



Colantonio

TO: Timothy J. Baroody, City Manager
FROM: Charles Johnston, Director, Community Planning & Building Department
Erik F. Nelson, Senior Planner/Deputy Director, CPBD
DATE: November 1, 2016
RE: Comprehensive Plan and Unified Development Ordinance Amendments

ISSUE

Shall the City of Fredericksburg amend its Comprehensive Plan and Unified Development Ordinance to address new legislation from the Virginia General Assembly related to conditional rezoning proffers? The City Council initiated this process on July 12th of 2016, through Resolution 16-65, and voted on September 13th to forward this matter to the Planning Commission.

RECOMMENDATION

Approval of amendments to:

- a. the 2015 Comprehensive Plan:
 - 1. to establish Land Use Areas 1 through 8 and 10 as Small Area Comprehensive Plans that are designated for revitalization, are served by mass transit, include mixed use development, and permit a density of 3.0 floor area ratio in a portion thereof; and
 - 2. to establish policies requiring adequate public facilities and services; and
- b. the Unified Development Ordinance of the City Code to permit nonresidential development with a 3.0 Floor Area Ratio as a Special Use in the Commercial-Shopping Center, Commercial Highway, Planned Development-Commercial, and Planned Development-Medical Center Zoning Districts.

PLANNING COMMISSION MEETING

The Planning Commission held a public hearing on the proposed amendments on October 12. No member of the public offered comment. Draft Commission meeting minutes are attached. The Commission voted unanimously (one member absent) to recommend approval of the proposed Comprehensive Plan and UDO amendments

BACKGROUND

1. Comprehensive Plan Amendment re: Small Area Comprehensive Plans

During its 2016 session, the General Assembly passed a bill (SB 549) that created a new Virginia Code Section: 15.2-2303.4. This new section addresses proffers associated with conditional residential zoning applications. This proffer reform legislation restricts local authority with respect to proffers or proffer amendments for a new residential development or a new residential use. The effect of the proposed amendments will be to exempt land within the designated Land Use Areas from this proffer reform legislation. The new legislation did not change the rules related to commercial rezonings, or for special use permits, special exceptions, variances, or previously approved rezonings.

ITEM#5C

For residential development or residential uses proposed under the new law, proffers must address an impact specifically attributable to the proposed development/use. The identified impacts can be within the boundaries of a property as well as outside those boundaries if they affect directly related facilities. An applicant for a residential development/use, for instance, can offer proffers for facilities outside the property boundaries only if the development will specifically impact public transportation facilities, public safety facilities, public school facilities, or public parks and only when capacity for these facilities have already been exceeded.

However, the new law does not apply to land encompassed by an approved 'small area comprehensive plan'. A small area comprehensive plan, however, must be designated a revitalization area, encompass mass transit, include mixed use development, and allow a commercial density of at least 3.0 Floor Area Ratio in identified areas. The phrase 'small area comprehensive plan' was created in the new law and does not occur in Code of Virginia Section 15.2-2223, which is the enabling legislation for comprehensive plans. As a consequence, such designations were not part of the City's recently adopted comprehensive plan.

To address the new legislation, the City Council proposes to amend the overall comprehensive plan to identify several small area comprehensive plans. To this end, the ten planning areas identified in the current comprehensive plan have been evaluated and all, except Area 9, Braehead/National Park, have been determined as meeting the criteria stated in Section 15.2-2303.4.E and appropriate for designation as small area comprehensive plans.

Revitalization

The new Virginia Code section 15.2-2303.4.E says it: "shall not apply to residential development ... [in] ... an approved small area comprehensive plan in which the delineated area is designated as a revitalization area." The revitalization designation is to occur in the process of preparing small area comprehensive plans. Criteria to evaluate a revitalization designation would include area devoted to surface parking, the age of structures, and a low percentage of vacant parcels.

Areas with substantial portions of commercial land devoted to surface parking have revitalization opportunities that would allow the evolution of a suburban pattern of development into a more urban, mixed-use pattern. Age of structures indicates that revitalization is necessary with structural improvement or replacement. Several of the planning areas have a low percentage of vacant residential parcels, showing that most residential development will be in the form of redevelopment/revitalization. Outside of area 1, there are few vacant commercial parcels. Commercial areas that are vacant are typically adjacent to existing commercial projects and have a low-intensity suburban character. This would also indicate the potential for revitalization.

| | Planning Areas | Commercial Land Area in Surface Parking | Structure Age: pre-1980 | | Vacant Residential Parcels |
|----|-----------------------------|---|-------------------------|------------|----------------------------|
| | | | Residential | Commercial | |
| 1 | Celebrate Va / Central Park | 85% | | | |
| 2 | Fall Hill | | 81% | | |
| 3 | Plank / Rt 3 | 80% | 10% (concentrated) | | |
| 4 | Hospital/Cowan | 47% | 4% (concentrated) | | |
| 5 | University / Rt 1 | 65% | 86% | | 5% |
| 6 | Princess Anne / Rt 1 | 43% | 90% | 75% | 1% |
| 7 | Downtown | | 89% | 85% | 4% |
| 8 | Dixon / Mayfield | | 81% | | 19% |
| 9 | Braehead / National Park | | | | |
| 10 | Lafayette / Rt 1 | 75% | 66% | | 3% |

An analysis of these statistics is included in the Land Use Potential section for each planning area, as appropriate.

In addition, a study titled the *Market Analysis for the City of Fredericksburg* (October 2016) has been prepared in conjunction with more detailed planning for Areas 3 and 6. It states that the office, hotel, and retail markets for the City are generally overbuilt, except for specialized uses. It states that lower quality offerings in each of these use categories are appropriate for revitalization, either with upgraded more competitive uses of the same type or converted to different uses, such as residential.

Mass Transit

The new code section says the small area comprehensive plans are to encompass mass transit, with a specific reference to the definition in Virginia Code Section 33.2-100:

“ ‘Public transportation’ or ‘mass transit’ means passenger transportation by rubber-tired, rail, or other surface conveyance that provides shared ride services open to the general public on a regular and continuing basis. ‘Public transportation’ or ‘mass transit’ does not include school buses, charter or sight-seeing services, vehicular ferry service that serves as a link in the highway network, or human service agency or other client-restricted transportation.”

Fred Transit meets this definition. The attached map of Fred routes in the city in relation to the current Land Use Planning Areas shows all planning areas being served.

Mixed Use Development

The third criterion in the new code section is that the delineated area of each small area comprehensive plan “includes mixed use development”. The text of the 2015 Comprehensive Plan for all of the 10 planning areas shows these areas as appropriate for mixed use either by current zoning which allows mixed use or by future land use policies that provide for mixed use.

3.0 Floor Area Ratio for Commercial Development

The final criterion in the new code section is that the small area comprehensive plans “allow a density of at least 3.0 floor area ration in a portion thereof;”. The current and proposed density for commercial development is shown below:

| Current Commercial Density Limits expressed as a Floor Area Ratio | | Mixed Use | Only Commercial Use | Allowed as SU | <i>Proposed as SU</i> |
|---|-------|-----------|---------------------|---------------|------------------------------|
| Commercial/Office-Transition | CT | 0.7 | 0.5 | | |
| Commercial-Downtown | CD | 3.0 | 2.5 | | |
| Commercial-Shopping Center | C-SC | | 0.5 | | 3.0 |
| Commercial-Highway | C-H | | 0.7 | | 3.0 |
| Planned Development-Commercial | PD-C | | 1.0 | | 3.0 |
| Planned Development-Mixed Use | PD-MU | | 2.0 | 3.0 | |
| Planned Development-Medical Center | PD-MC | | 1.5 | | 3.0 |

The proposed amendments to the Unified Development Ordinance would allow a 3.0 Floor Area Ratio as a Special Use in the Commercial Shopping Center, Highway Commercial, PD-Commercial, and PD-Medical Center zoning districts.

All the Planning Areas, except for Planning Area 9, are recommended for Small Area Comprehensive Plan status. Area 9 was not included because it is primarily planned and used

for industrial purposes, not residential purposes. Only residential rezonings are the focus of the new code section.

2. Comprehensive Plan amendments to ensure Adequate Public Facilities.

The second area of comprehensive plan amendment addresses how certain public services are defined in the plan and clarifies their levels of service. This step will help to ensure that the City's public facilities and services are adequately maintained when new development occurs.

The amendments focus on the insertion of the phrases 'Adequate Public Facilities' and 'Levels of Service'. Adequate Public Facilities is a goal first formally enunciated in the late 1960s in communities experiencing rapid growth that believed they had insufficient public facilities and services for new residents. Levels of Service are a quantitative means to measure Adequate Public Facilities. This concept has long been used in evaluating transportation facilities by applying grades 'A' through 'F' to intersection capacity and efficiency. The term is also used to describe appropriate levels of school service in several documents by the Virginia Department of Education and in the Virginia Outdoors Plan for public recreation services. It can be used to evaluate public safety services by either state or federal agencies or by independent rating entities. These sources have been referenced in the amendments.

By explicitly establishing in its Comprehensive Plan the goal of adequate public facilities measured by appropriate levels of service, the City makes clear that the health, welfare, and safety of current and future residents and visitors is paramount.

3. UDO amendments: Allow a 3.0 Floor Area Ratio Density for Commercial Uses as a Special Use.

As shown above, amendments to four commercial zoning districts are proposed so as to allow a 3.0 floor area ratio for commercial activities as a special use. Provision for such density is one of the requirements that exempt areas of the City from the new proffer law. This will allow the City to be able to accept a full range of proffers for residential development.

In addition, the Virginia Code (15.2-2283.vii), states one of the purposes of zoning ordinances is: "to encourage economic development activities that provide desirable employment and enlarge the tax base;". This provision would allow the potential for more intense commercial development, thereby expanding the City's tax base. It would also allow more intensive use of the primary medical care facility in the City, allowing for expansion of health care services.

The additional density would be allowed after the issuance of a special use permit. The UDO provides nine minimum criteria for Council to use when evaluating Special Use requests:

- (a) Traffic or parking congestion;
- (b) Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;
- (c) Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;
- (d) Undue density of population or intensity of use in relation to the community facilities existing or available;
- (e) Reduction in the availability of affordable housing in the neighborhood;
- (f) Impact on school population and facilities;
- (g) Destruction of or encroachment upon conservation or historic districts;
- (h) Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and
- (i) Massing and scale of the project.

In addition, the UDO states six minimum conditions that may be imposed:

- (a) Appropriate screening, buffer planting and landscaping.
- (b) Enhanced utility, drainage, parking, sidewalk, loading and other onsite facility design requirements.
- (c) Sign standards of a stricter nature than those which apply to the district in which the proposed use is located.
- (d) Open space requirements of a stricter nature than those which apply to the district in which the proposed use is located.
- (e) Participation in off-site pro rata improvements for reasonable and necessary sewerage and drainage facilities as provided for in this section.
- (f) Other reasonable standards and criteria, as deemed necessary in the public interest to secure compliance with this chapter and the Comprehensive Plan by the City Council.

These criteria and conditions should be sufficient to ensure any development proposing a floor area ratio of up 3.0 will not unduly impact adjoining properties or public facilities.

For comparison purposes, the following Floor Area Ratios are provided:

| | | |
|--------------------------|---|------|
| 715 Princess Anne Street | City Hall | 1.09 |
| 701 Princess Anne Street | City Courthouse | 3.75 |
| 601 Caroline Street | Executive Plaza (not including parking deck property) | 3.32 |
| 215 William Street | Formerly retail and offices for Museum | 3.89 |
| 810-812 Caroline Street | Shops at 810 | 3.49 |
| 622 Caroline Street | Marriott Hotel | 3.29 |
| 1001 Sam Perry Blvd | Mary Washington Hospital | 0.31 |

Conclusion

The Virginia Code amendments creating 15.2-2303.4, which restrict local authority with respect to proffers or proffer amendments for residential rezoning applications, provide for an exemption from these restrictions in areas that meet specific criteria. With the proposed Comprehensive Plan amendments (coupled with the UDO amendments to the C-SC, C-H, PD-C, and PD-MC districts allowing commercial activities with a 3.0 Floor Area Ratio as a Special Use), 9 of the 10 Land Use Planning Areas in the 2015 Comprehensive Plan will meet these specific criteria. They will serve as “approved small area comprehensive plan[s] in which the delineated area is designated as a revitalization area, encompasses mass transit ... , includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof.” The effect of all the proposed amendments will be to exempt land within the designated Land Use Areas from this proffer reform legislation. The proposed amendments do not include Land Use Area 9, which is primarily comprised of land shown for industrial uses on the Future Land Use Map. Residential rezonings are not anticipated in this area.

The new Virginia Code section limits the discussion and acceptance of proffers to a narrow range of issues. By obtaining this exemption, the City and applicants can develop creative solutions to the potential impacts of the development of a property. It allows the City to create and protect public service capacity for vested unbuilt development, without it being absorbed by new rezoning applications. Finally, it allows for the acceptance of facilities beyond what is necessary to meet minimum standards.

Virginia Code (15.2-2200) states the intents in having land use regulations. The final item is: “that the growth of the community be consonant with the efficient and economical use of public

funds.” Adoption of these amendments will allow the City to ensure the growth will occur in a manner consistent the efficient and economic use of public funds and facilities.

Attachments:

Master list of proposed Comprehensive Plan amendments
Unified Development Ordinance Text Amendments
Maps of Planning Areas shown revitalization factors
Map of FRED transit routes and planning areas
Floor Area Ratio Examples
Planning Commission Minutes, October 12, 2016 (excerpt)

COMPREHENSIVE PLAN AMENDMENTS

October 6, 2016

| | |
|-----------------------------|---|
| Page 4, Plan Implementation | <p>Insert following last paragraph: <u>The built environment in an established and growing community experiences an ongoing process of development and redevelopment, which is commonly understood as revitalization. These terms are interchangeable within this Comprehensive Plan, to describe efforts to improve an area, to make it better, and to pursue an evolving density of uses that occurs in a growing community like Fredericksburg.</u></p> |
| Page 8, Goal 1 | <p>Provide <u>adequate public facilities and services</u>, in an efficient and effective manner, to all City residents.</p> |
| Page 27, Background | <p>Amend the second to last sentence as follows: The overall transportation system includes a coordinated hierarchy of interstate highways, regional arterial roads, local collector roads, and neighborhood streets, but the City seeks to ensure the community is accessible to all persons, by emphasizing pedestrian sidewalks and trails, bicycle facilities, and fully accessible transit, <u>all provided at safe levels of service.</u></p> |
| Page 36, Transit | <p>Amend the first sentence as follows: The City of Fredericksburg operates the FREDericksburg Regional Transit (FRED), a local bus system that <u>meets the State definition of mass transit and serves the greater Fredericksburg area.</u></p> |
| Page 50, Fire and Rescue | <p>Insert the following last paragraph: <u>The Insurance Services Office (ISO) is an independent company that analyzes data about communities nationwide and assigns a Public Protection Classification (PPC) number related to risk. Class 1 represents an exemplary fire suppression program while Class 10 indicates an area does not meet even minimal standards. The City's PPC rating is Class 3, which indicates the City Fire Department meets high standards in communications, department function, available water supply, and risk reduction efforts as defined through prevention, education, and investigation.</u></p> |
| Page 57, Goal 1 | <p>Provide <u>adequate public facilities and services</u>, in an efficient and effective manner, to all City residents.</p> |
| Page 58, Policy 5 | <p>Remove existing Policy #5 and replace with the following: <u>Work with private developers, as appropriate, to ensure that the levels of service provided by the following public facilities are maintained in accordance with standards established by the Commonwealth and the City, when new development occurs:</u></p> <ul style="list-style-type: none"> a) <u>Transportation: As noted in Chapter 3.</u> b) <u>Public safety: Maintain ISO rating of 3 Citywide</u> c) <u>Schools: As specified in criteria developed by the Fredericksburg School Board and the Virginia Department of Education.</u> d) <u>Parks: As noted in Chapter 4, page 58.</u> |

| | |
|--|---|
| Page 115, first column | Remove heading: The Land Use Plan. Insert heading from top of second column, as follows: <u>Land Use Categories and Classifications.</u> |
| Page 115, Commercial-General, brought forward to bottom of second column | Add the following to last sentence of paragraph: <u>which will include a 3.0 Floor Area Ratio.</u> |
| Page 116, Commercial-Downtown | Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio is allowed in this category.</u> |
| Page 116, Planned Development-Commercial | Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio should be allowed in this category.</u> |
| Page 116, Planned Development – Mixed Use | Insert the following sentence at end of paragraph: <u>A 3.0 Floor Area Ratio should be allowed in this category.</u> |
| Page 116, Institutional | Insert the following sentence at end of paragraph: <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u> |
| Page 116, Planned Development – Medical Center | Insert the following sentence at end of paragraph: <u>This category should allow a 3.0 Floor Area Ratio for these uses.</u> |
| Page 116, Land Use Planning Areas | Amend paragraph as follows: This Comprehensive Plan designates 10 <u>Small Area Comprehensive Planning Areas</u> , to more effectively evaluate specific conditions and to make clear recommendations for land use within the City of Fredericksburg. In this manner, the general land use principles described in this Plan can be translated into clear policies. <u>These areas are designated as revitalization areas that encompass mass transit, include mixed use development as an allowed land use, and are planned to allow for a commercial density of at least 3.0 Floor Area Ratio.</u> |
| Page 121, Land Use Potential | Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Central Park constitutes the majority of the developed commercial area in Area 1. Central Park has 85% of its area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern.</u> |
| Page 129, Land Use Potential | Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 81% of the Area 2's residential structures were built before 1980. This includes apartment buildings with multiple dwelling units. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u> |
| Page 135, Land Use Potential | Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that</u> |

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| | <p><u>encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 3 has 80% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. Only 10% of the Area 3's residential structures were built before 1980, however, these older dwellings are concentrated in two single family and one apartment neighborhood. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |
| Page 141, Land Use Potential | <p>Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 4 has 47% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. Only 4% of the Area 4's residential structures were built before 1980, however, these older dwellings are concentrated in two apartment projects with 396 units. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |
| Page 147, Land Use Potential | <p>Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 5 has 65% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 86% of the Area 5's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |
| Page 153, Land Use Potential | <p>Insert the following sentences to the end of the paragraph: <u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 6 has 43% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 90% of the area's residential structures and 75% of its commercial structures were built before 1980. Once structures reach an age of 30 to 40 years, their</u></p> |

| | |
|------------------------------|--|
| | <u>mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u> |
| Page 162, Land Use Potential | <p>Insert the following sentences to the end of the paragraph:</p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 89% of the Area 7's residential structures and 85% of its commercial structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |
| Page 166, Land Use Potential | <p>Insert the following sentences to the end of the paragraph:</p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. 81% of the Area 8's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |
| Page 174, Land Use Potential | <p>Insert the following sentences to the end of the paragraph:</p> <p><u>This section of the City is designated as a revitalization area that encompasses mass transit, includes and provides for mixed use development, and allows for a density of at least 3.0 Floor Area Ratio in certain areas. Area 10 has 75% of its commercial area devoted surface parking. This percentage indicates a low intensity suburban land use pattern with a ready potential for redevelopment and revitalization with infill development into a more intense urban pattern. 66% of the Area 10's residential structures were built before 1980. Once structures reach an age of 30 to 40 years, their mechanical systems, roofing systems, and other structural elements are need of updating or replacement, an indicator of the need for revitalization.</u></p> |



November 8, 2016
Regular Meeting
Ordinance No. 16-__

MOTION:

SECOND:

RE: **AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ADAPT TO PROFFER REFORM LEGISLATION ADOPTED BY THE 2016 VIRGINIA GENERAL ASSEMBLY**

ACTION: **APPROVED: Ayes: 0; Nays: 0**

FIRST READ: _____ SECOND READ: _____

IT IS HEREBY ORDAINED by the Fredericksburg City Council that City Code _____, " _____," is amended as follows.

I. Introduction.

The City Council adopted Resolution 16-65, to initiate this text amendment, at its meeting on July 12, 2016. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

The purpose of this amendment is to adapt the City's zoning district regulations to proffer reform legislation adopted by the 2016 Virginia General Assembly, Acts of the Assembly Ch. 322. The new legislation exempts applications for new residential development or new residential use occurring in an area within an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof. Given the City's pattern of development, and the suitability of land within certain commercial and planned zoning districts for intense commercial use, the City has identified Land Use Planning Areas and zoning districts which can meet these statutory criteria.

In making these amendments, the City Council has considered the factors in Code of Virginia 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the amendment.

II. City Code Amendment.

The City Code, Chapter 72, "Unified Development Ordinance," Article 3, "Zoning Districts," is amended as follows:

1. City Code §72-33.3, "Commercial-Shopping Center District," subsection (B), "Dimensional standards," is amended as follows:

| Standard | Residential | Nonresidential |
|-----------------------------|-------------|---|
| Nonresidential FAR, Maximum | | 0.50, <i>or</i> 3.0 by special use permit |

The remaining provisions in this subsection are not amended.

- City Code §72-32.4, “Commercial-Highway District,” subsection (B), “Dimensional standards,” is amended as follows:

| Standard | Residential | Nonresidential |
|-----------------------------|-------------|---|
| Nonresidential FAR, Maximum | | 0.70, <i>or</i> 3.0 by special use permit |

The remaining provisions in this subsection are not amended.

- City Code §72-33.2, “Planned Development-Commercial,” subsection (D), “Bulk regulations,” is amended as follows:

Sec. 72-33.2(D) Bulk regulations.

[Subsections 1 and 2 are not amended.]

- Maximum floor area ratio. The maximum floor area ratio shall be 1.00, *or* 3.0 with a special use permit.

[The remaining subsections are not amended.]

- City Code §72-33.4, “Planned Development-Medical Center,” subsection (D), “Bulk regulations,” is amended as follows:

[Subsections 1 – 4 are not amended.]

- Floor area ratio. The maximum floor area ratio shall be 1.50, *or* 3.0 with a special use permit, provided that the total project area (i.e. area prescribed to total building project boundary or development phase) for each building containing or intended to contain one or more permitted or special uses shall be at least 20,000 square feet; except that additional density regulations shall be applied as follows: [Subsections a, b, and c are not amended.]

SEC. III. Effective Date.

This ordinance is effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

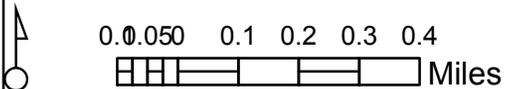
Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 16- duly adopted at a meeting of the City Council meeting held Date, 2016 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

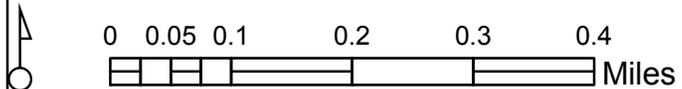
Small Area Plan - Celebrate Virginia/Central Park Revitalization Analysis Area I

-  Area I Revitalization Target (central park)
-  Commercial Zoning
-  Commercial Surface Parking - 85% of available zoned commercial land in target area



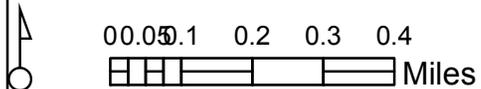
Small Area Plan - Fall Hill Avenue Revitalization Analysis Area 2

-  Residential Pre 1980 - 81% of existing residential
-  Residential Post 1980 - 19% of existing residential
-  Commercial

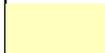


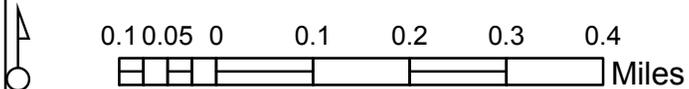
Small Area Plan - Plank Rd/Route 3 Revitalization Analysis Area 3

-  Residential Pre 1980 - 10% of existing residential structures (concentrated)
-  Residential Post 1980 - 90% of existing residential structures
-  Commercial Zoning
-  Commercial Surface Parking - 80% of available zoned commercial land



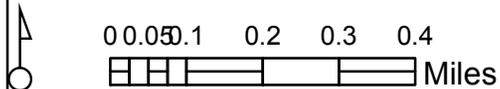
Small Area Plan - Hospital/Cowan Blvd Revitalization Analysis Area 4

-  Residential Pre 1980 - 4% of existing structures (multi family)
-  Residential Post 1980 - 96% of existing structures
-  Commercial Zoning
-  Commercial Surface Parking - 47% of available zoned commercial land



Small Area Plan - University/Route 1 (central) Revitalization Analysis Area 5

-  Residential Pre 1980 - 86% of existing structures
-  Residential Post 1980 - 14% of existing structures
-  Vacant Parcels - 5% of residential parcels
-  Commercial Zoning
-  Commercial Surface Parking - 65% of available zoned commercial parcels

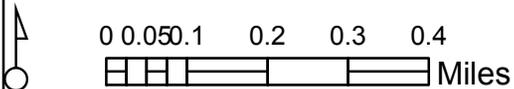
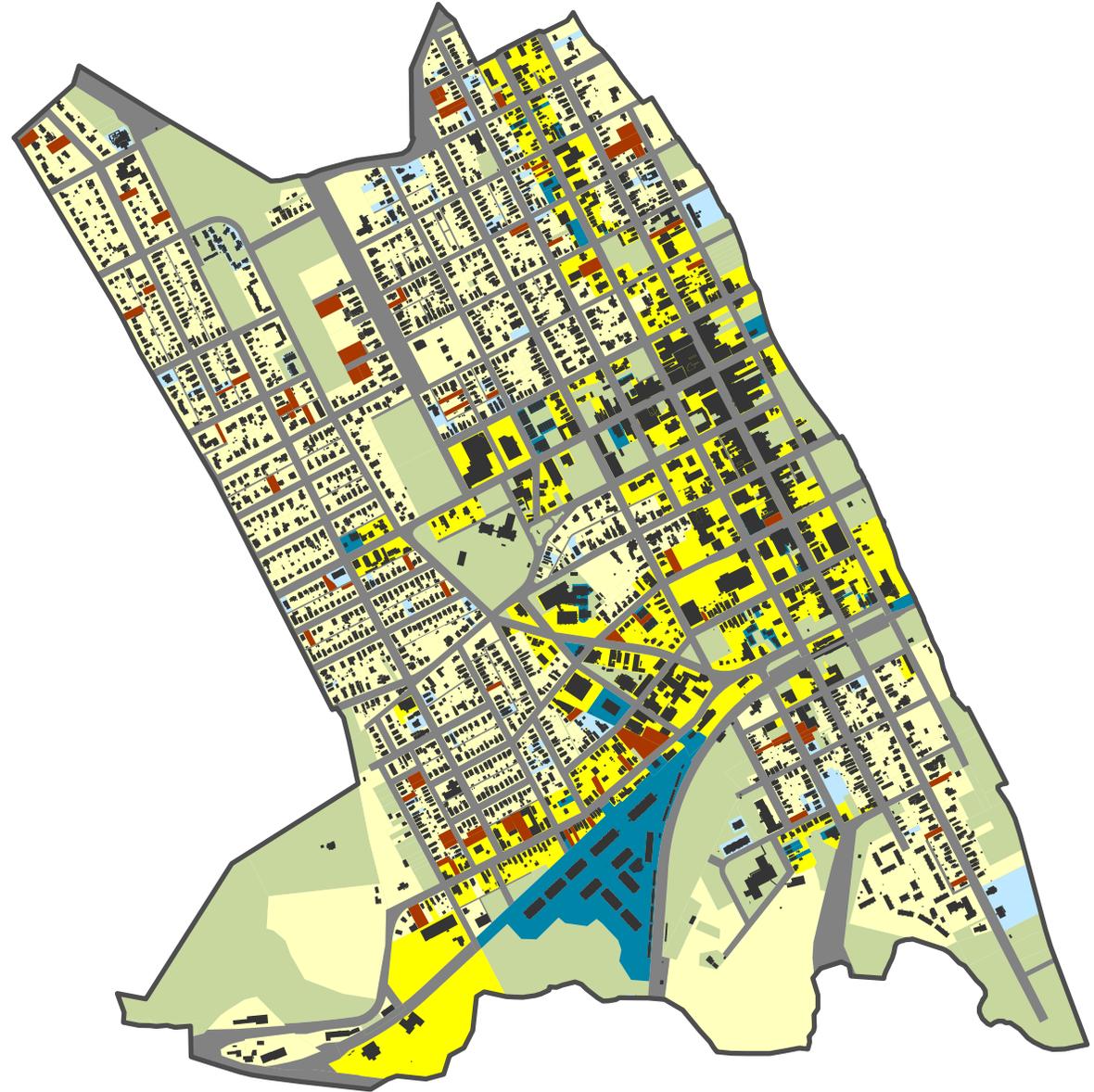


Small Area Plan - Princess Anne/Route 1 (north) Revitalization Analysis Area 6



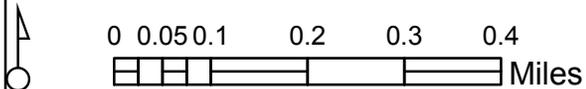
Small Area Plan - Downtown Revitalization Analysis Area 7

-  Commercial Pre 1980 - 85% of existing structures
-  Commercial Post 1980 - 15% of existing structures
-  Residential Pre 1980 - 89% of existing structures
-  Residential Post 1980 - 11% of existing structures
-  Vacant Parcels - 4% of residential parcels



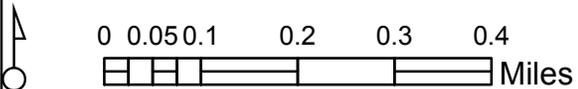
Small Area Plan - Dixon St./Mayfield Revitalization Analysis Area 8

-  Vacant Parcels - 27% of residential parcels
-  Residential Pre 1980 - 81% of existing structures
-  Residential Post 1980 - 19% of existing structures



Small Area Plan - Lafayette Blvd/Route I (south) Revitalization Analysis Area 10

- Commercial Surface Parking - 75% of available zoned commercial land
- Commercial Zoning
- Vacant Parcels - 3% of residential parcels
- Residential Pre 1980 - 66% of existing structures
- Residential Post 1980 - 34% of existing structures

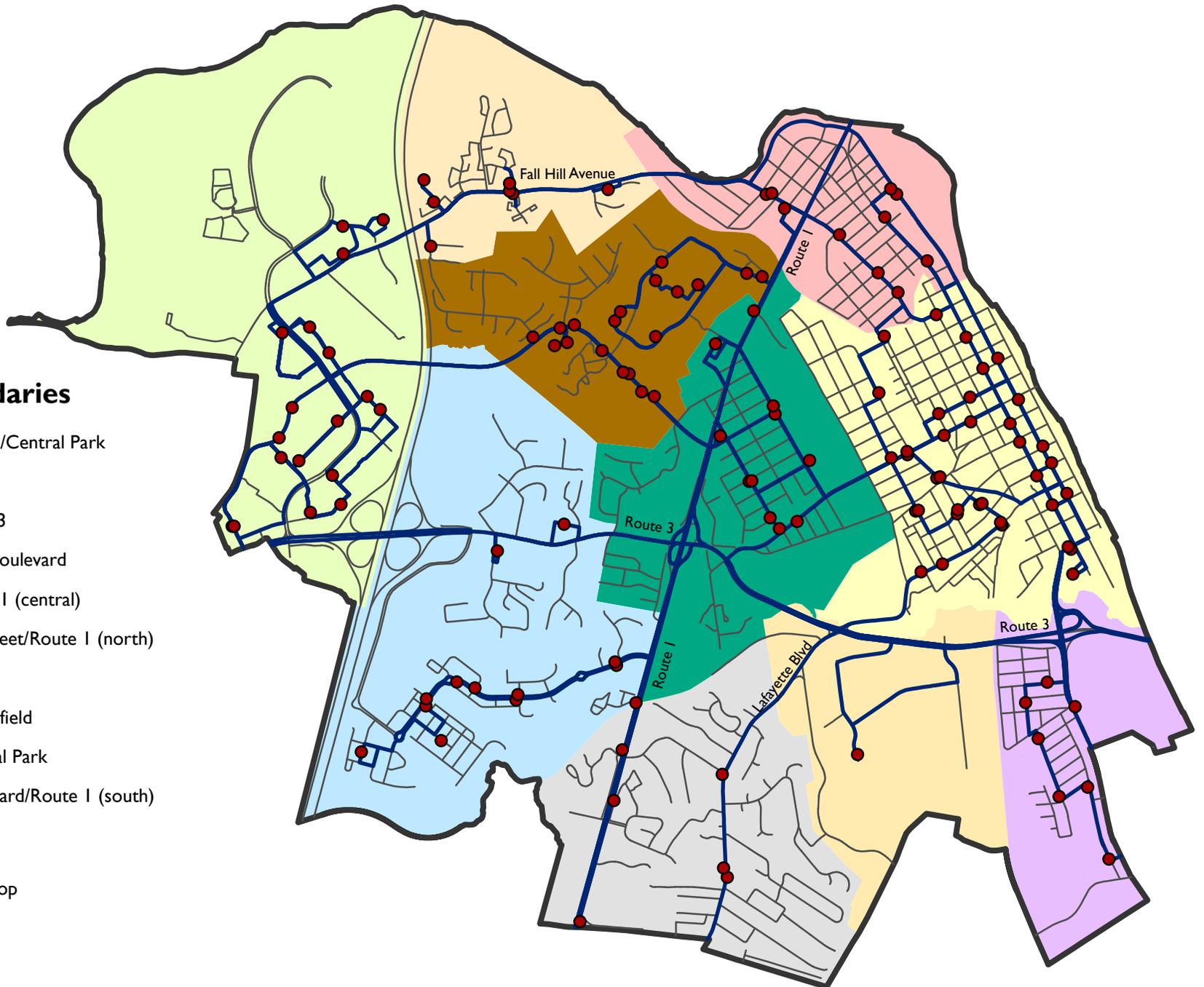


Area Plan Boundaries

-  1. Celebrate Virginia/Central Park
-  2. Fall Hill
-  3. Plank Road/Route 3
-  4. Hospital/Cowan Boulevard
-  5. University/Route 1 (central)
-  6. Princess Anne Street/Route 1 (north)
-  7. Downtown
-  8. Dixon Street/Mayfield
-  9. Breahead/National Park
-  10. Lafayette Boulevard/Route 1 (south)

Transit

-  City Fred Transit Stop
-  City Fred Routes



FLOOR AREA RATIO EXAMPLES

1. 715 Princess Anne Street – Zoned Commercial-Downtown
 - a. City Hall
 - b. 29,140 +/- building square feet
 - c. 26,837 +/- lot square feet
 - d. 1.09 FAR



2. 701 Princess Anne Street – Zoned Commercial-Downtown
 - a. Courthouse
 - b. 77,000 +/- building square feet
 - c. 20,580 +/- lot square feet
 - d. 3.75 FAR



3. 601 Caroline Street – Zoned Commercial-Downtown

- a. Office
- b. 44,000 +/- building square feet
- c. 13,250 +/- lot square feet
- d. 3.32 FAR



4. 215 William Street – Zoned Commercial-Downtown

- a. Retail / Office
- b. 10,500 +/- building square feet
- c. 2,700 +/- lot square feet
- d. 3.89 FAR



5. 810-812 Caroline Street – Zoned Commercial-Downtown

- a. Retail / Office
- b. 23,625 +/- building square feet
- c. 6,780 +/- lot square feet
- d. 3.49 FAR



6. 622 Caroline Street – Zoned Commercial-Downtown

- a. Marriott Hotel
- b. 63,683 square feet
- c. 19,331 square feet
- d. 3.29 FAR



7. 1001 Sam Perry Blvd – Zoned Planned Development-Medical Campus

- a. Mary Washington Hospital
- b. 595,500 +/- building square feet
- c. 1,925,352 +/- lot square feet
- d. 0.31 FAR



Portion of the October 12, 2016 (DRAFT) Planning Commission Minutes pertaining to the proposed Comprehensive Plan and Unified Development Text Amendments.

1. The City of Fredericksburg proposes amendments to:

- a. The 2015 Comprehensive Plan, to designate Land Use Areas 1 through 8 and 10 as areas that are appropriate for revitalization, are served by mass transit, include mixed-use development, and permit a density of 3.0 floor area ratio in a portion thereof; and to establish policies requiring adequate public facilities and services; and
- b. The Unified Development Ordinance of the City Code, to permit non-residential development with a 3.0 Floor Area Ratio as a Special Use in the Commercial-Shopping Center, Commercial Highway, Planned Development-Commercial, and Planned Development-Medical Center Zoning Districts.

The effect of these amendments will be to exempt land within the designated Land Use Areas from proffer reform legislation adopted by the 2016 Virginia General Assembly. The proffer reform legislation restricts local authority with respect to proffers or proffer amendments for a new residential development or a new residential use.

Mr. Nelson presented the staff report.

Mr. McAfee confirmed that the General Assembly has identified unique situations, such as those that exist in the City of Fredericksburg, and given us a way to exempt ourselves from this legislation and we are now taking advantage of that in the best way we are able.

Mr. Nelson said this is correct and that it is also giving the City the opportunity to put it in writing in a much clearer way.

Mr. Beavers asked if there are any negative consequences for the City taking this route.

Ms. Dooley said, no. She said she does not see any negative consequences. She said she believes it is important that the analysis is correct and she would review it substantively. She said the question is whether the Planning Commission agrees that these land use areas are in fact land areas where revitalization is a goal; that are served by mass transit; where FAR of 3.0 is appropriate; and where mixed-use development is correct. If, substantively, those facts are correct and that indeed it is our vision for the City, then she said she does not see a down-side in so stating in the Comprehensive Plan. She said the General Assembly did establish this "safe harbor" for more urbanized areas such as Fredericksburg.

Mr. Johnston said he wanted to follow along with what Ms. Dooley was saying and to look specifically at the criteria. He said if you look at the staff report, it does add substantial justification of why we believe that the various sub-areas are appropriate for revitalization.

Mr. Pates commended staff on crafting a plan that allows the City to stay in the proffer business and said he hopes to see the City continue its efforts to develop a proffer policy if this ordinance is adopted by City Council. He asked what an example would be of something that has a roughly 3.0 FAR on a commercial property.

Mr. Johnston said he believes the simplest example would be the Courthouse.

Mr. Pates said that is exactly what concerns him. By doing this, we are not just amending the Comprehensive Plan but we are also amending our zoning ordinance (UDO), so that in all of these districts where land is currently zoned for some type of commercial use, we are saying, basically, that you can fill that land up by obtaining a special use permit with something as dense as the courthouse. He said he questions whether the City really wants to do that city-wide.

Mr. McAfee said as a city, one would want increased density. He said the trend in the past has been sprawl and that is what the City is trying to get away from. He said we want increased density and want to see individual pieces of land used as efficiently as possible. He said he does not see the 3.0 FAR as a problem.

Mr. Johnston said he believes that once City Council acts on this, a proffer policy will be the very next step. He reminded Commissioners that there had been some work done on a proffer policy but that this might need to be backed up “a couple steps” because the parameters have changed slightly. He said it is his hope that a proffer policy will come forward within a matter of months after this moves forward.

Mr. Gantt said that in going along with what Mr. McAfee was saying earlier, he said that even though we have this in the ordinance, it is for flexibility purposes. He said we don't want to have something that limits the City too much and we are talking about commercial properties here. He said he would agree with Mr. McAfee's comments.

Dr. Gratz noted that there is no recommended increase in FAR for the C-T Commercial Transitional zoning district.

Mr. Johnston said the Code allows it to be a portion thereof. He said you don't have to allow it in every commercial area and that it can be just one spot within that area where we allow it. He added that the C-T zoning district is intended to be a transitional zone and a less intense commercial zoning district. He said every other planning area has at least one of these zoning districts so there was not a need to even discuss putting it in the C-T district.

There were no additional Planning Commissioner comments.

Mr. McAfee opened the floor for Public Comment.

There was no public comment.

Mr. McAfee closed the floor to public comment and asked if there as a motion.

Mr. Gantt made a motion to recommend approval of the proposed Comprehensive Plan and Unified Development text amendments, as outlined by staff.

Dr. Gratz seconded the motion.

Mr. Pates said he intends to vote for this but that he remains concerned whether the City wants a lot of this [more intense development] in the City. He said the intent is good and hopes the City Council looks at the amendments very carefully.

Motion carried by a unanimous vote of 6 – 0.