



PLANNING COMMISSION MINUTES

February 10, 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- Absent
Jim Beavers
Roy Gratz
Richard Friesner
Tom O'Toole

CITY STAFF

Mark Whitley, Asst. City Manager
Chuck Johnston, Director of CP&B Dept
Mike Craig, Zoning Administrator
Marne Sherman, Development Administrator

1. CALL TO ORDER

The February 10, 2016, Planning Commission meeting was called to order by Chairman McAfee. Mr. McAfee explained the standard meeting procedures.

2. PLEDGE of ALLEGIANCE

3. ADOPTION OF MINUTES

- January 27, 2016 - Regular Meeting - Adopted

PUBLIC HEARINGS

4. Mr. McAfee informed everyone that the originally scheduled public hearing for a **Comprehensive Plan Compliance Review** had been rescheduled for the March 9, 2016 meeting of the Planning Commission for the Fredericksburg City Public Schools request for a Comprehensive Plan Compliance Review to determine if a new public building and associated school bus parking facility is substantially in accord with the 2015 Comprehensive Plan per the Code of Virginia, Section 15.2-2232. The

facility is proposed to be located at 1100 Belman Road (GPIN 7778-99-5990) within the Battlefield Industrial Park and is zoned I-2, General Industrial.

NEW BUSINESS

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

Ms. Sherman presented the staff report on the application.

Dr. Friesner referenced the Comprehensive Plan about reclaiming alleys and asked why the previously vacated alleys were not reinstated versus vacating this portion.

Ms. Sherman said the main reason is because the existing building is in the location of the former alleys and there is no way to achieve a connection with what exists on the site today. She added that the City expects a proposal for development on this site and if it includes the removal of the building and some opportunity to reclaim those alleys, perhaps in a new location, that is something that staff is willing to work with the developer to achieve.

Mr. Johnston said he would take a slightly different view of what that Policy was trying to achieve when it talks about reclaiming alleys. He said he believes that the Policy was intended primarily for alleys that were platted in residential areas, where they have not been maintained or there have been encroachments of structures within the alleys (such as fences or small storage sheds) that have precluded the full use of the alleys. He said he believes this is more in line with the intent of the policy.

Mr. McAfee said that having been present and participated when the policy was put into the Comprehensive Plan, he agrees with Mr. Johnston with his interpretation of its intent.

Mr. Dynes said he agrees that vacating the property meets the goals of the Comprehensive Plan. However, he said he has a concern with vacating the alley without knowing what the intent is for development of the property and believes it would put the City in a position of not being able to do a proper valuation of what the property is worth, and he would like to see a proper exchange of value when the City surrenders property.

Mr. Johnston said the City does have some sense of what it is worth because [the developer] just paid several million dollars for the property.

Mr. Dynes said that is what they paid for the property but not what they will get when they sell out, which are two different points.

Ms. Sherman said the value of the property is based on current City assessments of the actual property surrounding the right-of-way to be vacated. Based on the 1016 Charles Street value it was about \$40-45 per square foot. So, she said the subject 870 square feet will be in the range of \$40,000.

Mr. Dynes asked if they are required to use that particular valuation model.

Mr. Johnston said it is a policy decision of City Council that has been recommended by the City Attorney and it is ultimately going to be their call. However, he said he could certainly point out the concerns or observations of Mr. Dynes.

Mr. McAfee said he is aware that the Planning Commission does not have the authority but said that this may be an opportunity to suggest that the money incurred from this exchange, and other exchanges, be placed in the parking fund.

Ms. Sherman said the Commission could certainly make that recommendation and she would include it in her report to City Council. She said the Commission is charged this evening with determining whether the vacation request is substantially in accord with the Comprehensive Plan. She said that how City Council chooses to dispose of the property is at their discretion, but again would mention it to Council.

Dr. Gratz made a motion to approve Resolution 16-02, which finds that the vacation of an alley on the former Free Lance-Star property at 616 Amelia Street is substantially in accord with the 2015 Comprehensive Plan.

Mr. Beavers seconded the motion.

Motion carried unanimously by a vote of 6 – 0.

GENERAL PUBLIC COMMENT

- 6. A general public comment period is provided at each regular meeting for comments by citizens regarding any matter **related to Commission business that is not listed on the Agenda for Public Hearing**. The Chair will request that speakers observe the **three-minute time limit** and yield the floor when the Clerk indicates that their time has expired. No dialogue between speakers will be permitted.*

There was no public comment.

Mr. McAfee closed the public comment period

OTHER BUSINESS

7. **Discussion and Recommendation on an upcoming Board of Zoning Appeals application:** VAR2015-02 - General Washington Executive Center, LLC (Owner) requests a variance from City Code section 72-31.5b, which states that multi-family units in the Residential 12 Zoning District must maintain a minimum of 18 feet in width. The requested variance would permit twelve 14-foot-6-inches wide multi-family units at 2217 Princess Anne Street (GPIN 7779-89-7284). 2217 Princess Anne Street is zoned Commercial Highway and residential use in the Commercial Highway zoning district is regulated by the Residential 12 dimensional standards. The property is currently used as office space.

Mr. Craig provided information regarding the variance request. He said it is the City's position that the zoning classification is not preventing the owner from using the property, which is a hardship the applicant has claimed. For this and other reasons, staff has recommended to the BZA that the variance be denied.

Mr. McAfee noted that comments had previously been submitted by Mr. Pates and asked that they be made part of the record (Attachment A).

Mr. McAfee said he wanted to reiterate something that Mr. Craig had said earlier in that the Planning Commission should refrain from viewing this variance as it would an application that falls under the purview of the Commission for a recommendation to City Council. Indeed, he said, the application has not been made to the PC for its consideration. He said the Planning Commission is simply being asked to provide the BZA with any observations or information it may have based on process.

Mr. Dynes said he had read in the staff report that the proper way to accomplish what the applicants propose to do is to go through a different process and he agrees with staff and supports staff's assessment.

Dr. Friesner said he echoed the previous comments and made a motion that the Planning Commission recommend that the Board of Zoning Appeals deny the application.

Dr. Gratz seconded the motion.

Motion carried by a vote of 6 - 0

8. **Discussion Relating to the Downtown Parking Analysis.**

Mr. McAfee reminded Commissioners that this item had been discussed at the January 27, 2016 meeting and at that time three separate motions were made and the final motion to table further discussion and a vote until this evening.

Mr. Johnston suggested that the Commission make a suggestion to Council that they study or look at the issue of raising the fee-in-lieu-of-parking amount. There are a lot of implications as to what the numbers show and what policies should be implemented as part of determining where to go forward with this whole concept of paying a fee in lieu of parking. He suggested that any motion be somewhat general in nature to allow Council some latitude. But, he said bringing it to the attention of City Council is a very appropriate thing to do.

Mr. Dynes said he was unsure procedurally of where the Commission was at this point.

Mr. McAfee said, essentially, we are starting over.

Mr. Dynes made a motion to recommend to City Council that the suggested fee for exempting oneself from a required parking space be \$16,500, based on guidance that the Planning Commission received from the Economic Development Authority.

Mr. O'Toole seconded the motion.

Dr. Friesner said he would like to make a friendly amendment to the motion, providing that instead the Planning Commission suggests City Council consider increasing the fee, instead of stating a set amount, and allow staff and the Commission to study it further.

Mr. Dynes rejected the suggested amendment, saying that he believed it was extremely important to state a hard number, and would prefer the motion to be specific in the amount. He said Council will apply their own judgment and staff will work this over anyway and his opinion is that the dollar amount needs to be much higher than it is currently and that by not stating a firm amount, we will not meet this goal.

Dr. Friesner said that although he agreed with Mr. Dynes that the fee should be increased, he did not believe the Commission had enough data points to arrive at a set figure/amount. He said the memo from Mr. Freehling was great but he believed we need additional information on, more regionally, what the cost of parking is on different levels, such as above ground versus structured parking, etc.

Dr. Friesner proposed a substitute motion that the Commission request that the City Council direct staff or the Commission to consider raising the Fee-in-Lieu

amount for parking and collecting additional data to determine the appropriate amount.

Dr. Gratz seconded the motion. He said he agreed with Dr. Friesner that the fee should be increased in light of the recent analysis provided in the memo of January 26, 2016 from Mr. Freehling, Assistant Director of Economic Development, but that determining the amount of the increase with just a few data points did not seem like a good idea at this point.

Mr. Dynes said he agreed with the sentiments of Dr. Gratz and Dr. Friesner but he preferred his motion to move forward, with a specific amount at \$16,500 per space. He said this was merely a recommendation and the Commission would not be giving direction to anyone. He said he believed whichever motion carried, the outcome would be the same but that his motion carried more information.

Dr. Friesner said regardless, he would suggest that Mr. Dynes consider amending his motion to tie his proposed fee somehow to increases in something so that as time goes on, the fee would increase

Mr. McAfee reminded Mr. Dynes that Commissioners are addressing the substitute motion made by Dr. Friesner and seconded by Dr. Gratz. He added that he did not believe the Commission has the expertise to place a set dollar amount at this time, and that he would be voting in favor of the substitute motion. He said he believed that the fee needs to be revisited and given a second look by the City Council.

Mr. McAfee called for the vote.

Motion failed by a 3 – 3 vote, with Mr. Dynes, Mr. O'Toole and Mr. Beavers voting against the substitute motion.

Mr. McAfee said the Commission is now back to the original motion made by Mr. Dynes. He asked if there was further discussion.

Mr. Dynes said he would entertain a friendly amendment, with indexing.

Dr. Friesner noted that he believes Mr. Johnston has something to add and he would like to hear it.

Mr. Johnston said that when the fee was adjusted approximately 2 years ago, there was a suggestion made by staff that we add a cost of living adjustment, but the City Attorney said that this was not appropriate because fees are to be set by Council, specifically and consciously and to insert the cost of living adjustment where fees are changed automatically would not be consistent with the legal principle she was citing. He added that he agreed that fees need to be reviewed on an ongoing basis but that he could not promise it would be every year, every other year, or every three years, etc.

There were no further comments.

Mr. McAfee called for the vote on the original motion made by Mr. Dynes.

Motion carried by a vote of 4 – 2, with Mr. McAfee and Dr. Friesner voting against the motion.

9. Planning Commissioner Comment

There was no Planning Commissioner comment.

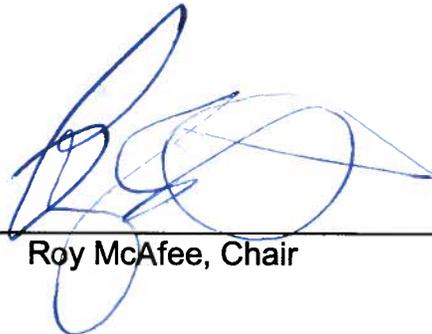
10. Planning Director Comments

Mr. Johnston provided the following:

- Update on recent City Council action. He noted that there were no items that were previously reviewed by the Planning Commission on the Council's February 9, 2016 Agenda.
- Informed Commissioners that the March 9, 2016 Planning Commission meeting Agenda would consist of a Comp Plan Compliance Review item for the School system.
- Provided an update on the status of the Mary Washington Hospital signage.
- Informed Commissioners of upcoming items/proposals that will come before the Planning Commission as they move forward:
 - A UMC Student Center facility adjacent to UMW, which will require a Special Use Permit and possibly a Special Exception; and
 - An upgrade for a "major power transmission line" that will include higher voltage and larger poles.
- Informed Commissioners of the upcoming auction of the former Fredericksburg Museum building/property on February 12, 2016.

ADJOURNMENT

Meeting adjourned.



Roy McAfee, Chair