



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

September 12, 2023

The Council of the City of Fredericksburg, Virginia, held a public hearing on Tuesday, September 12, 2023, beginning at 7:37 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr. Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Zoning Administrator Kelly Machen, Community Development Planner Bailey Thompson, Historic Resources Planner Kate Schwartz, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

Notice of Public Hearings (D23-399 thru D23-421). The Clerk read the notice of the public hearings as it appeared in the local newspaper, the purpose being to solicit citizen input.

Soliciting Public Comments on the Implementation of the 2022-2023 Community Development Block Grant Programs for the Consolidated Annual Performance and Evaluation Report (CAPER) (D23-421). No speakers. Community Development Planner Thompson reported that this was a public hearing on the draft CAPER for the City's Community Development Block Grant (CDBG) program. This is a Federal Grant provided by the Department of Housing and Urban Development that the City administers. The report was an end of the year summary on how grant funds were spent during the program year. He noted that the public comment period runs through September 26.

Mr. Thompson highlighted that in project year 2022 the City expended \$262,813.61 in CDBG funds. This was above the annual allocation of \$204,000. He said they were using money from past grants that had not been used. The emergency home repair helped repair five homes for \$133,000. They removed architectural barriers within one home at \$11,000. The Direct Homeowners Assistance Program helped a new city resident buy a house. In public facilities, they were able to install sidewalks, pedestrian crossing, street lights and street trees where Roffman Road meet Fall Hill Avenue.

They also gave funds towards other programs such as Legal Aid Works and Fredericksburg HIV Support Services and Lois Ann Hope House. The remainder of the funds went to administration, information on fair housing and providing public information.

Councilor Graham bragged on the program and stated that the CAPER was one of the best ways tax payer money was invested back into the community by helping fellow residents.

Councilor Kelly asked staff if more needs could be met if the City applied for competitive grants. Mr. Bailey explained there was an opportunity to apply for competitive grants but it would go away from what the City was currently doing.

The public hearing remained open for 15 days.

Ordinance 23-17, Second Read Failed, Amending the City's Zoning Map to Remove Approximately 0.2209 Acres of Land at 400 Princess Anne Street from the Railroad Station Overlay District (D23-399).

Granting a Special Use Permit for 400 PA, LLC to Convert the Parking Lot Behind the Building at 400 Princess Anne Street into Five Residential Units (D23-399 thru D23-410). 18 speakers. Principal Planner Craig began the PowerPoint presentation explaining that the item was a Special Use Permit and a rezoning request. He began with the background of some planning elements that led to the policy environment that they are in. He said as the City has been going through the series of area plans, one of the focal points of Area 7 was called walkable urban places and the train station district was one of those places. Mr. Craig pinpointed all the parking surfaces in the area and stated that the plan was to infill much of that land because it was very valuable land in the City and it was being underutilized.

Mr. Craig explained that there were two other similar projects that were in the Railroad Overlay District that had to be removed, the Janney Marshall Building and the Coffee Factory. He also talked about the total units versus the units per acre in the Downtown. He said the Railroad Station Overlay District uses units/acre which require a step down in total units adjacent to the train station which is the total opposite of what should be at or near the train station. He said the City Council would be considering removal of this area from the Train Station Overlay District in the near future.

Mr. Craig presented a picture of the originally proposed project which went to the Technical Review Committee and the Planning Commission and it was changed to the current proposed project.

Zoning Administrator Machen presented a PowerPoint presentation showing the current design, and she noted that they pulled one of the units from the back and put it on Princess Anne street filling in the public streetscape in the block. Other changes were concentrated on the open spaces along the property line and enhancement of public areas. Other topics covered in the presentation was fire access, C-D Residential Performance Criteria, Impacts – Neighborhood Character, Impacts – Parking Congestion, and Recommendation of approval by staff, Recommendation with the following conditions: The Property will be developed and maintained substantially in conformance with the Generalized Development Plan; The applicant shall install an automatic sprinkler system in each newly constructed residential unit in accordance with the requirements of the City Fire Marshal or otherwise meet the requirements of the Fire Code in order to provide sufficient fire access to the site; All trash cans and recycling

bins serving the five new dwellings must be screened from view of any public right of way or otherwise kept inside the residences at all times; Each existing mature tree shown on the applicant's Generalized Development Plan that is removed or destroyed during construction, or that dies within five years of the date construction begins on the five new dwellings, shall be replaced with a minimum of two new trees (following the city's tree planting standards), planted in a suitable location (confirmed by the Development Administrator) on the Property; The approval of this special use permit is based on relevant zoning considerations only, and does not resolve any private dispute concerning ownership of or damage to trees located on or near the property line and The façade of the new building containing Units 2-5 shall be predominantly masonry.

Councilor Graham asked if multi-family was considered for this parcel and Mr. Craig explained there was discussion of administrative modification about townhome lots. He said a multi-family building was discussed with the applicant but there were building code issues, arrangement of units proved to be difficult and the applicant's goal was to sell the properties, and townhomes met that need. Mr. Graham said the one concern he had was that the applicant had not considered a single stair approach and he would like this considered in future multi-family projects in future infill projects. In regards to multi-family, he asked if height restrictions were discussed and whether Frederick Lofts were used for comparison. Mr. Craig said parking on the site was challenging because of the small footprint and whether it was multi-family or townhomes the parking would look similar to what was proposed. He said multi-level parking would be difficult because of the access pattern.

Councilor Kelly asked for clarification on the public parking that was being offered and Mr. Craig listed the two commuter lots and the parking garage. Councilor Kelly asked how much off street residential parking there was for this area and he said on street spaces were 92.

Councilor Gerlach asked who would make the determination whether a tree has died and Mr. Craig said it has not been identified but it was a zoning requirement and the Zoning Administrator would ultimately make the decision because she enforces the code and the City arborist would assist her in that determination.

James Whitman, 1600 Washington Avenue, thanked staff for their report and he said they agree with staff's recommendation and he would be available to answer any questions.

Denise Malczewski, 220 Princess Anne Street, stated that this project was out of character for the community. She said it was concerning because of the prior builds in the last three years. She asked the Council to limit the size of the development by denying the SUP to build at the density the applicant was seeking. Ms. Malczewski said she read the downtown plan for this area and it calls for a new district that is compatible with the surrounding neighborhoods and having an existing residential density of 4 to 20 units per acre and this project is 37 units per acre and not compatible with the existing residential neighborhood.

Ms. Malczewski said the Area 7 downtown plan calls for the Commercial Downtown (C-D) zoning district to shrink and this would expand the C-D zoning district. She said building new townhomes in the downtown does not accomplish any goals that

the City has. She asked the Council to be wise about what is allowed to be built in the City.

Hamilton Palmer, 401 Charles Street, stated some of the items presented in the staff report were misleading such as the parking. He said much of the parking lots shown were owned by VRE and the City, the current design showed the trees twice the size of what they actually are and he said the report said the applicant must preserve on street parking but he does not own the street parking so he cannot preserve it. He said there had not been any dialog about multi-family units. Mr. Palmer was concerned with the consequences the neighborhood and the historic district may suffer if the project is approved. He talked about the projects in that area that were saved including his building. He said this project, if approved, would destroy the fabric of the neighborhood and signal to others that they can build sticks of townhomes that do not fit into the historic district. Mr. Palmer said there was an easement around the trees that was recorded at the courthouse. Mr. Palmer expressed his concern that the staff and Council had met two by two to discuss the project.

Jennifer Morgan, 312 Princess Anne Street, spoke in opposition to the project and she wanted to know what would warrant this rezoning because it does not make sense visually and would take away from the historical appeal. She said it was stated that more housing stock would bring prices down on housing but the opposite was happening. All of the new builds were expensive and modern and the City's goals and initiatives state that the character of the City and neighborhoods should enhance the

quality of life of the city and its neighborhoods. Ms. Morgan asked the Council to be careful to what they say yes to, regarding this project and future projects downtown.

Mo Deadman, 214 Princess Anne Street, was opposed to the project and she had a few concerns. The first concern was if the city continues to allow new residential development to the historic district, it would no longer be historic. Second, she asked that the City not erode the historic history. She said the citizens should be able to rely on city officials and the zoning ordinance to protect their neighborhoods when a project requires exceptions and exemptions. There have been more than two dozen residents of the immediate neighborhood expressing concern with the impact of this project on the neighborhood. She asked the Council to oppose the project and deny the request for SUP and rezoning.

Anne Little, 726 William Street, spoke about the trees and how they were large beautiful oaks and how the roots expand out from the tree. She said when you mess with the roots it will destroy them and it can take up to ten years before they die. The cost of the trees can be from \$5,000 to \$8,000. Ms. Little said the City's tree canopy dropped from forty-four percent to forty percent because of development and it was going to take years to catch up. The loss of the trees was critical to the heat issues in the City.

Lissah Michalski, 316 Frederick Street, spoke in opposition of the project stating that parking was a growing issue in the neighborhood, due to commuters. She asked the Council to protect the trees because they have played an important role by providing flood mitigation. Ms. Michalski stated that the Area Plan that was adopted

did not call for 400 Princess Anne to be an infill lot. She said the City must protect and enhance the history of Fredericksburg. She said this was not the form based approach the City Council adopted and it was not the way forward. She suggested changes be made to the project and that the applicant go back to the drawing board.

Forrest Wilhoit, III, 307 Princess Anne Street, spoke in opposition of the 400 Princess Anne Street project. He urged the Council to vote no on the SUP and the rezoning. He stated that a large number had spoken out against the project. He suggested there was a reluctance by representatives both elected and appointed to translate community concerns into stronger development guidelines and conditions. Mr. Wilhoit suggested that the process needed improvements. He said they care deeply about their neighborhood and they want to see it grow in a way that make sense to them.

Robert Podlesny (D23-401), 310 Frederick Street, Unit 301, suggested that a community approach was needed. He suggested that when all parties work together great things can be accomplished. The community approach is what he says will address current and prospective residents, businesses, developers, City and State governments was the best way to ensure economic growth.

Mr. Podlesny also addressed the developers track record. He suggested recommendations and modifications, parking, safety, Darbytown Civic Association, and economic approach. See **D23-401** for more information.

Debra Joseph (D23-402), 221 Princess Anne Street, requested the Council deny the special use permit for the increased density. She asked the Council to please deny the requests.

Nancy Moore (D23-403), 314 Princess Anne Street, stated that she has lived in Darbytown since 1976 and the low-key, single family neighborhood was now being surrounded by high density developments. She asked the Council to change the rules and protect their quality of life.

Harry Jones (D23-404), 208 Caroline Street, spoke in opposition of the special use permit. He said eliminating the parking spaces would cause difficulties for the coffee shop and the tenants of the building. He also stated that changing the density of the neighborhood was not a good idea.

Arleatha S. Copeland-Bumbrey and Charles M. Bumbrey, Jr. (D23-405), 315 Princess Anne Street, spoke in opposition due to the increased congestion in the area. They said the purpose for the density limitations was to prevent overcrowding. They stated that the rezoning was over zealous on the part of the developer and the City. the Bumbrey's stated that the congestion takes away from the tranquility and peacefulness in the neighborhood.

Amy Ridderhof (D23-406), 226 Princess Anne Street, spoke in opposition of the proposed townhomes at 400 Princess Anne Street. She said she was distressed by what she views as the continuing efforts to over-develop their neighborhood. She feels like the neighborhood was being stripped of its historical character and charm. Ms. Ridderhof also spoke of the difficulties of finding on street parking.

Amy Ellis (D23-407), 116 Caroline Street, spoke in opposition of the rezoning and the special use permit. She was concerned that the unique and historic character the City was rapidly being paved and bricked over. She said she chose to live in the historic district with the understanding that growth and change within the historic district would be thoughtful and consistent with the neighborhood's character but she feels that is proving not to be the case.

Jim Foley (D23-408), 122 Caroline Street, expressed his concern and opposition to the removal of 400 Princess Anne Street from the Railroad District and the special use permit. He said the proposal was alarming for the following reasons: Darbytown area already deals with traffic issues from the density of residents, train commuters, and general traffic in the area. Additionally, high-density residential will only exacerbate this issue, the residents of Darbytown have consistently brought up issues of dangerous speeding and traffic patterns in these residential neighborhoods. He said there needed to be discussions on how local infrastructure to include schools, roads, traffic enforcement, etc. would be addressed with this new development. He said the proposed height and density of this project was not in keeping with the historical character of the neighborhood, and represents a significant change, which he does not support.

Forrest and Kathy Dickinson (D23-409), 300 Caroline Street, spoke in opposition to the rezoning at 400 Princess Anne Street as well as the special use permit for the residential density. They stated that the project was not consistent with the historical

character of the neighborhood and it would impact the parking for the coffee shop and residents. They said this project would further destroy the old town look.

Stephanie Cherubin (D23-410), 208 Caroline Street, spoke in opposition of the rezoning at 400 Princess Anne Street because of the following reasons: The project is not consistent with the historical character of the neighborhood, 15 parking spaces would be removed from the coffee shop, and would make it increasingly difficult to park to use the gym. She said the street was congested enough as it is without the addition of townhouses creating more movement of vehicles and a more crowded cityscape.

Councilor Graham stated that given the concerns and questions he wanted to defer the vote until the next meeting.

Vice-Mayor Frye addressed comments that were directed at him and he wanted the public to know that at the last meeting he was acknowledging that he heard their concerns. He said he will do whatever he can to address concerns of citizens and he did not appreciate the attacks made on him. He also offered to meet anyone who wanted to meet him at the coffee shop to discuss the project.

Councilor Gerlach asked Councilor Graham for clarification on what questions he needed answered before moving forward and he explained that he wanted more information on whether a multi-family structure could be feasible in the footprint. He also wanted to know more about the fire and safety perspective and the height level. He said he would like to see a goal for this area be multi-family with one bedrooms or studios.

Mr. Whitman said they looked at multi-family and it was not feasible due to the size of the site and site distances and the entry and access points. He said they could not make it work. Mr. Whitman explained the compromises they have made over the past nine months related to this project. Councilor Gerlach asked Mr. Whitman based on the comments made by Ms. Little, that it could take 10 years to know if the trees are dying would they be willing to change that condition to ten years and Mr. Whitman said he was. Councilor Gerlach asked if they were still before the Architectural Review Board and Mr. Whitman said they had to go back to get their building materials approved but they were waiting for the rezoning approval.

Councilor Devine addressed the comments made regarding the process and staff. She took exception to the insinuation that Council or staff had done anything inappropriate. She said it was common practice to meet one on one or two on two to flush out details, concerns and questions so that staff can work to address them. She said there is never anything inappropriate or underhanded, staff works hard to meet the needs of the City. She noted that they do it with the utmost integrity.

Mayor Greenlaw also echoed those comments as well as Councilor Duffy. He said this was a project that has had a lot of input from citizens. He was supportive of density around the train station, but it has to be the right project. He said adding masonry was important and he had concerns about traffic and parking.

Councilor Kelly commented that density was not affordability. He said anywhere in the downtown area property values are so high that developers must have multifamily units to make it financially work. He said there needed to be discussions on

affordability in the City and how it could be addressed. He said this project was too large for this location and it would have an impact on the historic fabric.

Councilor Duffy said many of the commercial businesses benefit from the residential builds and for that reason he was thinking of supporting. He also agreed with Councilor Kelly regarding affordability.

Councilor Graham moved to defer the item until the October 10 meeting; motion was seconded by Councilor Frye.

Councilors Kelly and Gerlach said they saw no reason to defer because the applicant had answered the outstanding question of the multi-family unit and it would not work there. Councilor Graham said he wanted to defer to explore other opportunities in regards to height and parking.

Councilor Graham withdrew his motion for lack of support.

Councilor Kelly moved to deny Ordinance 23-17, on second read, amending the City's Zoning Map to remove approximately 0.2209 acres of land at 400 Princess Anne Street from the Railroad Station Overlay District; motion was seconded by Councilor Devine.

Councilor Devine noted that they made exceptions for removing the Coffee Warehouse and the Janney Marshall buildings from the Railroad Overlay District but that was the best way to preserve those historic buildings and she did not feel like this project rose to the same level.

The motion passed by the following recorded votes. Ayes (4). Councilors Greenlaw, Frye, Devine and Kelly. Nays (3). Councilors. Duffy, Gerlach and Graham.

Resolution 23-58, Granting a Special Use Permit for Saint Mary of the Immaculate Conception Parish on 5.4 Acres of Land Located at 1301 William Street and Associated Lots on Stafford Avenue, Royston Street, and Augustine Avenue (D23-411 thru D23-414). 5 speakers. Zoning

Administrator Machen presented a PowerPoint presentation. She began with an overview of the project asking whether a Special Use Permit (SUP) should be approved for Saint Mary's. The Planning Commission approved the project with the following recommendations: Approval with conditions of the SUP, That the Parking Advisory Committee look at on-street parking in the area, Property is 5.414 acres combined (currently on 15 parcels), Requesting approval to: Replace 7 existing SUP with 1 SUP and 1 General Development Plan (GDP)/set of conditions, Expand SUP religious institutional use permissions to include the rear portion of the block, 600 square foot rectory addition and other improvements: sidewalk, sidewalk lighting, and water feature.

Ms. Machen reviewed the location, the proposed uses, the GDP, Potential impacts, Neighborhood Character, Occupancy and Parking. She discussed the recommended approval and the following conditions:

1. The Property will be developed and maintained substantially in conformance with the GDP.
2. The principal religious assembly use shall be contained within the "Primary Church Use Area" delineated on Sheet 4 of 4 of the GDP.

3. All school uses shall be contained within the "Primary Church Use Area." Enrollment shall be limited to 66 preschool students.
4. Any outdoor playground shall be located within the "Primary Church Use Area." Any playground installed shall be screened from adjacent residential uses.
5. Lots within the "Ancillary Church Use Area," that are currently vacant or used for parking may be developed for single family detached dwelling uses or any other use by-right in the R-4 zoning district. Any other change of use will require an amendment to this special use permit.
6. The hours of operation of uses located in the Ancillary Church Use Area shall begin at 8:00 a.m. and end at 9:00 p.m., seven days a week, unless a Special Event Permit is issued by the Parks, Recreation, and Events Department or a Temporary Use Permit is issued by the Zoning Administrator. Additional time for set-up/clean-up is permitted between 7:00 a.m. and 10:00 p.m. seven days a week. The child day care use may begin operations at 6:00 a.m.
7. Lighting fixtures for interior sidewalks within the Ancillary Church Use Area shall be five feet or less in height and in conformance with City Code.
8. Landscaping shall be installed to screen the interior sidewalks within the Ancillary Church Use Area from view of the adjacent public streets.
9. Any change of use within the "Ancillary Church Use Area," shall be limited in occupancy to the equivalent of a Group B (business) Building Code Use Classification or less. See D23-411 for more information.

Councilor Kelly asked why the hours were changing for the ancillary building and Ms. Machen said the ancillary building were going to be intended for the small group meetings. She said it was intended to be one set of conditions for the block of properties to help mitigate impacts.

Councilor Graham noted that the church was providing a third more parking than the demand requires. He asked what was included in this parking and she explained that they have 152 spaces off street and 122 included on street parking along their property. Councilor Graham suggested looking at parking for the City at large because there needed to be a solution to fit for residents and the city. He asked if there was a way to decrease the parking they are allowed, for the benefit of the neighborhood and residents. Ms. Machen said the Parking Advisory Commission could look at the on street parking signage, but off street they would have to talk with the applicant.

Mr. Craig added that there was parking congestion driven by the mass services but he reiterated that the SUP is only about the ancillary uses.

Charlie Payne, attorney representing the applicant. Mr. Payne began with a PowerPoint presentation and he talked about the applicant's background, overview of the application, a review of the properties, proposed improvements to the property under the SUP and the community and resident outreach.

Sue Sargeant, 1318 William Street, spoke as the president of the College Heights Civic Association. Ms. Sargeant said she requested a meeting with the Church to discuss one issue at a time, parking congestion. She said before the meeting for several weeks she and other residents took data on the number of cars on the street before a mass on

Saturday's and Sunday's and the results were, a full St. Mary's parking lot and parking on William Street (church side) filled, Daniel and Adams Streets - 4 cars each, 1400 block of Buckner both sides filled with cars, Stafford Avenue both house and church side lined with cars, two cars on the 1400 block of Royston, three of the usual cars on the 1300 block of Royston (church side). She said the parking congestion only occurs on the popular masses, on Sunday at 10:30 a.m. and 12:30 p.m. She said at the meeting she was told the church hires an off duty deputy to direct traffic. They also discussed satellite parking from the University of Mary Washington lots, but they realized many parishioners want to get in and out fast. Ms. Sargeant said they talked about asking the City to stripe the parking spaces on the church side, placing a crosswalk at Buckner Street and Stafford Avenue, and a pedestrian pencil sign to slow down traffic. She said the meeting was productive and appreciated. Ms. Sargeant was also given a tour of the ancillary buildings and they also had another walkabout where they invited College Heights residents, Councilor Duffy and Councilor Kelly. They also talked about the buying up of houses and they were thankful for staff working with the applicant to get changes made.

Brian Baer, 1235 Dandridge Street, stated that if the applicant was concerned about the neighborhood character they would not have purchased three city blocks of neighborhood single-family homes and try to consolidate them. He called attention to the word subsidiarity, a community of a higher order, a global enterprise should not interfere in internal life of community of lower order.

Mike Worsham, 1317 Royston Street, presented alternative conditions to the current conditions. He was particularly concerned about the ancillary facilities at 1312 and 1316 Royston Street. He said the hours 7:00 a.m. to 10:00 p.m. was not acceptable. He noted that 1104 Augustine has late night meetings and it could accommodate those late meetings. He asked the Council to consider the conditions he emailed to them.

Scott Vezina, 1005 Cadmus Court, spoke about the many services St. Mary's provide to its parishioners as well as the community and he asked the Council to approve the SUP so that they could continue to do their great work.

Councilor Kelly asked if there was any way to address the concerns on Royston Street. Chief Operations Officer Chris Lanzarone stated that they would not be using the houses every night. He said it would be for bible studies, classes, small group use and it would not be occupied 24/7 and on Saturday's they would meet at 8:00 a.m. He said they have evening meetings because there are parishioners who cannot meet until the evening because they are commuters.

Councilor Kelly said the big problem is the church moving into the community by purchasing homes. He said it would be a big relief to the community if they knew the church would not buy up any more properties. Father John Mosimann said he was assigned by the Bishop and someday there will be another pastor and while he is here he does not plan to buy any other properties but he cannot say what the Bishop or the next pastor might do. He said the current properties are being used by the music director and the principal of their school and he has no more designs for properties.

Father Mosimann recognizes that parking was the number one issue and he understands that. He said they have given birth to several churches due to the church growth but he cannot make that decision, that would be a decision of the Bishop. He said there were members from another church who were attending St. Mary's because they offer Spanish speaking services and he reached out to that pastor to see how they could help to meet the need for those parishioners in order to lessen the number of those members from coming to St Mary's, in hopes this would help with some of the parking congestion. He said he started having Ash Wednesday services at their school and he added another mass on Sunday's at the school in order to relieve the congestion. Father Mosimann said he has asked parishioner to respect the neighborhood and to be good neighbors.

Councilor Gerlach made a motion to approve Resolution 23-58 granting a Special Use Permit for Saint Mary of the Immaculate Conception Parish on 5.4 acres of land located at 1301 William Street and associated lots on Stafford Avenue, Royston Street, and Augustine Avenue; motion was seconded by Vice-Mayor Frye.

Councilor Duffy said he had concerns with houses that have been purchased that do not fit the churches uses. He was also concerned that some of the properties were sitting vacant. He valued that they were trying to keep the neighborhood feel. Councilor Duffy expressed that he was worried the church would outgrow its space. He questioned if the residential permit parking hours were expanded what would that do to the parishioners. Dr. Duffy was concerned with the hours of operations and he would like to find a way to scale back on the operating hours in the residential area. He was

supportive of the on street parking along William Street, but he was not in favor of marking the parking spaces because it is known to reduce the number of parking spaces. He said childcare was also a concern.

Councilor Devine said she does not doubt the good work of St. Mary's and she commended the church on its growth. She spoke of how ironic it was that the Council was just speaking about the need for housing in the City and this was taking housing away. She expressed her concern with the parking, the hours and she would like to limit the hours from 9:00 a.m. to 5:00 p.m. and limit the evening hours to a couple nights a week and not for the property across from 1317 Royston Street. Councilor Devine said she was not a fan of the growth. Councilor Devine said she would like to make her requests a friendly amendment.

Councilor Gerlach said he did not want to get into the position of making an unreasonable condition that could expose the City to a first amendment violation. He said prohibiting the ancillary use after 5:00 p.m. was giving him pause because it was not consistent with the residential nature of the zoning district. He said residential uses do not end at 5:00 p.m.

City Attorney Dooley explained that a reasonable condition could be generated because the objection was the 8:00 a.m. to 9:00 p.m. seven days a week and the applicant said they would not be using it from 8:00 a.m. to 9:00 p.m. seven days a week. She said she wanted to get clarity and she suggested getting that clarity in the next two weeks and bring it back to the next meeting.

Mr. Payne said this was an integrated religious campus and to allow one building to be open for a certain time and another not be allowed would be difficult for oversight and management. He noted that the office at 1101 Stafford was directly behind the church and it could cause issues with the church. He said the Royston properties he would like to know more about what they are thinking. Mr. Payne explained that those properties set back from the street and the plan was to keep traffic away but the neighborhood did not want it gated off or any type of landscaping to block access. They wanted to push traffic to the main church lot. He also noted that there were 3 or 4 homes being used today to house employees of the church.

Ms. Dooley said there would not be any limits to the houses being used but for the properties being used for the larger assembly uses of the building on the street.

Mr. Lanzarone clarified that the intention was to use the back entrances of the houses at 1312 and 1316 Royston Street and all access would be from the church parking lot. He said that was the reason for wanting to put up the gate and fence.

Father Mosimann said his concern with limiting the evening hours is that those hours are most valuable for serving the citizens of Fredericksburg. He said that is when they are available for bible study he said that is part of the pressure they have and they want to accommodate the needs of those they serve. He said if you limited the hours from 8:00 a.m. to 5:00 p.m. it would hamper their ability to serve their parishioners. He also noted that those house would be less than what is currently on the Catholic Charities office and the John Paul II house. He said their most valuable hours are in

those evening for bible study, Alcoholic Anonymous, Catholic Charities, Migration Refugee Services and others.

Councilor Kelly asked if the other churches in the area were limited in their hours for bible study at night.

Councilor Duffy said he did not want to vote this down and he thinks another two weeks would give staff time to explore, therefore he made a substitute motion to defer for two weeks; motion was seconded by Councilor Devine; motion passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Frye, Devine, Duffy, Graham and Kelly. Nays (1). Councilor Gerlach.

Motion to Suspend the Rule. Councilor Devine moved to suspend the rules to meet passed 11:00 p.m.; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (6). Councilors Greenlaw, Devine, Duffy, Gerlach, Graham and Kelly. Nays (1). Councilor Frye.

Amending the City's Zoning Map to Rezone 83.59 Acres of Land from Planned Development-Medical Center (PD-MC) to Planned Development-Mixed use (PD-MU) with Proffered Conditions (D23-415 thru D23-420). Principle Planner Craig presented a PowerPoint presentation and be reviewed the following: Project Site, Comprehensive Plan Compliance – Small Area Plan, Planned Development – Mixed Use: Form Based Criteria, Comprehensive Plan Compliance – Chapter 7 Residential Neighborhoods, Comprehensive Plan Compliance – Chapter 6 Business Opportunities, Planning Commission's Recommendation,

Comprehensive Plan Compliance – Chapter 4 Public Services, Facilities, and Preserved Open Space, Comprehensive Plan Compliance – Chapter 3 Transportation and Comprehensive Plan Compliance – Chapter 4 Public Services, Facilities, and Preserved Open Space. See D23-415 for more information.

Councilor Kelly said when they were looking at Gateway for another project the proposed cost for the road was significantly less than what VDOT was expecting for the previous project.

Mr. Craig said the applicant took an FAR and applied it to the site and the level of traffic was not approaching the same level as the previous project. Councilor Kelly said he would like VDOT to review and give an opinion. Mr. Craig said VDOT has been a partner in reviewing the Traffic Impact Analysis and they have made recommendations.

Councilor Graham asked what was being used to determine that four lanes were needed. He said Idlewild has four lanes and there is absolutely no reason for them. Mr. Craig explained that the two project were totally different. Idlewild was approximately 750 units and this project has nearly 650 with 440,000 square feet of non-residential space and the level of through traffic would be different.

Mayor Greenlaw stated that the discrepancy on the cost per pupil also needed to be sorted out and she said she was not ready to vote on this project.

Councilor Gerlach said the Comprehensive Plan calls for an extension of the Gateway Boulevard, and it calls for four lanes up to Fall Hill Avenue and he questioned that and wanted to know if this was something the Council really wanted to do. His

concern was congestion on 95 would cause people to cut through and cause a lot of traffic to dump into his Ward. He was not sure four lanes would be appropriate.

Councilor Devine said a concern she had was that it is unknown what commercial would be coming and she would like to see some sort of timeline on that.

Councilor Duffy said this was the last large parcel in the City and it gives him pause. He always thought it would be a destination identity framing for the City. He was appreciative of a lot of the features of the project.

Councilor Kelly was in agreement with Councilor Devine. He said Idlewild and Fredericksburg Park were both supposed to be mixed use projects and neither turned out that way. He was concerned with how commitments were being made. He said he would like to have a conversation on housing in the City.

Charlie Payne, Attorney for the applicant presented a PowerPoint presentation and he gave an overview of the application, Small Area Plan purposes, map of the land use, map of the residential area and land use area, open space plan, landscape buffer plan, frontage types, live district, single family attached guidelines, community clubhouse, retail, commercial and flex property standards, play district, municipal proffer analysis, proposed school proffers, other proffers, transportation study areas and transportation improvements.

Mr. Mike Young, professional engineer for Bowman stated that VDOT has reviewed the transportation study and he has revised it twice. They have not received any more comments on the technical conclusions of the traffic study which facilitated the improvements. In regards to the four lanes versus the two lanes he said they used

the Highway Capacity Software (HCS) two lane highway model and the results showed that a two lane highway would adequately accommodate the traffic volume associated with the development as well as anticipated cut-through traffic. The topic of discussion VDOT noted that the tool does not model the potential for conflict and they suggested an additional analysis the levels of service analysis for internal intersections. They reviewed all five intersections and the software allows them to include pedestrian and bicycle information and the results showed a level D or better for those intersections. The analysis was reviewed by VDOT and they found the analysis to be technically sound but they reiterated that in their opinion four lanes would be ideal.

Mr. Young touched on the pedestrian crossings across the new Gateway Boulevard extended, he said it was VDOT policy that if there is a crossing at an uncontrolled location, you shall prepare an engineering study to justify the type of crossing to be installed. He said this would typically come with site plans.

Councilor Graham asked if there was a reason multi-family was not put on top of the retail restaurant space. Mr. Payne said part of the problem is the marketability and how much density would be spread out on top of the commercial component. He said they were concerned that there were very few markets other than the downtown, who are attracted to that type of mixed use. He said they were finding that it is difficult to sell those types of units in other parts of the City.

Mr. Payne finished out his PowerPoint showing the road network and Economic Development impact.

Libby Wasseem, 1005 Albert Rennolds Drive, President of Snowden Hills Homeowners Association, shared that the City is a wonderful place to live and the quality of life makes it a wonderful place to live. She said she does not want to live in Northern Virginia and this project looks like Northern Virginia. Ms. Wasseem said the more people we add the less the individual will matter. She asked the Council how many times have proffers covered what they are supposed to cover. Most times taxes have to be raised. She was opposed to how thin the proffers are. Ms. Wasseem said she has yet to see any developer take care of the trees.

Christopher Del Monte (D23-419), 2305 Plank Road, owner of the GoodWash Carwash spoke in support of this project. He said the extension of Gateway Blvd is added infrastructure that is long overdue. The relief on traffic alone allowing a more direct path from Downtown Fredericksburg to the Central Park. The new Gateway will be a highly favored route for drivers.

He said the development will bring a much needed product to the area as we grow at the speed we are. This type of development will offer a great lifestyle for families of all ages.

Debra Anker (D23-420), 1021 Albert Rennolds Drive, stated that she would like to see the Hylton tract maintained as a wild park for citizens to enjoy.

Adjourned. There being no speakers to come before the Council at this time, Mayor Mary Katherine Greenlaw declared the hearing officially adjourned at 12:13 a.m.

Mary Katherine Greenlaw

Mary Katherine Greenlaw, Mayor

APPROVED
10-10-23

Tonya B. Lacey

Tonya B. Lacey, Clerk of Council, MMC



CITY OF FREDERICKSBURG, VIRGINIA
CITY COUNCIL
MINUTES
Council Chambers, 715 Princess Anne Street
Fredericksburg, Virginia 22401

HON. MARY KATHERINE GREENLAW, MAYOR
HON. CHARLIE L. FRYE, JR., VICE -MAYOR, WARD FOUR
HON. KERRY P. DEVINE, AT-LARGE
HON. MATTHEW J. KELLY, AT-LARGE
HON. JASON N. GRAHAM, WARD ONE
HON. JONATHAN A. GERLACH, WARD TWO
HON. DR. TIMOTHY P. DUFFY, WARD THREE

September 12, 2023

The Council of the City of Fredericksburg, Virginia, held a regular session on Tuesday, September 12, 2023, beginning at 7:30 p.m. in the Council Chambers of City Hall.

City Council Present. Mayor Mary Katherine Greenlaw. Vice-Mayor Charlie L. Frye, Jr. Council members Kerry P. Devine, Dr. Timothy P. Duffy, Jonathan A. Gerlach, Jason N. Graham and Matthew J. Kelly.

Others Present. City Manager Timothy J. Baroody, Assistant City Manager Mark Whitley, Assistant City Manager David Brown, City Attorney Kathleen Dooley, Planning and Building Services Director Charles Johnston, Principle Planner Michael Craig, Zoning Administrator Kelly Machen, Community Development Planner Bailey Thompson, Historic Resources Planner Kate Schwartz, Budget Analyst Donna Leahy and Clerk of Council Tonya B. Lacey.

Opening Prayer and Pledge of Allegiance. Council was led in prayer by Councilor Charlie L. Frye, Jr. followed by the Pledge of Allegiance led by Councilor Jason N. Graham.

Officer Recognized. Mayor Greenlaw recognized the presence of Deputy Sean Jett at this evening's meeting.

Plant and Play Proclamation (D23-395). Mayor Greenlaw presented a proclamation to Anne Little, Tree Fredericksburg applauding this event and she hoped to see the event return every year.

Consent Agenda Accepted for Transmittal as Recommended (D23-396 thru D23-398). Councilor Gerlach moved approval of the City Manager's consent agenda; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

- Resolution 23-56, Amending the Operational Agreement of the Rappahannock Regional Solid Waste Management Board to Extend the Date of Expiration (D23-396 thru D23-397).
- Ordinance 23-16, Second Read, Ordinance Providing for Issuance and Sale of a Solid Waste System Revenue Bond, Series 2023 of the City of Fredericksburg, Virginia, in an Amount Not to Exceed \$2,100,000, and the Form, Details and Payment Thereof (D23-398).

Public Hearing (D23-399 thru D23-421). The regular session was recessed in order to conduct scheduled public hearings and immediately reconvened upon their conclusion.

Citizen Comment. The following comments were given and/or submitted to be read during the citizen comment portion of this evening's meeting.

David James (D23-422), Historic Fredericksburg Foundation, Inc., 1200 Caroline Street, questioned how Mr. Hamilton Palmer and Ms. Lissah Michalski were able to file an appeal to the 400 Princess Anne Street project and HFFI was told they did not have standing in the appeal they filed on a property near their property. He asked the Council to direct the City Attorney to explain why they were able to appeal and HFFI was not.

Council Agenda Presented. The following items were presented to Council for discussion.

8A. Board and Commissions Updates - Board of Social Services, Central Rappahannock Regional Library, Community Policy Management Team, Fredericksburg Area Museum, Fredericksburg Clean & Green Commission, Fredericksburg Regional Alliance, GWRC/FAMPO, Healthy Generations Area Agency on Aging, Main Street Board

8B. Eunice B. Keys – Vice-Mayor Frye

Board and Commission Updates. Due to the late hour Mayor Greenlaw postponed this item until the next agenda. Councilor Devine reported that the Central Rappahannock Regional Library hours that were closed on Tuesdays will be reinstated as of October 2.

Eunice B. Keys – Vice-Mayor Frye wished Ms. Keys a happy 103rd birthday from the City Council.

Adoption of Minutes (D23-423). Councilor Devine moved approval of the March 28, 2023 Work Session minutes and the August 22, 2023 Public Hearing and the August 22, Regular Session minutes; motion was seconded by Councilor Graham and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

Appointments to the Fredericksburg Clean and Green Commission – Erik Bonds (D23-424). Councilor Duffy made a motion to appoint Erik Bonds to the Clean and Green Commission; motion was seconded by Councilor Devine and passed by the following recorded votes. Ayes (7). Councilors Greenlaw, Frye, Devine, Duffy, Gerlach, Graham and Kelly. Nays (0).

City Manager’s Report and Council Calendar (D23-425 thru D23-426). City Manager Baroody directed the Council’s attention to the Manager’s Update: The City’s Planned Improvements to Riverfront Park Progressing, Community and School Safety, Small Area Planning Process Meetings, Keeping Fredericksburg Beautiful, Community Resources, Vehicle Tampering, Council Priorities Phase Four, Traffic Safety Initiative, Parks, Recreation and Events Fall Catalog and Fred Focus.

Adjournment. There being no further business to come before the Council at this time, Mayor Greenlaw declared the meeting officially adjourned at 12:19 a.m.

Tonya B. Lacey
Tonya B. Lacey, Clerk of Council

Mary Katherine Greenlaw
Mary Katherine Greenlaw, Mayor
APPROVED
10-10-23