



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES**

**February 13, 2019
7:30 p.m.**

**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:

<https://amsva.wistia.com/medias/beat570gjik>

The Agenda, Staff Report, Applications and Supporting Documents are also available on the Planning Commission page.

MEMBERS

Kenneth Gantt, Chairman
Rene Rodriguez, Vice-Chairman
Tom O'Toole - **Absent**
Chris Hornung - **Absent**
Jim Pates - **Absent**
Steve Slominski, Secretary
David Durham

CITY STAFF

Chuck Johnston, Director, Planning & Building Dept.
Mike Craig, Senior Planner
Marne Sherman, Development Administrator
Cathy Eckles, Secretary

CALL TO ORDER

Chairman Gantt called the Planning Commission meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES

A. November 14, 2018 – Regular Meeting

Mr. Rodriguez motioned to approve the November 14, 2018 minutes with Mr. Pates' edits. Mr. Slominski seconded.

The motion passed 3-0-3-1 (O'Toole, Pates and Hornung absent, Durham abstained)

DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

PUBLIC HEARING

A. The City of Fredericksburg is proposing amendments to the Unified Development Ordinance, §72-59 Signage, to allow temporary banners for up to 60 consecutive days.

The advertised public hearing for text amendments to allow electronic variable message signs associated with accessory drive-through uses and gasoline sales uses along portions of U.S. Route 1 and Virginia Routes 2 and 3 and to allow accessory signage for drive-through uses in the Planned Development Districts is to be re-scheduled and re-advertised for a later date.

Ms. Sherman presented the staff report.

Mr. Durham clarified that no property shall display a banner more than four times a year, nor more than a total of 120 days in any calendar year? He questioned can an entity apply for and display a different banner? Ms. Sherman responded that it is "the banner" which is being applied for. Mr. Durham wants to be sure that is clear in the language. Ms. Sherman suggested the language be changed to state that *"No property shall display banners for more than a total of 120 days in any calendar year."*

Mr. Slominski questioned the context of what is the basis for this change. Ms. Sherman responded that the Fredericksburg Area Museum specifically asked for the change based on Museum events that take place for longer than 30 days. Initially staff presented to Council a request for 120 consecutive days, which Council rejected.

Chairman Gantt opened the public hearing.

PUBLIC COMMENT

Sarah Poore, President and CEO of the Fredericksburg Area Museum (909 Princess Anne Street) spoke to why the Museum asked for this change. She stated the Museum has numerous free events that bring a proliferation of people into the downtown area, eating at the restaurants, and shopping at the stores thus increasing the vitality of downtown. She further stated that the Museum must raise funds through sponsorship, donations and grants and as such must advertise for those businesses sponsoring or donating to the Museum. Ms. Poore discussed the Museum's limited signage space and its reliance on temporary banners to promote events.

Mr. Durham clarified that with Council's change to the ordinance for only 60 consecutive days, the banners would have to come down in the middle of an event? Ms. Poore confirmed. He also questioned the duration and time frame of rotating exhibits. Ms. Poore responded that exhibits run from March through December which the Museum wishes to advertise for and that the Museum is open. Mr. Durham then questioned staff about the special civic need of museums and could the Museum apply for an exception. Ms. Sherman responded that the Museum could apply for a special exception but there is a fine line of being equal to all businesses.

Mr. Durham questioned if anyone besides the Museum has asked for an extended period of time. Ms. Sherman responded that it often comes up with businesses in the initial sign application. Ms. Sherman stated that the Museum does have the approval to change out the Museum's permanent signs for their changing exhibits. This amendment request is in addition to their permanent signs.

Mr. Durham questioned whether the Museum banners could be identified as part of their permanent exhibit signage. Ms. Sherman responded that the Museum has used its maximum permanent signage. Ms. Sherman further noted that Council stated it has reservations about leaving temporary banners up for more than 60 days per time due to the condition of the banners over time due to the wind, rain, sun, etc.

Mr. Rodriguez asked if a compromise might be to allow temporary banners for a period of 90 days? Ms. Poore agreed it would help. He then asked if the City owned the building the Museum is in. Ms. Poore confirmed. Mr. Rodriguez questioned staff whether this ordinance could be amended specifically for City-owned buildings thus alleviating any possibility of being unfair. Ms. Sherman

responded that under the City's exempt signs section, signs erected by a governmental agency are exempt. But these signs are not erected by the City.

Mr. Rodriguez questioned how many other City-owned properties are leased that have signage issues? Ms. Sherman responded: none. Ms. Poore interjected that the Central Rappahannock Regional Library (201 Caroline Street) has a banner for the summer music that goes up at the beginning and stays up all summer long. Mr. Rodriguez suggested for consistency sake that the Commission recommend a different motion for another section of the ordinance. Mr. Johnston stated that alternatives would have to be readvertised. Mr. Durham encourages the Museum to submit an exception request and possibly partner with the Economic Development Authority and Library for "Sounds of Summer." Mr. Johnston noted the variety of options the Commission has suggested and will need to meet with the City Attorney and Council members to discuss. Mr. Rodriguez questioned if the matter was tabled or recommended against it, would this impact the current season? Ms. Poore confirmed that the Museum would have to go by the current rules for the upcoming season.

Mr. Slominski questioned why the Library is getting around the time frame. Ms. Sherman stated she would look into this situation.

Mr. Gantt questioned if the Museum has considered a special exception. Ms. Poore stated the Museum had considered it, but had conversations with staff regarding amending the ordinance for cultural organizations to be considered on a different level than businesses. Discussion ensued regarding the proposed change and whether the City is actually supporting the Museum's requested change. Mr. Durham said he does not agree with the proposed change for businesses, but feels civic organizations should be a different level.

Mr. Rodriguez suggested the proposed ordinance should state no commercial properties. Ms. Sherman said she would like to take these suggestions under advisement and consult with the City Attorney to be sure the draft ordinance is legal.

Mr. Johnston suggested the public hearing be closed and the matter be tabled until it can be further discussed with Council and the City Attorney.

There being no comments from the public, Mr. Gantt closed the public hearing. Mr. Johnston noted that if no action is taken, the matter is automatically approved. Mr. Durham motioned that the Commission not move forward with the amendments to the Unified Development Ordinance Section 72-59 pending staff work on the ordinance. Mr. Slominski seconded. Mr. Rodriguez questioned if the City Attorney or her assistant could be at the Planning Commission meetings. He noted that there are too many issues that come up that must be tabled because the City Attorney's office is not present. Discussion ensued as to whether having the City Attorney's office at the meetings would actually be helpful.

The motion passed 4-0-3 (O'Toole, Pates and Hornung absent)

GENERAL PUBLIC COMMENT

Chairman Gantt opened the floor to general public comment. No public comment.

OTHER BUSINESS

- A. PREPLAT 2017-03 Highlander Park at Hazel Run Preliminary Subdivision Plat** – Highlander Companies proposes to develop approximately 12.4 acres into 91 single-family attached lots, common areas, and related infrastructure. The site (GPIN 7779-90-4614 and 7779-90-4958) is zoned C-D, Commercial-Downtown (Conditional). It is located on the east side of Lafayette Boulevard at the ends of Young Street and Willis Street. The application includes two

exception requests:

1. §72-51.3.A.2. permits up to 25 percent of lots in any one section of a subdivision to front on an open space. The request is to allow 86 percent of the lots in Phase 1 and 46 percent of lots in Phase 2 to front on open space.
2. §72-51.2.C. requires blocks to be no greater than 600 feet in length. The request is to permit the block on the west side Willis Street, between Cobblestone Drive and Young Street, to be 709.6 feet in length where it parallels the VCR Trail.

Ms. Sherman presented the staff report with a power point presentation.

Mr. Durham questioned the nature of the improvements to the on-site nature trail and how it will be maintained? He also questioned the southern terminus of the trail ending at a lot? Ms. Sherman responded that the trail will consist of native soils and grass meandering within the existing area to minimize the disturbance of existing trees. Ms. Sherman spoke with the Transportation Administrator about this environmentally sensitive area and it was determined this was the proper installation of the trail. The HOA would maintain the trail. The southern terminus actually ends on a sidewalk that runs in front of Lots 15-21.

Mr. Durham questioned if the Public Works Transportation Department or anyone looked at the potential for issues with respect to traffic headed into town on Lafayette Boulevard and traffic turning right onto Young Street and wondered if discussion was had restricting right hand turns? Ms. Sherman responded this matter was discussed at length during the rezoning process and a traffic study and analysis was completed. Based on that information, it was determined this intersection would function with a right turn lane. Additional development will necessitate a right hand turn lane and Highlander Park has a proffer to provide funds for the improvement. Additionally, it was determined that there will no left turn allowed.

Mr. Durham questioned the lot frontage exception and does the ordinance rationale for limitation of 25 percent frontage on open space still make sense. Ms. Sherman responded that prior to January 8, no lot was permitted to front on open space. Council, Commission and staff have seen a few projects which required an exception for lots on open space where the thought is that 25 percent of the units fronting on open space as well as the Code now allows an additional 25 percent of the lots to front on alleys, is a step in the right direction. Ms. Sherman stated that the City may need to revisit these changes after seeing how the January 8 ordinance amendments work out.

Mr. Rodriguez questioned whether the entire trail is built first or only finished after Phase II? Ms. Sherman responded that Proffer No. 8 states the developer shall build a natural trail in substantial conformance with the General Development Plan at its sole expense within 120 days after the issuance of a building permit of the 20th unit. Mr. Durham noted that response was regarding the nature trail and Mr. Rodriguez' question was regarding the VCR Trail. Ms. Sherman responded that the VCR Trail has the same criteria. Ms. Sherman's understanding the infrastructure will be done all at once and the phasing is just a matter of recording the lots.

Mr. Durham questioned the developer changing the topography on the banks of Hazel Run and did the Technical Review Committee require abatement to ensure there is not erosion? Ms. Sherman said the environmental team is involved in the review to focus on stormwater runoff and erosion and sediment control and will continually review to be sure Hazel Run is not impacted.

Carl Braun, Highland Companies, was present to answer questions. Mr. Rodriguez questioned if any affordable housing was considered for this development. Mr. Braun stated there was no requirement and this is all home ownership, not rentals.

Mr. Slominski motioned to approve the preliminary plat at Highlander Park at Hazel Run with the two exception requests. Mr. Durham seconded.

The motion passed 4-0-3 (O'Toole, Pates and Hornung absent)

PLANNING COMMISSIONER COMMENTS

Mr. Durham noted that at the Council meeting of February 12, 2019, there was substantial discussion regarding overcrowding in schools. Mr. Durham is concerned that the Commission has just approved forwarding to Council for approval a project with upwards of 90 units of \$400,000 townhomes most likely increasing the number of school age children, and there are other projects in the works designed to attract middle-income families with children. However, he doesn't see the City suggesting ways to grapple with the costs of the substantial capital costs associated with this sort of development. Mr. Durham recommends that staff continue to push the larger implications of these projects and the costs associated with them.

Mr. Johnston spoke about the staff reports for the proffer amendment that allowed the Highlander Park project that included school impact analysis and discussion on this project. The proffer amendments were approved in August 2017 and included \$100,000 for schools. The prognostications that Mosely Architects did for the School Board did include this project. Mr. Durham responded that the City hasn't made any determinations on this need that will come and that he feels townhome developments generate more school age children per square foot than single-family homes.

Mr. Rodriguez questioned if the parking ordinance would be revisited at the next Commission meeting. Mr. Johnston responded that it would be addressed comprehensively not piecemealed.

PLANNING DIRECTOR COMMENTS

Mr. Johnston reported on the following:

- Area 6 Plan was presented to Council, and the City will be moving forward ordinance amendments and rezoning issues;
- Area 7 public information notice flyers were distributed for the meeting on March 5. The Plan proposed will then be brought back to the Commission in April and Council in May. Once finalized it will be evolved into the Comprehensive Plan amendments. There are 200 acres of Commercial Downtown zoning and that will be significantly reduced by more than half to focus on the core. The remainder of the rezoning will be a step down to create a more transitional area.
- Areas 1 and 2 will start the process in Summer 2019. Area 1 is the area west of I-95 and Area 2 is the Bragg Hill area.
- The stadium process site review is being finalized and the opening is still scheduled for April 2020.
- Council approved the initial amendments to the Historic District processes on February 12, 2019. This will come to Commission in March.
- Council upheld an Architectural Review Board decision regarding a porch on Caroline Street.
- A graffiti ordinance first read was approved by Council at the February 12, 2019 meeting which will help the City do a better job with property maintenance.

- Other projects currently in process are the Fredericksburg Park / Telegraph Hill project, which will involve some major regrading of the site and reconstruction of Lafayette Boulevard. This project involves 80 single family units, 204 townhomes, and about 30,000 square feet of commercial use, which is the only single family development the City has had approved in the past 8 years.

Mr. Johnston then commented on upcoming Commission matters:

- A small rezoning has been submitted in the Princess Anne Street corridor on Bridgewater Street. The property owner does not want to wait for Area 6 code amendments and applied for a rezoning from Commercial Transitional to Highway Commercial.
- The Riverview subdivision plat involving 13 lots off Sophia Street just south of the parking garage will be coming before the Commission in late March or early April.
- The presentation of the Capital Improvements Plan budget will be released shortly and a public hearing is planned for Commission on March 27, 2019.

Mr. Gantt recognized two Eagle Scout members and welcomed them and hoped this meeting helps them in either government life or interest in the City.

ADJOURNMENT

Meeting adjourned at 8:58 p.m.



Kenneth Gantt, Chair