



# PLANNING COMMISSION MINUTES

September 14, 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](http://fredericksburgva.gov)

## MEMBERS

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

## CITY STAFF

Chuck Johnston, Director  
Kathleen Dooley, City Attorney

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## 1. CALL TO ORDER

The September 14, 2016, Planning Commission regular meeting was called to order by Chairman McAfee at 7:30 p.m. Mr. McAfee explained the standard meeting procedures. He also informed Commissioners and the audience that Mr. Braun had called the Planning office late in the afternoon and requested his application be postponed until a later date to allow him to submit a revised application. Mr. McAfee noted that there were a few people in the audience who had taken the time to attend the meeting to speak specifically to the Braun application and that he would allow those people to make comments, although it would not be an official public hearing on that item.

## 2. PLEDGE of ALLEGIANCE

## PUBLIC HEARINGS

- 3 **SUP2016-02 - Denise Antil (owner)**, requests a special use permit for a bed and breakfast at 1619 Sunken Road (GPIN 7779-66-9610) in the R-4 Residential (R4) Zoning District. The Comprehensive Plan designates the area where the subject properties are located as 'Medium Density

Residential,' which recommends residential development at eight units per acre.

Mr. Johnston presented the application.

Mr. McAfee noted that the staff report indicates that this B&B has already been in operation for four (4) years with no history of complaints and said he would like to Condition #5 removed for any approval of this application, which states: *"This special use permit shall expire three years after the date of adoption."*

Mr. Dynes asked why condition #5 had been included in the staff recommendation.

Mr. Johnston said the City Council had placed a similar condition on the recently approved special use permit for a B&B in the Braehead neighborhood, and staff added the same condition on this request believing that is what the Council desires. He added that there has been lengthy discussions regarding the latest Air B&B phenomenon and that the General Assembly may change the rules of B&B's as a whole. He said that these sort of time deadlines are put into play when it is a new use, which was the case with the previous application in the Braehead neighborhood.

Ms. Antil, 1619 Sunken Road (applicant) said Mr. Johnston covered all aspects of her application. She reiterated that she has a proven track record for over 4 years with this B&B operation and had only recently discovered that her B&B requires a special use permit after receiving a letter from staff.

Mr. Dynes asked if the requirement of notifying adjoining/abutting property owners had been met, and that they are aware of the application.

Mr. Johnston responded, yes property owners had been notified, a sign had been displayed on the site and a public notice appeared in the newspaper.

Mr. McAfee opened the floor for public comment.

There was no public comment.

Mr. McAfee closed the comment period on this item.

Mr. Beavers said that the City has an application before it now, and that he does not care at this point what the General Assembly "may" do, but instead, the city needs to do what it needs to do based on current regulations. He made a motion to recommend approval of the B&B special use permit request for 1619 Sunken Road, to include conditions 1 – 4 on the staff report and removing condition #5.

Dr. Gratz seconded the motion.

Mr. Dynes said he likes the instinct of being able to reign in uses that get out of hand but that the City has much more intense commercial uses to which it does not apply such a strict condition. He said to include condition #5 would discourage the owner from taking a long term point of view in terms of developing/maintaining the property for this use, because they would not know what they would be facing in three years. He said this is a difficult position to put such a business owner in and he would be voting for the motion with the removal of condition #5.

Motion carried by a unanimous vote of 6 – 0.

**4 PA2016-01 - Carl Braun DBA Highlander Companies (contract purchaser),** requests a proffer amendment from Commercial Downtown with proffered conditions to Commercial Downtown with different proffered conditions on two parcels totaling 12.2 acres at 115 Young Street (GPIN 7779-90-4958 and 7779-90-4614). The proposed zoning would repeal the existing proffers which require development of a 77,500 square foot fitness center with associated outdoor spaces and a 24,000 square foot office building. Under new proffers, the site would be developed as 110 townhomes. The revised proffers also include an alignment of the City's Visual Quality Guidelines, architectural standards, and the revision of the 100-year floodplain on the site. The proposed density is 9.0 townhomes per acre. The Commercial Downtown zoning district permits 12 units per acre for townhome development; however, maximum density is reduced by half within the Flood Hazard Overlay District, which currently comprises 7 acres of the site. The applicant proposes to raise 2.5 acres out of the floodplain through grading, resulting in a permitted density of 9.65 units per acre. The Comprehensive Plan designates the area for Commercial Downtown, which has no specific recommended residential or commercial density.

Mr. McAfee reiterated that the above mentioned application has been postponed by the applicant but that those who had taken the time to come to the meeting to speak may do so now. A few citizens had submitted written comments prior to the applicant asking for postponement. Those comments are attached as **ATTACHMENT A**, to these Minutes. The letter from Mr. Braun asking for postponement is also attached (**ATTACHMENT B**).

Mr. Braun (applicant) was present. He chose not to speak.

Mr. Philip D. Leonard, Deacon Road, Stafford, VA. He said he moved here 42 years ago. He said he had previously lived in the subject area at 514, 515 and 513 Willis Street. And, he had worked at Keene Building Components located off of Young Street. He said the traffic patterns on Lafayette Boulevard cannot

handle such a project. He said it is a terrible idea for this area and that too many homes are proposed which would adversely impact the area. The rush hour is already a living hell for anyone who has to travel Lafayette Boulevard. He asked that the City deny this project.

Melissa Colombo, 418 Bunker Hill Street, said this project creates sprawl. She said this will be detrimental to the historic resources in the area, including the VCR Heritage Trail, National Cemetery, Hazel Run, Rappahannock Watershed, which is already in really bad shape and the Chesapeake Bay Resource Management Area and encroaches on a Resource Protection Area. She said the traffic patterns on Lafayette Boulevard are already to dangerous levels and this would only impact further. She said there are no recreational areas being offered for the residents and there is a lack of proffers for city services. She said the density is too high for this area and this project should not be considered. She offered that the City should acquire the property and turn it into a recreational area for citizens to enjoy.

Brooke Farquar – 214 William Street said he is extremely concerned with the traffic impacts this project would have on the surrounding properties and Lafayette Boulevard. He said it is a very bad idea and he agrees with the previous comments made. He said he would address the Commission again once the project comes back for public hearing.

There were no additional comments.

Mr. McAfee closed this portion of the meeting.

#### **GENERAL PUBLIC COMMENT**

- 5 *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.*

Mr. McAfee opened the floor for general public comment.

There were no speakers.

Mr. McAfee closed the General Public Comment period, and moved on to New Business.

#### **OTHER BUSINESS**

- 6 **Planning Commissioner Comment - None**

## **7 Planning Director Comment**

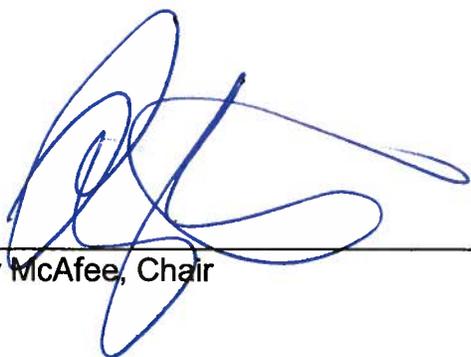
Mr. Johnston updated the Commission on recent City Council actions. He also informed Commissioners of potential projects/applications that may be coming forward in the near future.

Mr. Johnston informed commissioners of an upcoming work session regarding the Small Area Comprehensive Plans with City Council on Tuesday, September 20<sup>th</sup> at 5:30 p.m. and advised that Commissioners are welcome to attend the work session as well.

Mr. McAfee reminded Commissioners that they will be required to have their Election of Officers at the first meeting in October.

### **ADJOURNMENT**

Meeting adjourned



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Roy McAfee, Chair

To: Marne Sherman, Development Administrator

P. O. Box 7447

Fredericksburg, VA 22404

E-mail: mesherman@fredericksburgva.gov

Re: Highlander @ Hazel Run-115 Young St., Fredericksburg, VA GPIN# 7779-90-4614, 7779-90-4958

As an adjacent property owner, I would like to voice my concerns regarding the above mentioned project with its proposed proffered conditional amendment. Our property is an industrial complex, currently constituting a recycling/MRF/Transfer station as well as an Asphalt Plant. By the very nature of these operations, start time is usually very early in the morning. Having that density of town homes adjoining the facility is just asking for problems. The backup alarms, diesel engine noise, loading of trucks, will be amplified due to the difference in elevation between the two parcels, with ours being substantially higher. Also we have lost the use of almost half our property due to floodplain constraints. From personal experience I have seen that area flood and raising 2.5 acres above the floodplain level would force more damaging water over on us, potentially eroding the steep slopes up to our facilities.

Putting high end, high density residential beside heavy use industrial is not a good idea, as well as the potential problems created when the floodplain footprint is changed.

Sincerely,



W. C. Spratt

President

W. C. Spratt Recycling Inc.

Jacki King  
815 Cobblestone Blvd. Apartment 409  
Fredericksburg, VA 22401

City of Fredericksburg  
Department of Community Planning and Building  
715 Princess Anne Street  
P.O. Box 7447  
Fredericksburg, VA 22401

Re: Public Comments for PA2016-01 - Carl Braun DBA Highlander Companies

To Whom It Concerns:

This letter is to present my comments and concerns associated with the above reference rezoning:

- 1. VCR trail impacts:** The proposed development would impact the recently constructed VCR trail. This is a wonderful recreational trail that the City spent a great deal of resources to construct. It is a joy to use. The realignment of this trail will not only take away from the experience of following the historic Virginia Central Railroad alignment, but also greatly impact the peaceful aesthetics the trail design currently offers users.
- 2. Impacts on public streets:** While I understand that the proposed rezoning does not significantly alter the traffic impacts that are associated with the current zoning, I am concerned that the lack of adequate parking within the development will cause an impact on existing Willis and Young Streets with regards to parking. Most residential garages become storage facilities so it is unrealistic to believe that the townhome garages will be sufficient in addressing the parking needs of the community. I believe the current plan needs further redesign to ensure that each lot is capable of parking a minimum of 2 cars within its borders (excluding garages) and that a 3<sup>rd</sup> space is made available within a series of common parking lots inside the community. The goal is to ensure that there is adequate parking for at least 3 cars per unit within the community without having to use Willis or Young streets. Adequate parking will hopefully avoid unhappiness among residents who will live in the community. The proposed design is similar to an existing City street, Hotchkiss Place, which has plagued the City's police, fire and public works departments with citizen complaints about inadequate parking and associated residential disputes.
- 3. Impacts on the Fredericksburg National Park:** I'm concerned about the various impacts the new development could have upon the nearby Fredericksburg Battlefield Park and National Cemetery. While I understand that this land will ultimately be developed at some point, are 110 townhomes really the best compliment to the National Park experience? Is a cluster of

townhomes the view we wish our visitors to have when they reach the top of the National Cemetery and look out over Lafayette Boulevard?

- 4. Why townhomes?** According to the public notice, the current proffers call for a fitness center and office complex. While I understand economics may have changed since the original proffers were made, why does the City need to repeal the proffers to allow townhomes, which will only add to the City's burden on public services. If the proffers are to be changed, why not change them to allow some type of open space area, or at least significantly reduce the unit density to accommodate a more attractive development that will compliment this area of the City, adjacent to the battlefield park.

Thank you for the opportunity to offer my comments and concerns on the proposed rezoning of the above referenced property. I trust the Planning Commission will consider denying the proposed rezoning until a better development plan can be achieved for the property.

Sincerely,



Jacki King

## Robin Martin

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**From:** Marne E. Sherman  
**Sent:** Wednesday, September 14, 2016 10:31 AM  
**To:** Joan McLaughlin; Roarke Anderson  
**Cc:** Dana Herlong; Michael J. Craig; Charles R. Johnston; Robin Martin  
**Subject:** RE: Employment Resources Inc

Dear Ms. McLaughlin,

By this email, I am forwarding your message to Michael Craig, who is out of the office this week but handling the proffer amendment case. I am also forwarding it to Chuck Johnston, who will be handling the presentation tonight. In case there is any confusion, the preliminary plat is not being reviewed by the Planning Commission at this time. The item before them is strictly regarding the proffer amendment.

I will also ask Robin Martin to provide your comments to the Planning Commission but encourage you to attend tonight's meeting (7:30 pm in Council Chambers) to provide input during the public hearing. There will be a future opportunity for public input at the City Council meeting, which you will receive notice for once scheduled and following action by the PC.

Please let me know if you have any questions.

Marne

**From:** Joan McLaughlin [<mailto:jmclaughlin48@eri-va.com>]  
**Sent:** Wednesday, September 14, 2016 9:57 AM  
**To:** Roarke Anderson; Marne E. Sherman  
**Cc:** Dana Herlong  
**Subject:** FW: Employment Resources Inc

I reviewed the new proposal for the Highlander Project that will be presented to the Planning Commission this evening. I did not see any reference to my input from February.

Please advise.

Joan P McLaughlin

**From:** Joan McLaughlin  
**Sent:** Tuesday, February 23, 2016 3:40 PM  
**To:** 'Marne E. Sherman' <[msherman@fredericksburgva.gov](mailto:msherman@fredericksburgva.gov)>  
**Subject:** Employment Resources Inc

Hi Marne,

Thank you for all the help you have given ERI over the past few years. I have some thoughts to share related to the proposed Highlander project and wanted to submit them since the project has been presented unsuccessfully for the second time. Please see my notes below. I have been working with Dana Herlong, so most of the technical comments were as a result of my conversation with Dana.

Highlander Park Review Comments  
Preliminary Subdivision Plat

Employment Resources Inc. briefly reviewed the application documents dated 02/13/2015. We state our concern that the proposed project will certainly impact our secured campus vision, imposing unanticipated security criteria and requiring

modifications to the ERI campus master planning efforts. We share several comments and concerns with the proposed plan:

1. **Campus security and individual safety of this special needs school are paramount for staff, students and all users.**
2. High residential density adjacent to a special needs school introduces many concerns.
3. The planned residential development encroaches along the Campus southern common boundary line, without any setbacks, buffers, fencing, or privacy measures.
4. Relocation of the established VCR Trail to within a one foot setback of the ERI property line, invites the public to access and to recreate within a twelve foot clear distance between residential building structures and the school campus. Trail Detail is not consistent with the plan.
5. Proposed changes to the existing topographies and effects on neighboring properties are not undefined. Slope conditions depicted as greater than 25% are concerns.
6. Transportation and circulation issues warrant comments.
7. Vehicle traffic for residents alone are predicting 224 parking spaces. Traffic studies should result in much higher use and issues.
8. The site plan proposes all vehicular traffic ingress and egress from Lafayette Boulevard via the existing Young Street and Willis Street. No roadway improvements are noted.
9. The undefined off-site westerly extension of Willis Street to Lafayette presents concerns.
10. Pedestrian circulation, sidewalks and lighting are potential issues.
11. Descriptions of the residential units are not defined, ie: structures, finish grades, number of floors, notation of 50' max height, etc.
12. Quality of the housing development is not defined.
13. "A deviation has been requested for Section 72-41.1 to reduce the 15 foot separation from single family attached buildings to driveways, parking areas, and or walkways."
14. Current Zoning: "C-D Zoning, with Proffers." Unknown proffers may be a concern.
15. "Site Specific Note 7. The 100-Year Floodplain does encroach on this property, and the site is in the Flood Zone."
16. "Site Note 9. The critical Resource Protection Area (CRPA) does encroach onto this site."
17. Survey, Sheet 7 of 7, incorrectly identifies the ERI property with previous owner's info.

This shared list is general in content, and not intended to be complete.

While I realize this development is projected to be resubmitted, I wanted to contact you with my thoughts.

Sincerely,

Joan

Joan P. McLaughlin  
President  
Employment Resources Incorporated  
P.O. Box 801  
404 Willis Street  
Fredericksburg, Virginia 22401  
540-372-6710 x115.

Please visit our website at [www.eri-va.com](http://www.eri-va.com)

Attachment B

# Highland Companies

September 14, 2016

Mr. Chuck Johnson  
Director of Planning  
City of Fredericksburg  
715 Princess Anne St  
Fredericksburg, VA 22401

Dear Mr. Johnson,

Per our earlier conversation regarding the public hearing tonight at the Planning Commission, I request that Planning Commission postpone the public hearing until the next public hearing in October, approximately 30 days from now. This postponement will allow us time to finalize a site plan revision that addresses nearly all if not all of the staff's comments on the current site plan proposal. The revision will minimize the relocation of the trail and more importantly achieves the rear entry garage units and more of a grid pattern design that staff has requested over the course of the project review.

Having said this, I want again to reiterate the strong points of our project which include reducing traffic by over 75%, creating a catalyst for continued redevelopment on Lafayette Blvd, and a better viewshed for the National Park than the viewshed of the currently approved plan.

Thank you for accommodating our request and I look forward to presenting you the plan on Monday.

Best Regards,



Carl Braun