



## **PLANNING COMMISSION MINUTES**

**March 29, 2017**

**7:30 p.m.**

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

### **MEMBERS**

Jim Pates – Chair  
Roy Gratz - Vice-Chair - Absent  
Jim Beavers, Secretary  
Kenneth Gantt  
Tom O'Toole  
Chris Hornung  
Steve Slominski

### **CITY STAFF**

Chuck Johnston, Director  
Kathleen Dooley, City Attorney  
Marne Sherman, Development Admin.  
Rob Eckstrom, Assistant City Attorney

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### **1. CALL TO ORDER**

Mr. Pates called the March 29, 2017 Planning Commission meeting to order at 7:30 p.m. He explained the meeting procedures to the public.

### **2. PLEDGE OF ALLEGIANCE**

### **3. ADOPTION OF MINUTES**

March 15, 2017 – Adopted.

### **4. DECLARATION OF CONFLICT OF INTEREST**

None.

### **PUBLIC HEARINGS (REMAINED OPEN FROM MARCH 15, 2017)**

5. **UDOTA2017-01 - The City of Fredericksburg** proposes amendments to the City Code, Chapter 72, Unified Development Ordinance to change sign regulations. The proposed regulations remove content-based provisions in accordance with the United States Supreme Court ruling in the case of *Reed v. Town of Gilbert*,

*Arizona.* The current sign regulations are to be repealed and replaced with the regulations that prescribe the area, height, number, and construction type of permitted signs, establish illumination standards, identify prohibited signs, exempt certain signs from issuance of a zoning permit, define criteria for the display of temporary signs, create new definitions, consolidate sign regulations into §72-59, consolidate sign measurement calculations into §72-82, update non-conforming sign regulations in accordance with the Code of Virginia.

Ms. Sherman presented the staff report and provided a brief PowerPoint presentation showing comparisons between the current and proposed sign codes. She touched on each of the major changes and provided a brief reason as to why it was being proposed.

Ms. Sherman noted that staff had received 24 e-mails from citizens since the public hearing opened on this item, 22 of which were in the Commission packets and two that were received this evening and were handed out to Commissioners prior to the meeting.

She said she did not recommend that the Planning Commission take action tonight, as she anticipated quite a bit of feedback from the public and the Commission. She said this additional time will allow staff to address the issues raised this evening.

Mr. Pates asked Ms. Dooley to expound upon the *Reed v. Town of Gilbert, AZ* case.

Ms. Dooley introduced Mr. Rob Eckstrom to address this request.

Mr. Rob Eckstrom, Assistant City Attorney, provided an explanation of the US Supreme Court's unanimous decision, which he said struck down a local sign ordinance that set different rules on various types of signs, depending upon their purpose and content. The Court held that this violated the First Amendment's right of free speech.

Mr. Hornung asked what led City staff to propose a change in the minimum length of time that variable message signs could display a single-image message from 8 to 5 seconds.

Ms. Sherman said she had personally timed many of these types of signs recently and she believed five seconds was adequate to promote public safety and to allow the owner of these signs to convey their messages. She said she believed going back to five seconds would make us more consistent and comparable to our neighboring jurisdictions and still be in line with State requirements that VDOT has set.

Mr. Hornung asked if staff was aware of any variable message *building* signs in the City.

Ms. Sherman said she believes there is one on the Value Place store in Central Park.

Mr. Hornung said that our current Code did not regulate that any differently than a regular building sign.

Ms. Sherman said that was correct.

Mr. Beavers noted that in the staff report provided for the Commission's previous meeting, the Commission was being asked to make a recommendation but this evening, staff has asked that no recommendation be made at this time. He asked staff why this was the case.

Ms. Sherman said staff anticipated quite a bit of public input this evening and thought it would be appropriate to allow for staff to address those comments and make updates accordingly and provide a clean draft for the Commission to vote on at its next meeting.

Mr. Hornung referenced the building outline signs. He said that at one time, these were permitted but that the current code did not permit this. He asked the reasoning for wanting to once again allow it.

Ms. Sherman said our current and previous Code prohibited anyone from outlining architecture or ornamental features of a building by the use of strings of lights or tubing of lights. She said staff recommended that it be taken out and that staff has heard concerns about this issue. She said one of the changes that the Commission will probably see in the next draft is to move that element to the illumination, or lighting section of the Code and regulate it not as a sign but under general illumination standards.

Mr. Pates asked if staff considers the outlining of a commercial building to be a sign, based on our current Code's definition of "sign."

Mr. Johnston said that he would not consider it a sign. He said it simply draws attention to a building and one could put a spotlight on a building, or paint it pink, or a variety of things to draw attention to a building but that it should not be considered as a sign. However, if the City wishes to regulate the appearance of a structure through outlining or whatever mechanism it chooses, then it should be dealt with, as Ms. Sherman said, particularly if it is being accomplished with lighting, then it ought to be dealt with in the lighting section of the Code.

Mr. Pates said he disagreed with Mr. Johnston and that under the current definition of a sign, outlining would be considered a sign. He read the current definition of what is considered a "sign:"

"Any writing, letter work or numeral, pictorial presentation, illustration or decoration, emblem, device, symbol or trademark, flag, banner, sail, costumed person, or pennant or any other device, figure or character which is:

- Employed to announce, direct attention to, identify or make known; and
- Visible from the public right-of-way or adjacent property."

Mr. Johnston said he respectfully disagreed with Mr. Pates.

Mr. Pates referenced the design standards for the two corridor overlay districts and said staff is proposing to incorporate them into the City Code.

Ms. Sherman said the design guidelines are currently referenced under the Gateway Corridor portion of the Code and says that you shall follow those guidelines, but she thought it was important for formalize those in the sign section of the ordinance.

Mr. Pates said, then, that these standards were currently "incorporated by reference."

Mr. Johnston said more obliquely they were "guidelines" so there were questions as to whether we were enforcing them or not. Are they a rule, or are they a suggestion? He

said it is staff's sense that if the City wants these enforced, they should be made part of the sign ordinance.

Mr. Pates asked how the sign ordinance is currently enforced.

Ms. Sherman said she drives around and locates signs in violation or she receives complaints, etc. Once a sign is determined to be in violation, she said she sends out a notice of violation letter, along with photos, and allows the violator a certain amount of time to comply. If the violation continues for a certain amount of time, they are then taken to court and a fine is charged, which escalates if the violation continues. She added that for the most part she has been able to get violators into conformance.

Mr. Pates said he continues to see signs that are clearly in violation of the City ordinances and that some of these people continue the violation. He noted one case in particular, on Route 3, where people stand by the side of the road every weekend advertising the Governor's Row townhouse development.

Ms. Sherman asked Mr. Pates to let her know where these signs are located and she would investigate and take appropriate action.

Mr. Gantt asked if the fines are published.

Ms. Sherman said they are defined within the City Code.

Mr. Pates opened the floor for public comment.

#### **PUBLIC COMMENT**

Ms. Cessie Howell, 6 Hunters Court, 22405. She said she was not in favor of the variable signage. She said she believed it would lessen the appeal of the Fredericksburg area, cause accidents and ruin the historic aspect of our downtown.

Mr. Preston Thayer, 1500 Prince Edward Street, 22401 said he was not in favor of the variable signs or electronic billboards. He said it would greatly detract from the gateways into the City.

Ms. Anne Little, 726 William Street, 2240, said variable signs were not appropriate for this area and allowing them will cause an escalation of distraction and unattractive signage to the point it could cause "sign wars." She said our corridors need protection against these types of intrusions.

Mr. Rupert Farley, 1305 Caroline Street, 22401, said the City would be taking a step backward if it allowed variable signage. He also said the Code was giving staff/Administrators too much latitude. He said he would like to see that staff be required to enforce the sign ordinance and not be permitted to say what they "think" is appropriate. He said he is frustrated and upset that the public did not have any input into the proposed sign ordinance revisions. He provided hand-written comments for the record (**ATTACHMENT A**).

There was no additional public comment.

Mr. Pates closed the public hearing on this item.

Ms. Sherman said she would like to receive specific feedback regarding illuminated signs and outlined ornamental features, as to whether the City should move those standards over into the Illumination Standards, and whether [illuminated signs] should be prohibited both inside and outside a building or just on the outside where it decorated the ornamental features. In addition, she said she would like to receive specific input on sail/feather signs and flags, which was a specific City Council request.

Mr. Hornung recommended that this item be tabled, as requested by City staff. He said he was concerned about a few items that have been added, as well as some things that have been taken away. He said he was not in favor of allowing lighting for building outlines and believed it should be listed as a prohibited lighting of a building. On the variable signage, he said he did not see a reason to increase the frequency of the timing for these signs. He said this was also the first time he had heard of variable-message board signs on buildings and was concerned that it creates a *de facto* box sign provision throughout the code, which he believed would be unattractive.

Mr. Johnston said one other issue to put on the table regarding building outlines was seasonal building outlines. He said this had been a challenge for the City, to determine why it was okay for seasonal lighting but not at other times. He asked Commissioners if they could provide input regarding seasonal outlining of buildings.

Mr. Beavers said it was hard to define "seasonal." Examples are, Easter, 4<sup>th</sup> of July, Christmas, and many other annually-celebrated events. He said this made it difficult.

Mr. Johnston said he agreed with Mr. Beavers and said this was why it had been a problem for the City.

Mr. Slominski asked if anyone knew the justification of allowing variable signs in four districts and not in all districts.

Mr. Johnston said it was derived from previous planning community studies, such as comments heard during public comment periods, saying such signs were inappropriate in certain areas. He said he was not present during the planning community studies, but that was his understanding.

Mr. Slominski said then it did not fall into the safety, welfare aspect of this decision and that it was more about aesthetics.

Mr. Johnston said this was probably the case.

Mr. Slominski said he would like to see variable signs prohibited throughout the City and he said he would be prepared to vote on the ordinance this evening. He said if staff believed we needed to wait to make a recommendation he was fine with that but he said he was not sure what else the Commission was going to hear or say. He asked if other Commissioners had comments.

Mr. Pates said that staff had asked for more time to work on the ordinance as a whole, but that if a Commissioner would like to make a motion on just that one piece of the ordinance, he would entertain such a motion.

Mr. Slominski said he would be happy to make a motion but asked Commissioners if they believed there were more areas of the ordinance that needed a closer look.

Mr. Beavers said he would prefer a vote on the entire ordinance once it had been finalized.

Mr. Pates said this ordinance had so many moving parts that when the Commission did decide to make a recommendation, it might want to consider it *seriatim*, or in sections.

Mr. Gantt said he was a bit concerned if the residents of the community had not had some participation in how some of these changes were brought about. He said he knew we had the public hearing process, but that he heard that there was not an actual "sit-down" with some of the residents. He said staff also asked for comments regarding sail/feather flag signs. He said he was not in favor of those types of signage in any part of the City. Regarding the seasonal lighting, he said he thought that at times when he comes downtown during the winter holiday season, he enjoyed the lights but he did not know about the timing sensitivity. He said if a "seasonal approach" was taken, that perhaps there should be a strict timeline as to when these ornamental features must come down, as well as how early they are permitted to put them up prior to any given holiday/event.

Mr. Pates said that he thought that signage was an extremely important issue for the City and he would like to look into the possibility of staff providing a tour for Commissioners to look at different types and issues involving signage.

Mr. Hornung said it was his original understanding that the current Ordinance revision was to bring our current sign ordinance into compliance. He said he was not sure how folks were notified about these changes but he said it was also important that the citizens as well as the business community [be involved]. He suggested that now that the revisions include items other than to simply bring our sign ordinance into compliance [with the Supreme Court decision], as it was originally cast, then perhaps we might want to consider receiving more input. He said he was aware that staff had spoken to some citizens and/or business owners that may be affected by these changes but he said he did not know to what extent these changes had been communicated.

Mr. Pates suggested that it might make sense for the Planning Commission to hold a work session or a public workshop.

Mr. Johnston said he was a little concerned because the City had gone through the normal, required public-notice and public-hearing process and that any action that was taken on any case could be more or less restrictive. He said this item would still go through an additional public-notice and public-hearing process as it moved forward to City Council.

Mr. Hornung said that his only concern was to the extent of what the original objective was, to bring the ordinance into compliance, and now we are tweaking other portions of the ordinance, which allows or prohibits certain signage in certain districts, and the public may not be fully aware of these changes.

Mr. Johnston said that with the exception of variable messages, what had been proposed to the Commission, posted on the City's website and distributed through our normal process [was the same] from day one.

Mr. Pates said the Commission had not really discussed this ordinance until this evening. He said there was a public hearing on March 15<sup>th</sup>, and the public commented at that time and then again this evening but that was [the full extent of the discussion].

Mr. Johnston said that Mr. Pates was correct and that the Commission and staff could talk about it again at its meeting on April 12<sup>th</sup> and again on May 10. He said he thought there had been and is ample opportunity.

Mr. Gantt said that Ms. Sherman had asked that no action be taken this evening because she has received 24 e-mails from the public and heard other comments that she believes warrants taking an additional look at the ordinance and tweaking it to make a clean and final document.

Ms. Sherman said Mr. Gantt was correct. She said she expected additional feedback this evening from Commissioners, as well as the public. She also noted that compared to the [Zoning Ordinance] text amendments she had processed in the past, this one had received the most responses from the general community, which was positive.

Mr. Slominski said, after hearing his fellow Commissioners, that he would be very comfortable to vote in favor of a motion to table action until staff had had additional time to finalize the ordinance.

Mr. Pates said he did not believe the City could underestimate the importance of a sign ordinance for a community. There was almost nothing that reflected more on the values and appearance of a community than what it allowed to be seen from the public right-of-way. He said he knew that the City had worked very hard for years to have a pretty strict sign ordinance for this very reason. He said while it was his opinion that the Supreme Court decision was overly broad, it was true that we now have to consider the content issue.

He noted there was nothing in our current Code about the use of special use permits for signs.

Ms. Sherman said that was correct.

He asked if staff had ever heard of special use permits being used elsewhere to regulate signs.

Ms. Sherman said she was aware of them used primarily with regard to height.

Mr. Pates suggested that since the City was no longer in control of the "content" of a sign, perhaps a special use permit process might be an approach that the City should consider for certain types of signage.

Mr. Pates asked if the proposed ordinance made any changes in the City's illumination standards.

Ms. Sherman said no, and that the standards are quite strict.

Mr. Pates noted that some signs in the City were extremely bright and questioned whether they met the current Code standards. On another issue, he said that trucks being parked very close to the road in shopping centers with advertising signage for that

business on the vehicle, had been prohibited, but now he sees them all over the city. He asked staff how the current and proposed law deals with this issue.

Ms. Sherman said that, currently, commercial trucks [with signage on them] parked immediately adjacent to the right-of-way are prohibited. The proposed changes maintain that prohibition. Otherwise, they are permitted on the property.

Mr. Pates asked the Assistant City Attorney if this went against the Supreme Court decision, if they are advertising a business in the shopping center and it is obviously parked there in order to advertise.

Mr. Eckstrom said, no. He said the *Town of Gilbert* decision did not have a direct ruling as to whether the City can differentiate between commercial and noncommercial speech. Lower courts that have addressed this since *Town of Gilbert* still say that commercial speech doctrine of the Supreme Court is intact and we can regulate these trucks if they are advertising.

Mr. Pates asked next about temporary signs. He asked staff to explain the definition of a "temporary" sign. He said the ordinance seems to exempt temporary signs and he has noticed that there are several "temporary signs" that have remained in place for years.

Ms. Sherman said any sign that did not receive a permit; or we do allow for temporary signs in the form of a banner sign with a permit.

Mr. Pates said "For Sale" or "For Rent" signs in the area have been up for years and have in essence become permanent signs

Mr. Johnston asked if Mr. Pates was suggesting that if a property did not sell or rent within, say, six months that they should not be permitted to continue to try to lease or sell the property?

Mr. Pates repeated that some of these signs have been up so long they have become permanent.

Mr. Johnston said this was because the City cannot regulate content.

Mr. Pates said these are not easy issues and that there are many separate ones. Another way to approach it, he said, was to ask what we think needs to be addressed in the Sign Ordinance, based on the problems that we see, etc.

Mr. Pates also referenced the "public art" issue. He asked staff to address the Commission and enlighten them on what was behind this proposed change.

Ms. Sherman asked what specific element Mr. Pates would like addressed.

Mr. Pates said that public art is not currently addressed in the ordinance.

Ms. Sherman said it is not specifically defined in the current Code.

Mr. Pates asked why there was now a need to define it and what staff thinks about a comment made at the previous meeting that "public art" should be limited only to "publicly-funded art."



Ms. Sherman said the way that it had been handled up until now was that if it was not advertising a specific commercial element or business, then it had been treated as "art." The proposed ordinance would define what is considered public art, which is one of the things talked about by staff that should be tweaked prior to the final draft being presented to the Commission. She said this was being done to ensure that it was very clear what the difference was between "art" and a "sign."

Mr. Pates said he was still struggling with the current definition of the term "sign," because in his opinion, whether you have a mural or public art, by whomever funded, it is still a sign because it is designed to draw attention to that building/business.

Mr. Pates said since the ordinance exempts so many types of signs, he wondered if the ordinance should be sent to the ARB before a recommendation since they deal daily with signs and they have a real vested interest. Also, as far as the variable message signs were concerned, he agreed with Mr. Slominski and believed they should be prohibited throughout the City. He said the ones that currently exist could be grandfathered but to prevent the proliferation of these types of signs, they need to be prohibited [for the future].

Mr. O'Toole made a motion to delete variable message signs from the ordinance.

Mr. Slominski seconded the motion.

Mr. Pates confirmed that Mr. O'Toole would like them **prohibited** in all districts.

Mr. O'Toole said, yes.

Ms. Dooley suggested that staff would like a "straw poll" of what the Commission would like to see changed in the proposed draft ordinance. She said then staff could move forward in that direction.

Mr. Pates suggested the Commission could provide the straw poll by a show of hands.

Mr. O'Toole said he was okay with whatever the Commission deemed appropriate, but that he thought it was important enough to provide this input to staff as they have requested.

Mr. Hornung said he personally did not care for electronic message signs. He said his main concern was that we have held a public hearing on these other changes. He said proposing to get rid of variable message signs was not what was advertised to the public. He asked if we were making a recommendation to amend the current ordinance now or were we recommending to strike variable message signs from the draft ordinance?

Mr. Pates asked the City Attorney what her legal opinion was on whether or not the Commission could adopt such a motion when it was not advertised.

Mr. Eckstrom said he did not have the official public notice in front of him.

Ms. Sherman said she and Mr. Eckstrom had previously discussed this prior to the March 15<sup>th</sup> Planning Commission meeting and believed [the notice] was broad enough to cover basically every element of the sign ordinance, and that it was broad enough for the

Commission to have the flexibility to make changes without further advertising at the Planning Commission level.

Mr. Gantt said he preferred to see this ordinance in totality prior to taking a vote and that he agreed with Mr. Beavers that we should hold off a vote on any of the ordinance until staff had had a chance to present a clean and final draft.

Mr. Pates said there was a motion and second on the floor.

Ms. Dooley said the Commission could simply do a straw poll, which would be a non-binding vote, in order to determine where the Commission was on various aspects of the ordinance.

Mr. O'Toole amended his motion to consist of a straw poll vote on whether the ordinance should be revised to prohibit variable message signs throughout the City.

Ms. Sherman said that if a prohibition of variable-message signs throughout the City were adopted, then any sign that exists today could remain as a non-conforming sign. Any new signs would be prohibited.

Mr. Pates called for the vote. He reminded that this was simply a straw poll vote and that it was not binding at all. If Commissioners changed their minds once the final/clean draft was presented, they could certainly do so.

The straw vote was: 3 – 3, as follows:

In favor of the motion: Mr. Pates, Mr. Slominski and Mr. O'Toole

Against the motion: Mr. Beavers, Mr. Hornung and Mr. Gantt.

- 6. UDOTA2017-02 - The City of Fredericksburg** proposes amendments to the City Code, Chapter 72, Unified Development Ordinance, Articles 1 and 2. The Article 1 amendments remove utility improvements in the public rights of way from the zoning regulations, and consolidate review authority in Public Works and the City Council. The Article 2 amendments clarify the authority of the Zoning Administrator and Development Administrator, conform application review processes to the Code of Virginia, and make technical changes throughout including to appeal periods, public notice requirements, and the development review structure.

Ms. Sherman presented the staff report. She said that as discussed in the work session held earlier in the evening, staff was requesting that this item be held over until the next Planning Commission meeting to allow staff additional time to fine-tune the two ordinances.

Mr. Pates opened the floor for Public Comment.

There was no public comment.

Mr. Pates closed the floor to public comment on this item and said this item would be deferred until the next meeting.

- 7. UDOTA2017-04 - The City of Fredericksburg** proposes amendments to:

- 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
- 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.

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. Johnston presented the staff report.

Mr. Beavers asked if the City could be putting itself in legal jeopardy by creating an ordinance that basically exempts 90% of the City from the newly-adopted proffer legislation.

Ms. Dooley said she believed the legislation was originally intended to affect large suburban areas/counties that were being overly aggressive with respect to proffers, and that cities were swept up in the bill; we (the City) were clearly included in the legislation so we have to believe that was its intent. However, she said, Fredericksburg was 10.4 square miles, densely populated and developed and the staff report for the Comprehensive Plan Amendments has been supplemented and supplemented to lay out the case for why we believe the City in fact meets the criteria that were established by the General Assembly for where the "safe harbor" was. She said she believed the City had a good record and that there had been ample opportunity for public comment, there had been public hearings, and the Comprehensive Plan was something that was uniquely the purview of the Planning Commission. A Comprehensive Plan amendment, unlike a zoning Map or text amendment, cannot be appealed to the Circuit Court. The Comprehensive Plan does belong to the citizens of the City and is a legislative document that expresses our vision for the future. She said "the rubber will hit the road" when we start receiving applications. She said she knows the City is working hard on the StreetSense project to add additional context. The Comprehensive Plan is the most important planning document that we have and conformance with the Comprehensive Plan is the best defense to any zoning or special-use permit decision that we make on individual applications, so this is extremely important and is our expression of our vision for the future of the City.

Mr. Hornung said he noticed the language "adequate public facilities," which in some places has received a negative rap for perhaps a sort of overarching sort of growth control. He said he was curious as to why this was included, and how staff envisioned applying this term in future land-use cases.

Mr. Johnston said this was another piece of this amendment that went beyond the proffer legislation. He said it has been his experience in working with the City Council that they are very concerned about land-use proposals and how they impact public

facilities. He said it seemed appropriate to him and other folks that this could be a tool or "hook" that staff, the Planning Commissioners and City Council could use when evaluating a proposal. He said staff included text that discusses levels of service and attempted to make it as specific a policy document as could be. He said to not have such language in the zoning ordinance would not be good planning practice, in his opinion.

Mr. Pates said he was a bit confused regarding the staff report. He asked what the actual Comprehensive Plan text amendment was.

Mr. Johnston said it was the 14-page document that had been provided to Commissioners previously and again this evening.

Mr. Pates opened the floor for Public Comment.

There was no public comment.

Mr. Pates closed the floor to public comment.

Mr. Pates asked the will of the Commission.

Mr. Hornung made a motion to recommend approval of the text amendment to the 2015 Comprehensive Plan

- o 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 residential use.

Mr. Gantt seconded the motion.

Motion carried by a unanimous vote of 6-0.

Mr. Hornung made a motion to recommend approval of the text amendment to the Unified Development Ordinance of the City Code

- o 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.

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. That legislation restricts local authority with respect to proffers or proffer amendments for a new residential development or a new

Mr. Gantt seconded the motion.

Motion carried by a vote of 6 – 0.

## UNFINISHED BUSINESS

### **8. Capital Improvements Plan – Final Discussion**

Mr. Johnston reviewed what Ms. Jett had provided to Commissioners previously regarding the CIP.

Mr. O'Toole made a motion to approve the CIP and to forward to City Council for its final approval.

Mr. Hornung seconded the motion.

Mr. Pates thanked the City Manager and staff for taking the Planning Commission recommendations into consideration while developing the CIP.

Motion carried by a unanimous vote of 6 – 0.

## GENERAL PUBLIC COMMENT

9. *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 general public comment.

## OTHER BUSINESS

### **10. Planning Commissioner Comments**

Mr. O'Toole said he had read in the newspaper that the City Council passed the Fredericksburg Economic Development Strategic Plan. He asked staff to provide an explanation of what this document was about.

Mr. Johnston said it was, as the title suggested, an outline of the City's economic development goals. He said it was his understanding that City Council took this action with the understanding that it be referred to the Planning Commission for its review and comment and that it would eventually be worked up as an inclusion into the Comprehensive Plan. He said the City Manager wanted this to move forward as quickly as possible, but he was sure Mr. Barody would welcome any comments of the Commission as it moves forward. He said this will be transmitted to the Commission at its April 12 meeting for review. He said the Commission would need to go through an advertising process so it would not be able to vote on it on April 12, but he would certainly transmit it to Commissioners for discussion and he could have Mr. Freehling, Director of Economic Development and Tourism, present to answer questions Commission members may have.

Mr. Hornung said that he and Mr. Slominski had attended the Certified Planning Commissioner Course earlier in the week and noted that the Planning Commission

should have a more active role in developing the CIP. He suggested that the Commission be provided a "refresher course" by Mr. Johnston or other staff in order for the Commission to be better educated when it comes to land-use decisions and how they intertwine with the CIP.

#### **11. Planning Director Comments**

Mr. Johnston said the City had recently held a ribbon cutting for its new social media programs.

Mr. Johnston said that an 81-lot subdivision (Telegraph Hill) would soon be coming before the Commission for review at its first meeting in May.

#### **ADJOURNMENT**



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**James M. Pates, Chair**

**Sign ordinance revision proposal - March 29, 2017**

Public comment – Rupert Farley

**What's good:**

Satisfies Supreme Court requirements

Maintains the prohibition of attention-getting signs in motion such as sign spinners and sign sails.

Maintains the prohibition of variable message (LED) signs in the historic district.

**What's bad:**

1. Allows outlining of building architectural elements in neon, LED, and other light strings.
2. Allows higher-frequency image changes on LED signs from 8-second cycles to 5-second cycles. The fastest cycle the state allows is 4 seconds.
3. Allows attention-getting costumed characters to dance and wave on roadsides.
4. Allows glare into eyes of motorist and pedestrians, except "gateway" signs.
5. Ambiguity in Item D of the Prohibited Signs might give too much authority to the Development Administrator. Proposed edit:  
*Variable message signs are also prohibited when the Development Administrator determines the sign constitutes a pedestrian or vehicular traffic hazard.*

**What's missing:**

- A. An expiration date for existing 5-second cycle grandfathered LED signs to conform to the newer 8-second standard.
- B. A new standard bringing message-changing LED signs to 10-second minimum cycles or more. Once every hour or even every 24 hours should be considered for a tourism-oriented town like ours.
- C. A prohibition of existing building outlining (some businesses may have received special exemption or have been grandfathered - such as the old Princess Anne Hotel) unless 100% of the lighting elements are functioning.
- D. A generous phase-out deadline for the removal of all grandfathered building outlining.
- E. A prohibition of all flashing lights directed to public rights of way, whether on a sign or not.
- F. A requirement that the Planning Department spreadsheet showing the status of enforcement activities be available on the website of the city.
- G. A requirement that future sign ordinance revisions include public input from civic, community, and neighborhood groups. The eight parties invited to give input on this revision represented several sign companies, but no community groups.