



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES
March 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:

<http://regionalwebtv.com/fredericksburgpc/2019/0123.html>

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

MEMBERS

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

CITY STAFF

Chuck Johnston, Director,
of Planning and Building
Mike Craig, Senior Planner
James Newman, Zoning Administrator
Deidre Jett, Budget Finance Manager
Nancy Quesenberry, Administrative Assistant

1. CALL TO ORDER

Mr. Gantt called the City of Fredericksburg, Virginia, Planning Commission to order at 7:30 P.M.

2. PLEDGE OF ALLEGIANCE

3. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

4. PUBLIC HEARING

A. RZ2019-01 The City of Fredericksburg - Proposes the Rezoning of 28+/- acres including the Greenbrier Shopping Center, the Westwood Shopping Center, and the Shoppes at Westwood, from Commercial Shopping Center (CSC) to Commercial Highway (CH).

Mr. Craig reviewed the proposed rezoning with the assistance of a Power Point presentation.

Mr. Craig stated that staff recommends approval of RZ2019-01 where the City of Fredericksburg is proposing to rezone of 28+/- acres including the Greenbrier Shopping Center, the Westwood Shopping Center, and the Shoppes at Westwood from Commercial Shopping Center (CSC) to Commercial Highway (CH).

There was discussion regarding the changes in the zoning as presented.

Mr. Hornung asked for clarification regarding the by right residential uses for the current zoning of the property being discussed.

Mr. Craig stated that Commercial Highway permits residential uses at 12 units per acre.

Mr. Hornung asked what the new density would be under the proposed zoning.

Mr. Craig stated that it would be 12 units per acre. The proposed change would allow up to 24 units per acre with a Special Use Permit, which would require the Planning Commission review and the City Council approval.

Mr. Pates asked if there were any developers that have approached the City regarding the development of these parcels.

Mr. Craig confirmed that staff has received phone calls regarding several of the parcels being discussed. Staff has not had plans submitted or any requests that would require a TRC to date.

Mr. Pates stated that in the past, the Planning Commission has not rezoned property for a developer until one has applied to have a parcel rezoned which allows more leverage for proffers from the developer.

Mr. Craig stated that proffer law has changed to restrict discussions; however, if there are impacts from a proposed use under this plan, staff can still mitigate through conditions in a Special Use Permit process.

Mr. Johnston stated that Mr. Pates was correct that the City has not previously initiated these types of rezoning's; this special area zoning is a process of the City's Small Area Processing which is something new for the City. Mr. Johnston added that staff has been going through each of the areas with the intent of having the zoning comply with the policies that have been adopted within the Comprehensive Plan amendment of the Small Area Plans.

Mr. Durham asked how the form based code effects the property being rezoned with relation to proffers.

Mr. Craig stated that things that staff would have to negotiate would now be required; such as walkable urban places including, formal open spaces where staff would have to negotiate in the past and now it would be required to be implemented within the development. With this zoning, staff would be able to control building height and building width where previously that would have to be negotiated and hoped for with the proffer process.

Mr. Gantt stated that he wanted to acknowledge that Mr. Rodriguez was teleconferencing in for the meeting.

Mr. Rodriguez stated that he did not have any comments at this time.

Mr. Gantt opened the public hearing and asked for comments from the public.

There being no comments from the public; the public hearing was closed.

A motion was made by Mr. Durham and seconded by Mr. Rodriguez to recommend approval to the City Council RZ2019-01 to rezone 28+/- acres including the Greenbrier Shopping Center, the Westwood Shopping Center, and the Shoppes at Westwood, from Commercial Shopping Center (CSC) to Commercial Highway (CH) as presented in the Planning Commission packet.

Mr. Hornung stated that he had a concern regarding opening up the shopping centers to by-right automotive sales and service, and rental portion of the rezoning. Mr. Hornung stated that he would like to look at making those uses the Commercial Highway Zoning require a Special Use Permit.

Mr. Johnston stated that this would be an issue for the Maker District Zoning currently under development. It is possible that the uses mentioned by Mr. Hornung would switch to the special uses category and staff could make it consistent with the Highway Commercial District as well.

Mr. Johnston stated that staff could make a recommendation to Council to add a special use requirement to the specific uses discussed as an amendment to the motion.

Mr. Hornung stated that he would prefer that the change be initiated prior to the proposed rezoning being approved.

Mr. Pates spoke in opposition to the rezoning as presented stating that he would prefer that applicants be required to rezone their property independently. Mr. Pates also stated that he disagreed with the control that the City would have with a Special Use Permit verses the control that is available through a rezoning request by the applicant.

Mr. Durham asked for clarification, stating that currently, a developer could come into the City and build a 12 unit development with no restrictions.

Mr. Craig confirmed.

Mr. Durham stated that he agreed with Mr. Hornung's comments and asked staff to work on the Ordinance to require a Special Use Permit for the automotive uses for this rezoning.

Mr. Johnston stated that one option that the Planning Commission might like to consider is to add an amendment to this rezoning document require automotive uses to get a Special Use Permit in the CH Zoning District.

Regarding rezonings, Mr. Johnston stated that when there is a request for a rezoning of any type, or a special use request, staff goes to great lengths to work with the applicant, the schools, and City's Finance Department to find out what areas and to what degree they would be impacted and

the costs associated with them and allow the Planning Commission to review their findings. Mr. Johnston stated that it was his opinion that this would occur in the future as well.

Mr. Slominski stated that we have a motion on the floor.

Mr. Gantt stated that the Planning Commission previously discussed the Transects, and the form based code and had concluded regarding residential and commercial uses within them, and then asked Mr. Hornung what would be needed to resolve his issue.

Mr. Horning stated that his issue was the unintended consequences of permitting automotive sales and service by-right in the Commercial Highway District.

Mr. Hornung asked Mr. Johnston how much of a delay there would be if they did not forward this to Council.

Mr. Rodriguez arrived at 8:05 p.m.

Mr. Johnston stated that it would not come back to the Planning Commission until June for reconsideration.

A substitute motion was made by Mr. Hornung and seconded by Mr. Rodriguez to table this request to allow staff time to work with City Council to initiate an ordinance amendment to the Commercial Highway zoning district to permit automotive sales and service with a Special Use Permit.

Motion passed 7-0.

Ayes: Mr. Gantt, Chairman; Mr. Rodriguez, Vice-Chairman; Mr. Slominski, Secretary; Mr. O'Toole; Mr. Hornung; Mr. Pates; and Mr. Durham.

Nays: None.

B. RZ2019-02 317 Bridgewater Street, LLC, this is a request to rezone from Commercial/Office Transitional (CT) to Commercial Highway (CH) on property located at 317 Bridgewater Street.

Mr. Newman reviewed the rezoning request with the assistance of a Power Point presentation as provided in the Planning Commission packet.

Mr. Newman stated that staff recommends approval of the rezoning request RZ2019-02 317 Bridgewater Street, LLC, to rezone from Commercial/Office Transitional (CT) to Commercial Highway (CH) on property located at 317 Bridgewater Street as presented.

There was discussion regarding the applicant's use of outdoor storage of tires, which is currently taking place with a detached tractor-trailer as well as outdoor storage in general, and parking of vehicles that are completed and those that are waiting to be worked on.

Mr. Gant asked the applicant if he would like to come forward.

Mr. Christopher Glenn Barnett, 6914 Governors Grant Lane, Fredericksburg, Virginia.

Mr. Barnett stated that Mr. Pitts, the property owner, was present and that he was acting as Mr. Pitt's agent for this application.

Mr. Barnett stated that approval of the application was to allow him to expand the use of his business. Currently they are at a place where they do not have enough bay space. With the additional bays, it was his intent to move the three (3) to five (5) hour jobs over to the other building and use the bays that he currently has for the quicker turn-a-round jobs.

Mr. Barnett stated that with regards to tire storage, the trailer has been in its current location for approximately 18 years and he never knew nor received anything stating that he was in violation.

Mr. Barnett stated that Grigsby's Refrigeration and Coolant has allowed him in the past to keep a trailer at that location for storage within a fenced in area.

Mr. Barnett stated that Mr. Pitts has told him that there is a trailer on the parcel he is requesting to rezone, and stated that the trailer could be moved back farther from the street. Mr. Pitts has been trying to have the owner of that trailer remove it from his property.

Mr. Barnett stated that this year marks their 74th year of business and that they relocated to the current location in 1976 from the site that is the currently the Post Office.

Mr. Hornung stated that he was very supportive of Mr. Barnett's business and asked Mr. Barnett if he was willing to move the trailer off of the property.

Mr. Barnett asked staff if moving the trailer over to the Grigsby's parking lot would meet the zoning requirements.

Mr. Craig stated that there were two (2) issues at hand; one was a trailer that is on the property that is being requested to be rezoned; and the second was on the current property being used by the Applicant.

Mr. Barnett stated that the trailer on his property is moved every two (2) to three (3) weeks; the trailer is filled with 800 to 900 tires and then moved. It is not a permanent storage unit; it is removed and another one is brought in to replace it and filled again.

Mr. Craig stated that staff could talk with Mr. Barnett about where best to store that trailers. However, the other items stored on his site such as tires and other junk needed to be cleaned up.

Mr. Barnett concurred, and added that he informed staff that he currently was limited in storage space and that he could easily contain the truck tires inside the structure. He stated that typically he did not have that many truck tires and that he had them picked up every week-and-a-half to two (2) weeks.

Mr. Pates stated that he was very supportive of Mr. Barnett's business and glad to see Mr. Barnett expanding. Mr. Pates stated that he was concerned about outdoor storage anywhere and wanted to be certain that Mr. Barnett could park the trailer on the Grigsby's lot.

Mr. Barnett stated that the owner of Grigsby's has allowed him to do this in the past and allows his 17 employees to park there as well.

Mr. Pates stated that if Mr. Barnett was able to make that assurance then he would be happy to support Mr. Barnett's application.

Mr. Durham asked Mr. Barnett if he intended to hire with the expansion.

Mr. Barnett stated that the potential was there as his business grew 13 percent last year.

Mr. Durham stated that typically he was in favor of fixing what he considers to be arbitrary past decisions to zone structures that are clearly inappropriate for their zoning. We have a building that has been built to be a service center that is zoned Commercial Office Transitional, which does not allow it to be used as a service center even though it is being used as such for the last couple of decades. Therefore, he was in favor of this rezoning. Mr. Durham added that the building looks great and is in great shape and asked how the tenant intended to maintain the integrity of the building given its intended use.

Mr. Barnett stated that he has put a lot of work and expense into the current building that they are in to improve it, and added a second story to the original structure.

Mr. Gantt opened the public hearing and asked for comments from the public.

There being no comments from the public; Mr. Gantt closed the public hearing.

A motion was made by Mr. Rodriguez and seconded by Mr. Hornung to recommend approval to the City Council RZ2019-02 317 Bridgewater Street, LLC, a request to rezone from Commercial/Office Transitional (CT) to commercial Highway (CH) property located at 317 Bridgewater Street.

Mr. Rodriguez stated that he was supportive of the Makers District and that it was his opinion that businesses like Mr. Barnett's could be anchors in this community to bring business and people to that side of the City. Mr. Rodriguez stated that he has been in their store and has always found them to be professional, kind and courteous, and that their shop inside has always been clean.

Mr. Rodriguez stated that it was his opinion that this was a step in the right direction and stated that there are buildings that the Planning Commission can continue to help be utilized, and continue to be used and some that can be revived to make them look good and stand out in the community. He looks forward to hearing input from the area where Mr. Barnett's business is located and has invested in for the last 74 years.

Mr. Hornung stated that the Planning Commission cannot impose conditions as a part of zoning; however, he would like to ask that the applicant proffer that he would make provisions of the storage trailer either across the street or between the two (2) buildings so that it is not in the front portion of the property.

Mr. Johnston stated that should the applicant proffer anything then he would not qualify to be rezoned to the Makers District.

Mr. Craig stated that what staff can do is enforce their current standards and they have been very clear regarding what needs to be cleaned up per the Ordinance.

Mr. Pates stated that he did not see a problem with the applicant making a proffer relating to the trailer; it was his opinion that this property did not need to be in the Maker District.

Mr. Gantts stated that there was a motion on the table and asked the Commissioners to place their votes.

Motion passed 7-0.

Ayes: Mr. Gantt, Chairman; Mr. Rodriguez, Vice-Chairman; Mr. Slominski, Secretary; Mr. O'Toole; Mr. Hornung; Mr. Pates; and Mr. Durham.

Nays: None.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Presentation of City Manager's Proposed FY2020 Capital Improvement Program.

Mr. Johnston stated that there would be a brief presentation of the Capital Improvement Program (CIP); the City has scheduled a public hearing for comments and further discussion in two (2) weeks on March 27, 2019. This presentation is to answer any initial questions that the Commission might have.

Ms. Jett provided a brief review of the FY2020 CIP as presented in a handout provided to the Planning Commission and stated that the City Manager will present the FY2020 budget to the City Council at their regularly scheduled meeting on March 26, 2019, and that the entire budget was available on the City's website.

There was discussion about various areas regarding other projects that Commission members were curious of as well as general discussion related to the CIP being presented.

One area of discussion was of the schools capital fund and how the City came to their decision of how they will handle the overcrowding of the schools.

Ms. Jett suggested that the Planning Commission invite Mr. Whitely, Assistant City Manager, to come and explain this process to them. Also on March 20, 2019, there will be a special meeting in the Council Chambers to discuss the enrollment projections with a presentation by Mosley Architects who did the enrollment projections; and they will allow discussion between the public, Mosley, and staff.

Ms. Jett added that the City Manager's decision was founded from Mosley's report and the City's capacity to issue debt.

There was discussion regarding the Blue and Gray Gateway Boulevard extension and the future of that extension as well as funding for it.

Ms. Jett stated that the City was aggressively pursuing alternative funding sources for this project and it would not be constructed if major economic development partners are not available to assist in the debt service to build this road.

There was discussion regarding the possibility of an increase in the rates for water and sewer fees and an increase in the general tax rates with the impending water and sewer improvements.

Ms. Jett stated that there would be substantial increases with a potential of nine to ten percent increase in the water and sewer rates which will be part of the discussion during the work session where they discuss debt relating to the CIP.

Ms. Jett stated that the City's water rates compared to our neighbors compare very favorably.

Mr. Gantt thanked Ms. Jett for her presentation.

7. General Public Comment

Mr. Gantt asked if there were any general public comments, there were none.

8. Other Business

A. Area 7 Downtown Plan Update

Mr. Gantt thanked Mr. Durham, Mr. Rodriguez, and Mr. Pates for attending the session regarding the Area 7 Downtown Plan Update.

Mr. Craig state that it was a good meeting with approximately 85 individuals not including the Street Sense group and staff that came out.

Mr. Craig provided a brief overview of the Neighborhood 7 Small Area Plan with the assistance of a Power Point presentation.

There was discussion regarding the train station parking plan.

Mr. Durham expressed a concern regarding the Maker Districts with a desire to ensure that the individuals who live and work in the Maker Districts could use and remain contained and not have to travel to get there.

There was discussion regarding the appropriate use mix within Maker Districts and that they should permit residential, commercial, and maker's uses.

Mr. Craig stated that these districts would be self-contained.

Mr. Rodriguez expressed a concern of trying to create more than one Maker District rather than establishing one (1) and ensuring that it works and move forward from there.

Staff stated that it was important to establish land use regulations to give the best opportunity for the land to be used in a favorable way.

B. Planning Commission Comments

Mr. Gantt asked the Commission if they had any comments at this time.

Mr. Rodriguez asked about the results of an earlier discussion regarding having the City Attorney in attendance at the Planning Commission meetings to answer questions that may come up.

Mr. Johnston stated that the request of the Planning Commission has been conveyed to the City Attorney and it was Mr. Johnston's understanding that it was the City Attorney's preference to be involved on a project by project circumstance.

There was discussion regarding further consideration and options of having the City Attorney in attendance at the Planning Commission meetings.

Mr. Pates expressed a concern regarding the rapid growth of the City of Fredericksburg and an article printed in the March 13, 2019, issue of the Free Lance Star relating that matter titled *Fredericksburg Region Helps Fuel state Growth*. Mr. Pates read a portion of the article.

Mr. Slominski stated that with some forethought the City could grow smartly.

There were no further comments from the Commission.

C. Planning Director Comments

Mr. Johnston stated that regarding Mr. Pates' comments; the Planning Department has not had a significant residential project begin a process in over a year.

1. Status of Minutes

Mr. Johnston stated that he did appreciate the patience of the Planning Commission as staff works through the issue of getting the minutes done. Mr. Johnston stated that there was a guest minute taker and that he really appreciated her willingness to step in and assist with this.

2. March 27, 2019, Agenda – Planned Items

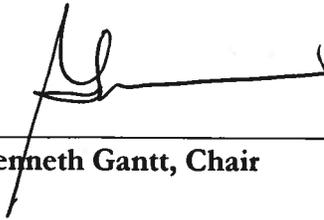
Mr. Johnston stated that on March 27, 2019, the Planning Commission will have the public hearing on the CIP. Mr. Johnston stated that from a timing standpoint it would be very helpful if the Planning Commission could make any comments that they might have rather than waiting until April 10, 2019, to allow more time for staff to prepare before it goes to the City Council.

Mr. Johnston discussed other items that may come before the Planning Commission in the future.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission was adjourned.

Meeting adjourned at 10:04 P.M.



Kenneth Gantt, Chair

