



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES
April 10, 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/0gfj8twffq>

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

MEMBERS

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

CITY STAFF

Chuck Johnston, Director,
Planning and Building Dept.
Mike Craig, Senior Planner
Marne Sherman, Development Coordinator
Kate Schwartz, Historic Resource Planner
Cathy Eckles, Administrative Assistant

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

A. March 13, 2019 – Regular Meeting

Mr. Hornung made a motion to approve, Mr. O'Toole seconded.

The motion passed 5-0-2 (Rodriguez and Durham absent)

4. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

5. PUBLIC HEARING

A. UDOTA2019-02 The City of Fredericksburg proposes to amend Unified Development Ordinance § 72-34.1 Old and Historic Fredericksburg District and § 72-23.1 Historic District – Certificates of Appropriateness

Ms. Schwartz presented the staff report with a power point presentation. The Commission was given a hard copy of a revised proposed ordinance.

Mr. Hornung asked about the current criteria for extensions to Certificates of Appropriateness. Ms. Schwartz noted there are no criteria. The proposal seeks to clarify that there must be no changes in the project and the applicant is working towards getting permits in place. Currently the Code grants approval for one year. The applicant can request an extension of six months. Under the proposal, Certificates of Appropriateness will be valid for two years, and City staff can grant two extensions of one year each.

Mr. Pates asked why the task force was formed, and what they were seeking to correct. Ms. Schwartz responded that the Council established the task force to ensure there was consistency in the ARB process; ensure cooperation and coordination across the City; and envision the future of the Historic District.

Mr. Pates asked why applicants frequently need an extension. Ms. Schwartz stated once the applicant has gained approval from the Board, there are numerous steps to finalize a project, which often takes longer than a year.

Mr. Pates asked if a special use permit or a certificate of appropriateness should be reviewed first. Ms. Schwartz responded that one goal of these amendments is to encourage ARB review and approval first. Discussion ensued about wording in the proposed ordinance not actually stating that Board approval is needed first. Mr. Johnston responded that an applicant could choose to proceed in any order. Mr. Pates stated that if a special use permit is completed first and then goes to the Architectural Review Board, it could put pressure on the Board to approve the project. Mr. Hornung noted that it is more likely to be denied at the special use permit stage, especially if changes are made to the number of floors, density, etc.

Mr. Pates asked about the term of staff approval of extension and stated pg. 10 of the ordinance doesn't make any mention of wording in the memo which states an extension can be granted "*if there is no change in the project or terms of approval.*" He believes that reasoning should be added to the ordinance. Ms. Schwartz agreed and noted the reasoning is that an extension is predicated on the fact that an applicant has an approved COA and there would be no change. Mr. Johnston further explained that if an applicant returns for an extension and there are changes in the project, the extension would be denied.

Chairman Gantt then opened the public hearing. There were no comments and the public hearing was closed.

Mr. Pates stated he feels the City should have more definitive new construction standards. He would like the Board to study other localities' comprehensive standards for new construction. Ms. Schwartz responded that the work of the task force is ongoing and the Board hopes to address new construction standards in changes to the Historic District Handbook.

Mr. Pates asked if walls are considered fences. Ms. Schwartz responded yes, except for retaining walls. Mr. Pates feels there should be a distinction between walls and fences in the administrative approval process. Ms. Schwartz noted that the administrative review process can be waived and the application forwarded to the Board for a full review if necessary.

Mr. Hornung motioned to recommend approval of UDOTA 2019-02, asking staff to consider Mr. Pates suggested edits on the approval timeline to add in the wording of "no changes...." Mr. Slominski seconded the motion.

The motion passed 5-0-2 (Rodriguez and Durham absent)

B. UDOTA2019-01 The City of Fredericksburg proposes to amend § 72-59 Signage, Unified Development Ordinance, 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

Ms. Sherman presented the staff report.

Mr. Hornung asked if drive-thru uses were limited to menu boards and the price portion of gas station signs? Ms. Sherman confirmed and noted that the changeable signs can only change one time per hour and the content is not regulated.

Mr. Pates asked if the size restrictions are the same for gas and menu boards. Ms. Sherman noted the current allowances for drive-thru signage has not changed but that space could be used to put it all as an electronic variable message sign. Gas sales have different size restrictions. Businesses currently illuminate the price portion of the gas price sign, which is not currently allowed by Code and are non-conforming. Ms. Sherman noted that the impact of electronic variable message signs changing at most one-time per hour is negligible.

Chairman Gantt then opened the public hearing.

Kenny Peskin, International Sign Association, Alexandria, Virginia. Mr. Peskin spoke in support of the proposed changes. Mr. Peskin discussed the impact of menu boards on neighboring properties, specifically as to brightness. One key issue is the placement of the menu board depending on the traffic flow. Mr. Peskin noted he considered the manufacturer specifications of the brightness to show whether it could be theoretically objectionable. After reviewing the sign brightness, the measurement distance, and the size of the sign, the measured brightness projects at 0.2207 foot candles, which is well within the standards of the Illuminating Engineering Society.

There were no further questions or comments and Chairman Gantt closed the public hearing.

Mr. Pates asked staff as to how the proposed signage compares to the brightness standards currently in the Unified Development Ordinance--could it be twice as bright and still be in compliance? Ms. Sherman responded that all signs are regulated to a max equivalent of a 40w light bulb. The City has a fairly strict lighting standard of no greater than 3 foot candles and any property adjacent to a residential area is only allowed 0.5 foot candles. The proposed signage would still be regulated under that Code.

Mr. Hornung motioned to recommend approval of UDOTA 2019-01. Mr. O'Toole seconded.

The motion passed 5-0-2 (Rodriguez and Durham absent)

6. OLD BUSINESS

A. Amendments to the Unified Development Ordinance, §72-59 Signage, to allow temporary banners for up to 60 consecutive days.

Ms. Sherman summarized the progress of the proposed ordinance changes. At the Commission's request, staff researched different regulations for museums. Both the City of Williamsburg and the City of Norfolk have separate regulations for museums and art galleries, which the Commission may consider when making a recommendation on the proposed draft ordinance.

Mr. Hornung asked about the regulation of content on the banners. Ms. Sherman stated content cannot be regulated.

Mr. Hornung asked if the Williamsburg model has any time limitations. Ms. Sherman stated she did not see any time restrictions, all that was listed was specific requirements as to museums.

Mr. Hornung asked where banners are allowed in the City. Ms. Sherman noted that banners are allowed in commercial districts but not allowed in residential areas. Banners are based on the permanent building signage allowed per commercial and industrial business.

Mr. Pates noted that due to this proposed ordinance change applying to all commercial and industrial businesses, it is likely that the banners used throughout the City will double. Ms. Sherman responded that currently all commercial and industrial businesses are allowed to display banners for up to 120 calendar days and that limitation is still embedded in the proposed draft ordinance. Ms. Sherman noted that the businesses who currently use banners may have them up for the 60 day duration but she doesn't believe this will spark new banner use.

Mr. Hornung asked if the Commission gave museums an exception to the current 30 day banner allotment, is there still a reason to change the current 30 day allotment? Ms. Sherman stated that would have to be up to the Commission, but she would recommend that the City keep the clarification wording of only one banner allowed per time.

Mr. Pates asked staff's opinion if there will be an increase in the number of banners throughout the City or the duration of banners? Ms. Sherman noted that her sense is that the same businesses who currently use banners will continue to do so but may have their banners displayed for the full 60 days.

Chairman Gantt expressed reservations about giving museums an exception and does it open the City to claims of unfairness. Mr. Johnston stated that if a motion is made for an exception for museums, clarification of reasoning should be clearly stated. Mr. Hornung noted that if the City could regulate content, the reasoning could be stated because it is for cultural use. He further stated possible wording could be for non-profit organizations typically carrying out cultural and social benefit to the community. Chairman Gantt asked if this would be for all non-profits. Mr. Johnston stated they would have to be classified as a museum.

Mr. Hornung motioned to recommend approval of the proposed draft ordinance changes to Unified Development Ordinance, §72-59 Signage, but keeping the allotted sign time at 30 days and with a provision that museums shall be entitled to the full 120 day allotment without disruption. Mr. Pates seconded.

The motion passed 3-2-2 (Gantt and Slominski, nays; Rodriguez and Durham absent)

B. The City Manager's recommended Capital Improvements Plan, which is a component of the proposed City budget for Fiscal Year 2020.

Chairman Gantt noted the Commission must finalize this as the By-laws states that Capital Improvements Plan recommendations must be presented to Council no later than April 30. Additionally Chairman Gantt stated the Annual Land Use Report is challenging in that No. 5-14 of the By-laws states ". . . *the Commission shall make recommendations and an annual report to the Council concerning the operation of the Commission and the status of planning within the City. The report shall include statistics on land use development during the preceding fiscal year, enforcement activities, and the implementation of recommendations set forth in the Comprehensive Plan.*" Chairman Gantt expressed concerns that the Commission needs to address the By-laws to clarify the Commission's duties.

Mr. Pates stated that the Commission shouldn't confuse its duties with the Annual Report and the Capital Improvements Plan. The Annual Report is a requirement out of State Code regarding the state of planning and land use activities in the City. The State Code regarding the Capital Improvements Plan is very broad. Mr. Pates noted the Council is happy to receive Commission's comments and suggestions and the Commission should not be afraid to input its views on what is in the Capital Improvements Plan. Chairman Gantt agreed and noted that if the Commission is doing its due diligence as an influencer for the City Council, the Mayor, and City Manager, the Commission input should be in a proposal manner rather than just general comments. Chairman Gantt stated that if the Commission does not specifically forward direct propositions to the Council to do "x", there really isn't any point in commenting on the Capital Improvements Plan. Chairman Gantt proposed the Commission take the queries/comments received and quickly come up with a number of propositions to pass along to staff to go to Council.

Mr. Pates stated he believes the Commission has a lot of flexibility in how it asserts itself to the Council regarding the Capital Improvements Plan and that he doesn't believe the Commission is on such a tight time schedule because most of the projects are multi-year projects. He noted that there are definitely some propositions the Commission can forward to Council. Mr. Pates feels that the Commission does not need to be specific to input on the Capital Improvements Plan. Chairman Gantt said he didn't disagree but the Commission's report and recommendations to the Council are due by April 30 and Council will need the Commission's proposals prior to the first read of the Capital Improvements Plan. Mr. Pates asked for staff's suggestions on the timeline. Mr. Johnston stated that the Commission needs a work session to discuss the process of the Capital Improvements Plan recommendations. In addition, changes to the By-laws need to be considered. He encouraged the Commission to currently focus on the land use elements.

Chairman Gantt asked the Commission if they had any other discussion regarding the Capital Improvements Plan. Chairman Gantt proposed the Commission review the queries/comments received and the Capital Improvements Plan brief and determine if there are land use propositions the Commission would like to forward to Council. Mr. Pates encouraged Chairman Gantt to make a presentation at the next Council meeting of the propositions the Commission is recommending.

Mr. Craig noted that Council will be holding a public hearing on the budget on April 16 and will be considering the budget on a first read on April 23. He stated that if the Commission wants to input to Council, it will need to be provided a week in advance. Mr. Pates asked if the public hearing is both on the Capital Improvements Plan and the City's operating budget. Mr. Craig confirmed.

Mr. Pates noted that he is particularly interested in the following comments:

- No. 35 – when was the last year the City did a block of brick sidewalks? Mr. Pates believes the City committed to doing a block a year and he would like this funded.
- No. 38 – he sees nothing in the budget to use gas tax revenues to make improvements at the train station and wonders if this is all funded by VRE? Mr. Johnston confirmed but stated he did not know what VRE's plans were in what year as VRE is dependent on federal funding.
- No. 42 – wants to encourage Council to work on new proffer policy for greater developer contributions.
- No. 43 – still has questions on why City should be allocating \$225,000 to relocate a City sewer line for a private developer.

Mr. O'Toole asked if it was appropriate to question Council as to the spending of City funds on private property. Mr. Johnston stated that the sewer line is 90 years old, there is no identifying easement, and initially the owner was told there were no utility lines in the area. He said the City is trying to resolve the issue by relocating the sewer line. Discussion ensued as to issues of public improvement of property and who incurs the costs.

C. Update on Automobile Sales and Rental uses within Commercial Highway and initiation of ordinances applying the T-5C / CH Form-Based Regulations within Area 6.

Mr. Craig said the Council initiated the auto sales and rental uses ordinance text amendment at the April 9 Council meeting after Council discussion over large scale/small scale use or a blanket special use permit. Additionally, Council approved initiation of the ordinance applying to the T-5C / CH Form-Based Regulations within Area 6. Mr. Craig explained the process of implementing these plans and that the Commission will review all these items at the May 8, 2019 Commission meeting.

7. NEW BUSINESS

None.

8. General Public Comment

Jon Gerlach, 809 Charlotte Street, noted that Agenda Item 6 B and 6 C were not in the public notice. He stated even though it is not required by Code, best practice going forward is to list all items.

9. Other Business

A. Planning Commissioner Comments

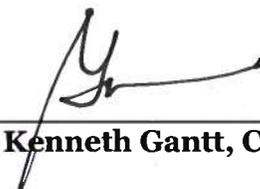
None.

B. Planning Director Comments

Mr. Johnston stated there will be a joint work session with Council on May 14, 2019, to transmit the Area 7 Downtown Plan. No action is planned, just discussion of implementation. Additionally, there will be discussion on the proposed amendments to the accessory dwelling units.

10. ADJOURNMENT

There being no further items to be discussed, the Planning Commission was adjourned at 9:04 P.M.



Kenneth Gantt, Chair