



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL

MINUTES

Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. WILLIAM C. WITHERS, JR., VICE -MAYOR, WARD TWO
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. BRADFORD C. ELLIS, WARD ONE
HON. DR. TIMOTHY P. DUFFY, WARD THREE
HON. CHARLIE L. FRYE, JR., WARD FOUR

October 25, 2016

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, October 25, 2016, beginning at 8:03 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw, Vice-Mayor William C. Withers, Jr. and Council members Kerry P. Devine, Dr. Timothy P. Duffy, Bradford C. Ellis, Charlie L. Frye, Jr. and Matthew J. Kelly.

Also Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, City Attorney Kathleen Dooley, Community Planning and Building Development Director Charles Johnston, Zoning Administrator Michael Craig, Historic Resources Planner Kate Schwartz, Interim Economic Development Director Bill Freehling, Budget Manager Deidre Jett, Public Works Director Doug Fawcett and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D16-__ thru D16-__). The Clerk read the notice of the public hearings as they appeared in the local newspaper, the purpose being to solicit citizen input.

Resolution 16-91, Approved, Approving Certificates of Appropriateness for Site Planning, Mass and Scale, and Detailed Design of the George Street Townhouses (D16-__). 2 speakers. City Attorney Dooley

explained that the public hearing was a continuation from the September 27 public hearing and she said City Council needed to determine whether the townhomes were architecturally compatible with the historic landmarks, buildings, structures and areas within the historic district. At the September 27 meeting the applicant presented his plans for five (5) George Street Townhomes. The applicant revised the plans slightly after the September 27 meeting in response to comments he received from the public. The revised plans included a reduction in the height of the chimneys, the bay windows now match the porch and the materials list had been submitted.

Erik Nelson D16-___, 811 Brompton Street, stated that he had staffed 2/3 of the Architectural Review Board (ARB) over the years and he came to offer a few observations for the record. Mr. Nelson explained that historic district administration was a dynamic process where historic preservation occurs through private investment, with some local government oversight, meaning the seven citizens on the ARB. The ARB make decisions based on specific aspects of the City Code, which included the Secretary of the Interior's Standards for Rehabilitation. Mr. Nelson also noted that the ARB does not make decisions in work sessions. Secondly, the notices were not inadequate and he noted that public hearings were not required by State Code and thirdly, the ARB's decision was entirely consistent with the Secretary of the Interior's Standard. See **Doc 16-___** for more information.

Renee Rodriguez, 1514 Prince Edward Street, spoke in opposition of the project because of the following issues: activities in the area, other projects already approved, and parking. He felt this was creating a bigger issue in the downtown because it would be taking away needed parking.

Councilor Ellis moved approval of Resolution 16-91, approving certificates of appropriateness for site planning, mass and scale, and detailed design of the George Street townhomes; motion was seconded by Councilor Kelly.

Councilor Devine said it had been a year since the ARB voted and it was important to note how far they had come in a year and the end result was much better because of it. Councilor Devine thanked the ARB, City Manager, City Attorney, City staff and the developer for all of the hard work put into this project.

Councilor Kelly added that it had been a long process. He also said he did not want to put the blame on the developer for putting the porches on the front of the house because after discussions with preservationists and Council it was determined that it mitigated the impact on the bank with regards to scale and massing. He thought Mr. Adams, the developer was very accommodating during the process.

Councilor Ellis said the City had come a long way with this project and he look forward to supporting the project.

Vice-Mayor Withers said this was simply a difference of opinion between the Council and the ARB and he said he appreciated the work of the Board and Councilor Duffy agreed.

Councilor Frye said he appreciated the work the ARB do for the City. He added that there was only one time to get a project right.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Rezoning 20.84 Acres of Land Located on the Southside of Fall Hill Avenue, Between Briscoe Lane and I-95, from Residential R-2 to

Commercial Highway and R-12, with Conditions (D16-__). 2 speakers.

Zoning Administrator Craig summarized the project stating that this was a rezoning request for 20.84 acres. The rezoning was from R-2 to Commercial Highway (C-H) and R-12. The 20.84 acres are located between the Volvo and Mercedes dealerships and the 128 unit Hamptons at Noble apartment project to the north; Interstate 95 to the east; Briscoe Lane, farmed fields, and five single family homes and a 34 acre farm to the south west; and Fall Hill Avenue and Wegmans grocery store to the north west.

The project was generally flat with very few trees and was currently a corn field. There are a couple of wetland and a 0.11 acre farm pond and an intermittent stream. The property has access off Fall Hill Avenue via Briscoe Lane an existing public street and Noble Way. The City was currently working with the Mercedes and Volvo dealerships to obtain public access rights across Noble Way to the property. Additional access to the project would be via Noyack Lane.

The property is currently zoned R-2 which would support 42 single family homes by-right. The proposed use is 4.31 acres to be zoned C-H to the north and 16.53 acres zoned R-12. The applicant proposes to build a turn lane and taper off of Fall Hill Avenue which will connect into Noyack Lane. There will be a right-of-way dedicated with that to the City. Currently, between Fall Hill Avenue and the proposed car dealership there is a buffer and the proposed dealership plans to extend the buffer along Fall Hill Avenue. The car dealership will be 4.19 acres after the right-of-way is dedicated to the City. The dealership is shown as 20,300 square feet. Between the car dealership and the two single family homes there would be a Type "D" (an opaque buffer) fifteen (15) feet wide.

A proposed public street Shadmoor Drive, separated the project's residential and commercial sites. Shadmoor Drive would extend from the project to Noble Way. This will be a public access that the developer is proffering to build. The other side of the street is the residential side. It is proposed to have 198 total residential units on the 16.53 acres; seventy-eight (78) units will be townhomes and they will front on either public or private streets. The developer was also proposing sidewalks and curbs as well as on street parking. They will also build two private streets parallel to Briscoe Lane through the townhome project. Mr. Craig noted that two of the proposed streets align with streets in Central Park and could be connected in the future.

A 0.53 acre central open square is proposed in the middle of the residential portion of the site between the townhomes and apartments. This green will contain a 3,575 square foot clubhouse complex and pool.

The remaining 120 units will be multi-family. The units are proposed to be five three-story buildings. Between the multi-family and the single-family homes the applicant is proposing a Type "D" buffer which is not required.

The applicant also proffered ensuring there was a sidewalk connection with the Central Park sidewalk; a FRED stop to include signage and shelter; construction of a crosswalk at the intersection of Fall Hill Avenue and Gordon Shelton Boulevard; provided architectural proffers for the townhomes, multi-family buildings and the dealership; cash proffer of \$4,000 to offset the cost for the City to build two wayside panels, noting the historical significance of the area; cash proffer \$99,990 to offset the projects impacts on the fire and rescue and a cash proffer of \$900,010 to offset the impacts on the school facilities.

Mr. Craig also reviewed the compliance of the project with the City's Comprehensive Plan (Comp Plan) and the Comp Plan calls for Planned Development-Commercial (PDC) which is reserved for large scale development or offices or big box retail like Central Park. He said they reached out to Streetsense who was currently working on the market study in Areas 3 and 6 of the City and they found both Areas 3 and 6 have an oversupply of retail and would not recommend anymore. They recommend more compact and consolidated land uses. Streetsense looked at the site conditions and stated that the general site layout along Fall Hill Avenue with the 300 foot depth of commercial transitioning into residential was reasonable.

Mr. Craig said they recommend approval of the rezoning to C-H and R-12 with the proffers based on the fact that what is proposed would be permitted and desirable if it were a part of the larger Central Park PDC zoning district.

Vice-Mayor Withers expressed concern with the size of the dealership and Mr. Craig reminded him that there was a proffer for the architectural design. Mr. Withers also asked staff's opinion of the residential percentage allowed in the area and Mr. Craig explained that the residential use was below the PDC limit.

Charlie Payne (D16-__), Hirschler, Fleischer Law Firm, represented the applicant and provided a PowerPoint presentation. The presentation covered much of what was covered in the staff report and it also included the rent range from \$1,100 to \$1,400 and he provided pictures of what the project would look like. See **D16-__** for more information. Mr. Payne also addressed the concerns Vice-Mayor Withers had with the size of the car dealership. Mr. Payne said the calculations on the General

Development Plan were for the acreage only and not for plans to build the car dealership at 135,000 square feet.

Vice-Mayor Withers expressed his concern that the City might get an oversupply of townhomes because of the 100 they had previously approved and only six had been contracted. Mr. Payne said the demand was high. Vice-Mayor Withers other concern was that the City always get the apartments but never seem to get the commercial. Mr. Payne said it was a fair concern but the two car dealerships that are currently there have created a strong market in the corridor. He said the applicants were confident the apartments would be occupied. The community was building and it was a great location for people who want to live in that area. The improvements in the area and Wegmans were good attractors to the area. Vice-Mayor Withers said he was concerned that the apartments would come but he was not sure the commercial would and he said the area was too tight. He said the spacing was hugely different from other sites. Mr. Payne said a lot of thought between the adjoining property owners, auto dealership owners had gone into this project as well as getting Noble Way dedicated. He said having a full intersection would help the corridor and the businesses. Mr. Payne said the density was consistent with the Comp Plan by creating an urban feel and he said this was a good model with a good mixed use.

Councilor Frye stated he was happy to see a project that was a little mixed and not only apartments. He was also concerned with the cost of the apartments. Councilor Frye said he would like to see developer push homeownership more. He was happy to see some townhomes in the package. Mr. Payne said the townhomes were market rates but

the apartments are workforce affordable. He said the community needed to offer opportunity for a variety of housing.

Councilor Ellis stated that home ownership was not like it used to be, many people are more mobile and do not stay in one location anymore. He asked how they arrived at the rental rates. Mr. Payne explained that it must be calculated based on 60 percent of the Washington Metropolitan average median income.

Councilor Duffy said he could see some of the benefits of the project such as resolving some of the network transportation issues in the neighborhood and how the additional rooftops would help the economy, but he had reservation about the size and density of the project. He said it was important that the commercial development in the area be redeveloped because it could not sustain the big box stores in the area nor the amount of multi-family housing. Mr. Payne said future land use plans for the site for the highest and best use is 20 acres and 150 acres was more suitable for PDC use and he said putting more commercial in this location made little sense. Mr. Payne said this was not the only solution for this area but it was a very positive one. He disagreed with the comments that this area was too dense and he said the positive outweighed the negatives with this project.

Lindsey Dickenson, 703 Cornell Street, a longtime resident and business owner expressed her concern that if the Council continues to approve apartments the schools would not be able to continue to have small class sizes. She said by continually adding apartments it would add more students to the classrooms. Ms. Dickenson offered to tour the classes with the Council.

Mr. Payne addressed the concerns that the apartments would add more students. He said he spoke with the schools and they determined that the apartments would generate approximately .025 students per unit. He said the Seasons project was 24 units per acre and it generated about 25 kids and the Hamptons project was only 12 units per acre. He said the concerns were inconsistent with the facts and the numbers provided by the schools system. Mr. Payne also noted that this was the largest proffer package the City had been offered to address any impacts there may be. He added that this project was not a downtown project and it was west of I-95 and in an area that was right for redevelopment.

Vice Mayor Withers made a motion to postpone action until the November 8 meeting; motion was seconded by Councilor Devine.

Councilor Ellis noted that the City was in dialog with the schools and had earmarked money. He said the Council was aware of the need for another school.

The motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Withers, Devine, Duffy, Frye and Kelly. Nays (1). Councilor Ellis.

Resolution 16-92, Approved, Granting a Special Use Permit to Denise A. Antil for a Bed and Breakfast Inn at 1619 Sunken Road (D16-__). 2 speakers. Zoning Administrator Craig gave a summary of the bed and breakfast. He said it would be a three (3) bedroom bed and breakfast (B&B), with up to 5 guests at one time. Ms. Antil advertises on Air B&B. The home is within the College Terrace neighborhood and it is adjacent to the University. There are ten (10) parking spaces available and she only needed five (5). Ms. Antil has been operating the B&B for four (4) years without complaint. Mr. Craig said he had proposed a few conditions which

were included in the resolution.

Denise A. Antil, 1619 Sunken Road, clarified that the property was being operated as an Air B&B. Ms. Antil said she has five (5) to six (6) guests and she added that she was the longest serving Air B&B in the area.

Ryguv Mau Muhammed, 1112 Caroline Street, stated that he would like to see the Black Panther Breakfast go along with this B&B.

Vice-Mayor Withers moved approval of Resolution 16-92, granting a Special Use Permit to Denise A. Antil for a Bed and Breakfast Inn at 1619 Sunken Road and with the added condition of a three (3) year sunset clause; motion was seconded by Councilor Devine.

Councilor Devine said she knew people who had stayed at this Air B&B and had enjoyed their stay. She said this was the perfect location because it was within walking distance of downtown.

Councilor Frye suggested the City provide the Air B&B with proper advertisements for the City to share with the guests.

The motion passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Resolution 16-93, Approved, Approving a Special Use Permit Amendment for the HealthSouth Rehabilitation Hospital of Fredericksburg (D16-__). no speakers. After staff presentation Councilor Devine moved approval of Resolution 16-93, approving a Special Use Permit Amendment for the HealthSouth Rehabilitation Hospital of Fredericksburg; motion was seconded by Councilor Ellis and passed by the following recorded votes. Ayes (7).

Councilors Greenlaw, Withers, Devine, Duffy, Ellis, Frye and Kelly. Nays (0).

Adjournment. There being no more speakers to come before the Council at this time. Mayor Greenlaw declared the hearing officially adjourned at 9:34 p.m.

Mary Katherine Greenlaw, Mayor

Tonya B. Lacey, Clerk of Council, CMC

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