



PLANNING COMMISSION MINUTES

January 27, 2016

7:30 p.m.

**City of Fredericksburg
715 Princess Anne Street
Council Chambers**

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website: fredericksburgva.gov

MEMBERS

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

CITY STAFF

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

1. CALL TO ORDER

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

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

- January 13, 2016 Adopted – Regular Session

PUBLIC HEARING

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

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

Mr. Craig presented the staff report on the application.

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

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

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

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

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

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

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

Mr. Friesner noted the increase in commercial square footage [that would be permitted under the rezoning would increase] from 20,000 to 115,000. He asked if this is to accommodate the existing building or future construction.

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

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

Mr. Craig said yes. He said the C-D zoning district permits a 3.0 FAR. Currently, the site is restricted on I-1 to a 0.5 FAR, which is 19,230 square feet; and currently the building is bigger than that.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Pates said there ultimately needs to be an Ordinance drafted for a conditional rezoning that will be considered by the City Council. He said he thought generally that the Planning Commission and the City Council were supposed to have an Ordinance in front of them to consider [a conditional rezoning]. He said the reason for this is because there are often problems with conditional rezonings, particularly when you have

something like this, such as different parcels or a split parcel. There are often legal issues that can arise.

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Craig said the comment was based on what is proposed [by the applicant], which is to add vestibules for security purposes within the school. He said there are no plans to increase students or busses or anything with that expansion. However, he said, changing things on the larger parcel, which is currently zoned C-D, is a concern and that is why the applicants have been working through things with staff and why they have bisected this rezoning request.

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

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

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

Mr. McAfee opened the floor for public hearing.

There was no public comment.

Mr. McAfee closed the public hearing.

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

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

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

Mr. Dynes said he also supports the School, its mission and its purpose. Part of his concern, however, is that if the City puts in place a new zoning [classification] that makes it attractive for this use to change and the property used for another purpose, then the City is putting in place a financial slope that your successors may not be able to avoid because land gets developed. He said he is very concerned that the property is adjacent to a National Military Cemetery. He said he would like to see all of the conditions listed on the C-D zoned portion of this property also incorporated into the request for the I-1 to C-D rezoning if it were to move forward. He said he sees no reason why they couldn't agree to this and it would not prevent the current owners from doing what they have said they intend to do.

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

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

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

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

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

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

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

Mr. Beavers agreed.

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

Mr. McAfee opened the floor for General Public Comment.

There was no general public comment.

Mr. McAfee closed the General Public Comment.

OTHER BUSINESS

5. Planning Commissioner Comment

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

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

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

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

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

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

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

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

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

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

Mr. O'Toole seconded the motion.

Mr. Pates said he does not think the Commission should be voting on this because the Commission is not really prepared to consider this nor really qualified to make such a dollar recommendation to Council. He suggested it would be better to say that in light of this study, the Council should consider increasing the parking fee rather than giving a specific number. He said he does not know if it should be \$16,500 or \$18,500, or whatever; just because it conforms with some research that has been done, he said there are a lot of other considerations to be had. He said he feels the Commission is invading the Council's prerogative here in making a specific dollar amount recommendation. He said he believes it is worthy of discussion but he would not be prepared to vote on it this evening.

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

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

Mr. Beavers seconded the motion.

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

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

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

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

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

6. Planning Director Comments

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

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

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

ADJOURNMENT

Meeting adjourned.



Roy McAfee, Chair



CITY OF FREDERICKSBURG, VIRGINIA

ORDINANCE NO. 03-13

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

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

I. Background Information

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

*Done.
dated
4/30/07*

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

II. Official Zoning Map Amendment

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

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

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

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

III. Effective Date

This Ordinance shall become effective immediately.

First Reading: June 10, 2003

Second Reading: June 24, 2003

Approved as to Form:

James M. Pates 7/15/03
James M. Pates, City Attorney

CERTIFICATION:

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance 03-13 duly adopted at a City Council meeting held 6/24/03 at which a quorum was present and voted.

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

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

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

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

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

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

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

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

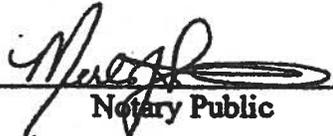
Lafayette Blvd, L.L.C.

By:

Andrew S. Garrett

Commonwealth of Virginia
County of Stafford, to-wit:

Acknowledged before me this 5th day of June, 2003.


Notary Public

My commission expires: June 30, 2006



CITY OF FREDERICKSBURG, VIRGINIA

Ordinance 02-09

Amended by
Ordinance
03-13

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

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

I. Background Information.

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

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

II. Official Zoning Map Amendment.

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

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

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

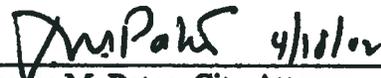
- Parcel 1 – Shown on City Tax Map 94-1 as parcel P-1, consisting of 0.0473 acres.
- Parcel 2 – Shown on City Tax Map 94-2, addressed 510 Essex Street, consisting of 1.5685 acres.
- Parcel 3 – Shown on City Tax Map 90-C as parcel P-1, consisting of 24.0342 acres.
- Parcel 4 – Shown on City Tax Map 132-1,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

III. Effective Date.

This Ordinance shall become effective immediately.

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

Approved As to Form:


James M. Pates, City Attorney

CERTIFICATION

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance 02-09 duly adopted at a City Council meeting held 4/9/02 at which a quorum was present and voted.


Deborah H. Ratliff, Clerk of Council

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

EXHIBIT 2

Proffers

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

✓1.
To me decided

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

✓2.

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

✓3.
Amended

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

✓4.

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

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

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

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

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

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