



## MEMORANDUM

TO: Chairman Gratz and Members of the Planning Commission  
FROM: Raymond P. Ocel, Jr. Director of Planning and Community Development *RP*  
DATE: October 12, 2011/October 26, 2011/December 14, 2011/January 11, 2012  
SUBJECT: RZ 2011-02: Rezoning of Properties Located to the north, south and southwest of the Downtown Area.

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### JANUARY 11<sup>TH</sup> ADDENDUM:

At the December 14<sup>th</sup> public hearing, Commission members heard from 12 members of the public who spoke in regard to this rezoning proposal. Comments from each of the speakers are recorded in the minutes from the meeting, so they will not be repeated in the staff memo.

Staff continues to support the rezoning proposal and noted in the staff memo and during the December 14<sup>th</sup> meeting that the Planning Commission may want to consider omitting the three City owned properties in regard to the concerns raised by residents of the adjoining neighborhood.

Comments made by Commission members regarding the three City owned properties during the comment period, indicated a desire to not include the three City owned properties in its recommendation to the City Council. Staff continues to support omitting the three City owned properties at this time. Many of the public comments also support considering rezoning these three properties in the future.

While the staff memo provides the background and framework for this rezoning, Mr. Tremblay additionally notes that the rezoning will:

- Strengthen the vitality and sustainability of the downtown area by expanding its effective boundary for allowable land uses (mixed use buildings, multi-family residential, array of retail and service businesses and structured parking).
- Implement the Jumpstart! Vision for Downtown and the Train Station District by providing for the applicable intensity of development and mix of uses.
- Implement the vision of the Arts and Cultural District by allowing the targeted uses throughout the district.
- Facilitate the renovation of historic buildings by allowing economic uses.
- Expand the effective reach of the Downtown Tourism Zone business development program.

## **BACKGROUND:**

This is a City initiated proposal to amend the zoning map to rezone a portion of a block of Caroline Street between Amelia and Lewis, and the area bounded by Lafayette Boulevard, the Rappahannock River, Frederick Street, Jackson Street and Kenmore Avenue from Commercial Transitional C-T, R-8, Residential and Light Intensity Industrial (I-1), to Commercial Downtown (C-D), (See attachment 1) Properties bounded by the CSX railroad tracks, Frederick Street, the Rappahannock River and Charles Street are included in the Railroad Station Overlay District. This overlay district was established to facilitate development, redevelopment, and street geometry patterns that are consistent and compatible with each other and with existing development within this four block area.

Please note that based upon previous discussions, that two properties at the corner of Lewis Street and Sophia Street have been added to the area north of the downtown. In addition, four properties have been included that lie directly south of Frederick Street. They are most commonly known as the Old Coffee Warehouse (the block between Princess Anne St and Charles Street), and the Old Meat Locker (in the block between Charles Street and Prince Edward Street).

At the October 12<sup>th</sup> public hearing, many of the public comments were in regard to wanting more information, including a comparison of the C-D and C-T zoning district regulations. To that end, staff prepared a matrix, comparing the existing and proposed uses permitted by right and by special use permit in the C-D, C-T and I-1 zoning districts. In addition, a matrix comparing the bulk regulations in the C-T and C-D districts has also been developed. (See attachment 2) Public comments also indicted a strong desire to not include the two City owned properties adjacent to the train station.

The Comprehensive Plan, the Downtown/Princess Anne Street Tourism Zone, and the Jumpstart Plan encourage investment in tourism and technology related businesses, as well as the visual and performing arts in the downtown area. The subject properties are zoned C-T, R-8, and I-1 and the zoning designation of these properties are proposed to be amended to insure conformity with the goals and policies of the Comprehensive Plan, the Jumpstart Plan, the Arts and Cultural District as well as the Tourism Zone ordinances. The C-D zoning designation is a more appropriate zoning to accomplish these goals and policies, than the current C-T, R-8, and I-1.

The Arts and Cultural District (See attachment 3) was established to implement both Comprehensive Plan and Jumpstart Plan as these documents list “active arts community” as a current strength of the Downtown Commercial District. Chapter 3 of the Comprehensive Plan recites the value of the downtown as the center for local arts and as an evening venue for entertainment, and identifies the active arts community as one of the many strengths of the Downtown Commercial District.

A vibrant arts and cultural community contributes to the life and character of the City, and the economic, social, educational, and intellectual impacts of public and private

investment in the arts are well documented. The Virginia General Assembly has authorized localities to establish an arts and cultural district for the purpose of increasing awareness and support for the arts and culture in the locality, and to provide incentives for the support and creation of arts and cultural venues in the district.

The purpose of the arts and cultural district is to attract new arts and cultural venues, support existing arts and cultural venues, and to encourage the expansion of existing venues in the downtown area. These new, existing, and expanded venues will increase the City's reputation and market presence as a regional destination for arts and cultural activities, as well as the opportunities and benefits to City residents of arts and cultural offerings.

The creation of tourism zones (See attachment 4) was also implemented to attract new investment in the City. State law authorizes the City to adopt tourism zones, in which economic incentives and regulatory flexibility are offered to targeted businesses. The purpose of the zones is to attract business investment and job creation. The Jumpstart final report encourages the City to attract development and new businesses through economic incentive and other strategies that create a more business friendly environment.

#### ANALYSIS:

In determining whether to adopt a zoning map amendment, the Planning Commission and the City Council shall only approve those amendments that are:

- 1. Required by public necessity, convenience, general welfare, or good zoning practice;**

The intent section of the C-D district states that the district is established to promote harmonious development, redevelopment and rehabilitation of uses in the commercial area of the Old and Historic Fredericksburg District. The regulations of this district are intended to implement the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area.

The corresponding uses permitted by right and by special use permit contribute towards meeting the intent of the district. A companion Zoning Ordinance Text Amendment proposes to add several uses to this district, including making an arts center a use by right as opposed to a special use permit. The uses are proposed to be permitted by right in the downtown district because such uses are an integral component of the downtown area, and their establishment will assist in meeting the goal of supporting a mix of uses in the downtown district, as well as expanding opportunities for the arts community.

Good zoning practice dictates that the properties noted in these two areas, be rezoned to the C-D zoning designation to meet goals and policies of the Comprehensive Plan, the Jumpstart Plan, the Arts and Cultural District as well as the Downtown/Princess Anne St. Tourism and Technology Zone ordinances.

**2. Adequate public facilities are available, will be provided by the City, or the applicant has voluntarily proffered to provide those public facilities;**

All of the required public improvements, such as water, sanitary sewer, storm sewer and roads are in place. If additional improvements are needed or required, then they will be evaluated on a case by case basis as it relates to the redevelopment of a property.

**3. Is in conformance with the City's adopted Comprehensive Plan.**

The future land use map contained within the Comprehensive Plan places these properties in Land Use Planning Area 6: Downtown Neighborhoods.

The Plan does not provide specific language for the properties in the Caroline Street block, but the rezoning of the properties will assist in protecting the historic aspects of the downtown business district, while accommodating growth through adoptive reuse of existing buildings and appropriate construction on infill site. Eileen's Bakery and Café is a good example of this, when the business relocated to 1115 Caroline Street in 2009.

There are sections of the Plan that are applicable to this action, and they include:

**Downtown Goals:**

**Goal 2:**

The downtown area will continue to serve as a center of commerce, culture, and community, government, courts, and the post office, and will increasingly generate revenues to ensure the economic stability and longevity of the City.

**Goal 4:**

Downtown will include a well balanced mix of businesses, residences, services, arts, recreational and historical assets, and include government services, including courts, city offices, and postal services.

**Downtown Policies:**

2. Encourage development of "destination" activates and unique uses downtown.

12. Work cooperatively with Fredericksburg's art community to develop additional arts and entertainment offerings downtown, and to establish Fredericksburg as a regional center for the arts.

13. Encourage and support development of arts events and festivals.

15. Encourage development of additional venues for performing and visual arts.

The Comprehensive Plan describes the Jackson St/Kenmore Avenue area in the following manner:

The properties are located within Land Use Planning Area 6: Downtown Neighborhoods. It is specifically located within the old warehouse district and is described as follows in the Plan:

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Warehouse District	Reconstruction and Growth (1865-1917); World War I to World War II (1917-1945)	Collection of warehouses and industrial buildings	Private
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### Warehouse District

For planning purposes, the Jackson Street/Kenmore Avenue area has been called the Warehouse District. This collection of early twentieth century industrial/structures is experiencing an increase of activity, although some non-conforming uses and unsightly outdoor storage persists. Several warehouses have been renovated and adaptively reused and a new office building constructed for the Rappahannock Area Community Services Board. This positive pattern should be encouraged. The JumpStart! Report emphasizes the opportunities for mixed uses.

The Land Use Potential section describes this planning area as follows: (Although it is not particular to one property, it accurately describes the area as a whole and notes in the last sentence the infill opportunities within this area of the City)

Fredericksburg is a City of attractive and accessible neighborhoods and every effort should be made to continue this pattern of growth and development. Neighborhood conservation has become a comprehensive City policy to address housing conditions, infrastructure, crime prevention, and maintenance of community character. Maintaining the integrity of the Historic District and implementation of mixed use zoning has also resulted in an active downtown. Opportunities for infill development, redevelopment, and rehabilitation will continue to occur.

### Recommendations for Planning Area 6 applicable to this application:

1. Work with property owners to redevelop selected sites without adversely impacting residential neighborhoods.
2. Support redevelopment within the Warehouse District that respects the historic structures.

### Jumpstart Plan:

The Warehouse District and Train Station District areas are highlighted in the Jumpstart

Plan and are described below.

The Warehouse District is envisioned as a mixed use community of predominantly residential uses with ground level retail. Artist studios are appropriate on both lower and upper floors. Small scale office uses area also appropriate on the upper levels.

The Train Station District is envisioned as a pedestrian oriented community and employment center with free standing retail and structured parking interspersed. Public gardens are envisioned between Sophia and Caroline and adjacent to Prince Edward Street, and small retail will be tucked under the Amtrak station.

#### Effect on Real Estate Assessments of Rezoning from C-T and I-1 to C-D

Staff has discussed with the City's independent real estate assessor what effect a change in zoning would have on real estate assessments on land being rezoned to C-D. The answer is there is no automatic change. The proposed change is not from residential to commercial, but rather from one class of commercial to another. Commercial assessments are based principally on location characteristics, building characteristics and market sales prices.

C-D zoning does allow for potentially higher value property redevelopment utilization than under C-T or I-1 zoning. For example, the maximum floor area ratio for C-T and I-1 is 0.5 compared to 3.0 for C-D, thus allowing for considerably more density when redevelopment occurs. Another difference is the allowable multi-family density, which is 8 per acre for C-T compared to 12 per acre in C-D, a 50% difference. Over the long range, as property redevelopment occurs in the subject neighborhoods under C-D zoning, the resulting rise in property assessments could potentially be greater than what could occur under current C-T or I-1 zoning.

Staff made comparisons of similar type property land assessments in the Kenmore Avenue and Lafayette Boulevard corridors zoned C-T and I-1 versus C-D. One example is the vacant Union Bank site at 700 Kenmore Avenue, zoned C-T compared to the First Market Bank site just up the road at 725 Kenmore Avenue, zoned C-D. The land assessment for both properties is the same at \$40 per square foot. Another comparison is the Roxbury Mills property at 601-607 Lafayette Boulevard, zoned I-1 with a land assessment of \$25 per square foot versus the Lafayette Technology Center property at 315 Lafayette Boulevard, zoned C-D, which has a \$35 per square foot land assessment. Proximity to the train station and to Caroline Street largely explains the difference in these two land assessments, not the difference in zoning.

Finally, land assessments were reviewed for a sample of properties in the 1000 block of Caroline Street, zoned C-D, compared to a sample of commercial properties in the 1100 block of Caroline Street, which is zoned C-T. The difference is appreciable, with parcels in the 1000 block of Caroline Street averaging around \$65 per square foot compared to \$40 per square foot on average in the 1100 block, now zoned C-T. This difference is attributable principally to location, as Amelia Street has historically been a dividing line

in the volume of retail foot traffic. It is hard to argue that the zoning is the root of this difference in land assessments.

**STAFF RECOMMENDATION:**

Staff recommends approval of the rezoning application and that the Planning Commission recommend approval to the City Council. The Planning Commission may want to consider omitting the two City owned properties in regard to the concerns raised by residents of the adjoining neighborhood. If and when these properties are developed, they will most likely be developed by a private sector developer, and the sale of the land and the zoning can be addressed at that time. The development of the Marriott Hotel on Charlotte Street followed a similar process. Staff can support omitting the two City owned properties for this reason.

**ATTACHMENT:**

Ordinance



NOT INCLUDING CITY OWNED  
PROPERTIES

**MOTION:**

**January 11, 2012  
Planning Commission  
Regular Meeting  
Ordinance No. 11-**

**SECOND:**

**RE: AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY CHANGING THE DISTRICT CLASSIFICATION OF THOSE CERTAIN PROPERTIES IN PLANNING AREA 6: DOWNTOWN NEIGHBORHOODS FROM C-T "COMMERCIAL TRANSITIONAL," R-8 "RESIDENTIAL," C-H "COMMERCIAL HIGHWAY" AND I-1 "INDUSTRIAL" TO C-D "COMMERCIAL DOWNTOWN"**

**ACTION:**

**FIRST READ:**

**SECOND READ:**

**SEC. I. Introduction**

The Comprehensive Plan, Downtown/Princess Anne Street Tourism Zone, Arts and Cultural District and the Jumpstart Plan all encourage investment in tourism-related businesses, as well as the visual and performing arts, in the downtown area. The subject properties zoned C-T, Commercial Transitional, R-8, Residential, C-H, Commercial Highway and I-1, Industrial are proposed to be rezoned to Commercial Downtown to conform the Official Zoning Map with the goals and policies of the Comprehensive Plan, the Jumpstart Plan, the Arts and Cultural District and the Tourism Zone plans and ordinances. The C-D zoning designation is a more appropriate zoning to accomplish these goals and policies, than the current zoning.

In taking this action, the Planning Commission and City Council considered the purposes of zoning ordinances, set forth in Virginia Code §15.2-2283, and the matters to be considered in drawing and applying zoning districts, set forth in Virginia Code §15.2-2284.

**SEC. II. Zoning Map Amendment**

The Official Zoning Map of the City of Fredericksburg, Virginia, is hereby amended by changing the zoning of the following properties from C-T, Commercial Transitional, R-8, Residential, C-H, Commercial Highway, and I-1, Industrial to C-D, Commercial Downtown:

403 Sophia St., 401 Sophia St., tax map 49-P2 (no address), 200 Lafayette Blvd., 401 Princess Anne St., 411 Princess Anne St., 400 Princess Anne St., 404 Princess Anne St., 406 Princess Anne St., tax map 60-P1 (no address), tax map 60-P5 (no address), 405 Charles St., 401 Charles St., 406 Lafayette Blvd., 500 Lafayette Blvd., 512 Lafayette Blvd., 501 Lafayette Blvd., 502 Kenmore Ave., 510 Kenmore Ave., 514 Wolfe St., 507 Lafayette Blvd., 503 Lafayette Blvd., 505 Lafayette Blvd., 509 Lafayette Blvd., 509 Jackson St., 524 Wolfe St., 522 Wolfe St., 520 Wolfe St., 601 Jackson St., 600 Kenmore Ave., 616 Kenmore Ave., 618 Kenmore Ave., 622 Kenmore Ave., 632 Kenmore Ave.,

700 Kenmore Ave., 608 Jackson St., 622 Charlotte St., 622 R Charlotte St., 600 Wolfe St., 601 Lafayette Blvd., 606 Wolfe St., 603 Lafayette Blvd., 607 Lafayette Blvd., 600 Lafayette Blvd., and 612 Lafayette Blvd., 600 Jackson St., 306-312 Frederick St., 318 Charles St., 316 Charles St. These properties are designated as Transitional/Office, General Commercial and Medium Density Residential on the Future Land Use Map contained within the 2007 Comprehensive Plan.

The following properties are proposed to be rezoned from C-T, Commercial Transitional to C-D, Commercial Downtown:

207 Amelia St., 1122 Caroline St., 1104 Sophia St., 1107 Caroline St., 1109 Caroline St., 1111 Caroline St., 1113 Caroline St., 1115 Caroline St., 1117 Caroline St., 1119 Caroline St., 1100 Caroline St., 1110 Caroline St., 1114 Caroline St., 1118 Caroline St., 104 Lewis St., and 1114 Sophia St. These properties are designated as Transitional/Office on the Future Land Use Map contained within the 2007 Comprehensive Plan.

**SEC. III. Effective Date.**

This Ordinance shall be effective immediately.

**Approved as to form:**

\_\_\_\_\_  
**Kathleen Dooley, City Attorney**

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***Clerk's Certificate***

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 11- duly adopted at the City Council meeting held \_\_\_\_\_, at which a quorum was present and voted.

\_\_\_\_\_  
Tonya B. Lacey  
Clerk of Council



**MOTION:**

**January 11, 2012  
Planning Commission  
Regular Meeting  
Ordinance No. 11-**

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**SEC. III. Effective Date.**

This Ordinance shall be effective immediately.

**Approved as to form:**

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**Kathleen Dooley, City Attorney**

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***Clerk's Certificate***

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 11- duly adopted at the City Council meeting held \_\_\_\_\_, at which a quorum was present and voted.

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Tonya B. Lacey  
Clerk of Council