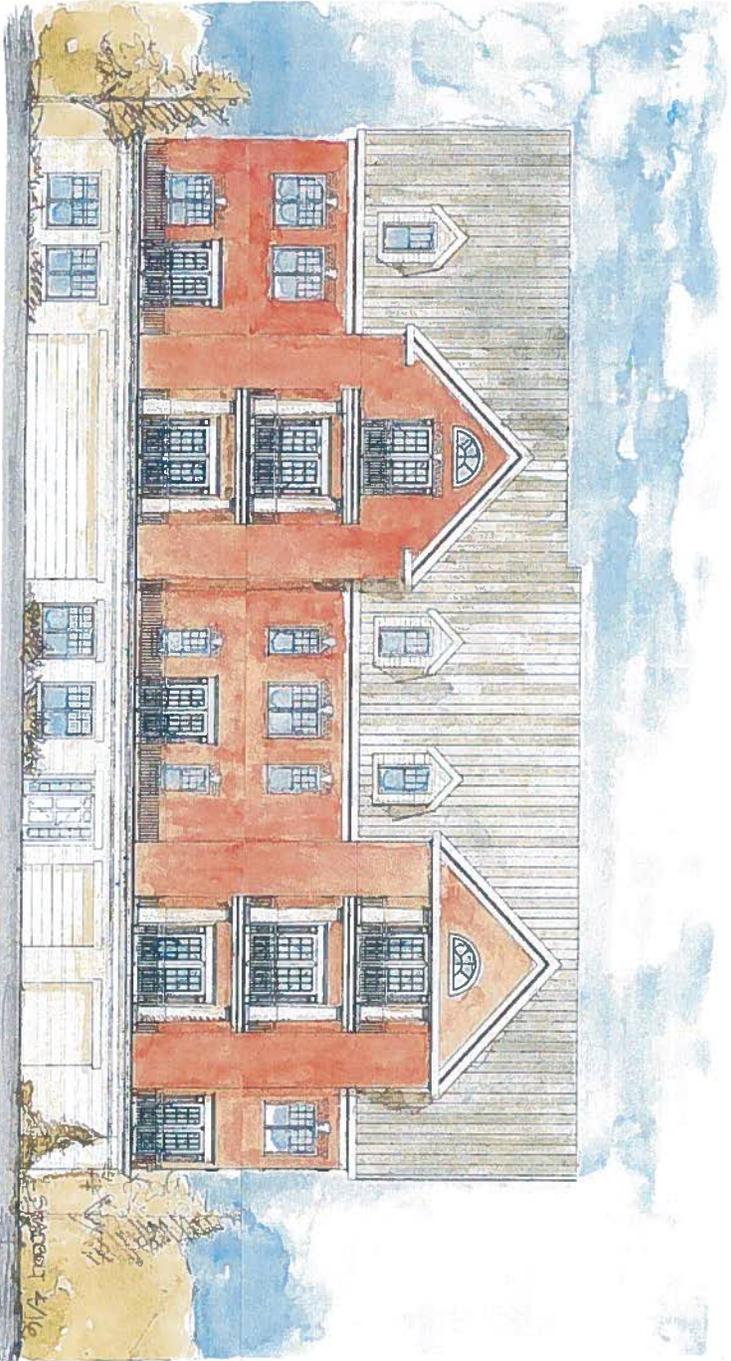
COMMONWEALTH
ARCHITECTS

ELEVATIONS
TOWNHOMES AT RIVERWALK SQUARE

FREDERICKSBURG, VA

05/31/16

A3



COMMONWEALTH
ARCHITECTS

MANSION FRONT ELEVATION
TOWNHOMES AT RIVERWALK SQUARE

506 - 520 SOPHIA STREET FREDERICKSBURG, VA

05/31/16

A4