



PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA AGENDA
June 17, 2020
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL
and ELECTRONIC

The City Council and Planning Commission will hold a joint e-meeting pursuant to and in compliance with City Council Ord. 20-05. The public is encouraged to access the meeting, through the broadcast on Cox Channel 84 and Verizon Channel 42. The meeting can also be viewed on our www.regionalwebtv.com/fredcc or Facebook live at www.facebook.com/FXBGgov

1. Call To Order

This meeting is being held electronically by “Go to Meeting” application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public have been invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov

The members participating are [list members by name]

2. Pledge Of Allegiance

3. Determination Of A Quorum

4. Approval Of Agenda

5. Approval Of Minutes

5.I. 5a-2020-03-11 Draft Minutes

Documents:

[5A-2020-03-11 DRAFT MINUTES.PDF](#)

5.II. 5b-2020-06-10 Draft Minutes, Joint CC & PC

Documents:

[5B-2020-06-10 DRAFT MINUTES JOINT CC-CC.PDF](#)

6. Declaration Of Conflict Of Interest

7. Public Hearing Items

Citizens who wish to participate in the public hearing will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404, (3) through a form on our website <https://www.fredericksburgva.gov/677/Public-Comment> or (4) email to planning@fredericksburgva.gov. Comments must be received by 4:30 p.m. the day of the meeting. The plan is to read these comments out loud during the public comment portion of the Planning Commission meeting. The standard rules apply to public comments: the person must identify himself or herself by name and address, including zip code; limit his or her remarks to 5 minutes or less (read aloud); and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

7.I. 7a-Coley ADU

Documents:

[7A-COLEY - ADU.PDF](#)

7.II. 7b-Cowan Station

Documents:

[7B-COWAN STATION.PDF](#)

7.III. 7c-Cowan Station Rezoning

Documents:

[7C-COWAN STATION REZONING.PDF](#)

8. Old Business

8.I. 8a & B - GreenChip

Documents:

[8A N B-GREENCHIP.PDF](#)

8.II. 8c-Sign Ordinance

Documents:

[8C-SIGN ORDINANCE.PDF](#)

8.III. 8d-CPA Transportation

Documents:

[8D-CPA TRANSPORTATION.PDF](#)

9. General Public Comments

Citizens who wish to participate in the public hearing will be able to send their comments in writing by (1) dropping them in the Deposit Box at City Hall, (2) U.S. Mail at PO Box 7447, Fredericksburg, VA 22404, (3) through a form on our website <https://www.fredericksburgva.gov/677/Public-Comment> or (4) email to planning@fredericksburgva.gov. Comments must be received by 4:30 p.m. the day of the meeting. The plan is to read these comments out loud during the public comment portion of the Planning Commission meeting. The standard rules apply to public comments: the

person must identify himself or herself by name and address, including zip code; limit his or her remarks to 5 minutes or less (read aloud); and address a topic of City business. Public comments submitted during the meeting, through the Facebook Live streaming video, will not be considered part of the official public comments of the meeting.

10. Other Business

10.I. Planning Commissioner Comment

10.II. Planning Director Comment

11. Adjournment



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES
March 11, 2020
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/771goz3nm>

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

MEMBERS

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

CITY STAFF

Chuck Johnston, Director,
Planning and Building Dept.
Mike Craig, Senior Planner
James Newman, Zoning Administrator
Cathy Eckles, Administrative Assistant

1. CALL TO ORDER

Chairman Rodriguez called the meeting to order at 7:30 p.m. and explained meeting procedures for the public, as well as expected decorum during public comment.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All seven members were present.

4. APPROVAL OF AGENDA

Mr. Hornung moved for approval of the agenda as submitted. Mr. Durham seconded.

Motion passed 7-0

5. APPROVAL OF MINUTES

November 13, 2019 Work Session

Mr. Hornung moved for approval of the minutes as submitted. Mr. Gantt seconded.

Motion passed 7-0

February 26, 2020 Regular Meeting

Mr. Pates moved for approval of the minutes with his edits as submitted by email on March 9, 2020. Mr. Slominski seconded.

Motion passed 7-0.

6. DECLARATION OF CONFLICT OF INTEREST

Mr. Pates noted he has a conflict with SUP2020-02 as this is his daughter's business. There were no further conflicts of interest reported.

7. PUBLIC HEARING

A. Eufhoria requests a special use permit to operate a retail sales establishment, specifically a florist shop, in the Commercial-Transitional Zoning District. The property is located at 915/917 Lafayette Boulevard, at the corner of Lafayette Boulevard and Willis Street. SUP 2020-02

Mr. Newman reviewed the staff report along with a power point presentation (Att. 1) and recommended approval with three conditions.

Mr. O'Toole questioned what the previous uses of the property were. Mr. Newman said there is a law office in one of the spaces and formerly a juice café was in the proposed location of Eufhoria. Mr. Newman commented that special use runs with the property and does not cease if there is change in property owner or business proprietor. Mr. Newman said the Commissioners could add a condition that the proposed special use permit only be for the proposed square footage of Eufhoria.

Mr. Gantt questioned the limiting of the square footage for the business proposed at 1,200 sq. ft., what would the remaining property be used for. Mr. Newman said the applicant would answer that. Chairman Rodriguez questioned the parking requirements and would they be limited to that application. Mr. Newman said that there was no additional parking required as it is a change in use and there are 5 to 6 street parking spaces available.

Chairman Rodriguez opened the public hearing.

Sandra Glancy, representative of the applicant, was present, as was Annie Pates, the business owner. Mr. Hornung asked Ms. Pates if she would have an issue with limiting this permit to floral business only, no general retail sales. Ms. Pates said she also sells plants and floral related gifts and is not strictly a floral business.

Chairman Rodriguez questioned whether there would be a dedicated drop-off area for the floral delivery portion of the business. Ms. Pates said there was an area off-street for the delivery vehicles.

No public comments were made. Chairman Rodriguez closed the public hearing.

Discussion ensued regarding adding a condition limiting the use to a floral business only. Mr. Hornung was concerned about the proximity to the Battlefield Visitor Center. Mr. Johnston

noted that the City Attorney has indicated that there are legal issues in trying to limit the particular type of retail sales without identifying some unique circumstances. Mr. Craig also noted that the issues with certain types of signage would be subject to design guidelines. Chairman Rodriguez was also concerned with the amount of traffic in this area. Mr. Johnston noted that limiting the allowable square footage for retail sales would inherently limit the type and size of retail sales.

Mr. Hornung asked how big the proposed location is. Ms. Pates said 1800 sq. ft.

Mr. Hornung motioned to approve SUP2020-02 with the conditions recommended by staff. Mr. Hornung further recommended the addition of two further conditions, (1) limiting the retail sales square footage to 2,000 sq. ft. and (2) limiting the retail uses to only floral and gift shop sales. Mr. Hornung said this could be dealt with at City Council. Chairman Rodriguez seconded the motion.

Mr. Slominski noted he agreed with Mr. Hornung on limiting the potential retail sales. Chairman Rodriguez asked staff to be sure to notify the Commission of the City Attorney's determination on limiting the potential retail sales.

Motion passed 6-0-1 (Mr. Pates abstained).

B. The City of Fredericksburg proposes to amend the Unified Development Ordinance to establish a new zoning district entitled "the Creative Maker District". UDOTA 2020-02

C. The City of Fredericksburg proposes to amend the zoning map to change the existing zoning of about 78 acres of land along the northern sections of Princess Anne Street and Route 1 to the Creative Maker Zoning District from the following zoning districts: Commercial-Highway (CH), Commercial-Shopping Center (C-SC), Commercial/Office-Transitional (C-T), Residential-30 (R30), Residential-2 (R-2), and the Princess Anne Corridor Overlay District. RZ 2020-02

Mr. Craig reviewed the staff report for the Creative Maker District (CMD) along with a power point presentation for Items B and C combined (Att. 2), and recommended the public hearing be kept open until the April 8, 2020 Commission meeting due to an error with the public hearing ad.

Mr. Durham asked if there were any provisions within the form-based codes that require developers to provide pedestrian crossing improvements. Mr. Craig noted it will be a joint effort between the City and the developers. Mr. Craig went through the various situations and what would be required.

Discussion ensued regarding the status of the Transfer of Development Rights (TDR) in the T-4M and T-5M transect zones and whether the rights can be transferred between transect zones. Mr. Craig stated that TDR is not currently a component of the Creative Maker District proposal but explained the process when a character structure is determined to be eligible for TDR.

Mr. Durham questioned if there may be a public use in the future in the CMD, would that property be removed from the CMD and make it part of a Public, Recreational, Open-Space, and Environmental Zoning District (PROSE) Zoning District. Mr. Craig said Planning aimed to establish additional zoning districts that would handle public uses specifically and would address this use at that time.

Mr. Pates questioned whether the CMD should wait for the TDR component since TDR was a central part of the strategy for historic preservation in this area. Mr. Craig said the CMD would put the legal framework in place to permit the evolution of use in this corridor, which would repermit the types of uses the historic structures were designed for. Establishing the form based code is also critical. In addition, Mr. Craig noted that defining character structures makes sure the historical properties are not deemed non-conforming.

Mr. Pates asked about the location of the T-4M areas and their relationship to existing neighborhoods. Mr. Craig said the CMD is proposed in existing commercial areas and not in the existing neighborhoods. Further discussion ensued regarding the potential development. Mr. Pates said that the expansion of use could negatively impact residential properties in the CMD. Mr. Craig noted the level of use, that by definition the impact of the proposed uses are minimal and the addition of the form based code, which requires that buildings are a compatible shape and size, further controls the potential intensity of any proposed use.

Chairman Rodriguez asked to clarify the boundaries of the CMD. Mr. Durham noted once the Area 7 plan is accepted, the CMD will extend down Princess Anne Street to the south. Mr. Craig agreed and clarified that the zoning district is established and then the properties are rezoned.

Chairman Rodriguez opened the public hearing.

Lynn Goodall, 2109 Fall Hill Avenue. She spoke for the Canal Quarter Neighborhood Association (Association). They support changing the zoning along the Princess Anne Corridor. The Association is concerned about including the parking lot areas and that more consideration should be given to green space, historic preservation reuse, accessibility for the aging, and canal enhancements. The Association does not support residential density or TDR. The Association believes that only the zoning for the Princess Anne Corridor should be acted on until the 2300 Fall Hill Building and all associated Mary Washington Health Care properties are sold.

Adam Lynch, Friends of the Rappahannock (FOR), 3219 Fall Hill Avenue. FOR stated that the CMD needed to include higher residential density if the plan is to achieve a river friendly region with more walkable areas by steering growth away from sprawling car dependent landscapes. Compact walkable development preserves green space, reduces water quality impacts and carbon footprints of new development. FOR believes the CMD downzones most of the area which entrenches low density housing, misses an opportunity to build more sustainable development, and will deter compact river-friendly development.

Paul Ireland, no address given. Asked how the rezoning would affect his automotive service business use at 2705 Wellford Street. Mr. Craig noted that under the proposed changes automotive use will change from a by-right to a special use so the existing building configuration would become grandfathered and amendments to it would be permitted by special use permit.

No further public comments were made. Chairman Rodriguez noted the public hearing portion would remain open until the April 8, 2020 meeting. Mr. Durham asked staff to address the competing interests that were represented by Ms. Goodall and Mr. Lynch.

No action was taken.

D. The City of Fredericksburg proposes to amend the Unified Development Ordinance, Section 72-53, Parking. The amendments include a general reduction of the amount of parking required for uses listed in the Minimum Off-Street Parking Standards Table, creating a “Shared Parking Factor”, and modifying the purpose and extent of the Downtown Parking District. UDOTA2020-03

Mr. Johnston reviewed the staff report along with a power point presentation (Att. 3).

Mr. O’Toole asked how long Smart Code has been in use. Mr. Johnston stated it has been around for 20 years and that it meets the needs of the jurisdictions that have used it and there isn’t really another source except for the Institute of Transportation Engineers (ITE), which is based on 20th century surveys of parking in suburban areas. Chairman Rodriguez asked how many cities of our size use Smart Code. Mr. Johnston stated approximately six, but that it is also applied in many larger cities outside of their actual downtown areas.

Mr. Pates asked about not requiring parking for reuse of historic buildings and would using the Smart Code still not affect historic properties. Mr. Johnston stated this amendment would not affect that as the parking requirements for reuse of historic structures was decided approximately ten years ago. Mr. Pates asked about the shared parking factor and how it affects properties that are not mixed use. Mr. Johnston noted that this is intended to focus on sites of businesses that share parking lots with various types of uses.

Mr. Durham asked about the degree to which these changes would incentivize additional bicycle parking. Mr. Johnston stated there are two issues: the text changes regarding bicycles address the standards for bicycle parking on private property to fix poorly worded text to make it less complicated. The other addresses public facilities within the right-of-way on sidewalks and parks. That money would be used for public facilities for bicycle parking.

(Mr. Pates left the meeting)

Chairman Rodriguez asked what is the smallest City owned parking lot. Mr. Johnston stated probably the Visitors Center, which has approximately twelve spots. Chairman Rodriguez questioned the Commissioners whether a requirement should be added that states any Downtown project over 50 or 75 parking spots might need to apply for a special use permit in order to pay for spaces instead of providing them, as that just shifts spaces to another area. Mr. Durham stated that market forces would argue against that and doesn’t think Chairman Rodriguez’ scenario is feasible. Mr. Hornung agrees with Mr. Durham that there is a balance between how much a developer would be willing to get out of the parking requirements and how much is available for their tenants. Most developers would not be able to get tenants if they just paid for spaces instead of providing them.

Discussion ensued regarding the 1010 Caroline Street project, which involved the reuse of a retail building that did not expand the square footage, so no further parking requirements were necessary.

Chairman Rodriguez opened the public hearing.

Adam Lynch, Friends of the Rappahannock (FOR), 3219 Fall Hill Avenue, he spoke for himself and FOR being in favor of the proposed parking minimum amendments. Widespread asphalt is

a major source of impervious surfaces and causes stormwater pollution; therefore, reducing the burdensome parking minimums will reduce pressure to build new parking lots and these amendments will help steer the City to better preserve our remaining open spaces and improve the City's stormwater management system.

Holly Clarke, 1504 Winchester Street, spoke in favor of the reduced downtown parking requirements. The City is designed for people, not cars, which is what contributes to the City's vibrancy. Ms. Clarke also spoke in favor of the attention being focused on bicycling traffic but thinks that better practices could be done.

No further public comments were made. Chairman Rodriguez closed the public hearing.

Mr. Slominski motioned to approve as recommended. Mr. Durham seconded. Mr. Johnston noted that he will incorporate two recommendations into the ordinance: best practices for bicycle parking, and appropriate location standards for shared parking. Mr. Slominski amended his motion to include those recommended changes to the ordinance. Mr. Durham requested that when this is discussed at Council mention be made to include and highlight areas it will have the most specific effect on.

Motion passed 6-0 (Mr. Pates absent).

E. The City of Fredericksburg proposes to amend the Unified Development Ordinance, Section 72-8, Definitions and Interpretations, to update definitions and regulations of residential uses. The amendments more clearly states the differences among duplex, single-family attached, and multi-family dwelling types. UDOTA2020-04

Mr. Craig reviewed the staff report and recommended the Commissioners recommend approval.

Mr. Hornung asked about the rationale for the different rules between Section 72-41.1 F.(5) stating one townhouse per lot and Section 72-84 *Dwelling, Single-Family Attached* stating up to four such units on a lot. Mr. Craig stated that there is a different impact between single-family attached homes arranged as townhomes and attached housing arranged as a tri or quadplexes that looks like a single family home. Also, some builders attempted to negate development standards requiring streets and lot frontage by stating they would build multiple townhomes on a single lot. Mr. Hornung mentioned the townhomes at the intersection of Prince Edward Street and Amelia Street as one that was an attractive infill use. Mr. Durham noted that previously when he owned a townhome, there were three of them on a lot and when the owner wanted to sell, he could not do so separately. He then got them subdivided so Mr. Durham thinks this language is appropriate as it goes to the issue of ownership. Further discussion ensued regarding the ownership and connection between townhomes and duplexes.

Chairman Rodriguez opened the public hearing. No public comments were made. Chairman Rodriguez closed the public hearing.

Mr. Durham motioned to approved as recommended. Chairman Rodriguez seconded the motion.

Motion passed 6-0 (Mr. Pates absent).

8. GENERAL PUBLIC COMMENT

There were no public speakers.

9. OTHER BUSINESS

A. Planning Commissioner Comments

None.

B. Planning Director Comments

Mr. Johnston updated the Commissioners on the following:

- City Council approved the infill development amendments, but with a 90-day grace period;
- City Council approved the Springhill Suites Hotel PD-C rezoning and special exception on Fall Hill Avenue;
- City Council authorized a study of the potential sale of land near Idlewild for Mary Washington Health Care offices;

Mr. Durham noted that the increased residential in Planned Development Commercial is shelved for now.

- Planning staff is going to Bethesda to discuss Area 1 with Streetsense;

Mr. Durham asked when the infill heights requirement rework might be happening. Mr. Johnston noted that he does not have specific dates set yet.

Mr. Johnston stated that the March 25 Commissioner's meeting will be primarily focused on the Capital Improvements Plan and follow up on the Area 7 Downtown plan.

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission adjourned at 9:47 pm.

Next meeting is March 25, 2020.

Rene Rodriguez, Chairman



**CITY OF FREDERICKSBURG
CITY COUNCIL AND PLANNING COMMISSION
JOINT MINUTES
June 10, 2020
7:30 p.m.
ELECTRONIC MEETING**

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/ysdl3fc4ek>

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

MEMBERS

Mary Katherine Greenlaw, Mayor
William Withers Jr., Vice Mayor
Kerry Devine
Timothy Duffy
Charlie Frye
Jason Graham
Matt Kelly
Rene Rodriguez, Chairman
Steve Slominski, Vice-Chairman
David Durham
Kenneth Gantt
Chris Hornung
Tom O'Toole (absent)
Jim Pates

CITY STAFF

Timothy J. Baroody, City Manager
Kathleen Dooley, City Attorney
Tonya Lacey, Clerk of Council

Chuck Johnston, Director,
Planning and Building Dept.
James Newman, Zoning Administrator
Marne Sherman, Development Administrator
Erik Nelson, Transportation Administrator
Cathy Eckles, Administrative Assistant

ALSO PRESENT

Angela Freeman, City Economic
Development
Curry Roberts, Fredericksburg Regional
Alliance
Bill Monteleone, Applicant
Maggie McDonald, Applicant's Attorney
Charlie Payne, Applicant's Attorney

1. CALL TO ORDER

This meeting was held electronically by “Go to Meeting” application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at www.regionalwebtv.com/fredcc, or Facebook live at www.facebook.com/FXBGgov.

Mayor Greenlaw called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

All City Council members were present, Tom O’Toole was absent from Planning Commission.

4. APPROVAL OF AGENDA

Mr. Gantt moved for approval of the agenda as submitted. Mr. Durham seconded.

Motion passed 6-0

5. DECLARATION OF CONFLICT OF INTEREST

No conflicts were declared.

6. PUBLIC HEARING

A. **GreenChip Inc.** requests a Special Use Permit to operate a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District.
SUP2020-03

B. **GreenChip Inc.** requests four Special Exceptions to permit development of a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District.

The applicant seeks exceptions to the following Code Sections:

- 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
 - The subject parcel contains 3.85 acres.
- 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
 - The proposed recycling center is 30 feet from the closest residential zoning district.
- 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
 - The proposed recycling center is 30 feet from a lot line.
- 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.
 - The proposed operating hours of the recycling center would be continuous with truck delivery limited to 7AM-7PM.

SE2020-01

Mr. Johnston noted that comments from the public will be read into the minutes and comments may be received up until 4:30 p.m. on June 17, 2020 for Planning Commission and 4:30 p.m. on June 23, 2020 for City Council. No vote on this matter will be held until June 17, 2020 for the Planning Commission and June 23, 2020 for the City Council.

Mr. Johnston acknowledged that the current recycling regulations will need refinement and this particular project requires a special use permit and special exceptions based on the current ordinance in place.

Mr. Newman reviewed the staff report along with a power point presentation (Att. 1).

Mr. Payne introduced Will Duncanson, Bowman Consulting Group, engineer for the Applicant; Bill Monteleone, President and Owner of GreenChip, Inc., Applicant; Maggie Macdonald, Applicant's attorney. Mr. Payne reviewed the GreenChip, Inc. power point presentation (Att. 2) containing background and summary information about GreenChip, Inc. and the current proposal.

Mr. Johnston recognized Angela Freeman, City Economic Development, and Curry Roberts, Fredericksburg Regional Alliance, both of whom facilitated bringing GreenChip, Inc. to the City.

Mr. Durham asked about the designation of the Applicant as a recycling center, which has created some issues and requires the special use and special exceptions. He discussed the TES facility in Spotsylvania County and what it provides. Mr. Durham recommended that, while the City's ordinance does not have an applicable land use designation, staff should look to the language in the Governor's press release regarding the TES facility as IT lifecycles services for use in reviewing for potential new land use category. He further noted that if a new category is defined, it would be appropriate to make this use a permitted use, so that the applicant, does not have to take any further entitlement actions. Mr. Johnston stated he would work with the City Attorney as text changes moves forward to achieve this goal.

Mr. Pates asked what communication has been had with the National Park Service. Mr. Johnston stated that the City received written comments Kirsten Talken-Spaulling, Superintendent, Fredericksburg and Spotsylvania National Battlefield Park (Att. 3).

Mr. Pates asked if Planning staff had any response to the memo. Mr. Johnston noted that the buffer will not be removed and will continue to be maintained. Use of Cedar Lane is a larger, ongoing issue outside of the control of the Applicant and will need to be discussed with the Economic Development staff as coordinated with the National Park. Mr. Johnston is not sure what the legal history is of this access and research will need to be done as this is applicable to all businesses and homes near the National Park.

Ms. Devine reiterated that the buffer definitely needs to be kept and maintained. She asked about the 24 hours of operation and why that is necessary, and how much trash is produced at this recycling center. Mr. Monteleone stated that while traditional hours and especially all incoming and outgoing trips will be handled during the normal operating hours of 7 a.m. to 7 p.m., there are instances where additional work time is necessary for special projects, seasonal work, and maintenance. Mr. Monteleone addressed the issue of trash stating that the amount of trash produced would definitely be less than any other warehouse type business. GreenChip, Inc. produces very little by-product. He further explained the types of base commodities they will

produce and how they are disposed of. The majority of GreenChip's trash is reclaimed and reused, not put into landfills. Ms. Devine asked specifically about the plastic trash components, which is a hard market to reuse. Mr. Monteleone says that GreenChip's plastic components have stronger end markets than household plastics and has had no problem recycling the plastics.

Mr. Graham questioned Applicant regarding GreenChip's security practices. Mr. Monteleone explained the process to wipe, shred, and dismantle all information. Data security is the pinnacle objective of their business. He stated numerous examples of the industry standards they adhere to resulting in the highest certification records and Department of Defense compliance. He further explained their standard operating procedures, processes, and audits that are all performed to ensure the highest data security.

Mr. Withers questioned if all companies adhere to these standards. Mr. Monteleone stated that not all, the certifications would need to be checked. Mr. Withers then questioned what may happen if the business is sold and there was no requirement for them to adhere to these data security practices. Mr. Newman stated that the sixth condition of the Special Exceptions is that within six months of the commencement of the use, the operator shall obtain and maintain best industry standards for responsible recycling so this will also pertain to any subsequent owners of the recycling center.

Mr. Kelly asked staff to explain with regard to the special exceptions, what was the original rationale of the recycling ordinance. Mr. Johnston noted that at that time it was probably addressing household recycling, nothing of the nature of this application existed then. The business of recycling has now become incredibly diverse and regulated and City ordinances has not kept up with it. Many of the current restrictions make sense with other recycling uses, but not in this instance. This should not be a one-size fits all ordinance. Mr. Johnston noted that the original ordinance was also probably intended for more large scale industrial recycling activities. Mr. Kelly stated he just wants to understand the reasoning behind the rules and regulations set in place in the first place. Mr. Kelly further noted his concerns with the National Park Service being affected by this proposal and he wants to be aware and participate in any changes to the rules and regulations for the Industrial Park. Mr. Kelly clarified that what will be happening is that the City will be expanding and diversifying the classifications in addition to reviewing the current regulations. Mr. Johnston agreed and stated that existing categories would be used and modified.

Ms. Devine asked about Standard No. 4 of the 13 UDO Use Standards for Recycling Centers where it states that recyclable materials stored outdoors shall not exceed 20 feet but then Standard No. 5 states that outdoor storage areas shall be surrounded by a fence at least eight feet high. She wants to know which height is going to be observed as an eight foot high fence will not screen a 20 foot high pile of recyclable materials. Mr. Johnston noted that it is not appropriate to go beyond eight feet and GreenChip has agreed to maintain the eight feet requirement. Mr. Johnston noted that he believes Standard 4 and 5 were written at two different times and this is another instance of what needs to be clarified in the revised ordinance. Ms. Devine requested that Special Exception Condition No. 5 have wording added "no more than eight feet high". Mr. Johnston agreed.

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

Mr. Durham asked Applicant to expand on the instream of products to the facility and how it will affect the economic impact. Mr. Monteleone explained that the materials will come from all over, but primarily the East Coast. Mr. Durham asked if there are middlemen that collect the products and GreenChip purchases from them and then other times from corporate providers and, more specifically, is there any part of the business that looks for regional contracts. Mr. Monteleone said they work regionally with the area and collecting materials from middlemen is not a large part of the business. GreenChip even takes materials from the public keeping items from the local landfills.

Mayor Greenlaw asked Ms. Freeman and Mr. Curry to expound on the benefits GreenChip will bring to the City. Ms. Freeman stated that this proposal with GreenChip shows economic development as a partnership with the City and they will be a good corporate citizen of the City. The instream of products will bring in new dollars to the City adding to the economic benefit. Mr. Curry explained that the Fredericksburg Regional Alliance is a public/private partnership, regional economic development organization that works with all five jurisdictions that make up the planning district. Primarily half of their work is inward attraction of business to the region. Regarding the recruitment of GreenChip to the region, the FRA has previously worked with four other companies like GreenChip. The protocol with the state economic development agency has it presenting FRA with leads so it can look across the region to find the best solution for what the company is looking for.

Mr. Johnston noted that although the Special Use Permit and the Special Exception were discussed jointly, the vote will be on each item separately at the June 17, 2020 for the Planning Commission and June 23, 2020 for the City Council.

C. The City of Fredericksburg proposes amendments to the Unified Development Ordinance, §72-59 Signage, to allow for:

- additional building signage for multi-story buildings of three or more stories in the Commercial (C) and Planned Development (PD) Districts,
- increase the proportion of signage permitted per building side in the C, Industrial, and PD Districts,
- differentiate building signage standards for non-residential and mixed-use buildings vs. residential buildings in the C and PD Districts, and
- update the freestanding sign standards in all PD Districts.

UDOTA 2020-05

Ms. Sherman reviewed the staff report.

Mr. Withers questioned non-residential mixed-use building percentages increasing from 200 to 250 square feet or 25 percent of the total building signage allowed, whichever is greater and does that rationale have to do with the height of the building. Ms. Sherman said that request came from several community business leaders to increase it because they found it particularly restrictive on larger (big box) buildings. Therefore, the increase was for 250 square feet or 25 percent of the total building signage allowed, whichever is greater, to compensate for this and give more flexibility. In addition there was an increase in percentage allowed for taller buildings.

Mr. Kelly asked how much these proposed amendments have been circulated with the local sign community. Ms. Sherman said she circulated it to three sign companies and four private business landowners. One sign company and one landowner endorsed the amendments. One sign

company had some editorial comments which were incorporated into the draft. No other comments received.

Ms. Sherman stated she had one public comment from Ralph Priebe, Tulip Salon & Spa (Att. 4),

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

D. The City of Fredericksburg proposes amendments to Chapter 3 of the Comprehensive Plan, to support the submittal of five transportation funding requests to VDOT. Tables 3-2 and 3-3 will be updated and consolidated into a single table of City Street Projects. The five projects include:

- construction of Gateway Blvd.,
- intersection improvements at U.S. Route 1/Augustine Ave.
- intersection improvements at U.S. Route 1/State Route 3 and Spotsylvania Avenue,
- a bicycle-pedestrian route on the west side of U.S. Route 1 from Idlewild Boulevard to the VCR Trail, and
- an interjurisdictional project for sidewalks and transit improvements on Lafayette Boulevard.

CPA 2020-01

Mr. Nelson reviewed the staff report.

Mr. Durham noted that several changes to the Comprehensive Plan pertaining to the Small Area Plan 7 Downtown have transportation projects mentioned and wants to know if there is a mention of a transportation item that is now or potentially subject to future requests for funding, will those items be reviewed again next year with a new evaluation. Mr. Nelson said he hadn't planned to, but agrees that it might be worthy of routinely reviewing this when the Commissioners review the Capital Fund Improvements. Mr. Durham stated he feels the excellent work the Planning staff does to make recommendations to amend the Comprehensive Plan, which includes references to transportation issues would be problematic if those mentions become 'orphans'.

Mr. Nelson stated he received no public comments.

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

7. GENERAL PUBLIC COMMENT

None.

8. OTHER BUSINESS

None.

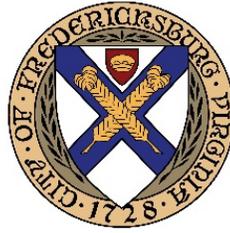
8. ADJOURNMENT

There being no further items to be discussed, the Joint City Council / Planning Commission meeting adjourned at 8:58 p.m.

Next meeting is June 17, 2020.

Rene Rodriguez, Chairman

DRAFT



MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: June 12, 2020 for the June 17th Planning Commission public hearing
RE: **Terry Coley SE2020-02** requests a special use permit to have an accessory dwelling unit at 1306 Graham Drive/GPIN 7768-97-1948. This property is located approximately 220 feet south-east of the intersection of Graham Road and Patrick Street, within the Idlewild neighborhood. The property is zoned Planned Development – Residential (PDR).

ISSUE

Proposed special exception request is for an accessory dwelling unit.



RECOMMENDATION

Recommend to the City Council approval of the SUP subject to the following conditions:

1. Together, the occupancy of the principal dwelling unit and the accessory dwelling unit shall not exceed the definition of a 'family', as defined in City Code.
2. The Accessory Dwelling Unit shall be located entirely within the existing square footage of the house.

Note: The current definition of a Family, as defined in City Code §72-84 is: *One person or two or more persons related by blood, adoption or marriage, living and cooking together as a single*

housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant seeks exceptions to the following Code Section:

- a. 72-42.5, to permit an accessory dwelling unit within a PD-R Zoning District.

GENERAL BACKGROUND

The applicant, Ms. Coley, wishes to have an accessory dwelling unit (ADU) within the same structure as the primary dwelling unit. The purpose of the ADU is to provide living quarters for her mother. The State's residential building code defines a dwelling unit as:

“A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.”

City Code §72-82.4 defines a **Dwelling** as

A building or portion thereof, but not a mobile home, designed or used for residential occupancy. The term shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for transient occupancy.

The same Code Section defines an **Accessory Dwelling Unit** as

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, whether part of the same structure as the principal dwelling unit, or as a detached structure on the same lot.

City Code §72-42.5 ‘*Table of Common Accessory Uses*’ identifies several accessory uses and the various districts wherein they are permitted. *Accessory Dwelling Unit* does not appear on the list of common accessory uses. That same code section states “*The Zoning Administrator shall evaluate potential accessory uses that are not identified in Table 72-42.5, Table of Common Accessory Uses, on a case-by-case basis, as an Interpretation*”. In the past year there have been several requests for Accessory Dwelling Units. So far in 2020 alone there have been 4 requests for accessory dwelling units. Using this code section to approve them would no longer be a case-by-case review but rather a frequent review. This issue of a recurring request for a use not listed in the Ordinance is best addressed by City Council through a text amendment. In the interim, Special Exceptions are the process to use. A draft text amendment is included.

The structure is a single-family detached house. It is 3,229 sq. ft. in area, with a finished basement area of 1,170 sq. ft. The proposed ADU would occupy the basement. The creation of a bedroom for her mother, a separate living room, a separate bathroom, and an additional dining space are all permitted. The applicant, by requesting an accessory dwelling unit, is affectively asking for approval to add a second kitchen. Currently, citizens who wish to add an accessory dwelling unit may add additional living, dining, eating, and sanitation rooms to their house. The addition of a second kitchen (specifically a 120 or 220 volt outlet for a full cooking range unit) combined with those other elements, is what constitutes an additional dwelling unit.

Two conditions are recommended: first, that the combined occupancy of the dwelling unit and accessory dwelling unit meets the definition of a ‘family’. Using this definition prevents overcrowding by limiting occupancy. The current definition is: *One person or two or more persons related by blood,*

adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders; or a group of not more than three unrelated persons living together as a single housekeeping unit.

The second condition would limit the accessory dwelling unit to the existing square footage of the house. Any additions onto the house would not be permitted for use of the ADU.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) §72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the Unified Development Ordinance

The purpose of the Planned Development Residential (PD-R) Zoning District is:

“to encourage innovative and creative design, to facilitate use of the most advantageous construction techniques, and to protect watercourses, stream valleys, forest cover in watersheds, and areas with scenic vistas. The district is designed to permit a greater degree of flexibility in terms of layout, design and construction of planned development than is found in conventional zoning classifications. It will permit planned mixed use communities comprising residential, commercial, office and service uses...”

The applicant seeks to convert a portion of an existing structure into an accessory dwelling unit for her mother. This additional unit will provide flexibility in residential housing choice.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 3: Plank Road/Route 3. The Future Land Use map identifies this area as Transect-3 (Sub-Urban). This category states: *“The Idlewild neighborhood is designated as a T-3. It contains a mix of house types and scales including both attached and detached single-family housing. The neighborhood has a strong inclusion of public shared open space and values their connection to the designated trails as part of the T-1 space surrounding the neighborhood.”*

The requested special exceptions and associated development are in accordance with goals of the Comprehensive Plan:

Environmental Protection Goals – pg. 1-8

Goal 6. Livability

“Strengthen existing policies and develop new ones to actively promote a sustainable future by promoting clustered and compact development, which would be balanced by additional open space, and redevelopment of land and repurposing of structures”.

Residential Neighborhoods – pg. 1-10

Goal 2. Neighborhood Quality

“Enhance the quality of the City’s residential areas, to promote livability and a sense of community. Livability is defined as safe and walkable, with a variety of housing choices and ready access (walking, biking, transit, automobile) to work, shopping, and services.”

Goal 5. Enhanced Connections

“Support inclusive neighborhoods for the elderly and persons with disabilities, through multi-modal transportation that enhances connections between affordable and accessible housing, places of employment, other neighborhoods, and services.”

Goal 7. Affordable Housing

“All persons who live and work in Fredericksburg should have the opportunity to rent or purchase safe, decent, and accessible housing within their means.”

Goal 8. Variety of Housing

“Provide a variety of housing opportunities throughout the City that respect the character of the community.”

3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.

The Technical Review Committee has completed its review and had no comment. If approved, work would be required to be performed in accordance with all Building Code requirements.

4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.

Section 72-12 of the UDO states that *“The City Council has adopted this chapter to promote the health, safety, convenience, and general welfare of the public, to plan for the future development of the community, and to accomplish the objectives of the Code of Virginia and the City of Fredericksburg Comprehensive Plan”*. As stated in that Code Section, zoning is intended to be a tool that provides for, amongst other things:

- A. ...Adequate light, air, convenience of access, and safety from fire, flood, impounding structural failure, crime, and other dangers;*
- C. To facilitate the creation of a convenient, attractive, and harmonious community;*
- G. To encourage economic development that provides desirable employment, including high wage jobs, and enlarge the tax base;*
- J. To implement the Fredericksburg Comprehensive Plan and any special area plan adopted by the City;*

The property is not located within a floodplain or floodway. The development will occur within the existing structure and not add to the footprint of the structure. It will permit a family to live together and support each other, and meets stated goals of the Comprehensive plan.

5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.

The applicant wants to provide independent living space for her mother within the confines of the existing home.

6. *Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.*

The proposed condition would limit occupancy to what is currently permissible: one family. Any impacts would be in line with those of a family. The applicant's mother does not have a car, so there would be no initial impact for traffic. Even if the applicant were to move and a new owner to take occupancy, the limit of the accessory dwelling unit to a 'family' would ensure no impacts beyond what is typical of a family.

CONCLUSION

This is a proposal for a special exception to permit an accessory dwelling unit within an existing single-family detached house. The use is compatible with the surrounding neighborhood and meets the goals of the Comprehensive Plan. The Planning Commission should recommend approval to City Council.

ATTACHMENTS

1. Resolution (not included with this work session memo)
2. Application
3. Draft text amendment



Application #SE: 2020-02
Date: 2-26-20
Fee/Check#: VISA \$900⁰⁰
\$750.00 + \$150.00 Per Acre

**APPLICATION
SPECIAL EXCEPTION**

APPLICANT NAME: Terry Coley

MAILING ADDRESS: 1306 Graham Drive

TELEPHONE: 919-39 223-7799 E-MAIL: tcoley1306@gmail.com

THE UNDERSIGNED HEREBY APPLIES FOR AN EXCEPTION FOR: Accessory Dwelling Unit for Mother In-law Suite

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 1306 Graham Drive Fredericksburg, VA 22401

Property Owned By Terry L. Coley

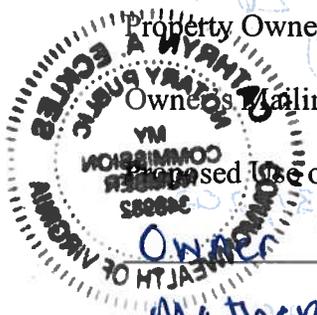
Owners Mailing Address 1306 Graham Drive Fredericksburg, VA 22401

Proposed Use of Property (be specific) Owner Residence and Accessory dwelling for my Mother (A.K.A. in-law Suite)

HOURS OF OPERATION N/A NUMBER OF EMPLOYEES N/A

Anticipated Number of Patrons or Clients NA

Description of the development's impact on neighboring and adjacent properties, please be specific (attach additional sheet if necessary):



PUBLIC NOTIFICATION REQUIREMENTS

Written Notice: Written notice of an application initiated by a property owner or contract purchaser shall be provided to adjacent property owners by certified return receipt mail by the applicant **at least 14 days prior** to the hearing (not counting the date of the hearing) and **not more than 21 days prior to the public hearing**. Applicants may use the notice form supplied with the application forms. In the event the application is deferred indefinitely, notification shall be given when the application is rescheduled.

Evidence of the receipt of such notice shall be provided to the Zoning Administrator prior to the public hearing. In the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

The following notice documents must be submitted to the office of the Zoning Administrator at least 5 days prior to the public hearing:

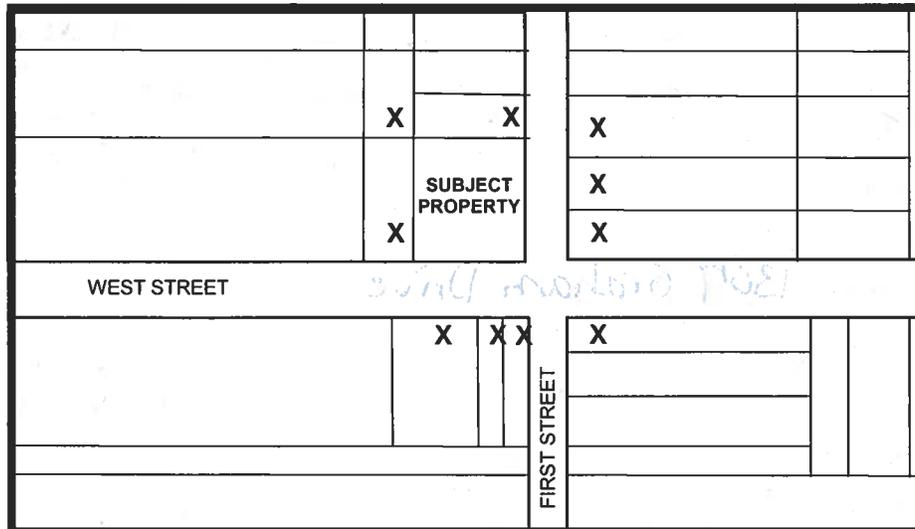
1. a copy of the notice letter sent
2. a list of the names and addresses of those persons to whom notice was sent
3. a copy of the post office receipts for the certified or return receipt mail
4. "Certification of Notice" form found at the back of this application

Posted Notice: The applicant shall post a sign provided by the Zoning Administrator on each parcel of land involved in an application for zoning map amendment (when 25 or fewer parcels are affected), **Posted notice shall be erected at least five days before the Planning Commission public hearing and before the City Council public hearing.**

Failure to send accurate or correct notices will result in deferral of the application to a later hearing date. Property ownership information is to be obtained from the City Real Estate Office, Room 107, City Hall, 715 Princess Anne Street or online at Fredericksburgva.gov

EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

SUBJECT ADDRESS

GPIN #

Adjoining property owner names and addresses can be obtained by visiting the City website at www.fredericksburgva.gov and following the link to GIS, or by visiting the Office of Real Estate at City Hall, 715 Princess Anne Street, Room 107.

Adjoining Property Owner's Name and Mailing Address

Property Address	1400 Graham Drive Fredericksburg, VA 22401	GPIN NUMBER
Owner Name		
Mailing Address		
City, State, Zip		

Property Address	1401 Graham Drive Fredericksburg VA 22401	GPIN NUMBER
Owner Name		
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

Property Address		
Owner Name		GPIN NUMBER
Mailing Address		
City, State, Zip		

ATTACH ADDITIONAL SHEETS IF NECESSARY

NOTE: Applicant to return all notice documents at least five days or prior to the public hearing to: Office of the Zoning Administrator, 715 Princess Anne Street, Fredericksburg, VA 22401

SIGN POSTING PROCEDURES

Instructions

It is the applicant's responsibility to ensure that the sign(s) remain on the project site for the required time and are maintained in good/legible condition until after the public hearing date.

Site Posting Procedure

Sign(s) shall be posted at least five (5) business days before the public hearing/meeting. The applicant shall complete a notarized affidavit stating the sign(s) shall be posted in accordance with these procedures. Within three (3) days of posting the sign the applicant shall provide a photograph of the posted sign to the Community Planning and Building Department. **Failure to submit a notarized affidavit and/or photograph of the posted sign may result in the removal of the application from the scheduled meeting agenda.**

Information required on the sign(s) shall be completed by a member of the planning staff and provided to the applicant for posting. Signs shall be removed within three (3) days of the public hearing/meeting. Sign(s) should **not** be returned to the Community Planning & Building Department.

A minimum of one sign shall be placed along any adjacent arterial street. Signs should be posted every 600 feet when a street frontage adjacent to a project exceeds that distance. Sign(s) shall be placed parallel to the roadway.

Sign(s) shall be placed on the property in the most visible location available in such a manner that landscaping or other obstructions do not impair the visibility of the sign(s) from the street. The sign(s) shall not be placed on the public street right-of-way. The sign(s) should not be placed more than 10 feet behind the property line adjacent to the street.

The Community Planning and Building Department may vary any of the above guidelines where there are special circumstances in order to ensure that the sign(s) will be visible to the general public.

The undersigned acknowledges that he/she has read this procedure and understands how and where to post the required sign(s).

Applicant Signature

Date

Checklist for Special Exception

1	Application, fee, and background materials loaded to the City's FTP website.	
2	Per §72-21.6.A.(5), the applicant shall provide satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid.	
3	<p>A notarized affidavit, signed by the applicant and containing the following:</p> <ul style="list-style-type: none"> a. A listing of the names and addresses of all applicants, title owners, contract purchasers, and lessees of the land described in the application, and, if any of such persons is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors and other agents who have acted or will act on behalf of any of such persons with respect to the application. If any of the applicants, title owners, contract purchasers, or beneficiaries is a corporation, then the application shall also contain a listing of all shareholders who own ten percent or more of any class of stock issued by the corporation and, where such corporation has ten or less shareholders, a listing of all shareholders. The application shall also contain a listing of all partners, both general and limited, in any partnership with an ownership interest in the property. b. A statement indicating whether or not any member of the City Council or the Planning Commission or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision. 	
4	For any application filed by an agent, contract purchaser or lessee of the property, a written statement signed by each title owner confirming the applicant's status as the owner's agent or contract purchaser and indicating his endorsement of the application.	
5	<p>Certified boundary survey of the property signed and sealed by a professional surveyor, engineer, and/or architect showing the following:</p> <ul style="list-style-type: none"> a. The metes and bounds of all boundary lines of the subject property, and the bearings and distances of each zoning district crossing or adjacent the property. b. The total area of the property, presented in either square feet or acres. c. A scale and north arrow. d. The location and dimensions of all existing buildings, and easements of record. e. The names and route numbers of all boundary roads or streets and the width of existing rights-of-way. f. The signature and seal of the person preparing the plat. g. The location, names of owners, and GPIN of adjacent properties. 	

7	<p>A written statement that addresses the following:</p> <ul style="list-style-type: none"> a. The proposed use including, but not limited to, ownership, hours of operation, proposed number of employees, operator's qualifications, b. How the request is consistent with the City's Comprehensive Plan (cite specific section and page number). c. How the request is consistent with the goals, purposes, and standards of the City's UDO. d. Description of the development's impact on adjacent and neighboring properties. e. How the request is consistent with the principles of zoning and good zoning practice, including the purposes of the zoning district, the characteristics of the property involved, and whether there are adverse impacts of the proposed use. 	
8	<p>A list of all adjacent property owners, including those located across the street, to include the names, Geographic Parcel Identification Numbers, and mailing addresses.</p>	
9	<p>The Zoning Administrator may request additional information applicable to the specific nature of a given structure or use as deemed necessary to fully evaluate the Special Exception.</p>	

Legend

- City Boundary
- WVS Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- WVS Centerlines Back (12,000)
- Interstate
- US Highway
- VA Primary
- Others
- Parcels

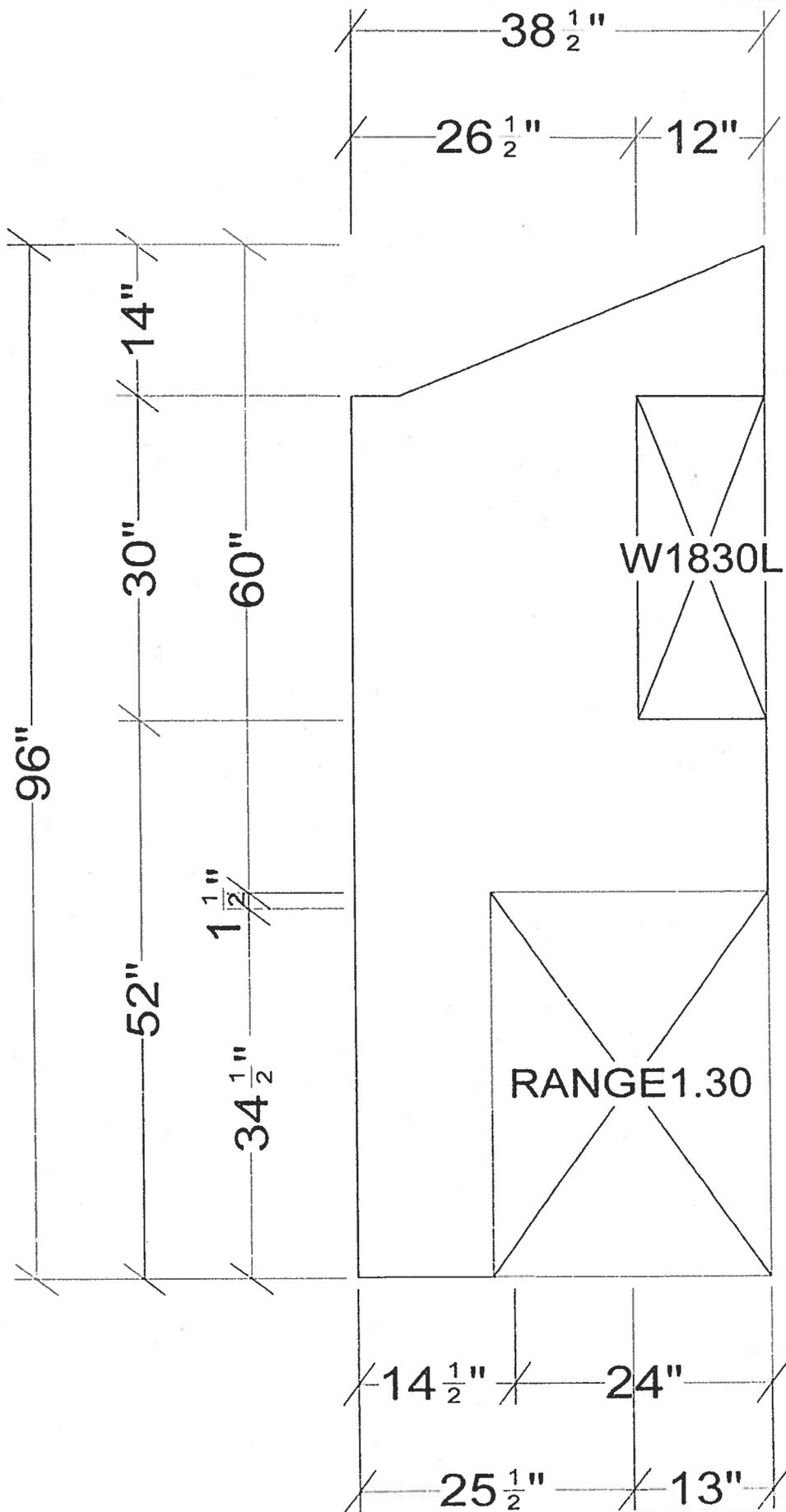


Title:

Date: 2/26/2020



DISCLAIMER: All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Any other use of this map or the information contained therein is prohibited. The data shown on this map is for general purposes only and shall not be used for any specific legal or financial purposes. The City of Frederickburg makes no representation or warranty as to the accuracy of the map or the information shown hereon. This map may not be copied or otherwise made available to any other party in paper or electronic format without written consent from the City of Frederickburg.

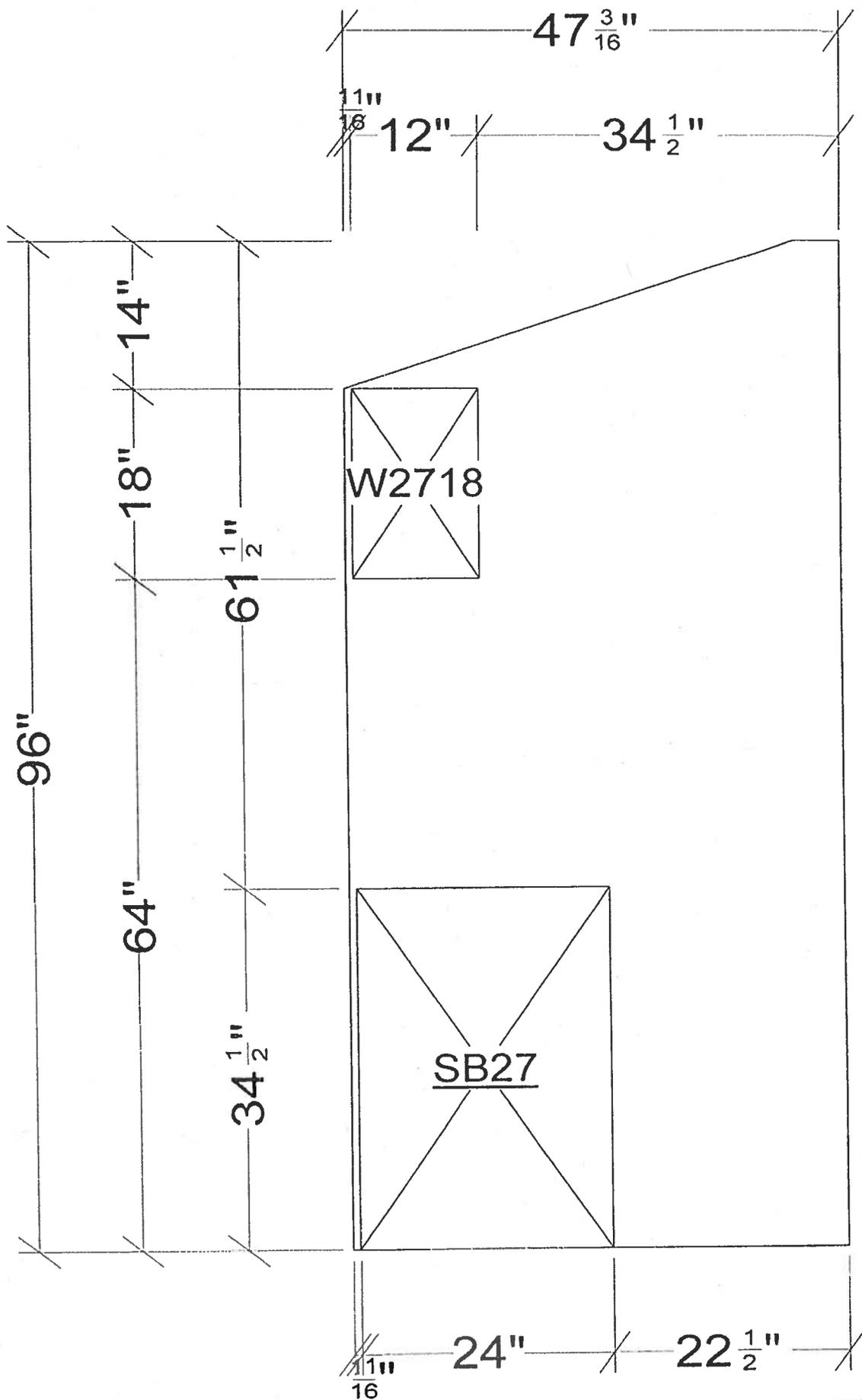


All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.

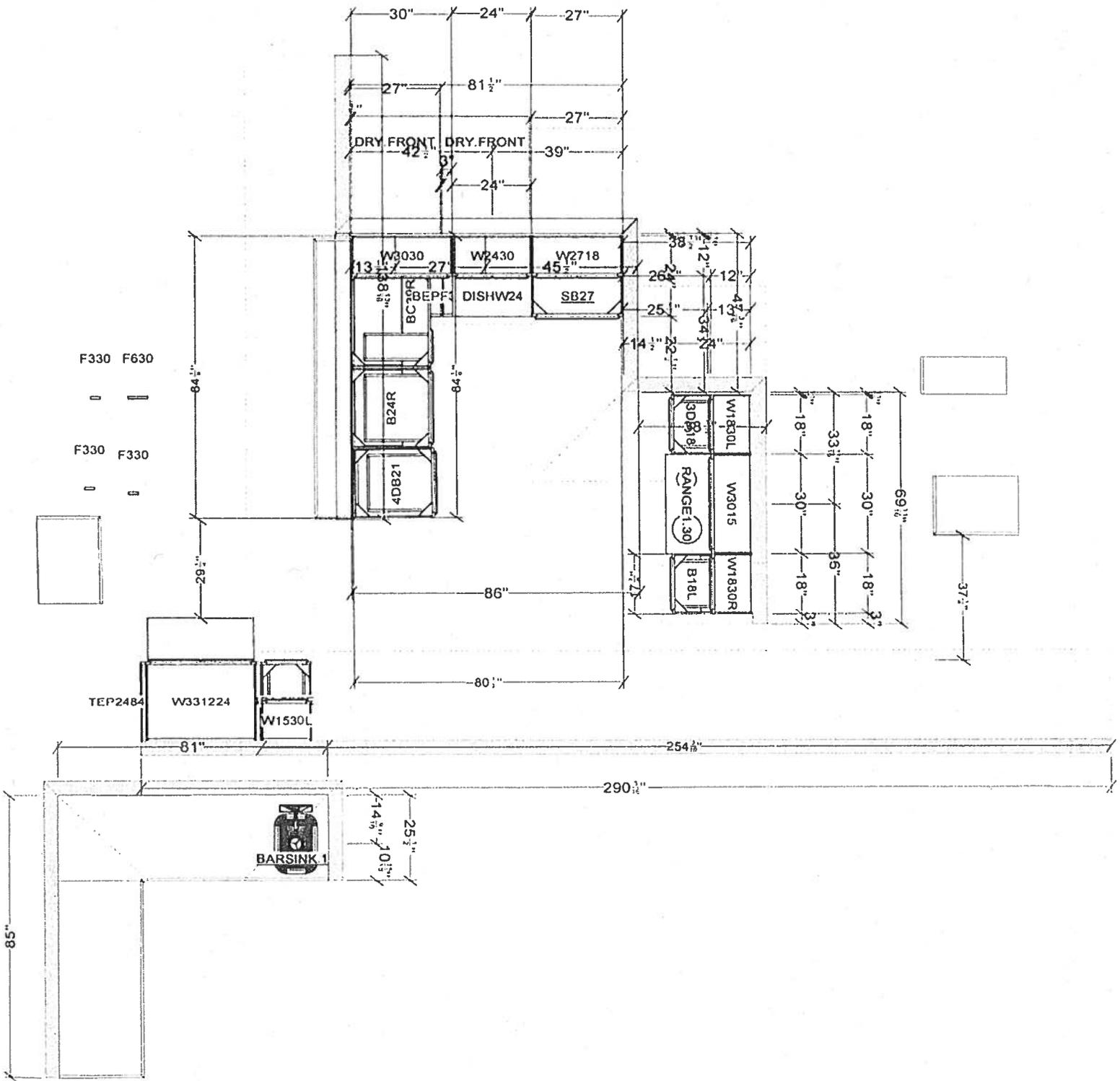
2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019



<p>All dimensions, size designations given are subject to verification on job site and adjustment to fit job conditions.</p>	<p>2020</p>	<p>This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.</p>	<p>Designed: 10/25/2019 Printed: 12/18/2019</p>
td2coley	E114		Drawing #: 1 No Scale.

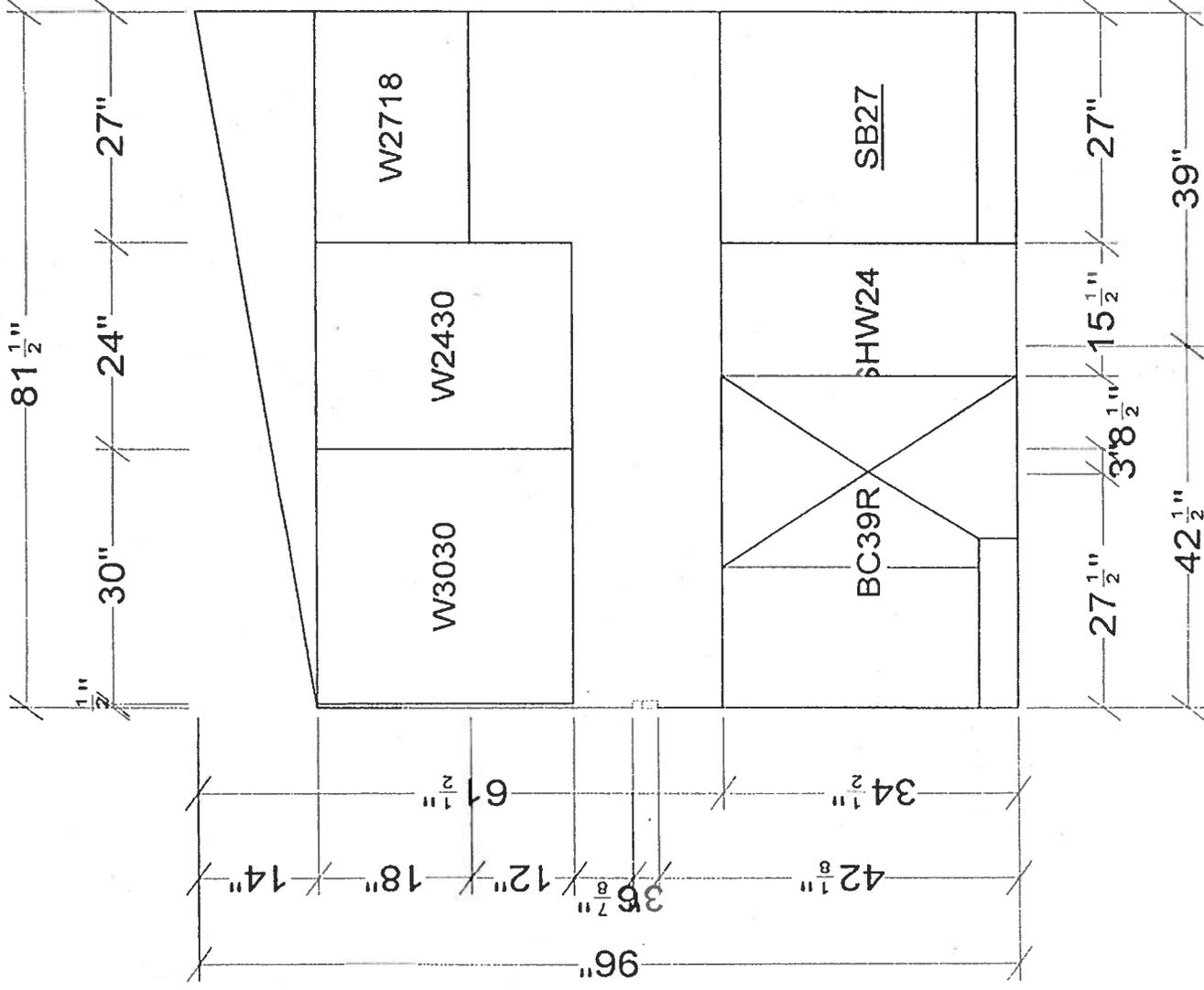


All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
 Printed: 12/18/2019

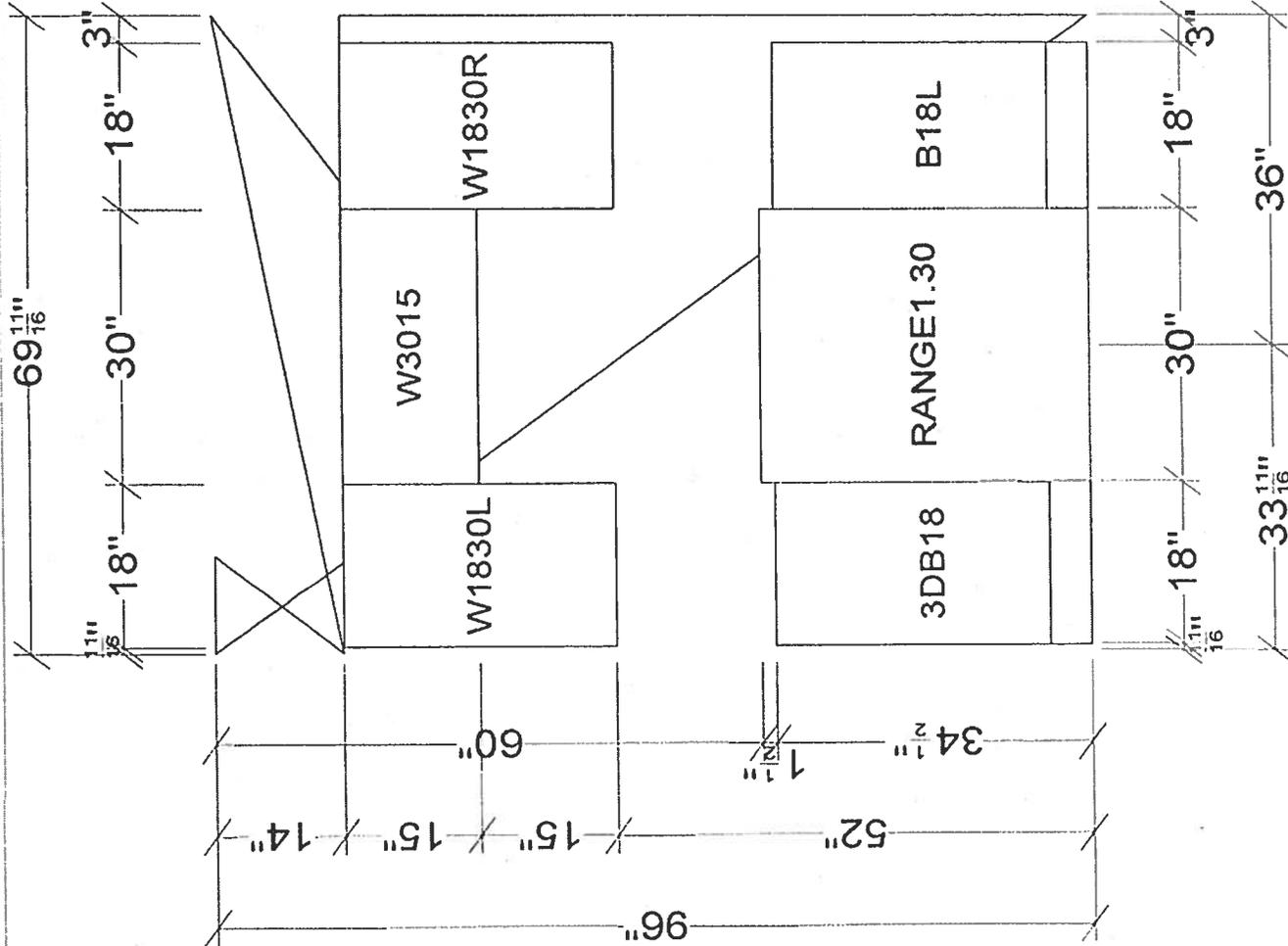


Designed: 10/25/2019
 Printed: 12/18/2019

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

2020

All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

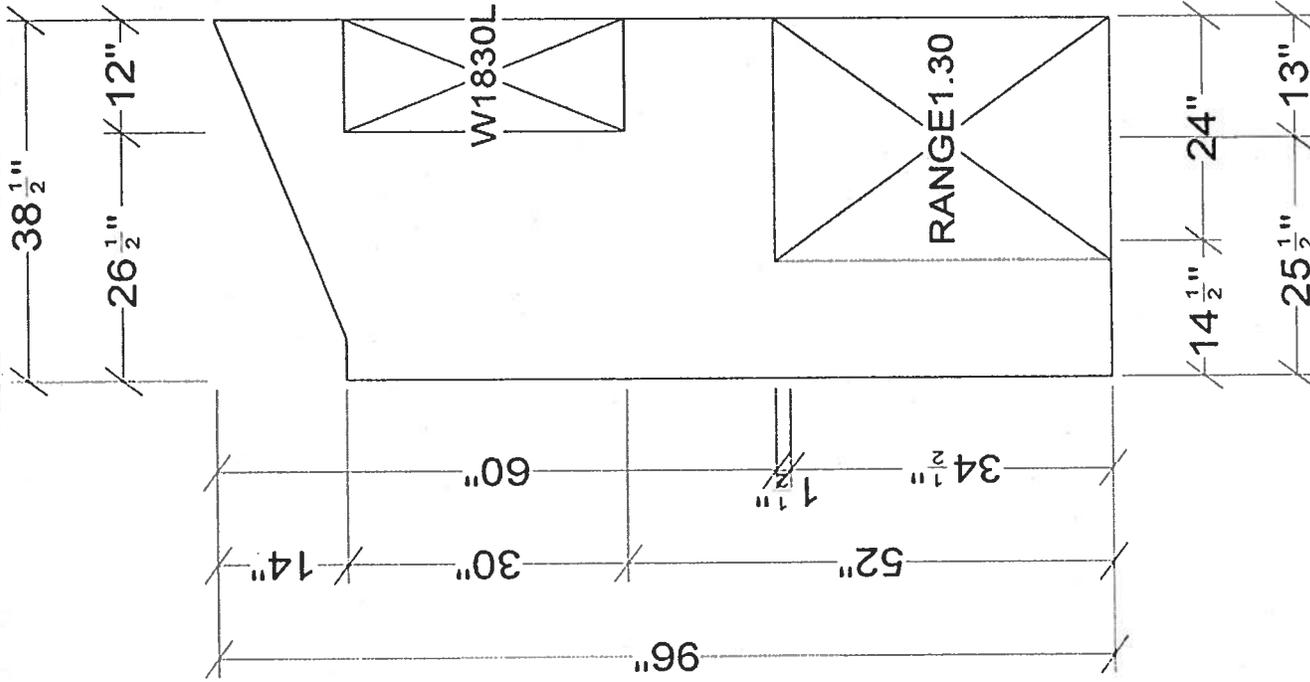


All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019



All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

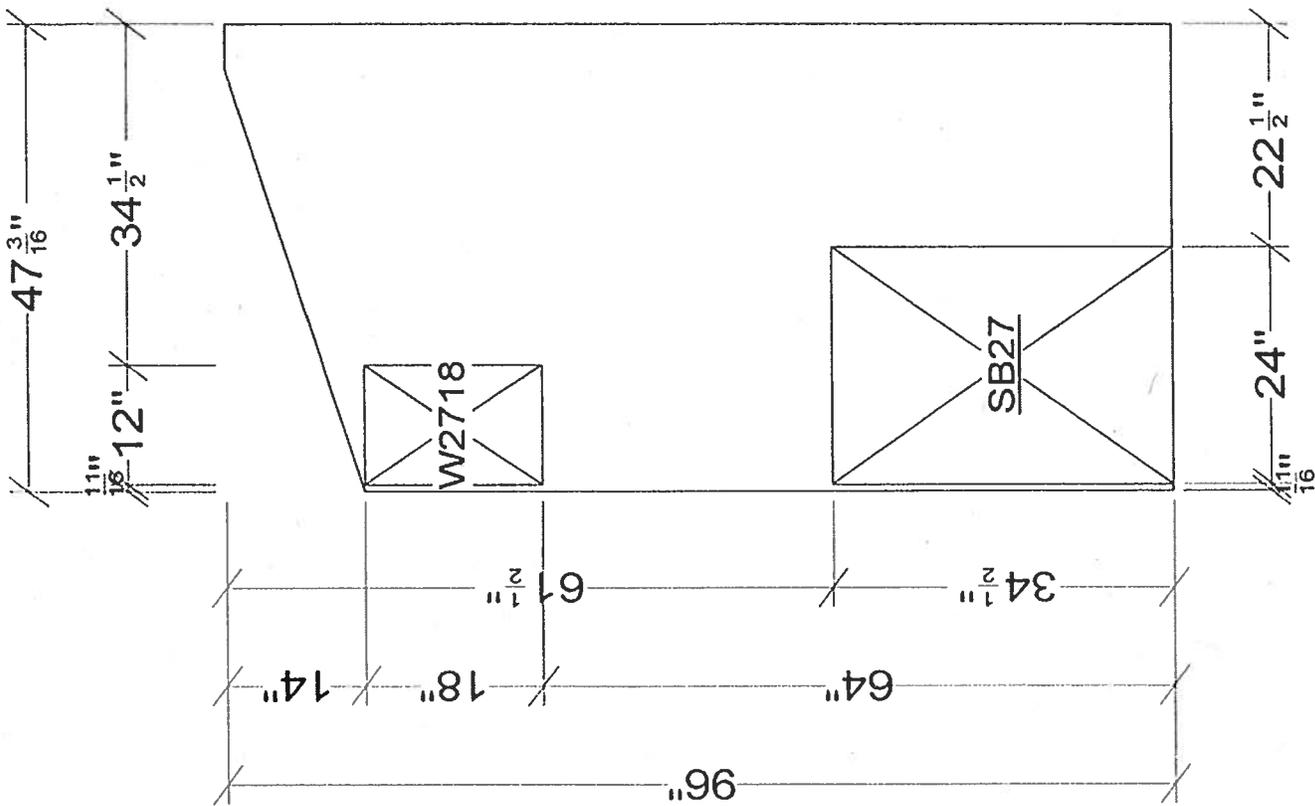
This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
 Printed: 12/18/2019

Drawing #: 1 | No Scale.

E1 1\3

td2coley



All dimensions .size designations given are subject to verification on job site and adjustment to fit job conditions.

2020

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

Designed: 10/25/2019
Printed: 12/18/2019

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 1



Memo

To: Terry L. Coley

From: Linda Reichard *LR*

Date: 3/13/20

Subject: Real estate taxes for 1306 Graham Dr. Fredericksburg VA 22401

Real estate taxes for 1306 Graham Dr. with the GPIN 7768-97-1948 are paid in full through December 31, 2019.
Your next real estate tax bill will be due May 15, 2020.

Exhibit 1

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 2

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT: -

PLUMBING 2: RESIDENTIAL

PERMIT NUMBER: 0006931 - 2007
 USBC: 2008
 APPLICATION DATE: 10/18/2007
 ISSUANCE DATE: 2/25/2008
 RENEWAL DATE:
 DATE: 2/25/2008

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA M 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
PAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DEVELOPMENT-RESIDENTIAL
CNTR: FRTGS:	RIGHT-OF-WAY:	S/E CUE NO.: SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	30 FEET:
CONSTR. TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

PLUMBING 2: RESIDENTIAL	WATER SERV	SEWER SERV	OTHER	AMENDING ORIGINAL PERMIT
4 FIXTURES 1.5" BAR SINK	SIZE	SIZE		
13KPLW PRV	MATERIAL	MATERIAL		
OTHER TO INCLUDE A BAR SINK	NOTE		NOTE	

JOB VALUE:	50.00
PERMIT FEE:	10.00
ADM FEE:	
1.75% SURCHARGE:	.88
DEPOSIT:	
TOTAL FEES:	60.88

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (340) 373-1000 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES

CODE OFFICIAL _____ DATE _____

permits total: 8600

Exhibit 2

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT:

BUILDING : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2607
 USEC: 2003
 APPLICATION DATE: 10/18/2007
 ISSUANCE DATE: 10/18/2007
 RENEWAL DATE:
 DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA W 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDNTL
CNTR : FTGS:	RIGHT-OF-WAY:	S/E CUP NO.: SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: 3F DWELLING - DETACHED	30 FEET: 1170
CNST. TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

BUILDING : RESIDENTIAL			
4 STORIES	MANF TRUSS	1 FLR SQFT	DECK SQFT
4 BEDROOMS 1/ADDING	FRONT TYPE	2 FLR SQFT	GARAG SQFT
4 FULL BATH 1/ADDING	WALL TYPE	3 FLR SQFT	_____SQFT
3 HALF BATH	SIING TYPE	BSMNT SQFT 1170	_____SQFT
4 FIREPLACE	FLOOR TYPE	MOBILE HM	
PCOL	NOTE	BASEMENT FINISH	

JOB VALUE:	7,500.00
PERMIT FEE:	117.00
ADM FEE:	
CERT OF OCCUP:	20.00
1.75% SURCHARGE:	2.40
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	139.40

THIS PERMIT IS ISSUED IN ACCORDANCE WITH CHAPTER 18 OF THE CODE OF THE CITY OF FREDERICKSBURG, VA. THE PERMIT HOLDER AGREES TO COMPLY WITH ALL APPLICABLE PROVISIONS OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE AND THE ZONING AND SUBDIVISION ORDINANCES OF THE CITY OF FREDERICKSBURG, VA. WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID AND MUST BE RENEWED. REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING & DEVELOPMENT SERVICES DEPARTMENT(540) 372-1080 BEFORE 3:30 P.M.

REQUIRED SIGNATURES

CODE OFFICIAL

ZONING ADMINISTRATOR

DATE

10/19/07

CITY OF FREDERICKSBURG
FREDERICKSBURG VA 22404 7447
LIEN AGENT:

ELECTRICAL : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
USBC: 2003
APPLICATION DATE: 10/18/2007
ISSUANCE DATE: 10/18/2007
RENEWAL DATE:
DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA N 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN:, N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDENTL
CNTR : PRTEGE:	RIGHT-OF-WAY:	S/E CUP NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	SQ FEET:
ONST. TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

ELECTRICAL : RESIDENTIAL	
# RECEPTCLS 32	SERV UPGRD MOBILE HM
# LIGHTS 12	SERV AMPS
# SWITCHES 4	SERV RECWT
# FANS 1	TEMP SERV
#HVAC UNIT	POOL BOND
OTHER	OTHER
NOTE	NOTE

JOB VALUE:	300.00
PERMIT FEE:	74.50
ADM FEE:	
1.75% SURCHARGE:	1.00
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	75.50

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL ELECTRIC CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


CODE OFFICIAL

10/19/07
DATE

CITY OF FREDERICKSBURG
FREDERICKSBURG VA 22404 7447
LIEN AGENT:

MECHANICAL : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
USBC: 2093
APPLICATION DATE: 10/18/2007
ISSUANCE DATE: 10/18/2007
RENEWAL DATE:
DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA H 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7931	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN:, N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDENTL
CNTR : FTGCE:	RIGHT-OF-WAY:	S/E CUF NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	SQ FEET:
CNST.TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

MECHANICAL : RESIDENTIAL		
#HVAC UNIT	#WOOD STOV	GAS PIPE
#SPACE HTR	#PREFAB PF	DUCT WORK ALTERATION
# BOILERS	#GAS LOGS	MISC EQUIP
#HTWR HTR	#SPKLR HD	FANS
#ELEVATORS		OTHER ALTERATIONS TO DUCTWORK
OTHER	NOTE	NOTE

JOB VALUE:	50.00
PERMIT FEE:	50.00
ADM FEE:	
1.75% SURCHARGE:	.88
AMMENDMENT FEE:	
1.75% SURCHARGE:	
TOTAL FEES:	50.88

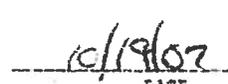
INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL MECHANICAL CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


CODE OFFICIAL


DATE

CITY OF FREDERICKSBURG
FREDERICKSBURG VA 22404 7447
LIEN AGENT:

PLUMBING : RESIDENTIAL

PERMIT NUMBER: 0000931 - 2007
USBC: 2003
APPLICATION DATE: 10/18/2007
ISSUANCE DATE: 10/18/2007
RENEWAL DATE:
DATE: 10/18/2007

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
TAYLOR JEFFREY C & TONYA M 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE LOT: 6496 SQ FT 00001	OWNER PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION
TAX MAP NO.:	315 KL275	LOT: BLOCK: SECTION: BLDG NO.:
SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOODPLAIN: N	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDENTL
CNTR : FRTGE:	RIGHT-OF-WAY:	S/E CUR NO. : SITE PLAN:

DIRECTIONS TO SITE:

USE GROUP: RESIDENTIAL	USE CODE: SF DWELLING - DETACHED	SQ FEET:
CNST.TYPE:	NATURE/WRK: INTERIOR ALTERATIONS TO FINISH THE BASEMENT OF AN EXISTING RESIDENCE AND ADDING 1 ADDITIONAL BEDROOM (2003 IRC)	

# FIXTURES	WATER SERV	PLUMBING : RESIDENTIAL		SEWER SERV
		SIZE	SIZE	
18K7LW PRV	MATERIAL			MATERIAL
OTHER	NOTE	OTHER	SHOWER STALL, LAV, TOILET	NOTE

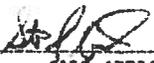
JOB VALUE:	700.00
PERMIT FEE:	55.00
ADM FEE:	
1.75% SURCHARGE:	1.14
TOTAL FEES:	66.14

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES


CODE OFFICIAL

10/19/07
DATE

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 3

CITY OF FREDERICKSBURG
 FRÉDERICKSBURG VA 22404 7447
 LIEN AGENT:

ELECTRICAL : RESIDENTIAL

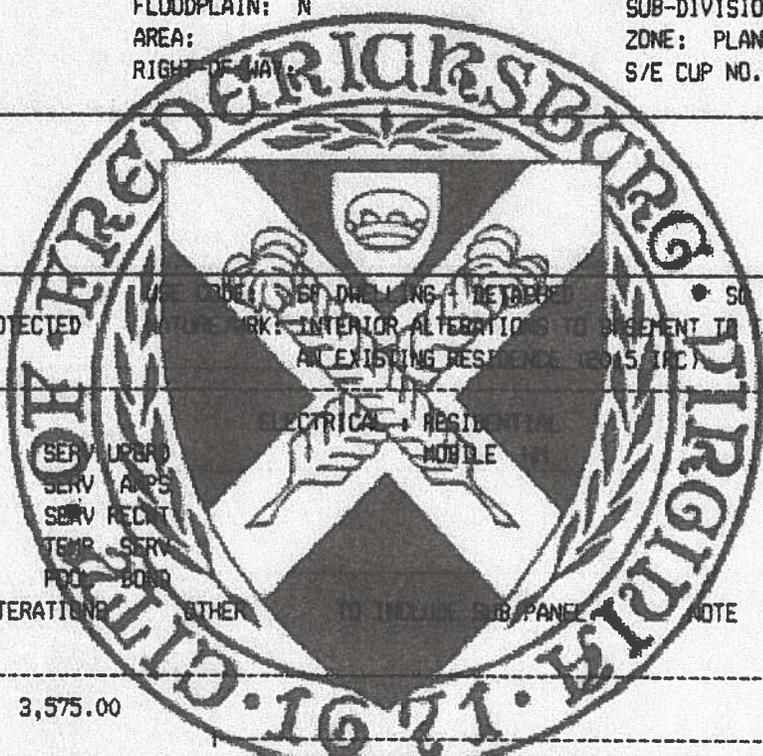
PERMIT NUMBER: 0000108 - 2020
 USBC: 2015
 APPLICATION DATE: 1/31/2020
 ISSUANCE DATE: 2/05/2020
 RENEWAL DATE:
 DATE: 2/05/2020

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
COLEY TERRY L 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE	ACCURATE ELECTRIC CORP 208 TAYLOR STREET FREDERICKSBURG, VA 22405
PHONE:		PHONE: 540 295 6244

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION	SECTION:	BLDG NO.:
TAX MAP NO.:	315 KL275	LOT:	BLOCK:	

SET-BACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK: RIGHT: LEFT: CNTR : FRTGE:	FLOODPLAIN: N AREA: RIGHT OF WAY:	SUB-DIVISION: ZONE: PLANNED DVLPMNT-RESIDNTL S/E CUP NO.:
		SITE PLAN:

DIRECTIONS TO SITE:



USE GROUP: RESIDENTIAL	MIN. SET-BACKS: 5 FT. (SEE DWELLING UNIT)	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.
CNST. TYPE: SB COMB. UN-PROTECTED	MIN. SIDE SET-BACKS: 5 FT. (SEE DWELLING UNIT)	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.	MIN. SIDE SET-BACKS: 5 FT.	MIN. FRONT SET-BACKS: 5 FT.	MIN. REAR SET-BACKS: 5 FT.

#RECEPTCLS	SERV. UPGRD	OTHER	NOTE
# LIGHTS	SERV. APPLS		
# SWITCHES	SERV. RECD		
# FANS	TEMP. SERV		
#HVAC UNIT	POU. BOHR		
OTHER	ELECTRICAL ALTERATION	OTHER	UPGRADE
NOTE			

JOB VALUE: 3,575.00

PERMIT FEE: 100.00

ADM FEE:

2.0% SURCHARGE : 2.00

AMMENDMENT FEE:

2.0% SURCHARGE :

DEPOSIT:

TOTAL FEES: 102.00

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL ELECTRIC CODE

REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080 BEFORE 3:30 P.M.

WORK MUST COMMENCE WITHIN 6 MONTHS OR PERMIT IS VOID UNLESS RENEWED.

REQUIRED SIGNATURES

Jim Bahre
 CODE OFFICIAL
 (For JFS)

2/5/2020
 DATE

Exhibit 3

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 4

CITY OF FREDERICKSBURG
 FREDERICKSBURG VA 22404 7447
 LIEN AGENT:

PLUMBING : RESIDENTIAL

PERMIT NUMBER: 0000108 -
 WERC: 2019
 APPLICATION DATE: 1/31/2020
 ISSUANCE DATE: 2/27/2020
 RENEWAL DATE:
 DATE: 2/27/2020

OWNER NAME/ADDRESS	SITE ADDRESS	CONTRACTOR NAME/ADDRESS
COLEY TERRY L 1306 GRAHAM DR FREDERICKSBURG VA 22401	1306 GRAHAM DRIVE	OWNER
PHONE:		PHONE: 000 000 0000

RE ACCOUNT#:	7831	DESCRIPTION OF CONSTRUCTION LOCATION	SECTION:	BLDG NO.:
TAX MAP NO.:	315 KL275.	LOT:	BLOCK:	

SETBACKS:	HEALTH PERMIT NO.:	DISTRICT:
FRONT: BACK:	FLOOR FIN:	SUB-DIVISION:
RIGHT: LEFT:	AREA:	ZONE: PLANNED DVLPMNT-RESIDNTL
CNTR : FRTGE:	HIGH:	CUP NO.:
		SITE PLAN:

DIRECTIONS TO SITE:



USE GROUP: RESIDENTIAL
 CNST.TYPE: SB COMB. UN-PROTECTED
 SE DRAINAGE - DETENTION 5 FEET;
 INTERIOR INTERIOR PERMIT TO INCLUDE ADDING KNEE WALL AT
 IN EXISTING ROOMS TO BE REFINISHED

FIXTURES 3
 #BKFLW PRV

PLUMBING : RESIDENTIAL
 WATER SERV SIZE MATERIAL
 SEWER SERV SIZE MATERIAL

OTHER NOTE REFRIGERATOR, WASHER, DRYER, OTHER NOTE

JOB VALUE: 2,000.00
 PERMIT FEE: 105.00
 ADM FEE:
 2.0% SURCHARGE : 2.10
 DEPOSIT:
 TOTAL FEES: 107.10

INTERNATIONAL RESIDENTIAL CODE OR INTERNATIONAL PLUMBING CODE
 REQUESTS FOR INSPECTIONS SHALL BE MADE BY THE PERMIT HOLDER AT
 LEAST 24 HOURS IN ADVANCE AND SHALL BE DIRECTED TO THE
 BUILDING AND DEVELOPMENT SERVICES DEPARTMENT (540) 372-1080
 BEFORE 3:30 P.M.
 WORK MUST COMMENCE WITHIN A 6 MONTH PERIOD OR PERMIT IS VOID
 UNLESS RENEWED.

REQUIRED SIGNATURES

Jim Bahre
 CODE OFFICIAL
 (For JFS)

2/27/2020
 DATE

Exhibit #

This is an original design and must not be released or copied unless applicable fee has been paid or job order placed.

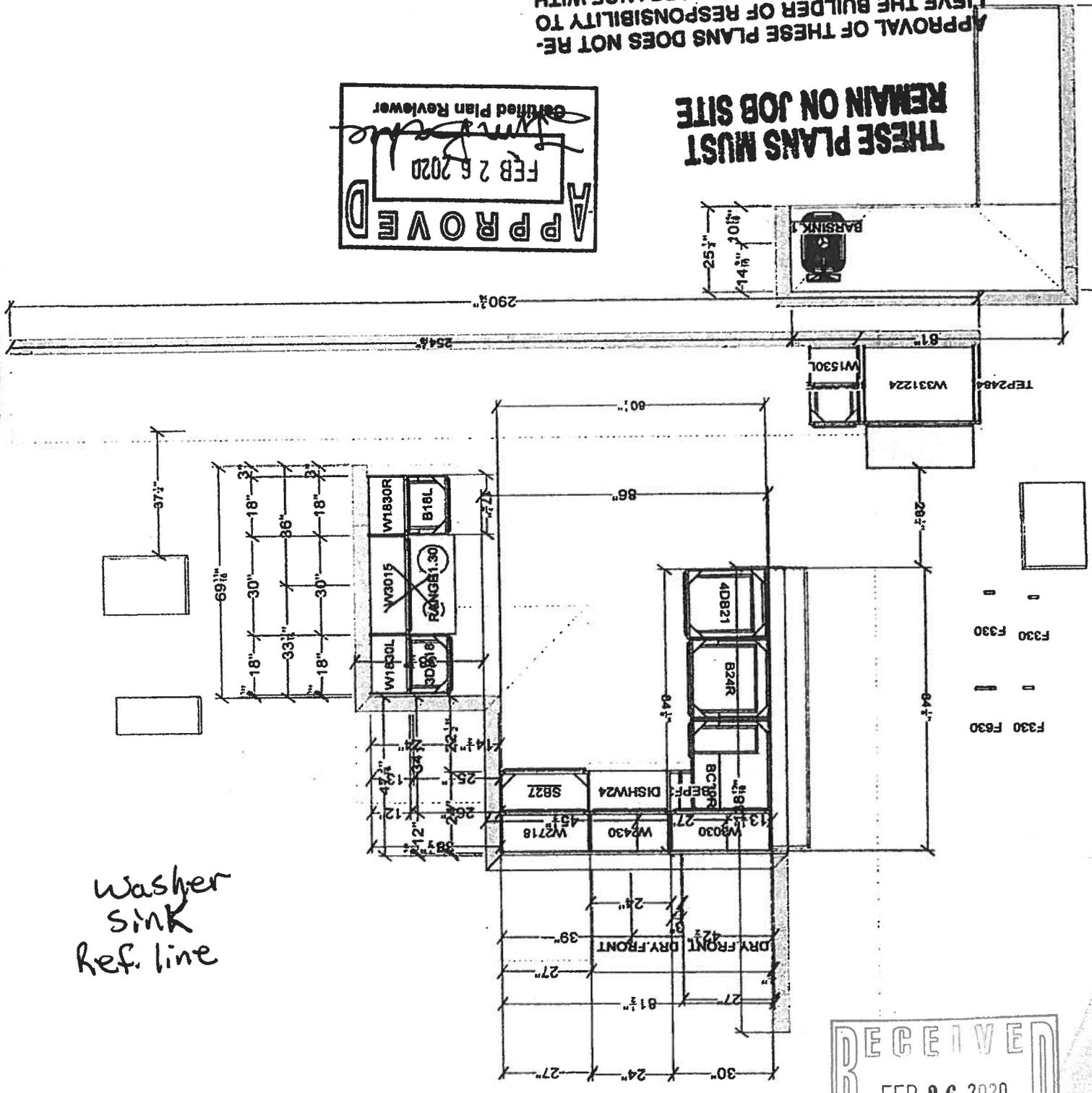
2020

All dimensions size designations given are subject to verification on job site and adjustment to fit job conditions.

APPROVAL OF THESE PLANS DOES NOT RELIEVE THE BUILDER OF RESPONSIBILITY TO PERFORM THE WORK IN ACCORDANCE WITH THE REQUIREMENTS OF VIRGINIA UNIFORM STATEWIDE BUILDING CODE FOR ITEMS WHICH MAY HAVE BEEN MISSED OR OMITTED.

THESE PLANS MUST REMAIN ON JOB SITE

APPROVED
 FEB 26 2020
 [Signature]
 Licensed Plan Reviewer



Washer Sink Ref. line

RECEIVED
 FEB 26 2020
 By _____

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 5

Coronavirus Disease 2019 (COVID-19)

People at Risk for Serious Illness from COVID-19

If you are at **higher risk** of getting very sick from COVID-19, you should:

- Stock up on supplies.
- Take **everyday precautions** to keep space between yourself and others.
- When you go out in public, keep away from others who are sick, limit close contact and wash your hands often.
- Avoid **crowds** as much as possible.
- Avoid **cruise travel** and non-essential air travel.
- During a COVID-19 outbreak in your community, **stay home** as much as possible to further reduce your risk of being exposed.

COVID-19: What Older Adults Need to Know

Jay Butler, Deputy Director for Infectious Diseases at CDC, describes preventative measures to help protect older adults from COVID-19.

Who is at Higher Risk?

Early information out of China, where COVID-19 first started, shows that some people are at higher risk of getting very sick from this illness. This includes:

- Older adults
- People who have serious chronic medical conditions like:
 - Heart disease
 - Diabetes
 - Lung disease

If a COVID-19 outbreak happens in your community, it could last for a long time. (An outbreak is when a large number of people suddenly get sick.) Depending on how severe the outbreak is, public health officials may recommend community actions to reduce people's risk of being exposed to COVID-19. These actions can slow the spread and reduce the impact of disease.

If you are at higher risk for serious illness from COVID-19 because of your age or because you have a serious long-term health problem, it is extra important for you to take actions to reduce your risk of getting sick with the disease.

Get Ready for COVID-19 Now

- Have supplies on hand
 - Contact your healthcare provider to ask about obtaining extra necessary medications to have on hand in case there is an outbreak of COVID-19 in your community and you need to stay home for a prolonged period of time.
 - If you cannot get extra medications, consider using mail-order for medications.
 - Be sure you have over-the-counter medicines and medical supplies (tissues, etc.) to treat fever and other symptoms. Most people will be able to recover from COVID-19 at home.
 - Have enough household items and groceries on hand so that you will be prepared to stay at home for a period of time.
- Take everyday precautions
 - Avoid close contact with people who are sick
 - Take everyday preventive actions
 - Clean your hands often
 - Wash your hands often with soap and water for at least 20 seconds, especially after blowing your nose, coughing, or sneezing, or having been in a public place.
 - If soap and water are not available, use a hand sanitizer that contains at least 60% alcohol.
 - To the extent possible, avoid touching high-touch surfaces in public places – elevator buttons, door handles, handrails, handshaking with people, etc. Use a tissue or your sleeve to cover your hand or finger if you must touch something.
 - Wash your hands after touching surfaces in public places.
 - Avoid touching your face, nose, eyes, etc.
 - Clean and disinfect your home to remove germs: practice routine cleaning of frequently touched surfaces (for example: tables, doorknobs, light switches, handles, desks, toilets, faucets, sinks & cell phones)
 - Avoid crowds, especially in poorly ventilated spaces. Your risk of exposure to respiratory viruses like COVID-19 may increase in crowded, closed-in settings with little air circulation if there are people in the crowd who are sick.
 - Avoid all non-essential travel including plane trips, and especially avoid embarking on [cruise ships](#).
- If COVID-19 is spreading in your community, take extra measures to put distance between yourself and other people to further reduce your risk of being exposed to this new virus.
 - Stay home as much as possible.
 - Consider ways of getting food brought to your house through family, social, or commercial networks
- [Have a plan for if you get sick](#):
 - **Consult with your health care provider for more information about [monitoring your health for symptoms suggestive of COVID-19](#).**
 - Stay in touch with others by phone or email. You may need to ask for help from friends, family, neighbors, community health workers, etc. if you become sick.
 - Determine who can provide you with care if your caregiver gets sick

Watch for symptoms and emergency warning signs

- Pay attention for potential COVID-19 symptoms including, fever, cough, and shortness of breath. If you feel like you are developing symptoms, call your doctor.
- If you develop emergency warning signs for COVID-19 get medical attention immediately. In adults, emergency warning signs*:
 - Difficulty breathing or shortness of breath

- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face

*This list is not all inclusive. Please consult your medical provider for any other symptoms that are severe or concerning.

What to Do if You Get Sick

- Stay home and call your doctor
- Call your healthcare provider and let them know about your symptoms. Tell them that you have or may have COVID-19. This will help them take care of you and keep other people from getting infected or exposed.
- If you are not sick enough to be hospitalized, you can recover at home. Follow CDC instructions for [how to take care of yourself at home](#).
- Know when to get emergency help
- Get medical attention immediately if you have any of the emergency warning signs listed above.

What Others can do to Support Older Adults

Community Support for Older Adults

- Community preparedness planning for COVID-19 should include older adults and people with disabilities, and the organizations that support them in their communities, to ensure their needs are taken into consideration.
 - Many of these individuals live in the community, and many depend on services and supports provided in their homes or in the community to maintain their health and independence.
- Long-term care facilities should be vigilant to prevent the introduction and spread of COVID-19. [Information for long-term care facilities can be found here](#).

Family and Caregiver Support

- Know what medications your loved one is taking and see if you can help them have extra on hand.
- Monitor food and other medical supplies (oxygen, incontinence, dialysis, wound care) needed and create a back-up plan.
- Stock up on non-perishable food items to have on hand in your home to minimize trips to stores.
- If you care for a loved one living in a care facility, monitor the situation, ask about the health of the other residents frequently and know the protocol if there is an outbreak.



Prevention and
Treatment



Get Your
Household
Ready



What to Do if
You are Sick

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 6

Fredericksburg, Virginia

GPIN
7768-97-1948

Property Address
1306 GRAHAM DR

Record #
7831

General

Owner's Name:	COLEY TERRY L	Site Information	 	
Mailing Address:	1306 GRAHAM DR FREDERICKSBURG, VA 22401	Acres:		0.14912800
Description:	LT 275 6,496SF BL 315-K- L275 VILLAGE OF IDLEWILD PHASE 2 1306 GRAHAM DR	Zoning :		PDR
		Terrain Type:		On
		Terrain Character:	Rolling/Sloping	
		Right of Way:	Public	
		Easements:	Paved	
		Other Description:	LOT: 6,496 SQ FT	

Details

Size in Sq. Ft.:	3,229		
Value:	\$409,800.00		
Exterior Information		Interior Information	
Year Built:	2005	# of Rooms:	9
Occupancy:	Dwelling	# of Bedrooms:	5
Foundation:	Concrete	Full Bathrooms:	3
# of Stories:	2.0	Half Bathrooms:	1
Ext. Walls:	No Data	Floors:	Wood, Carpet, Vinyl
Roofing:	Comp Shg	Fireplaces:	0
Roof Type:	Hip	Stacked Fireplaces:	0
Garage:	Frame	Flues:	0
Garage - # Of Cars:	2	Metal Flues:	0
Built-In Garage - # Of Cars:	0	Stacked Flues:	0
Carport:	None	Inoperable Flues/Fireplaces:	0
Carport - # Of Cars:	0	Gas Log Fireplaces:	1
		Total SqFt:	3,229
		Basement Type:	Full
		Basement SqFT:	0
		Finished Basement SqFt:	1170
		Interior Walls:	Drywall
		Heating:	Forced Air
		A/C:	Yes
		Utilities	
		Water:	Public
		Sewer:	Public
		Electric:	Yes
		Gas:	Yes
		Fuel Type:	Gas

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any person, firm, or corporation which uses this map or any of the enclosed information assumes all risk for the inaccuracy thereof, as City of Fredericksburg expressly disclaims any liability for loss or damage arising from the use of said information by any third party.

Exhibit 6

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 7

ACCESSORY DWELLING PERMIT FILING INSTRUCTIONS

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2



FILING INSTRUCTIONS

Applications for an Accessory Dwelling Permit may be submitted to the Zoning Division (2100 Clarendon Boulevard, Suite 1000, Arlington, Virginia, 22201) weekdays, between 8:00 am and 4:00 pm. Staff will typically complete review within 30 days of receipt of a completed application and supporting documents.

All applicants must submit one (1) set of the following materials (1-3). These materials are available for download on the Building Arlington website as the "AD Application Packet", or hard copies may be picked up at the above address.

1. Accessory Dwelling Permit Application
2. Declaration of Covenants (to be submitted prior to the issuance of a building permit)
3. Affidavit of Compliance (to be submitted prior to the issuance of a Certificate of Occupancy)

NOTE: Following approval of the Accessory Dwelling Permit Application by the Zoning Administrator, the original copy of the Declaration of Covenants must be recorded with the Land Records Division of the Clerk of the Circuit Court (1425 N. Courthouse Rd., Suite 6200, Arlington, VA 22201). A copy of the receipt of recordation must be submitted to the Zoning Administrator before the Inspection Services Division (ISD) will issue a building permit.

All applicants must also submit one (1) set of the following materials (4-5). Applicants are encouraged to work with a professional architect, designer, and/or surveyor in the preparation of these materials.

4. A floor plan of the existing main dwelling and proposed accessory dwelling, as well as a site plan drawing that shows all proposed alterations to buildings and the property (to scale and with dimensions).
5. A certified plat showing all existing improvements on the property (to scale and with dimensions).

NOTE: The maximum permitted size for floor plans and certified plats is 11" x 17". Larger sizes will not be accepted.

Once complete, applicants must bring all the above materials (1-5) to the Zoning Division for preliminary review. A filing fee (see Fee Schedule) made payable to the "Arlington County Treasurer" should be submitted upon filing. If no issues are identified, all materials will be forwarded to the Zoning Administrator for final review and approval.

For more detailed information on the approval process for an accessory dwelling, please proceed to page 2.

ACCESSORY DWELLING PERMIT APPROVAL PROCESS

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2



APPROVAL PROCESS

In order for the Zoning Administrator to approve an Accessory Dwelling Permit, the following steps must take place. The information below is not intended to substitute for the accessory dwelling regulations established in the ACZO §12.9.2.

1. Prior to applying for an Accessory Dwelling Permit, applicants are encouraged to determine if their proposed accessory dwelling meets the below minimum requirements of the ACZO. All applicants should e-mail the Zoning Division to schedule a code consultation meeting to discuss these requirements, as well as the associated requirements of the Virginia Uniform Statewide Building Code (USBC).
 - a. Accessory dwellings may be added on lots containing one-family detached dwellings in Residential (**R**) zoning districts, i.e. **R-20, R-10, R-8, R-6, R-5, R-10T, R-15-30T, and R-2-7**. If uncertain, please use the Real Estate Assessments database to query an address and determine its dwelling type and/or zoning district.
 - b. A single lot may have either one (1) accessory dwelling or one (1) family/caregiver suite, but not both. A proposed accessory dwelling cannot be added to a lot that already has either one (1) accessory dwelling or one (1) family/caregiver suite.
 - c. The applicant must be the owner of the property where the accessory dwelling is proposed to be located.
2. Applicants must submit an application for an Accessory Dwelling Permit to the Zoning Division, consistent with the Filing Instructions listed on page 1.
3. Once the application is deemed complete, Zoning Division staff will conduct a preliminary review of the application (including the floor plan and certified plat) to determine:
 - a. If the proposed accessory dwelling is an independent dwelling unit with its own kitchen and bath.
 - b. If the proposed alterations meet ACZO requirements for the zoning district, including coverage, density, and dimensional requirements.

(NOTE: Step 3.b above does not prohibit the creation of an accessory dwelling in a nonconforming one-family detached dwelling or a nonconforming detached accessory building, so long as any required alterations are completed in accordance with the requirements of the ACZO §12.9.2 and §16).
 - c. If the proposed square footage of the accessory dwelling is compliant with the below size limitations:
 - i. If located wholly within a basement, there is no maximum gross floor area for the accessory dwelling.
 - ii. If the gross floor area of the main dwelling is at least 1,000 sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 35% of the combined floor area of the main and accessory dwelling, up to maximum of 750 sf.
 - iii. If the gross floor area of the main dwelling is less than 1,000 sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 45% of the combined floor area of the main and accessory dwelling, up to a maximum of 500 sf.
 - d. If the accessory dwelling has an entrance above the first floor, that no exterior stairs to that entrance are located on the side of the lot fronting a street.

(NOTE: Step 3.d above does not apply to accessory dwellings located in detached accessory buildings constructed prior to May 18, 2019).
 - e. If the proposed accessory dwelling is compliant with the below parking requirements established in the ACZO §14.3.

- i. If the existing main dwelling has one (1) dedicated off-street parking space, an accessory dwelling is permitted, subject to the maintenance of one (1) off-street parking space on the property.
 - ii. If the existing main dwelling has two (2) or more dedicated off-street parking spaces, an accessory dwelling is permitted, subject to the maintenance of two (2) dedicated off-street parking spaces on the property. These two (2) parking spaces can be in any configuration that complies with the ACZO §14.3.
 - iii. If the existing main dwelling has no dedicated off-street parking, an accessory dwelling is permitted, subject to the creation and maintenance of one (1) off-street parking space on the property. If the applicant requests to instead utilize on-street parking to meet this parking requirement, a parking survey performed by the Department of Environmental Services (DES) will be triggered (see step 4 below).
4. As described in step 3.e.iii above, DES may perform a parking survey to determine if the applicant can provide one (1) on-street parking space instead of one (1) dedicated off-street parking space on the property.
 - a. If the results of the parking survey indicate that the block is less than 65% parked, an accessory dwelling is permitted with no dedicated off-street parking on the property.
 - b. If the results of the parking survey indicate that the block is at least 65% parked, the applicant is obligated to create and maintain one (1) off-street parking space on the property.

For more information on the [DES Residential Parking Program](#), including how long a parking survey may take and any associated fees, please call (703) 228-3344.

5. Following a preliminary review by Zoning Division staff, the Zoning Administrator will review the application. If no issues are identified, the Zoning Administrator will sign and issue the Accessory Dwelling Permit. Following the completion of several follow-up activities (steps 6-10 below), the Accessory Dwelling Permit will allow an accessory dwelling to be occupied on the property.

(NOTE: please allow approximately thirty (30) days to process the Accessory Dwelling Permit after the application is accepted as complete by Zoning Division staff).
6. The applicant must file for a building permit (or permits) with the Inspection Services Division (ISD) to carry out all proposed alterations. The Chief Building Official (or other appropriate ISD staff) issues a building permit, as well as permits for associated trades (i.e. electrical, mechanical, plumbing, etc.)

(NOTE: An application for a building permit may be submitted at the same time that an application for an Accessory Dwelling Permit is submitted to the Zoning Division (step 2 above). However, a building permit for an accessory dwelling cannot be issued until after an Accessory Dwelling Permit has been issued).
7. As part of obtaining a building permit, the applicant must also file the original copy of the Declaration of Covenants signed by the Zoning Administrator with the Land Records Division of the Clerk of the Circuit Court (1425 N. Courthouse Rd., Suite 6200, Arlington, VA 22201). The Declaration of Covenants must include a floor plan of the accessory dwelling. A copy of the receipt of recordation must be submitted to the Zoning Administrator before ISD will issue a building permit.
8. Once a building permit is issued, construction can proceed. Upon its completion, applicants must file for a Certificate of Occupancy (CO) with the Zoning Division. Staff from ISD and the Zoning Division will conduct inspections of the accessory dwelling to determine if all applicable requirements of the building code and the ACZO have been satisfied.
9. As part of obtaining a CO, the applicant must also file an Affidavit of Compliance with the Zoning Administrator, indicating that all applicable requirements of the ACZO will be observed.

(NOTE: The Affidavit of Compliance must be re-filed if/when structural alterations are made to the accessory dwelling and if/when ownership of the main dwelling changes).
10. Once the Affidavit of Compliance is accepted by the Zoning Administrator, the CO will be issued by the Chief Building Official and the Zoning Administrator. At this point, the accessory dwelling is complete and ready for occupancy.

ACCESSORY DWELLING PERMIT APPLICATION

ARLINGTON COUNTY ZONING ORDINANCE (ACZO) §12.9.2

Department of Community Planning, Housing & Development – Zoning Division
2100 Clarendon Boulevard, Suite 1000, Arlington, Virginia 22201
building.arlingtonva.us | contactzoning@arlingtonva.us
Phone (703) 228-3883 | Fax (703) 228-3896



ACCESSORY DWELLING INFORMATION

<i>Address</i>	<i>Zip Code</i>
<i>Real Property Code (RPC) #</i>	<i>Zoning District</i>
(NOTE: Accessory dwellings are only permitted on lots with one-family detached dwellings in the R-20, R-10, R-8, R-6, R-5, R-10T, R15-30T, and R2-7 districts).	

APPLICANT/PROPERTY OWNER INFORMATION

<i>Full Name (First, Last)</i>	
<i>Phone Number</i>	<i>E-Mail Address</i>

CHECKLIST

The above-referenced applicant/ property owner wishes to establish an accessory dwelling on the above-referenced property. The applicant/property owner has demonstrated the following (check all that apply):

- The existing property is improved with a one-family detached dwelling.
- The property does not/will not contain a family/caregiver suite.

Where is the accessory dwelling located?

- Basement level of main dwelling First floor/ground level of main dwelling
- Above the first floor/ground level of main dwelling In a detached accessory building

If located in a detached accessory building, was it existing prior to May 18, 2019?

Yes No

If located in a new detached accessory building, does it comply with the placement requirements of the ACZO §12.9.2.A.2(b)?

Yes No

Where is the entrance to the accessory dwelling located?

- Basement level First floor/ground level Above the first floor/ground level

If the entrance to the accessory dwelling is located above the first floor/ground level, are exterior stairs located on the side of the lot fronting a street?

Yes No

Where is parking located?

On the property On the street

(NOTE: On-street parking requires a parking study performed by DES that finds the block is less than 65% parked. All off-street parking must meet the requirements established in the ACZO §14.3).

If parking is located on the property, how many total parking spaces are provided?

1 2 >2

(NOTE: If the property has 1 existing parking space on the property, 1 space must be maintained. If the property has 2 existing parking spaces on the property, 2 spaces must be maintained. If property has >2 existing parking spaces on the property, at least 2 spaces must be maintained).

If the main building or the detached accessory building used for the accessory dwelling is nonconforming, do all proposed alterations comply with the ACZO§12.9.2 and §16?

Yes No

Size of the Main Dwelling: _____ sf

Size of the Accessory Dwelling: _____ sf

Meeting with Assistant to the Zoning Administrator occurred on: _____

Is the checklist (and all related documents) complete and attached?

Yes No

Has a filing fee (see Fee Schedule) made payable to the "Arlington County Treasurer" been submitted?

Yes No

Signature of Applicant/Property Owner (Or Property Owner's Agent)

Date

FOR STAFF USE ONLY

Approved Denied

Date Approved/Denied: _____

Approved/Denied by: _____

ACKNOWLEDGEMENT AND AGREEMENT TO COMPLY WITH THE CONDITIONS OF AN ACCESSORY DWELLING CONDITIONS

1. Before approval of a building permit, the property owner shall record a covenant on the property in the land records in a form acceptable to the Zoning Administrator, which identifies the accessory dwelling use and that it is subject to the restrictions imposed by the ACZO.
2. No more than three persons shall occupy the accessory dwelling.
3. The property owner must occupy either the main dwelling or the accessory dwelling as his/her primary residence; provided, however, if the property owner does not occupy one of the dwelling units as his/her primary residence, the entire property may be occupied by no more than one family.
4. Before a Certificate of Occupancy is issued for the accessory dwelling, the property owner shall file an affidavit of compliance with the Zoning Administrator in a form acceptable to the Zoning Administrator attesting to compliance with the conditions of this section, and shall re-file the affidavit of compliance whenever the following occurs:
 - (a) When any structural alterations are made to the accessory dwelling; and
 - (b) Upon change in ownership of the main dwelling.
5. The property owner shall permit annual inspections of the accessory dwelling by the Zoning Administrator or his/her designee upon reasonable notice to ensure compliance with the conditions of this section.
6. The property owner shall cooperate with the Zoning Administrator and his/her designee in ensuring compliance with conditions of this section and in the investigation of complaints of violations of this section.
7. The property owner shall advise all tenants of the accessory dwelling of the annual inspection requirement and obligation to cooperate with the Zoning Administrator in ensuring compliance with the conditions of this section.
8. Accessory uses shall not be allowed in the accessory dwelling except home occupations, including accessory homestay, as permitted and regulated in the ACZO §12.9.11 and §12.9.12.
9. Failure to comply with the conditions in the ACZO §12.9.2 will result in revocation of the Accessory Dwelling Permit and of the Certificate of Occupancy for the accessory dwelling by the Zoning Administrator. Revocation of the Accessory Dwelling Permit and Certificate of Occupancy shall be effective after:
 - (a) A finding by the Zoning Administrator of violation;
 - (b) Notice with 30-day opportunity to correct the violation; and
 - (c) A finding by the Zoning Administrator after 30 days that the violation has not been corrected.
 - (d) Notwithstanding (a)-(c) above, if more than three violations of the provisions in the ACZO §12.9.2 are found to exist by the Zoning Administrator within a one-year period, the Accessory Dwelling Permit may be revoked.

CERTIFICATION

By signing below, I acknowledge that I am entering into an agreement with the Zoning Administrator certifying that I will comply with the requirements for an Accessory Dwelling, per the ACZO §12.9.2. I certify that I am the bona fide resident of the premises identified above; I have read and understand the above conditions; and I can and will comply with each condition without exception. I consent to the use of e-mail for communication with the Zoning Administrator and/or their designee concerning my Accessory Dwelling. I further certify all the information is complete and correct to the best of my knowledge and belief.

Applicant Signature

Date

DECLARATION OF COVENANTS



THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made this

_____ day of _____, 20__ by and between _____ hereinafter known as

"Declarant" and ARLINGTON COUNTY, VIRGINIA, by and through Arlova Vonhm, its Zoning

Administrator.

WHEREAS, the Declarant is the sole owner of certain real property located at

_____ in Arlington County, Virginia known as:

Lot _____, Block _____, Subdivision _____ as the

same is duly dedicated, platted, and recorded in Deed Book _____ at Page _____,

among the land records of Arlington County, Virginia.

WHEREAS, the Declarant desires to construct on aforesaid property an accessory dwelling as defined in the Arlington County Zoning Ordinance (ACZO),

WHEREAS, in order to construct and use said accessory dwelling on the aforesaid property, it is necessary to comply with certain zoning requirements and amendments thereto relating to accessory dwelling adopted by the Arlington County Board on May 18, 2019 as Article 12.9.2 of the ACZO.

NOW THEREFORE, Declarant, for and in consideration of the premises and the covenants contained herein does hereby agree to construct said accessory dwelling, to be used, held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, and conditions hereinafter set forth, which are for the purpose of protecting the value and desirability of the premises and the character of the surrounding neighborhood and which covenants, restrictions, and conditions shall run with the real property and be binding on all parties having any right, title, or interest in the described property or any part thereof, their successors and assigns, and shall inure to the benefit of each owner thereof.

Article I

The accessory dwelling to be constructed on the above premises shall consist of not more than 750 square feet (unless fully contained within a basement) and shall be designed, arranged, used, and occupied by not more than three (3) persons.

Article II

In constructing and using this accessory dwelling, in order to meet zoning requirements for all accessory dwellings in all "R" Districts subject to approval by the Zoning Administrator, the Declarant hereby covenants that the following conditions will be binding on the declarant, his successors, and assigns:

- (1) Only one (1) accessory dwelling shall be permitted on the property.
- (2) (a) For attached accessory dwellings located wholly within a basement, the gross floor area shall not exceed the footprint of the basement.

(b) When the gross floor area of the main dwelling is at least one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 35% of the combined floor area of the main and accessory dwelling, up to maximum of seven hundred and fifty (750) sf. This provision applies to both attached and detached accessory dwellings.

(c) When the gross floor area of the main dwelling is less than one thousand (1,000) sf and any portion of the accessory dwelling is located above the basement, the gross floor area of the accessory dwelling shall not exceed 45% of the combined floor area of the main and accessory dwelling, up to maximum of five hundred (500) sf. This provision applies to both attached and detached accessory dwellings.

(d) For detached accessory dwellings constructed after May 18, 2019, height shall not exceed either 25 feet or 1-½ stories. Detached accessory buildings constructed prior to May 18, 2019 are eligible for conversion to an accessory dwelling, even if that detached accessory building exceeds either 25 feet or 1-½ stories.

(e) For detached accessory dwellings constructed after May 18, 2019, the footprint is restricted to 560 sq. ft. (in the *R-5* and *R-6* districts) and 650 sq. ft. (in all other *R*

districts).

- (3) A valid Certificate of Occupancy shall be effective for the accessory dwelling.
- (4) Required parking for the accessory dwelling, as established in the ACZO §14.3, shall remain in existence.
- (5) A floor plan of the accessory dwelling that identifies its relationship to the rest of the dwelling shall be filed with the Zoning Administrator.
- (6) No more than three (3) persons will occupy the accessory dwelling.
- (7) The owner of the property will permit annual inspections of the accessory dwelling by the County.
- (8) The Owner will advise all tenants of the accessory dwelling annual inspection requirement and of their obligation to cooperate with the Zoning Administrator in ensuring compliance with all applicable Zoning requirements.
- (9) For accessory dwellings constructed after May 18, 2019 with an entrance above the first floor, exterior stairs to that entrance shall not be located on the side of the lot fronting a street. Detached accessory buildings constructed prior to May 18, 2019 may maintain exterior stairs to an entrance above the first floor, even if those exterior stairs are located on the side of the lot fronting a street.
- (10) There shall be one (1) address for the property when the accessory dwelling is located within or attached to the main dwelling. If the accessory dwelling is located in a detached accessory building, it may require a separate address from the main dwelling.
- (11) The Owner of the property will occupy a dwelling on the property. If the Owner does not occupy either the main dwelling or the accessory dwelling as his/her primary residence, the entire property may be occupied by no more than one (1) family.
- (12) The Owner of the property will file with the Zoning Administrator, before the issuance of the Certificate of Occupancy, an affidavit of compliance with ACZO requirements for accessory dwellings. An affidavit of compliance will be re-filed whenever any structural alterations are made to the accessory dwelling and when there is a change in ownership of the main dwelling

IN, WITNESS WHEREOF the following signatures and seals:

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

Subscribed and sworn before me this this _____ day of _____, 20_____.

Notary: _____

My Commission expires: _____

APPROVED: _____
Arlova Vonhm, Zoning Administrator
Arlington County, Virginia

AFFIDAVIT OF COMPLIANCE



I, _____, make this affidavit in order to comply with Section 12.9.2 of the Arlington County Zoning Ordinance ("ACZO"). Under penalty of perjury, I swear that the following statements are true and correct.

I am the owner of the property known as _____ (street address of the "Property"). My ownership is shown among the land records of the Clerk of the Circuit Court of Arlington County at Deed Book _____, page _____. The Property is improved with a one-family detached dwelling. The one-family detached dwelling contains an Accessory Dwelling ("AD") which complies in all respects with the requirements of the ACZO, including by way of illustration and not limitation, the following:

- a. No more than three (3) persons do now, or will at any time, occupy the AD;
- b. I occupy, as my full-time residence, one of the dwelling units on the Property. At any point, if I do not occupy either the main dwelling or the AD as my full-time residence, the Property may be occupied by no more than one (1) family.
- c. I hereby agree to permit the Arlington County Zoning Administrator or his or her designee to make annual inspections of the AD to ensure compliance with the ACZO.
- d. I hereby agree to cooperate with the Zoning Administrator and his or her designee to ensure compliance with the ACZO.
- e. I have advised all tenants residing in the AD of the annual inspection requirement and of their obligation to cooperate with the Zoning Administrator to ensure compliance with the ACZO.
- f. I hereby certify that no accessory use is being conducted in the AD, except home occupations as permitted and regulated in Sections 12.9.11 and 12.9.12 of the ACZO.
- g. I hereby certify that I have made no alterations in the physical structure located on the Property or the parking located on the Property, nor have I changed the use of the Property in any material way since the last Affidavit of Compliance, which I executed.
- h. I hereby certify that if I make any structural alterations to the AD, or if there is a change in ownership

of the main dwelling, I will execute, within ten calendar days of such change, a new Affidavit of Compliance, consistent with ACZO requirements.

i. The Property and all structures thereon, including the AD, comply with all requirements of the ACZO.

I make this affidavit on this _____ day of _____, 20_____.

Signature of Owner

Printed Name of Owner

COMMONWEALTH OF VIRGINIA
COUNTY OF ARLINGTON

Subscribed and sworn before me this this _____ day of _____, 20_____.

Notary:

My Commission expires:

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 8





EXIT 8 (16)



Exhibit 8c

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 9

LOG IN

[Register \(/user\)](#)
[Forgot password \(/user/password\)](#)

LEAGUE OF WOMEN VOTERS®
OF FREDERICKSBURG AREA
(/VIRGINIA/FREDERICKSBURG-AREA)

MAKING
DEMOCRACY WORK®

Empowering Voters & Defending Democracy in the Fredericksburg Area!

Affordable Housing for Low-Income Seniors in the Fredericksburg Area

 SHARE

The League of Women Voters of the Fredericksburg Area supports the need for local governments in Planning District 16 to effectively address the identified affordable housing needs in the the Fredericksburg Area, specifically for low-income seniors.

Position History:

Adopted March 25, 2019

Ratified June 24, 2019

Study Report (https://my.lwv.org/sites/default/files/leagues/wysiwyg/%5Bcurrent-user%3Aog-user-node%3A1%3Atitle%5D/final_-_affordable_housing_report_2-9-19_2_.pdf)

Background

The League of Women Voters of the Fredericksburg Area (LWVFRA) adopted a study in 2017 on the relevant problems and issues for low-income seniors in Planning District 16 (Stafford, Spotsylvania, Caroline and King George Counties and the City of Fredericksburg). The study included an examination of current and future lowincome senior population projections, existing federal, state and local programs, and housing support options in other Virginia jurisdictions. The League used a consensus process to determine how local governments in Planning District 16 could effectively begin to address our area's identified affordable housing needs.

Exhibit 9

The League's Position

The League of Women Voters of the Fredericksburg Area believes that it is becoming increasingly necessary for local governments to take a more prominent role in assuring that there are affordable housing options for low-income senior residents in Planning District 16. Local government jurisdictions are in a position to consider a variety of actions and to act independently or collaboratively to meet the current and future housing needs of our low-income seniors. The LWVFRA recommends the following practical and affordable actions because they can be accomplished without additional state legislative approval and have the potential to increase the affordable housing options for low-income seniors in a relatively short period of time. The League supports:

- Revisions to local zoning ordinances to allow expanded house-sharing options and accessory dwellings for low-income seniors.
- A consortium (contiguous units of local governments with a binding agreement) of the City of Fredericksburg with a sufficient number of counties to meet the population requirements of the HUD Home Investments Partnership Program (HOME), so that the area can compete for the funds allocated to the Commonwealth, with the understanding that participating jurisdictions will provide a ¼ match of the HOME funds received.
- A local Housing Trust Fund composed of one or more local government jurisdictions in Planning District 16, with a dedicated funding source in order to leverage private and public financing to develop and/or rehabilitate affordable housing projects that benefit low-income seniors.
- A land bank to acquire and maintain surplus, foreclosed or abandoned properties, then transfer them back to responsible ownership and productive use in accordance with local government housing priorities, including affordable housing for low-income seniors.
- A timely update of the Affordable Housing Task Force Mid-Year Report (George Washington Regional Commission, September 26, 2008), with particular emphasis on the low-income senior population.
- An "Affordable Housing Advisory Committee" for Planning District 16 that includes broad community representation to evaluate recommendations and proposals developed by The League and other civic organizations, in addition to serving as a coalition to help set priorities for action and advocacy.

In response to the adoption of this position on affordable housing for low-income seniors in the Fredericksburg area, LWVFRA has formed the **Senior Affordable Housing Committee**, chaired by Gerald Anderson. Those interested in supporting our League's efforts are encouraged to contact Gerald via email.

Issues:

[HOUSING \(/MYLO/ISSUES/SOCIAL-POLICY/HOUSING\)](#)

League to which this content belongs: [Fredericksburg Area \(https://my.lwv.org/virginia/fredericksburg-area\)](https://my.lwv.org/virginia/fredericksburg-area)

★ [HOME \(/VIRGINIA/FREDERICKSBURG-AREA\)](#)

★ [ACTION ALERTS \(/VIRGINIA/FREDERICKSBURG-AREA/ACTION-ALERTS\)](#)

★ [ABOUT \(/VIRGINIA/FREDERICKSBURG-AREA/ABOUT\)](#)

★ [JOIN THE LEAGUE \(/VIRGINIA/FREDERICKSBURG-AREA/JOIN\)](#)

★ [CALENDAR \(/VIRGINIA/FREDERICKSBURG-AREA/CALENDAR\)](#)

★ [COMMITTEES \(/VIRGINIA/FREDERICKSBURG-AREA/COMMITTEES\)](#)

★ [LWVFRA DOCUMENTS \(/VIRGINIA/FREDERICKSBURG-AREA/LWVFRA-DOCUMENTS\)](#)

★ [ISSUES \(/VIRGINIA/FREDERICKSBURG-AREA/ISSUES\)](#)

★ [STUDIES \(/VIRGINIA/FREDERICKSBURG-AREA/STUDIES\)](#)

★ [POSITIONS \(/VIRGINIA/FREDERICKSBURG-AREA/POSITIONS\)](#)

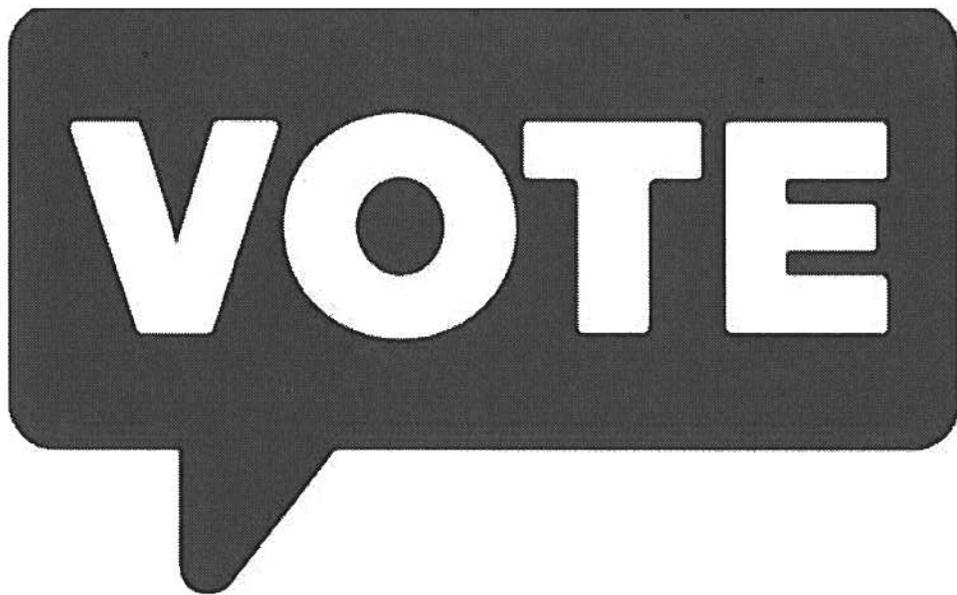
★ [VOTING & ELECTIONS \(/VIRGINIA/FREDERICKSBURG-AREA/ELECTIONS-VOTING\)](#)

★ [CONTACT US \(/VIRGINIA/FREDERICKSBURG-AREA/CONTACT-US\)](#)

★ [DONATE \(/VIRGINIA/FREDERICKSBURG-AREA/DONATE\)](#)

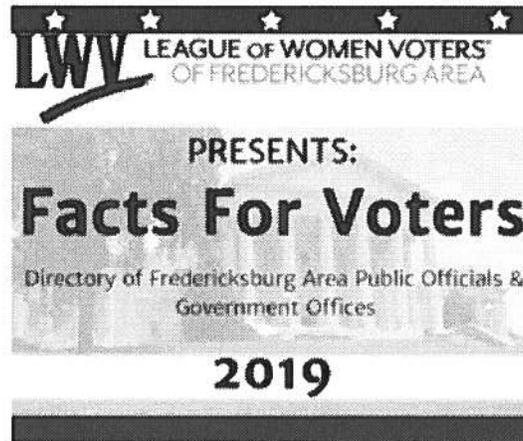
SEARCH

[donate \(https://my.lwv.org/virginia/fredericksburg-area/donate\)](https://my.lwv.org/virginia/fredericksburg-area/donate)



411

[.https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf](https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf)



[.https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf](https://my.lwv.org/sites/default/files/lwvfra_facts_for_voters_2019.pdf)



[.https://my.lwv.org/virginia/fredericksburg-area/positions](https://my.lwv.org/virginia/fredericksburg-area/positions)

League of Women Voters® of Fredericksburg Area ([/virginia/fredericksburg-area](https://my.lwv.org/virginia/fredericksburg-area))

Address:

PO Box 271

Fredericksburg, VA 22404

Phone:

☎ (540) 369-3011

Email:

✉ lwvfra@gmail.com (<mailto:lwvfra@gmail.com>)



[_ \(http://facebook.com/LWVFRA/\)](http://facebook.com/LWVFRA/)



[_ \(http://twitter.com/LWVFRA/\)](http://twitter.com/LWVFRA/)

© Copyright League of Women Voters of Fredericksburg Area (<https://my.lwv.org/virginia/fredericksburg-area>). All rights reserved.

[My League Online \(/\)](#) [Privacy Policy \(/mylo/privacy-policy\)](#) [Disclaimer \(/lew/disclaimer\)](#)

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 10



AFFORDABLE HOUSING FOR LOW-INCOME SENIORS IN THE FREDERICKSBURG AREA

STUDY COMMITTEE REPORT

February 9, 2019

Study Committee Members

Gerald Anderson, Chair

Diane Shea

Elaine Diepenbrock

Caroline Parr

Cathie Braman

Exhibit 10

ACKNOWLEDGEMENTS

This report would not have been possible without the input and assistance from a number of outstanding individuals. The authors wish to gratefully acknowledge the contributions from the following:

Ms. Kim McClellan, Public Policy Director, Fredericksburg Area Association of Realtors

Ms. Sarah Walsh, Vice President of Strategic Initiatives, Rappahannock United Way

Ms. Dee Smith, Executive Director, Central Virginia Housing Coalition

Mr. Bob Straight, Virginia Organizing/Fredericksburg Chapter

Ms. Susanna Finn, Community Development Planner, Community Planning and Building, City of Fredericksburg

Mr. Mike Craig, Senior Planner, Community Planning and Development, City of Fredericksburg

Dr. Linda Millsaps, Executive Director, George Washington Regional Commission

TABLE OF CONTENTS

INTRODUCTION		1
I. DEFINING THE PROBLEM		1
	<i>Current Senior Population</i>	2
	<i>Future Senior Population Projections</i>	7
II. CURRENT PROGRAMS ADDRESSING AFFORDABLE HOUSING FOR SENIORS		10
A. Federal Programs		10
	<i>Internal Revenue Service (IRS) Low-Income Housing Tax Credit (LIHTC)</i>	11
	<i>HUD Supportive Housing for the Elderly (Section 202)</i>	12
	<i>HUD Housing Choice Voucher Program (Section 8)</i>	12
	<i>HUD Self-Help Ownership Opportunity Program (SHOP)</i>	13
	<i>HUD Home Investments Partnership Program (HOME)</i>	13
	<i>HUD Public Housing</i>	14
....	<i>USDA Housing Direct Loans</i>	15
	<i>National Housing Trust Fund</i>	15
B. Virginia State Programs		16
	<i>Virginia Housing Development Authority (VHDA)</i>	16
	<i>Department of Housing and Community Development (DHCD)</i>	17
	<i>Virginia Housing Trust Fund</i>	19
C. Planning District 16 Affordable Housing Programs and Policies		19
	Programs	19
	<i>Tax Relief</i>	19
	<i>Funds for House Repair and Accessibility</i>	20
	Policies	20
	<i>Land Use and Zoning Policies</i>	20
	<i>Occupancy Regulations and Potential Senior House Sharing</i>	21
	<i>Accessory Dwelling Unit Regulations (“In-Law Suites”)</i>	22
D. Housing Support Options in Other Virginia Jurisdictions		23
	<i>Donated Public Land</i>	23
	<i>Faith-Based Development</i>	23
	<i>Inclusionary Zoning/Density Bonus Offsets</i>	23
	<i>Local Housing Trust Fund</i>	24
	<i>Affordable Housing Overlay Zone</i>	25
	<i>Reduced Parking Requirements</i>	25
	<i>Tax Increment Financing</i>	25
	<i>Inventory of Naturally Occurring Affordable Housing</i>	25
	<i>Land Banks</i>	26
III. SUMMARY		27

TABLE OF CONTENTS (cont.)

IV. CONCLUSIONS.....	Page
V. RECOMMENDATIONS.....	27
VI. REFERENCES.....	29
	30

LIST OF TABLES

Table 1. HOUSING COST BURDENED SENIOR HOUSEHOLDS IN AREA.....	Page
	3
Table 2. HOUSING COST BURDENED SENIOR HOUSEHOLDS BY RESIDENCE TYPE.....	3
Table 3. MEDIAN ANNUAL INCOMES FOR SENOR HOUSEHOLDS IN REGION BY HOUSEHOLD TYPE.....	5
Table 4. MEDIAN AFFORDABLE HOUSING COSTS FOR SENIOR HOUSEHOLDS BY JURISDICTION AND HOUSEHOLD TYPE.....	6
Table 5. MEDIAN MONTHLY HOUSING COSTS BY TYPE AND JURISDICTION.....	7
Table 6. NUMBER OF HOUSEHOLDS IN AREA WITH LOW TO SEVERELY LOW ANNUAL INCOME IN 2016 BY AGE GROUP.....	9

INTRODUCTION

For the last 18 months, the Fredericksburg League of Women Voters (covering Virginia Planning District 16 which includes Caroline, King George, Spotsylvania, and Stafford Counties, and Fredericksburg City) has examined the local situation as it relates to affordable housing, specifically affordable housing for low income senior residents. While it is well documented that in our area there is a lack of affordable and accessible housing for residents with limited income or other financial resources, it is not as clear how that same lack of affordable housing specifically impacts our senior residents. This report looks at the most recent available data, reviews existing housing-support programs and incentives at the federal, state, and local levels and evaluates how well these programs are meeting existing housing needs. As part of that discussion, we have identified challenges and barriers low-income seniors may face as they search for affordable housing.

Our summary and conclusions lead us to a series of recommendations - principally for local government action - that will be presented to our League's members to enable them us to reach consensus about the official positions we intend to adopt. These positions will be used to help influence our local legislators and other leaders in the effort to ensure that all low-income seniors are able to live in safe, healthy, and affordable homes.

This report is organized into the following sections:

- I. Defining the Problem
- II. Current Programs Addressing Affordable Housing Needs for Seniors
 - A. Federal Programs
 - B. Virginia State Programs
 - C. Planning District 16 (PD 16) Affordable Housing Programs and Policies
 - D. Housing Support Options in other Virginia Jurisdictions
- III. Summary and Conclusions
- IV. Study Committee Recommendations
- V. References

I. DEFINING THE PROBLEM

For the purpose of this study, we use the following definitions for “affordable” housing as developed by the U.S. Department of Housing and Urban Development (HUD).

- **Affordable housing** is housing (e.g., a house or apartment) where the occupying household spends less than 30% of their gross income on housing related costs. This includes not only a mortgage payment or rent payment, as applicable, but also all other housing related costs

passed on to the occupying household. This could include real estate taxes, fees, utilities, and maintenance costs.

- When a household spends more than 30% of its income on housing, it is classified as **housing cost-burdened**. Under these circumstances, the household may find it necessary to cut back on items or services that might otherwise be considered necessities (e.g., food, medicine, medical care, or transportation) or put off basic expenditures to keep the residence in good repair. In some instances, households may find it necessary to spend up to 50% of their income on housing related expenses.
- When a household spends more than 50% of its income on housing related costs, it is classified as **severely housing cost-burdened**. Under these circumstances, the cutbacks could become more severe, to the point of threatening health or even life.

According to the American Community Survey, published by the U.S. Census, Virginia's Planning District 16 (PD 16) has an estimated 7,100 senior households (i.e., includes a 65+ year old householder) that are classified as housing cost burdened. Data on those that are severely housing cost- burdened is difficult to ascertain, but based on percentage estimates computed from U.S. data by the Joint Center on Housing Studies at Harvard University, 16% of senior households are severely housing cost-burdened nationwide. If such an estimate holds true for our area, roughly 3,500 senior households in Planning District 16 are severely housing cost-burdened.

Current Senior Populations

A breakdown of the housing cost-burdened senior households by jurisdiction is provided in Table 1. It indicates that:

- The Fredericksburg City population has the largest percentage of housing cost-burdened senior households (42%);
- 32% of senior households in all of PD 16 are housing cost-burdened;
- By county, Spotsylvania has the largest number of housing cost-burdened senior households followed by Stafford.

Table 1. HOUSING COST-BURDENED SENIOR HOUSEHOLDS IN PD 16

Jurisdiction	Senior Households		
	Total	Number cost burdened	% cost burdened
City of Fredericksburg	1768	743	42
Stafford County	6766	1926	28
Spotsylvania County	9090	3110	34
Caroline County	2685	785	29
King George County	1779	533	30
Total	22088	7097	32

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

Table 2 provides a breakdown of housing cost-burdened senior households by residence type. More than 71% of all housing cost-burdened senior households throughout the region are homeowners (i.e., 5048 homeowners vs. 2049 renters). Looking only at homeowners (vs. renters), 27% are housing cost-burdened.

Table 2. HOUSING COST-BURDENED SENIOR HOUSEHOLDS BY RESIDENCE TYPE

Jurisdiction	Renters			Home Owners		
	Total	Number Burdened	%	Total	Number Burdened	%
City of Fredericksburg	744	446	60	1024	297	29
Stafford County	755	483	64	6011	1443	24
Spotsylvania County	1449	971	67	7641	2139	28
Caroline County	261	74	28	2424	711	29
King George County	212	75	35	1567	458	29
Total	3421	2049	60	18667	5048	27

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

The fact that fewer owners than renters are cost-burdened may reflect a variety of factors. First, many seniors have likely paid off their mortgage and have to pay only maintenance, utility, and tax expenses. Second, even if senior homeowners are still paying off a mortgage that was obtained years ago, they are very likely to have purchased a house that cost significantly less than current house prices, providing equity value upon which they can draw if necessary. In addition, fixed mortgage payments typical of older mortgages do not inflate as quickly over time as monthly rent payments. Long term ownership of a home with a fixed rate mortgage provides some expense stability that may help prevent low income seniors from facing rapidly increasing housing costs.

It has been argued that the numbers included in Table 2 may not accurately represent real life conditions and that individuals counted in these categories may be spending more than 30% of their gross income on housing but are not cost-burdened. One example is given that a senior household making several hundred thousand dollars per year from investments and retirement accounts may be able to spend more than 30% of their income on housing without being burdened. Census Bureau data strongly suggests this is not the case. The median income of senior households in our area by type of household (single or non-single) is shown in Table 3.

Households comprised of a single senior female, which represent 5,793 of the senior households in PD 16, have median incomes ranging from \$22,471 in Caroline County to \$32,893 in King George County. Households comprised of a single senior male, which represent 2141 households in our region, have median annual incomes ranging from \$25,394 in Caroline County to \$55,759 in the City of Fredericksburg. Other types of senior households (e.g., senior couples), which represent 14,165 households in our region, have median annual incomes ranging from \$50,674 in Caroline County to \$77,042 in Stafford County. Based on salary information, it is clear that most seniors living in PD 16 do not enjoy an income level that easily supports current high housing costs.

Table 3. MEDIAN ANNUAL INCOMES FOR SENIOR HOUSEHOLDS IN PD 16 BY HOUSEHOLD TYPE

Jurisdiction	Single Male Household, 65+		Single Female Household, 65+		Other Senior Households	
	Number	Median Income	Number	Median Income	Number	Median Income
City of Fredericksburg	327	\$55,759	711	\$23,698	741	\$67,337
Stafford County	488	\$40,952	1577	\$30,799	4701	\$77,042
Spotsylvania County	862	\$35,888	2307	\$28,710	5921	\$67,029
Caroline County	227	\$25,394	775	\$22,471	1683	\$50,674
King George County	237	\$42,708	423	\$32,893	1119	\$67,881
Total	2141		5793		14165	

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates

It is possible to calculate the average housing cost that would be affordable for each of these household types in the jurisdiction where they live (see Table 4). To avoid being cost-burdened, a senior female living alone with a median income can afford between \$562 and \$822 in housing costs, which include utilities, taxes, and maintenance where appropriate. Senior males living alone with a median income for their jurisdictional area can afford between \$635 and \$1394 per month. Finally, seniors living in non-single households with a median income in their jurisdiction can afford between \$1267 and \$1926 per month.

Table 4. MEDIAN AFFORDABLE HOUSING COSTS FOR SENIOR HOUSEHOLDS BY JURISDICTION AND HOUSEHOLD TYPE

Jurisdiction	Single Male Household, 65+		Single Female Household, 65+		Other Senior Households	
	Median Annual Income	Affordable Monthly Housing Cost	Median Annual Income	Affordable Monthly Housing Cost	Median Annual Income	Affordable Monthly Housing Cost
City of Fredericksburg	\$ 55,759	\$ 1,394	\$ 23,698	\$ 592	\$ 67,337	\$ 1,683
Stafford County	\$ 40,952	\$ 1,024	\$ 30,799	\$ 770	\$ 77,042	\$ 1,926
Spotsylvania County	\$ 35,888	\$ 897	\$ 28,710	\$ 718	\$ 67,029	\$ 1,676
Caroline County	\$ 25,394	\$ 635	\$ 22,471	\$ 562	\$ 50,674	\$ 1,267
King George County	\$ 42,708	\$ 1,068	\$ 32,893	\$ 822	\$ 67,881	\$ 1,697

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

Table 5 provides a picture of the median housing costs for each jurisdiction by housing type. As one might expect, the data show that owning a home without a mortgage is the least expensive housing available. However, if one looks at these data along with that in Table 4, it becomes apparent that for senior females in the area, a mortgage-free home is likely the *only* affordable means of living alone. Homes without a mortgage are the only option shown in these data to be affordable when compared to a single female’s calculated 30% of income limit for housing. Note that the median affordable housing cost for senior females is less than the median housing cost for single males and all other senior living configurations. Clearly, there is a range of available housing costs for each category, but finding affordable options becomes less likely as the median costs increase.

Table 5. MEDIAN MONTHLY HOUSING COSTS BY TYPE AND JURISDICTION

Jurisdiction	Own Home with Mortgage	Own Home without Mortgage	Zero bedroom rental	One bedroom rental	Two bedroom rental
City of Fredericksburg	\$1,846	\$480	\$784	\$922	\$1,119
Stafford County	\$2,066	\$514	\$1,160	\$1,093	\$1,255
Spotsylvania County	\$1,671	\$452	\$1,362	\$1,032	\$1,198
Caroline County	\$1,437	\$379	\$677	\$759	\$826
King George County	\$1,864	\$482	--	\$802	\$960

Source: U.S. Census Bureau, 2012-2016 American Community Survey, 5-Year Estimates.

The data in Tables 4 and 5 suggest that seniors *not* living alone are most likely to find affordable housing in PD 16 except under non-typical circumstances. The median annual income for these households is within a few hundred dollars per month of the median housing costs for all housing types.

The ability of a senior male living alone to find affordable housing is moderate. His median annual income is likely to be great enough to live comfortably in an owned home without a mortgage or in a zero or one-bedroom rental in any of the jurisdictions. He may have difficulty, however, finding an affordable home to buy with a mortgage or a larger rental unit.

It is evident that a significant senior population exists in PD 16 that has difficulty finding affordable housing at this time. It appears that there are nearly 7,100 senior households that are housing cost-burdened (i.e., spending more than 30% of household income for housing related costs) and nearly 3,500 senior households that are severely housing cost-burdened (i.e., spending more than 50% of household income on housing related costs).

Future Senior Population Projections

The data seems to demonstrate that there is a substantial affordable housing problem facing our area today. If current trends continue, the situation is likely to worsen over time. The U.S. Census Bureau projects that by 2030, the 65+ population will exceed 74 million, an increase of 55% from 2015. By 2060, it projects that the 65+ population will exceed 98 million, a 102% increase from 2015. Housing affordability for low-income seniors, therefore, is likely to become more severe in future years unless forthcoming generations are more prepared for their senior years.

Looking into the future of household income for today's seniors versus the household income of the next generation of seniors, Table 6 provides a partial listing of the annual household income for households aged 65+ and households aged 46 to 64. The number of households aged 65+ are shown with annual incomes between \$0 and \$39,999. The number of households aged 45-64 years old are shown with annual incomes between \$0 and \$59,999. The extension to an income of \$59,999 for the 45-64 year old group was made because published studies suggest that retirement income for households is typically between 50% and 75% of pre-retirement income. Therefore, households making \$60,000 per year in pre-retirement will likely have an income of approximately \$30,000 - \$45,000 per year after retirement.

Table 6 shows that today there are 7,999 senior households in PD 16 with annual household incomes ranging from \$0 to \$40,000 per year. In twenty years, it is projected that there will be roughly 12,312 current households that will be in the 65+ category and have household incomes between \$0 and \$40,000 per year (assuming that upon retirement, those households will earn approximately 60 percent of their pre-retirement income).

This suggests a 54% increase in housing cost-burdened senior households in our area twenty years from now. This assumption is based upon no growth in area population over the next 20 years and that the survivors in the current 65+ group will equal the loss of members of the 46 to 64 group. It also assumes that the economic conditions of households in twenty years will be about the same as today.

Significant population growth or deterioration in the area's economy could easily increase the change in housing cost-burdened senior households well beyond 54% in twenty years. Conversely, a substantial loss of area senior population or considerable improvement in the local economy potentially could decrease the number of disadvantaged senior households over the next twenty years.

Table 6. NUMBER OF HOUSEHOLDS IN AREA WITH LOW TO SEVERELY-LOW ANNUAL INCOME IN 2016 BY AGE GROUP.

Annual Household Income/ Age Group	City of Fredericksburg	Stafford County	Spotsylvania County	Caroline County	King George County	Total
Less than \$10,000						
65+	79	237	419	174	33	942
45 to 64	305	297	502	269	101	1474
\$10,000 to \$14,999						
65+	225	166	419	142	130	1082
45 to 64	77	185	317	92	78	749
\$15,000 to \$19,999						
65+	119	374	384	265	43	1185
45 to 64	107	420	306	61	53	947
\$20,000 to \$24,999						
65+	121	204	489	165	126	1105
45 to 64	103	280	316	104	43	846
\$25,000 to \$29,999						
65+	38	401	606	240	142	1427
45 to 64	102	313	476	179	76	1146
\$30,000 to \$34,999						
65+	111	320	396	135	92	1054
45 to 64	162	342	379	254	57	1194
\$35,000 to \$39,999						
65+	41	368	505	206	84	1204
45 to 64	128	373	362	261	74	1198
\$40,000 to \$49,999						
45 to 64	87	477	732	214	102	1612
\$50,000 to \$59,999						
45 to 64	232	919	1,268	560	167	3146
TOTAL(<\$40K retirement income)						
65+	734	2070	3218	1327	650	7999
45 to 64 (65+ in 20 yrs)	1303	3606	4658	1994	751	12312

Source: 2012-2016 American Community Survey 5-year estimate.

The projected increase of 54% in housing cost burdened senior households in PD 16 over the next twenty years is consistent with national projections by the Joint Center for Housing Studies at Harvard University. It projected the growth in all severely cost-burdened renters throughout the United States from 2015 until 2025. It also projected an increase of between 30.4% and 62% for senior renters over that ten year period. At the same time, the study projected income changes from a best case scenario where increases in income (3.0% per year) exceeded the increase in rents (2% per year), to a worst case scenario where rents increased faster than incomes (3% per year rent increase and 2% per year income increase).

Assuming that national estimates are reflected in PD 16, an even greater need for lower-cost housing for seniors -- especially single female seniors -- appears likely during the next twenty years. Based on data from our area on the current population and income distribution by age, the number of senior households with earnings of less than \$40,000 will likely increase by approximately the same 54% as is projected for the rest of the country.

II. CURRENT PROGRAMS ADDRESSING AFFORDABLE HOUSING NEEDS FOR SENIORS

Providing affordable housing for lower income households, including seniors, is not a new topic. Since the Great Depression, Federal, state and local programs have been developed over time to help provide affordable housing for economically disadvantaged households.

Even though the United States currently has numerous affordable housing programs under various statutes, a shortage of affordable housing for low income seniors remains and is likely to increase. Most of the existing affordable housing programs do not appear to be fully meeting current and projected needs. Many of those that were enacted to subsidize housing costs for the most disadvantaged households are not accepting any new households into the programs. Other programs may be producing "affordable" housing but not necessarily for extremely low and very low income families.

In the following sections, Federal, State, and local programs that could have an impact on affordable housing for low income senior households are outlined. Some were designed specifically for senior households.

A. Federal Programs

Over the decades the federal government funded a number of different supportive programs. These programs are administered primarily by the Internal Revenue Service (IRS), U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA). While low-income seniors are eligible for most of the programs, very few are specifically designated for very-low income elderly individuals. Key programs are summarized below.

Internal Revenue Service (IRS) Low-Income Housing Tax Credit (LIHTC)

The IRS' Low Income Housing Tax Credit (LIHTC) program is the most widely available program for developers to build affordable housing for individuals and families. Investors receive federal tax credits which can be directly subtracted from their annual federal income taxes. This permits developers to finance a project at almost zero interest, resulting in making the project much less expensive to develop and build, particularly when the income from the tax credits is combined with other sources of public financing. It is expected that the cost of owning or renting these homes will be lower than the general market rates.

The City of Fredericksburg currently includes numerous projects that used the LIHTC as one part of their financing package. These are:

- Townsend Square
- Madonna House
- Crestview
- Riverside Manor
- Wicklow Square
- Forest Village
- Weston Circle
- Mill Park Terrace
- Hazel Hill
- Colonial Heights

In reality, the rent charged at some of these projects is not necessarily affordable to low-income renters. Under the program, some of the apartments within the project must rent at a price of roughly 50--60% of the average median income (AMI) for the metropolitan area in which the project is located. Fredericksburg and most of the surrounding counties is classified by the U.S. Department of Housing and Urban Development (HUD) as part of the Washington-Arlington-Alexandria, DC-VA-MD HUD Metro FMR Area. This means that the average median income takes into account the annual income of the families residing within the northern Virginia suburbs of Washington, DC. As a result, the AMI for a family of four residing in any of the covered jurisdictions - including Fredericksburg and most of the surrounding counties - is set at \$117,200 per year. For a family of two the AMI is \$93,800 per year. As a result, the corresponding target rent under this program for a two-bedroom apartment is \$1318 to \$1582 per month, and for a one-bedroom apartment, it is \$1099 to \$1319 per month.

In contrast, the annual medium household income in the City of Fredericksburg is estimated at \$53,980 per year by the 2012-2016 U.S. Census American Community Survey 5-year estimates. Using the 30% rule for affordability, an affordable rent for the *average* household in Fredericksburg is \$1350 per month (including utilities). An affordable rent for a *low income* household with an income of 50% of the AMI for the city is \$675 per month (including utilities).

This clustering of most jurisdictions in our area with the wealthier Virginia cities and counties to our north results in a very small number of rental units being built using the LIHTC program that are affordable to low-income families and individuals.

Only Caroline County is classified within the Richmond HUD Metro FMR Area, which results in an AMI for Caroline County low-income residents of \$83,000. Such an income would translate to a monthly rental of approximately \$2045. To be affordable, rents need to be subsidized. There are two LIHTC-funded rental complexes in Bowling Green with 32 units in the first, and 56 units in the second.

HUD Supportive Housing for the Elderly (Section 202)

The Housing Act of 1959 created the Supportive Housing for the Elderly program, which has two components. The first is a capital advance to develop rental housing through new construction, rehabilitation, or acquisition. Capital advance funds bear no interest and repayment is not required as long as the housing remains available for the intended, low-income seniors for at least 40 years. Private nonprofit organizations may apply to develop Section 202 projects. The organizations must contribute a minimum capital investment of 0.5 percent of the amount that HUD advances. Eligible residents must be at least 62 years of age and of *very low* income (i.e., less than 50% of AMI).

The second component of Sec. 202 is a rental assistance fund. This fund makes up the difference between the HUD-approved operating expenses of the development and the amount of rent the resident pays (30% of adjusted income). These funds may also be used by the nonprofit organization to hire a service coordinator and pay for supportive services (e.g., emergency repair contractors).

This area has only one apartment complex that was built under the Section 202 program and which continues to be supported under the program. Mill Park Terrace Apartments in the City of Fredericksburg also used the LITTC program for some of its construction costs. It has 128 senior apartments. According to information from its service coordinator, there is a waiting list of roughly 150 seniors seeking an apartment at any one time. The coordinator has estimated that the typical waiting time to rent an apartment at Mill Park Terrace is two or more years.

HUD has stopped providing funding for capital advances to develop new housing under Sec. 202, so it does not appear likely that this area will get any additional Section 202 - assisted apartment complexes. HUD continues to provide project rental assistance funding for Mill Park Terrace.

HUD Housing Choice Voucher Program (Section 8)

The Housing Choice Voucher Program, also known as the Section 8 voucher program, is the primary HUD program for providing rental assistance to *very low* income families, including the disabled, and the elderly. The vouchers received under this program may be

used to subsidize rent at any single-family home, townhouse or apartment whose owner accepts a Section 8 voucher.

This program is administered locally by public housing agencies that receive HUD funding. In the Fredericksburg area, Section 8 vouchers are managed by the Central Virginia Regional Housing Coalition.

Under this program, HUD pays the property owner the difference between what the resident can afford to pay for rent and the actual rent for the unit. Eligibility for a voucher is based upon the family's total gross income and size. A family's income may not exceed 50% of the median income for the metropolitan area in which the unit is located. Because most of the Fredericksburg area is considered by the federal government to be within the Northern Virginia housing market, with its higher median incomes and rents, it results in significantly higher rents at any apartment complexes in our region that might otherwise be affordable to persons seeking to use a Section 8 voucher.

A person or family with a housing voucher must pay 30% of their monthly adjusted gross income for rent and utilities, and if the unit rent is greater than the payment standard, the renter is required to pay the additional amount. Currently, the Central Virginia Regional Housing Coalition is not accepting new applications for Section 8 vouchers even if a family qualifies in terms of income.

HUD Self-Help Ownership Opportunity Program (SHOP)

The Self-Help Homeownership Opportunity Program (SHOP) is a HUD program designed to help people with lower incomes to own a home. Under this program, HUD awards grant funds to eligible national and regional non-profit organizations to purchase home sites and develop or improve the infrastructure for new or rehabilitated housing. At the same time, the homebuyers must be willing to contribute significant amounts of their own sweat equity toward the construction or rehabilitation of their home.

To apply for SHOP grants, organizations must have experience in using homebuyer and volunteer labor to build housing and must have completed at least 30 units of self-help homeownership housing within the last 24 months. SHOP grant funds are made available through HUD's annual SHOP NOFA competition. Eligible homebuyers must apply to participate in the SHOP program through a current SHOP grantee or one of their affiliates.

HUD Home Investments Partnership Program (HOME)

The HOME Program administered by HUD provides grants to states and units of local government for a variety of housing activities, according to local housing needs. Eligible uses of funds include tenant rental assistance, housing rehabilitation, assistance to homebuyers, and new construction of housing. HOME funding may also be used for site acquisition, site improvements, demolition, relocation, and other necessary and reasonable

activities related to the development of non-luxury housing. Funds may not be used for public housing or for Section 8 tenant rent subsidies.

All housing developed with HOME funds must serve low- and very low-income families and individuals. For rental housing, at least 90 percent of the families benefited must have incomes at or below 60 percent of the area median income; the remaining 10 percent of the families benefited must have incomes at or below 80 percent of area median income. For home ownership, assistance must be to families with incomes at or below 80 percent of the area median income.

Each year, HUD publishes the applicable HOME rent limits by area, adjusted for bedroom size. For projects with five or more HOME assisted rental units, 20 percent of the units must be rented to very low-income families.

Eligibility is limited to states, cities, urban counties, and consortia (contiguous units of local governments with a binding agreement). Participating jurisdictions must provide a 25 percent match of their HOME funds. Participating jurisdictions must also set aside at least 15 percent of their allocations for housing to be owned, developed, or sponsored by community housing development organizations.

HOME funds are allocated using a formula designed to reflect relative housing need. Forty percent of the funds are allocated to states, and 60 percent is allocated to units of local government. Virginia receives at least \$3 million per year.

Large local jurisdictions that are eligible for at least \$500,000 in direct funding also can receive an allocation from the state. Smaller population communities like Fredericksburg and/or its surrounding counties that do not qualify for an individual allocation under the formula can team up with one or more neighboring counties to form a consortium whose members' combined allocation would meet the threshold for direct funding.

The City of Fredericksburg could separately participate in HOME by applying for program funds made available by Virginia, but it would have to compete with other lower population jurisdictions within the state.

HUD Public Housing

HUD provides federal aid to local housing agencies (HAs) that manage public housing units for low-income residents. Public housing is limited to low-income families and individuals. Eligibility is based on annual gross income and status as elderly, as a person with a disability, or as a family, as well as on citizenship or immigration status.

HA's use the same income limits set by HUD for most other HUD programs -- the low income limits at 80% and very-low income limits at 50% of the median income for the

county or metropolitan area in which the housing is located. At this time there are no local housing agencies in PD 16 that manage public housing units.

USDA Housing Direct Loans

The U.S. Department of Agriculture operates programs for affordable housing projects in rural areas, as designated by each state's USDA Rural Development office. The Multi-Family Housing Direct Loan program provides competitive-priced financing for developers of affordable multi-family housing for low-income, elderly, or disabled individuals and families. Developers, including private and non-profit organizations, are eligible to apply for purchase, improvement and construction loans if they cannot obtain commercial credit that would allow them to charge rents that are affordable. Applications are accepted on an annual basis.

Other USDA housing programs include:

- single family low-interest loans
- fixed rate direct home loans and guarantees
- single family housing repair loans and grants, and
- competitive grants to public and private non-profit Self-Help Housing organizations and Federally Recognized Tribes to be used by families to build their own homes

The City of Fredericksburg, Stafford County, and the urban portion of Spotsylvania County do not qualify for USDA's housing programs, but King George, Caroline, and the rural portions of Spotsylvania are eligible.

National Housing Trust Fund (HTF)

The National Housing Trust Fund (HTF) is a fund created by the Housing and Economic Recovery Act of 2008. The purpose of the HTF is to help provide for the construction and preservation of housing, principally rental units, for *extremely low-income households* (i.e., households with incomes less than 30% of the area AMI). To a lesser extent, HTF also supports homeowner housing, for *very low-income households* (i.e., households with incomes between 30% and 50% of the area AMI).

Unlike other federal housing assistance programs, the HTF has a dedicated funding source. Freddie Mae and Freddie Mac are assessed 0.042% of their total business volume for various federal programs. Sixty five percent of the total assessment goes to the HTF.

HUD administers the funds by providing annual general purpose grants to states based on population ("block grants") to the states and U.S. possessions after approval of their spending plans. A State must use at least 80% of each annual grant for rental housing. Up to 10% may be used for homeownership, and up to 10% may be used for the grantee's reasonable administrative and planning costs.

The HTF funds may be used for the production or preservation of affordable housing through the acquisition, new construction, reconstruction, and/or rehabilitation of non-luxury housing with suitable amenities. Eligible activities and expenses include:

- Real property acquisition
- Site improvements and development hard costs
- Related soft costs
- Demolition
- Financing costs
- Relocation assistance
- Operating cost assistance for rental housing, and
- Reasonable administrative and planning costs

All HTF-assisted units are required to have a minimum affordability period of 30 years. Eligible forms of assistance include:

- Equity investments
- Interest-bearing loans or advances
- Non-interest bearing loans or advances
- Interest subsidies
- Deferred payment loans
- Grants, and
- Other forms of assistance approved by HUD.

The first allocation of HTF funds was made in 2016; Virginia received \$3,139,830. In 2017, Virginia was allocated \$4,672,562, and in 2018, the state distribution was identical to 2017. Local governments must compete for the funding by filing proposed projects or programs with the Virginia Department of Housing and Community Development.

As a relatively new program, HTF is yet to be widely utilized in Virginia.

B. Virginia State Programs

There are a variety of programs administered within Virginia that focus on supporting residents' ability to locate and use affordable, accessible, and acceptable housing. The most prominent are discussed below.

Virginia Housing Development Authority (VHDA)

VHDA is a self-supporting, not-for-profit organization created by the Commonwealth of Virginia that is designed to help Virginians attain affordable housing. VHDA provides mortgages, primarily for first-time homebuyers and developers of quality rental housing. VHDA uses no state taxpayer dollars but raises money in the capital markets to fund loans. It also teaches free

homeownership classes and helps people with disabilities and the elderly make their homes more livable. VHDA works with lenders, developers, local governments, community service organizations and others.

VHDA has many different programs to help individuals buy or rent an appropriate home. To qualify for a VHDA loan, an applicant must demonstrate credit worthiness and have both a stable income and adequate funds for a down payment and other purchase costs. By definition, this requirement may effectively exclude those in the very or extremely low-income levels. To obtain a loan, the applicant must be a first time homebuyer (unless the purchase is for a home in an Area of Economic Opportunity), and intend to live in the residence – it may not be used for a trade or business. The VHDA loan program requires applicants to complete the VHDA’s Homeownership Education Class. .

The Housing Choice Voucher Program helps provide affordable housing to very low- and low-income individuals and families, including people with disabilities and senior citizens. Vouchers are distributed through VHDA in partnership with local housing agency partners and allow qualifying prospective tenants to select from a wide range of housing options. In Planning District 16, the voucher program is administered by the Central Virginia Housing Coalition.

The tenants pay the landlord a percentage of their monthly income, with the voucher subsidizing the remainder. A rental unit qualifies for subsidy only if it is in decent, safe, and sanitary condition as defined by program Housing Quality Standards. A unit may include single family homes, apartments, or mobile homes.

VHDA also has some “accessibility grants” available through the Rental Unit Accessibility Modification (RUAM) program. These grants are for modifications that would improve daily living for persons with disabilities. While fair housing laws generally permit modifications, tenants typically bear the cost of having the modifications made. Grants of up to \$4,000 per rental unit are available to qualified tenants who earn 80% or less of the area median income based on HUD guidelines.

Department of Housing and Community Development (DHCD)

The VA Department of Housing and Community Development invests more than \$100 million each year into housing and community development projects throughout the state - the majority of which are designed to help low- income to moderate-income citizens. Programs and partnerships are designed to support economic development, revitalization, infrastructure improvements, housing, and other community issues. DHCD programs generally fall into four categories:

- housing finance services,
- housing preservation,
- community infrastructure development, and
- shelter services.

Examples include: down payment assistance (DPA); gap financing to support production of affordable housing; preservation and rehabilitation support for existing affordable housing stock; Virginia Community Development Block Grant (VCDBG); grant assistance to homeless shelters; and support for child care and services for children from homeless families. The DHCD also administers the National Housing Trust Fund (see below). Direct shelter and child care services will not be discussed here.

Among finance services, the Down Payment Assistance (DPA) program provides flexible gap financing for first-time homebuyers with household incomes at or below 80% of the Area Median Income (AMI) to purchase homes that are safe, decent and accessible. Home buyers access funds through local DPA provider agencies that are selected by the state through a competitive application process.

There is considerable flexibility in the type of home, including condos and manufactured homes that can be purchased under the program. Houses purchased under the DPA must pass a Uniform Physical Condition Standards inspections, and a visual paint Assessment by a certified lead inspector if built before 1978. The DHCD grants require that the buyer completes a homebuyer education counseling course.

Housing and associated costs cannot exceed 95% of the area median home sales price as established by HUD. The homebuyer must provide 1% of the sales price from their personal income, or a contribution of \$500 if their income is below 50% of AMI.

DHCD housing preservation programs generally emphasize development and modification of housing rather than direct support of the owner or renter. A preservation grant requires some long term guarantee of access to permanent utility hook-up and must be located on land that is owned by the participant or leased for a period at least equal to the affordability period.

Comprehensive community development assistance is available through the Virginia Community Development Block Grant (VCDBG) program in non-urban parts of the state. This federally funded program provides grants to eligible units of local government for projects that address critical community needs, including housing, infrastructure, economic development and telecommunications.

The DHCD also administers the funding from National Housing Trust Fund (HTF) that is allocated to the state (see Federal Program section). The DHCD allocates these funds competitively through its annual "Affordable and Special Needs Housing" application process. Non-profits propose projects making use of the funds in various jurisdictions throughout the state and the DHCD selects the most beneficial. The projects must relate to affordable rental properties for **extremely low-income households**. The funds are provided as low interest loans for construction or rehabilitation.

Virginia Housing Trust Fund

The Virginia Housing Trust Fund was established in 2013. The trust fund receives funds as appropriated by the General Assembly from the general fund of the Commonwealth of Virginia. In the most recent biennium budget, this fund is to receive \$5.5 million in 2018 and 2019.

At least 80% of the fund is to be used for short, medium, and long-term loans to reduce the cost of homeownership and rental housing. Up to 20% of the fund may be used to provide grants for targeted efforts to reduce homelessness.

The Virginia Department of Housing and Community Development (DHCD) administers distribution of the funds along with the Virginia Housing Development Authority (VHDA). The 80% that is earmarked for reducing the cost of homeownership and rental housing is included in the semi-annual "Affordable and Special Needs Housing" application process and distributed according to the benefits determined for the various projects (see above).

C. Planning District 16 Affordable Housing Programs and Policies

There are also a number of locally operated programs, policies and incentives to help low income residents obtain or retain affordable housing. Some key local approaches are described below.

PROGRAMS

Tax relief

State law allows local jurisdictions to provide real estate tax relief for seniors (65 and older) and the disabled, but the requirements and amount of tax relief differ from one jurisdiction to the next.

In *Fredericksburg*, tax relief is provided if (1) the home is the sole dwelling of the owner; (2) income from all sources does not exceed \$50,000; and (3) the total net worth of the owner(s) is less than \$200,000. The value of the house and lot are not included in the net worth.

Stafford County provides several programs. Full tax relief (up to \$3000) is provided to seniors whose total income is less than \$35,000 and whose total net worth is \$200,000 or less. Partial relief at 50% is provided to seniors whose income is between \$35,001 and \$40,000 and whose net worth is no more than \$200,000. Fifty percent relief is also provided to seniors whose income is \$30,000 or less and whose net worth is no more than \$400,000. These programs apply only to the applicant's home and one acre of land. The maximum tax relief is \$3000.

Spotsylvania County provides relief to those who meet the following criteria: Income of \$50,000 or less; net worth less than \$200,000 (excluding home and up to 10 acres); and applicants reside in Spotsylvania County at the exempted home. Up to \$1200 in taxes can be exempted under this program.

King George County provides tax relief to those that meet the following criteria: the combined gross income of the household is not greater than \$40,000 and the maximum amount of assets of the household does not exceed \$60,000 excluding the dwelling and five acres of land. Under these circumstances, eligible residents will have their total property tax bill exempted.

Caroline County exempts up to \$1000 in real estate taxes for seniors whose household income does not exceed \$40,000 and net worth, excluding the house and land, is not more than \$85,000.

Funds for House Repair and Accessibility

In all the jurisdictions, some funds are available for house repair and accessibility needs for low-income homeowners including seniors. In Stafford, Spotsylvania, Caroline and King George Counties, the state-funded Emergency Home and Accessibility Repair Program (EHARP) provides funds to low-income residents to remove urgent, emergency health and safety hazards. It also addresses physical accessibility barriers for low-income Virginians. The program provides funding to local administrators to undertake physical repairs that improve housing conditions. Eligible repairs can include plumbing, structural, electrical, roofing, as well as installation of wheelchair ramps and other accessibility modifications. Up to \$4000 is available for applicants.

Healthy Generations, formerly known as the Rappahannock Area on Aging, previously was the local administrator of this program, but this year the program was transferred to the Caroline County Habitat for Humanity organization.

As an “entitlement community” based on need, Fredericksburg does not qualify for the EHARP program but instead receives a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Urban Development (DHUD). This grant, which provides emergency funds for plumbing, electricity and roof repair, is open to all income-eligible homeowners (at or below 50% of the area median income). Loans are forgiven over five years at 20% of the loan each year. In the 2018-2019 fiscal year the City received approximately \$186,000 from the CDBG, which funds home repair as well as other programs, including down payment assistance, removing architectural barriers, etc. Assistance can range from a few thousand dollars to \$22,000, depending on need. The DHUD takes applications year-round and maintains a waiting list.

POLICIES

Land Use and Zoning Policies

Land use and zoning policies have the potential to provide incentives for producing or preserving housing for low-income households, including seniors. The ability of a city or county

in Virginia to adopt zoning tools to control land use or provide incentives for expanded housing is constrained by state statute. Virginia is a “Dillion’s Rule” state in which the legal authority of local governments is limited by what state statutes have “expressly granted” or “fairly implied” to the jurisdiction. If a Virginia jurisdiction is interested in regulating the use of property, such as requiring developers to set aside some rental apartments for low-income residents, it may be necessary to change state law to allow the city or county to exercise that specific authority. Some changes to local housing policies may be achieved by other means, such as city or county ordinances or voluntary incentive programs.

Occupancy Regulations and Potential Senior House Sharing

By using creative shared housing situations, seniors may be able to ensure that the cost of their total housing expense is affordable although some of these possibilities also may be limited by local occupancy regulations and other zoning policies.

In *Fredericksburg*, occupancy regulations in the zoning code place a limit of no more than three unrelated people living together as a family. The definition of “family” is “one person or two or more persons related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, with no more than two boarders, or a group of not more than three unrelated persons living together as a single housekeeping unit.” A larger group may share a residence only if they are identified in Sec. 15.2-2291 of the Code of Virginia (e.g., mental illness, intellectual disability, or developmental disabilities).

In a summary sheet that outlines occupancy restrictions, the City portrays overcrowding as the reason for limiting the size of households with unrelated residents. It refers to health studies that show risks from overcrowding (e.g., limiting children’s exercise and play areas, reducing privacy, fatigue from routine household tasks, spread of infection and disease). According to conversations with local officials, it appears that the current restrictions were devised primarily to address overcrowding in housing rented to students.

For *King George and Caroline Counties*, there are no zoning regulations regarding who occupies a dwelling. Instead, the total number of people who may reside in a dwelling is based upon an adequate number of bedrooms and adequate drainage of the property. House sharing, therefore, is an alternative option in those counties.

In *Stafford County*, a group of up to 4 unrelated persons living and cooking together is permitted under the zoning code. The limitation on the number of unrelated persons does not apply to any of the residents who are handicapped. While not as flexible as the regulations in King George or Caroline Counties, Stafford County’s requirements are more open to the option of house sharing for senior citizens.

Spotsylvania County has an identical residential occupancy ordinance to that in the City of Fredericksburg.

Accessory Dwelling Unit Regulations (“In-Law Suites”)

Accessory dwelling unit is the legal designation for a private living area either within, attached to or on the same property as a house. These units are also often referred to as “in-law suites”, “granny flats” or “carriage houses.”

In *Fredericksburg*, current zoning laws allow accessory dwellings, but only when the accessory dwelling does not make the number of dwellings on the property exceed the existing zoning code. For example, if a property is zoned Residential-4, four dwellings are permitted per acre. Lots where an accessory dwelling could be permitted are very rare because most residentially-zoned areas in the city already have the maximum number of dwellings per acre. Developers generally sub-divide their property to take maximum advantage of the zoning limits so that they can build as many units as are allowed. As a result, particularly in the older city neighborhoods, “infill” building projects have reached the limits of the dwelling site maximums. The city council has recently, however, asked the zoning department to investigate how the rule might be relaxed to permit more accessory dwelling units in the future.

In *Stafford County*, accessory dwellings are permitted in areas zoned A-1 Agricultural, A-2 Rural Residential, and R-1 Suburban Residential. The dwellings are subject to the following regulations:

- An accessory dwelling shall not exceed twenty-five (25) percent of the total gross floor area of the principal dwelling unit.
- There shall be no more than one accessory dwelling per lot.
- When an accessory building is located in the principal dwelling, the entry to the unit and its design shall be such that the appearance of the building shall remain a one-family residence.
- An accessory dwelling shall have the same address as the principal dwelling.
- This term shall not include a carriage house.

In *Spotsylvania County*, “accessory apartments” are the only accessory dwellings permitted and are permitted only in mixed-use districts (MU-1 through MU-4). These units can be above a garage or elsewhere. They must be at least 200 square feet and meet all property set-back limits. A discussion with the planning department indicates that no requests have been made for such units in the county.

Caroline County permits only a separate dwelling unit within a Rural Preservation District and they are termed “family apartments”. These dwellings have several stringent restrictions, including the following:

- Units may not be occupied by more than three (3) persons, at least one of which must be the natural or adopted parent, grandparent, child, grandchild, brother, or sister of the owner and occupant of the single family residence on the same lot;

- Unit can contain no more than 1,000 square feet of living space, with a single bedroom
- No dwelling units other than the principal structure (a single-family dwelling) and only one such family apartment shall be located on a lot;
- When such a unit is no longer needed by a member of the immediate owner's family and the three (3) year period following the date it passes final inspection by the County Building Official has expired, the unit shall be considered a nonconforming use and as such can be rented to anyone.

In *King George County*, accessory dwellings are permitted only within the R-1 district (one dwelling per lot) by special exception and require at least two public hearings and approval by the board of supervisors. The accessory dwelling unit can be no larger than 800 square feet. Other restrictions include that the overall property continue to have the appearance of a single dwelling, and that if no public or well water or community sewer is available at the property, the overall lot size requirement for the single dwelling must be increased by at least 5,000 square feet.

D. Housing Support Options in Other Virginia Jurisdictions

There are some creative approaches being used in other areas of the state to address the problem of insufficient affordable housing. Several of these are described below.

Donated Public Land

Some local governments have made land available at reduced or no cost for affordable housing. Excess land can be owned by the city or county, a school district, a parks authority or other local entity and can be either vacant or underutilized. Both Arlington County and the City of Alexandria have programs that use public land for affordable housing.

Faith-Based Development

There are many houses of worship, some of which have valuable surplus land or underutilized areas on their property. All or part of such land might be sold or leased for the purpose of turning it into living space for low-income seniors. According to David Bowers, vice-president of the non-profit Enterprise Community Partners, as reported in the Washington Post, the Mid-Atlantic region has become a national leader in this area.

Such projects are typically a public-private partnership between the developer, the church, and city or county housing offices which assist with long-term loans. Arlington County and the City of Alexandria have both used this method to build low-income housing.

Inclusionary Zoning/Density Bonus Offsets

Inclusionary zoning is a set of mechanisms, both voluntary and mandatory, that are designed to address local policy goals. Local jurisdictions are allowed by state law to enact voluntary

inclusionary zoning ordinances. Approximately 13 cities and counties in Virginia, including Fredericksburg City, have adopted inclusionary-type ordinances.

These types of ordinances cannot require developers to include affordable housing units in new projects unless the developer is compensated with some type of benefit in exchange for doing so. A benefit, such as allowing the developer to build the project with more units than would otherwise be permitted (a “density increase”) makes inclusionary zoning in most Virginia communities essentially a voluntary incentive. Jurisdictions in Planning District 16 can only encourage developers to include affordable housing in their projects by offering project incentives. These can include offering the developer the ability to construct at a higher density than the underlying zoning allows (e.g., allowing an 80-apartment complex where the underlying zoning allows only 60 apartments), or providing a faster project approval process than other developers are normally provided.

Some Virginia jurisdictions have obtained statutory authority from the General Assembly to adopt ordinances that can mandate developers to provide inclusionary zoning. None of the jurisdictions in Planning District 16 are in this category, so counties and the City of Fredericksburg have no authority to require that developers negotiate with them when new projects are planned. State legislation would have to be introduced and passed to give local governments in our area the ability to require inclusionary zoning.

Arlington County has an Affordable Housing Ordinance that gives developers additional density for a project if they include a certain number of affordable units or contribute to the county’s Affordable Housing Investment Fund. The City of Alexandria provides an incentive to build affordable housing units by providing a “bonus density” of up to 20 percent and a bonus height of up to 25 feet in exchange for affordable units or by making an equivalent contribution to the City’s Housing Trust Fund. The counties of Loudoun, Fairfax, Albemarle and Fairfax City and also have similar programs, although none of them appear to be reserved for low-income senior housing.

Local Housing Trust Fund

Local governments in Virginia have statutory authority to establish a local housing fund. The requirements are somewhat different for cities than for counties. Generally a local trust fund receives its revenues from a dedicated funding source - such as developer contributions, loan repayments and interest. It can be used to leverage private and public financing to develop and rehabilitate affordable housing projects. It can also be used as a match for federal HOME funds, homebuyer education and foreclosure prevention, and a variety of other local projects.

The City of Alexandria Housing Trust Fund is nearly 30 years old and has helped to create more than 260 units and over 150 rehabilitation and accessibility projects. It is overseen by an advisory committee, administered by the City’s Office of Housing and the disbursement of funds is authorized by the city council. The City of Richmond began a Housing Trust Fund in 2015-2016 with \$2.2 million and attracted \$78 million in private and public funds. As a result,

1100 families, seniors and previously homeless individuals now have safe, affordable housing. By the city's estimates, over 700 jobs have been created and more than \$50 million in economic activity has been generated.

Affordable Housing Overlay Zone

Overlay zones are generally used to protect special features in a community such as historic buildings, wetlands, and waterfronts. Such zones are applied over one or more existing zoning districts and provide additional or stricter standards for properties inside the zone.

If authorized by Virginia statute, local jurisdictions can use an overlay district to require the development of affordable housing, particularly housing targeted at specific groups such as low-income seniors. Arlington County has established such zones to retain affordable housing in parts of the county that are proposed to be redeveloped. Rather than allowing a developer to demolish existing units and construct new units at higher densities charging market rates, the county requires the development to be built only if the old units are replaced on a one-for-one basis.

Reduced Parking Requirements

Another voluntary incentive for developers to set-aside units for low-income seniors in a housing development is a reduction of the number of parking spaces per unit, as would be required under current zoning. The City of Alexandria currently provides optional parking unit reductions to developers in exchange for an increased number of units set aside for low-income households.

Tax Increment Financing

Tax increment financing (TIF) is generally considered a source of revenue for economic development, but it also can be used to leverage the development of housing. A TIF anticipates future incremental tax revenues resulting from new development within a designated district and dedicates the projected revenues to finance bonds or to support community projects, including affordable housing. Both Arlington County and the City of Alexandria have utilized TIF-financed bonds to build affordable housing units.

Inventory of Naturally Occurring Affordable Housing

Existing rental properties that might become unavailable to low-income seniors due to demolition, unaffordable rent increases, condominium conversions, etc. may be unknown to the local government in the absence of a method of identifying them in advance. An interactive website, called the National Housing Preservation Database provides information on all available data on federally subsidized housing properties developed with nine distinct funding sources. Virginia also tracks housing units produced or preserved with federal subsidies.

Land Banks

Land banks are entities established by local ordinance to acquire, hold, and manage foreclosed and/or abandoned properties in their jurisdiction(s). These entities can be either governmental or nonprofit and can cover more than one jurisdiction. In Virginia, their establishment and operation are allowed for all local governments under the Land Bank Entities Act. Currently, none of the local jurisdictions that are the subject of this report have elected to establish land banks. However, they have the power to form one or more through a public hearing and the enactment of a local ordinance.

Land banks are designed to acquire and maintain problem properties in their jurisdictions and then transfer them back to responsible ownership and productive use in accordance with local land use goals and priorities, creating an efficient and effective system to eliminate blight.

In order to accomplish these tasks, land banks are not given the power of eminent domain, but are generally granted the ability to:

- Obtain property at low or no cost through the tax foreclosure process
- Hold land tax-free
- Clear title and/or extinguish back taxes
- Lease properties for temporary uses
- Negotiate sales based not only on the highest bid but also on the outcome that most closely aligns with community needs, such as workforce housing, a grocery store, or expanded recreational space

While all land banks exist to serve the same primary purpose of acquiring problem properties and returning them to productive use, they are quite diverse in their structure and operations. There are approximately 170 land banks and land banking programs in operation throughout the country (as of January 2018) but only one in Virginia (The City of Danville). They vary greatly in terms of the types of cities, regions, and economic conditions in which they operate, the size of their inventories, their staff capacity, their legal authorities, and their goals and programs.

Land banks are generally funded through a variety of sources, which may include revenue from the sale of properties, foundation grants, general fund appropriations from local and county governments, and federal and state grants. Several of the more successful land banks from around the country are capitalized by their local units of government either through yearly budget allocations or in-kind assistance such as shared staffing. A unique funding mechanism in the code for Virginia jurisdictions is the ability to return 50% of tax revenue from a property returned to productive use to the land bank entity for the first ten years.

III. SUMMARY

The problem of insufficient affordable housing in our local area is well known and documented. Statistical analyses by a variety of sources demonstrate that this problem extends to and includes low-income seniors, and the problem is expected to grow in the future. There are roughly 7,100 senior households in PD 16 that are housing cost-burdened at this time. Of those households, roughly 3,600 are severely housing cost burdened. These numbers are expected to increase more than 50% over the next 20 years, and more than double by 2060. This is an expanding problem that requires a well coordinated effort to ensure that all low-income seniors are able to live in homes that are affordable, accessible, decent, and safe.

While there are a number of different programs and incentives in place to address the problem of insufficient affordable housing, few of them are intended to specifically target the low-income senior population. Generally, most affordable housing programs focus on workforce housing, families with children or persons with disabilities. While low-income seniors may be included in each of these eligibility categories, they remain a relatively small but growing proportion of the total group, and their needs often do not attract much of the public's attention.

IV. CONCLUSIONS

Funding for existing federal and state programs has continued to decline in recent years while the cost of housing has continued to increase, particularly for retired seniors whose income is generally lower than when they were employed. While we strongly encourage our national and state League of Women Voters to continue their advocacy work to improve the affordable housing laws and policies at all levels of government, given current federal and state funding and program limitations identified in this report, it is evident to us that future progress must be addressed at the local government level. It is becoming increasingly necessary for our local governments to step into the gap and take a more prominent role in assuring that there are affordable housing options for low-income older residents. And it seems apparent that the problems must be addressed proactively now, before they grow beyond reach.

A number of actions present themselves as possible avenues for making positive change that will help ensure safe and affordable housing for low-income seniors in Planning District 16. While each may not be immediately possible, they all should be considered as part of a long term plan for improving the housing options for our area's growing low-income senior population.

- Cooperation between the counties and the City of Fredericksburg is crucial to providing more effective federal and state assistance to low-income seniors in PD 16. The combined populations could also help our area qualify for certain federal and state programs.
- More comprehensive and current information about the scope of the problem for low-

income seniors in Planning District 16 is needed so that the City, its surrounding counties and the development community can fully understand the costs and benefits of adequate affordable housing for this growing population.

- Local zoning codes should be updated to allow innovative housing options for low-income seniors. For example, limitations on occupancy regulations may have the unintended consequences of restricting a group of low-income seniors from sharing a large house or apartment that might otherwise be too expensive for 1-3 unrelated individuals. In today's market, newer house construction generally includes four, five, or more bedrooms in one structure. If four or five seniors were allowed to rent such houses, it could result in not only affordable housing for all the residents but also create a residence with more social interaction and mutual assistance with aging issues.
- Accessory dwelling requirements may prevent aging parents to live close to their children and still have a private space. Converting a basement or garage to an accessory dwelling or constructing a "grannie flat" in the back yard would make that possible and financially beneficial to both parents and children. Similarly, many seniors' homes are bigger than they might want to take care of. Some might prefer to construct an accessory dwelling on their property and rent out the old, large home to a younger couple or family while they move to a newly-constructed accessory dwelling on the same lot. This would not only increase the stock of affordable housing for low-income seniors, but provide them with added income to be able to continue to afford living in the area. A senior individual or a couple in a grannie flat are unlikely to create an additional demand on parking since they may not drive or the size of the lot is likely to be large enough to accommodate an additional vehicle.
- The donation or reduced price of local government-owned land can be a no- or low-cost method for providing affordable housing without costing the public entity a large expenditure of public funds. The cost of development is reduced for builders and infrastructure improvements can be significantly less expensive. In addition, low income seniors living in apartments built on donated public land typically do not cost the local government substantial new expense since there is no need to build additional schools or parks to serve the residents.
- Houses of worship or not-for-profit organizations sometimes have unused or underutilized land that they could be interested in selling for low-income housing. Such organizations may be less concerned with getting the highest sale price, thereby reducing the cost of an affordable senior housing project to a non-profit developer.
- Sometimes affordable housing on the private market may be available to low-income seniors who have no easy way to access the information. While there is online data that tracks federal and state-funded housing properties, there is no similar regional inventory or "available housing" clearinghouse as a method to identify and track affordable units.

- Land banks are not a necessary entity in all jurisdictions, but in the right environment and with the right legal structure, a land bank can be a key tool for returning vacant and poorly maintained property to productive use, including the development of affordable housing for low-income seniors.
- Local Housing Trust Funds permit jurisdictions to move quickly and decisively when opportunities arise. They also are used by localities as leverage to obtain money from other sources such as the HUD HOME grants for affordable housing projects.

V. RECOMMENDATIONS

The Study Committee makes several recommendations for the League of Women Voters of Fredericksburg to consider in determining a position on ensuring affordable housing for low-income seniors in Planning District 16. If adopted, the recommendations would become the position of the League and the basis for advocacy directed toward local city and county elected officials, appointed planning officials and staff, as well as regional bodies. The recommendations were selected based upon several key factors:

- they can be accomplished without additional state legislative approval;
- they can be adopted by one or more local political jurisdictions in Planning District 16, either individually or jointly;
- they have the potential to increase the affordable housing options for low-income seniors in a relatively short period of time; and
- they are practicable and affordable.

Those recommendations are:

1. Amend local zoning ordinances to allow accessory dwellings on lots where they are currently prohibited.
2. Alter local occupancy restrictions so as to permit a greater number of unrelated seniors to occupy a residence.
3. Create a consortium of an adequate number of government jurisdictions in Planning District 16 to qualify for the federal HOME program in order to compete for the funds that are allocated to the Commonwealth, with the understanding that participating jurisdictions must provide a ¼th match of the HOME funds received.
4. Create a local Housing Trust Fund, composed of one or more government jurisdictions.
5. Create a land bank, when needed, to manage surplus housing supply.
6. Update the 2008 George Washington Regional Commission "Affordable Housing Task Force Mid-Year Report with current information and particular emphasis on the low-income senior population, both current and projected.

7. Create an “Affordable Housing Advisory Committee” for Planning District 16. A broadly representative community-wide effort is needed to help evaluate the proposals developed by the League of Women Voters of the Fredericksburg Area and other civic organizations. It can also help set priorities for action and work with the League in a coalition to advocate for solutions to the growing problems of affordable housing for low-income seniors.

VI. REFERENCES

1. https://www.huduser.gov/portal/glossary/glossary_a.html
2. <https://www.huduser.gov/portal/pdredge/pdr edge featd article 092214.html>
3. www.jchs.harvard.edu/blog/older-adults-increasingly-face-housing-affordability-challenges/
4. <https://www.newretirement.com/retirement/average-retirement-income-2018-how-do-you-compare/>
5. https://nlihc.org/sites/default/files/Sec1.03_Historical-Overview_2015.pdf
6. <https://www.nhlp.org/resource-center/low-income-housing-tax-credits/>
7. <https://www.huduser.gov/portal/datasets/il.html#2018>
8. https://www.hud.gov/program_offices/housing/mfh/progdesc/eld202
9. <https://www.hud.gov/programdescription/cert8>
10. <https://www.hud.gov/hudprograms/shop>
11. https://www.hud.gov/program_offices/comm_planning/affordablehousing/programs/home
12. https://www.hud.gov/topics/rental_assistance/phprog
13. <https://www.rd.usda.gov/programs-services/single-family-housing-direct-home-loans>
14. <https://www.hudexchange.info/programs/hft>
15. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/housing-development/affordable-and-special-needs-housing-program-asnh/national-housing-trust-fund.html
16. <https://www.vhda.com>
17. www.dhcd.virginia.gov
18. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/virginia-housing-trust-fund.html
19. www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/71-emergency-home-and-accessibility-repair-program-eharp.html
20. <https://www.fredericksburgva.gov/DocumentCenter/view/10496>
21. Code of Virginia, Title 15.2-Counties, Cities, and Towns, Chapter 75-Land Bank Entities Act.

22. Code of Virginia, Counties, Cities and Towns-Chapter 7. County Manager Plan of Government-Section 15.2-735. Local Housing Fund and Voluntary Housing Preservation and Development Districts.
23. Code of Virginia, Title 15.2-Counties, Cities and Towns, Chapter 22. Planning, Subdivision of Land and Zoning-Section 15.2-2305 Affordable Dwelling Unit Ordinances.
24. "Revitalizing Foreclosed Properties with Land Banks", Prepared for the U.S. Department of Housing and Urban Development, Office of Policy Development and Research by Sage Computing, Inc., Reston Virginia, August 2009
<https://www.huduser.gov/portal/publications/landbanks.pdf>
25. Land Banking FAQ, Center for Community Progress,
<https://www.communityprogress.net/land-banking-faq-pages-449.php>
"Danville land bank, non-profit being created to help fight blight" Colter Anstaett, WSL
26. News, June 12, 2017. <https://www.wsls.com/news/virginia/southside/danville-land-bank-non-profit-being-created-to-help-fight-blight>
27. Miscellaneous Zoning Ordinances of the City of Fredericksburg, and Stafford, Caroline, Spotsylvania and King George Counties
28. A Guidebook for Increasing Housing Affordability in the Greater Washington Area, Prepared for the Housing Leaders Group of Greater Washington, Lisa Sturtevant, PhD, June 2017.

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 11

https://www.fredericksburg.com/opinion/editorial-give-adus-a-chance/article_4b80bf7a-bd22-53dc-a7c7-5c8913bd320f.html

EDITORIAL: Give ADUs a chance

BY THE EDITORIAL PAGE STAFF OF THE FREE LANCE-STAR
Aug 6, 2019



A one-bedroom, one-bath accessory dwelling unit installed over a garage in Mt. Pleasant, S.C.
Arlington County

Exhibit 11

IN SOME cities where affordable housing is hard to find, public officials are looking at “infill development” to expand their housing stock. Infill development can range from shoehorning new homes into established neighborhoods, retrofitting vacant commercial buildings for residential use, or changing zoning ordinances to allow accessory dwelling units (ADUs) in single-family homeowners’ backyards.

In late June, the Oregon state Senate became the first in the nation to replace single-family residential zoning with residential zoning that allows ADUs as well as multi-family dwellings to be built in what were formerly detached single-family neighborhoods.

Seattle, Portland, Los Angeles and Austin have ADU-friendly ordinances. But they are the only major U.S. cities with more than 1,000 ADUs.

Opposition to ADUs comes mostly from homeowners, who view a proliferation of “granny flats” in the neighborhood as a threat to their property values. They fear that increased density will add to traffic congestion, overcrowded schools and public services, and all the other ills associated with unrestrained population growth.

However, ADUs can also provide those same homeowners with a steady source of rental income while providing relatively low-cost housing for seniors, the disabled, and workers whose annual income cannot keep pace with rising housing costs. In the greater Fredericksburg area, that includes 115,884 ALICE (Asset Limited, Income Constrained, Employed) households.

The region's affordable housing shortage is exacerbated by the high cost of land, which does not encourage construction of moderately-priced homes. But proposals to do something about the affordable housing crisis usually center on government solutions, which require higher taxes. But higher taxes just add to the cost of a mortgage or rent, making housing even less affordable.



00:14 / 00:30

AD

SKIP AD >

The Virginia Code allows jurisdictions to set up ADU programs to “address housing needs, promote a full range of housing choices, and encourage the construction and continued existence of housing affordable to low and moderate income citizens.”

In May, the Arlington County Board voted to relax its zoning regulations to allow ADUs to be installed without the county’s permission as long as they are at least five feet from the property line, have a separate entrance, their own kitchen and bathroom, and be no larger than 750 square feet.

But building and financing ADUs can be tricky.

“Building a free-standing, 250-square-foot ADU with a bathroom and compact kitchen can be as complicated as building an entirely new, three-story, 2,500-square-foot house,” Washington Post architectural columnist Roger Lewis points out, which explains why only 20 ADUs have been approved in Arlington over the past decade even though the median price of a single-family home there is up to \$689,400.

Last August, Fredericksburg City Council member Jason Graham suggested that the council “begin a public dialogue” on the pros and cons of ADUs, which are not currently allowed in the city. If city officials are serious about fixing the city’s affordable housing crisis, ADUs would be a good place to start.

Terry Coley
Special Exception Application Attachment
1306 Graham Drive Fredericksburg, VA 22401

EXHIBIT 12

Accessory Dwelling Unit Ordinance

The following model ordinance allows the construction or conversion of a second housing unit sharing a parcel with the primary unit. It is enabled by Virginia Code under a locality's standard zoning authority to regulate the health, safety, and welfare of residents. Sample language is selected from a survey of 16 Virginia jurisdictions, ranging from rural to urban. Many zoning codes do not have a section devoted to ADUs, but rather include the term in the definitions section and apply the term to the appropriate zones. A chart is provided to detail various restrictions Virginia localities have placed on ADUs.

Virginia Code Enabled : § 15.2-2280

- Localities have the authority to zone for land uses where appropriate
- Ability to restrict "size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures"

Purpose:

Most zoning codes have omitted a purpose statement on ADUs, but it can help defend the ordinance in event of a lawsuit and explain to citizens how the ordinance is intended to benefit them.

"Accessory apartments afford an opportunity for the development of small rental units designed to meet the special housing needs of single persons, persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for homeowners with changing economic conditions and/ or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to recognize formally previously established apartments and provide for improved safety and physical appearance." (Bedford County, Sec. 30-82-1)

Definitions:

"Accessory apartment. A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following:

- (1) A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or
- (2) A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit located above a detached accessory unit; that shall be no more than one half the size of the finished square footage of the primary dwelling unit located on the subject property." (Louisa County, 86-2)

"Dwelling, Accessory. A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than two (2) persons for living purposes and meeting the standards of Subsection 31.A.18." (Arlington County, Section 1 B)

Applications to Zones:

The simplest way amend an existing zoning code is to add Accessory Dwelling Unit, as defined, to the list of uses deemed appropriate. These are typically single-family residential areas.

Additional Restrictions:

Exhibit 12

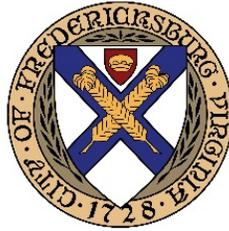
A wide range of restrictions have been places on ADUs by Virginia localities in an attempt to balance between benefits and costs. The following language is a sample.

"There shall be no more than one accessory dwelling per lot." (Stafford County, Section 28-25)

"(1) One (1) of the two (2) dwelling units on the subject property must be occupied by the owner of the property." (City of Charlottesville, Sec. 34-1171)

*"Occupancy of such accessory apartments shall be limited to no more than one family (as defined) or up to three persons (as permitted by code), and shall not be rented in less than six-month increments, and the primary dwelling unit must be occupied by the owner of the subject property or an immediate family member (as defined)." (Louisa County, Section 86-2) **Note:** Most zoning ordinances with ownership restrictions allow the homeowner to occupy either the primary structure or the accessory unit.*

Disclaimer: This model ordinance is provided for reference purpose only. It does not constitute legal advice. Please consult with an attorney before adopting any local ordinance, as legal conditions may vary by specific locality.



MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: Mike Craig, Senior Planner
DATE: June 11, 2020 (for the June 17 Planning Commission meeting)
SUBJECT: JFH Fredericksburg II, LLC's request for an amendment to the 2015 Comprehensive Plan and Future Land Use Map for Area 5B.

ISSUE

Should the Planning Commission recommend approval of amendments to the 2015 Comprehensive Plan to sub-planning area 5B and the Future Land Use Map?

RECOMMENDATION

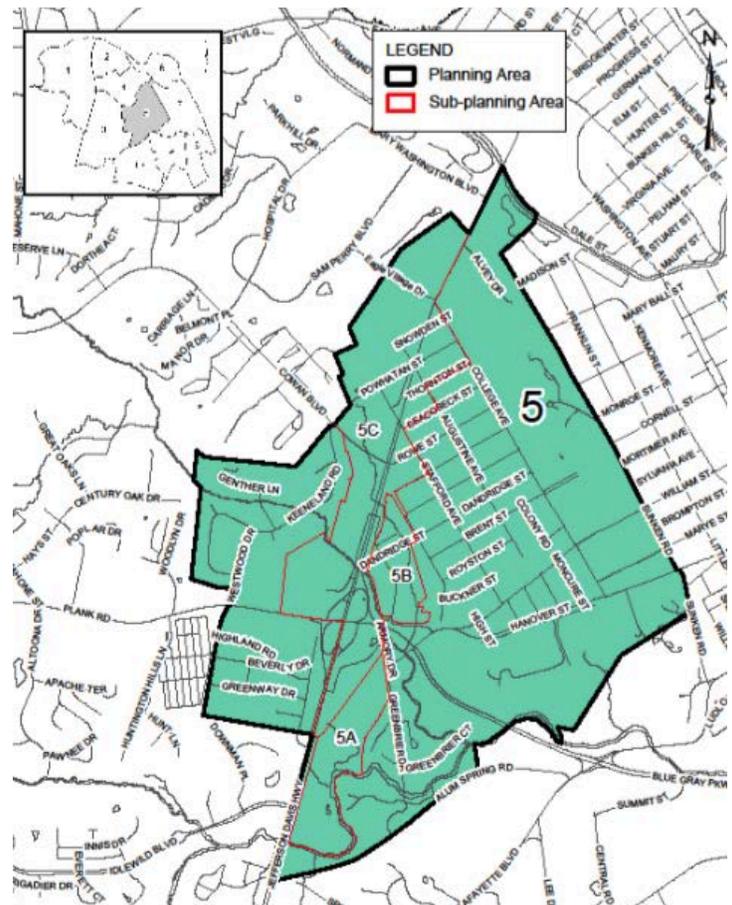
Hold a public hearing to gather comments on the proposed Comprehensive Plan amendment. Hold the public hearing open until June 24th meeting for a recommendation at that meeting

BACKGROUND

JFH Fredericksburg II, LLC requested consideration of a Comprehensive Plan amendment to sub-planning area 5B. The change would enable consideration of a rezoning and vacation of right-of-way request to redevelop a portion of the area between US Route 1, Spotsylvania Avenue, Rappahannock Avenue, and Brent Street for commercial and office use.

Area 5 is centered on the intersection of Route 3 and Route 1 and includes the College Heights and Greenbrier neighborhoods as well as the University of Mary Washington. Sub-Planning Area 5B is located at the northeast quadrant of the intersection of Route 3 and Route 1. This land was originally platted by the Fredericksburg Development Company and annexed into the City in 1951.

The existing land use pattern has remained much unchanged since the annexation. The former Fredericksburg Mobile Home Park makes up the northern end of 5B and is between U.S. Route 1 and Dandridge Street with frontage on Spotsylvania. The Payne Street right-of-way was vacated for use by the mobile home park in 1964. The mobile home park has been closed and vacant since March of 2018.



The southern end of area 5B includes a cluster of semi-industrial, commercial, and office uses. They are oriented to Olde William Street, which was a primary east-west highway prior to the construction of the Blue and Gray Parkway.

Area 5B is functionally separated from the College Heights neighborhood by the 175-foot-wide VEPCO Dominion Power Transmission Line. Though the rights-of-way of Brent and Buckner Streets are platted through this area, they are currently unimproved. Dandridge Street is a public street, which served the mobile home park and adjacent lots, but does not connect to Rappahannock Avenue. A large portion of the area is currently undeveloped with rolling topography. A stream runs through the area between Spotsylvania and Rappahannock Avenues. The southern portion of the stream is perennial, which requires a 100 foot wide Resource Protection Area buffer.

ANALYSIS

The area was originally designed as a continuation of the College Heights neighborhood with small lots on gridded streets. However, the transmission line easement, the stream, and proximity to Route 1 make expansion of the existing neighborhood pattern challenging. 5B is physically separated from the College Heights neighborhood limiting the potential for full connectivity, however limited pedestrian links are feasible.

Currently, the Future Land Use Map designates this area as ‘Medium Density Residential’. The City’s Comprehensive Plan states that this area: *has the potential to be redeveloped at a higher intensity. Potential uses include student housing as well as a mix of commercial and residential uses, as has occurred at Eagle Village. The basis of this level of development would be to provide much needed student housing and allow the College Heights neighborhood to recover from excessive numbers of rental uses. Redevelopment plans would need to be designed to become a positive contribution to the neighborhood and help reestablish itself as an owner-occupied community.* The president of Mary Washington University was asked about its interest in this property as a new location for student housing. He said the University plans on utilizing its existing owned land (on William Street and in Eagle Village) to provide additional housing when necessary in the next 5 – 10 years. In addition, he indicated that the University is not planning to expand enrollment and is focusing housing plans on improving existing facilities.

Amendments to the Comprehensive Plan and Future Land Use Map are necessary to change the designations from low density residential use to more appropriate designations that would allow for the property owner’s desired redevelopment strategy.

The ‘General Commercial’ designation is appropriate on the northern end of 5B where the area has frontage, access, and visibility to Route 1. 5B is uniquely positioned near major roadways, regional transit, and two major institutional anchors: Mary Washington Hospital and the University of Mary Washington. The location, coupled with its accessibility from U.S. Route 1, could provide space for some level of economic development in the form of commercial and office activity.

Any increase in the intensity of use in this area necessitates two site specific considerations. First, the transportation infrastructure in the area is substandard. Spotsylvania Avenue does not conform to contemporary street standards. The street needs to be realigned to meet modern horizontal alignment standards and the roadbed needs to be rebuilt. Also, the intersection with US Route 1 needs to be redesigned as traffic currently stacks in a 25-foot long stub that is perpendicular to the rest of the roadway. The intersection is located between the US Route 1 and Route 3 interchange and Cowan Boulevard’s intersection with US Route 1. The major design objective for improvement to Spotsylvania Avenue is that it does not impede automobile traffic flow in this sensitive area. Also, Area

5B is one of the few areas left in the City east of US Route 1 that is disconnected from the City's pedestrian network. The area of the mobile home park has no pedestrian infrastructure at all.

Reconstructing Spotsylvania Avenue and expanding pedestrian infrastructure into this area require a substantial investment. The investment in this area is unlikely to come from the City. Permitting viable commercial development on the property would generate sufficient land use to justify a private sector investment in Area 5B's infrastructure.

Secondly, any increase in proposed land use should interface appropriately with the adjacent neighborhood. While automobile connections may be inappropriate, pedestrian connections would provide a link and destination between neighborhoods and local goods and services. Buffering should also be used to mitigate impacts to the neighborhood from commercial use and environmentally sensitive areas that currently screen the neighborhood from proposed development should be preserved. High impact auto-centric uses should be limited or considered only under special review.

The remainder of the area should be designated Commercial - Transitional / Office. The area has more environmental features than the northern portion of 5B and does not have direct access to major roadways. It is thus better suited as a transitional area.

CONCLUSION

While Area 5B is currently described as appropriate for use as student housing, it is not in the University's plan for student housing. The transportation infrastructure currently serving the site is not suitable for increased levels of use. However, the proposed commercial investment will enhance the public infrastructure in the area without requiring a major capital investment by the City. The area is suitable for expanding the commercial use due to its proximity to three of the City's major roadway and the City's two major institutions. Permitting commercial use in this area will also expand the City's tax base.

In accordance with the established e-meeting policies, the Planning Commission is to hold the public hearing open until the June 24th meeting. At that meeting, the Planning Commission should hear any additional public comment and then recommend to the City Council that the Comprehensive Plan should be amended to reflect this change in land use vision.

ATTACHMENTS

The attachments included in the May 27 work session packet are unchanged.

LAND USE POTENTIAL

This planning area has been extensively developed and is beginning to see extensive redevelopment. The College Heights and College Terrace neighborhoods are attractive and accessible, due to their traditional street grid. College Terrace is not going to change much, except for a limited amount of infill development and additions to homes. College Terrace will also be considerably enhanced by a systematic reclamation of the existing alleys, which will relieve on-street parking and keep service functions at the rear of properties. College Heights, on the other hand, is more subject to the influences of the University of Mary Washington and of the U.S. Route 1 Bypass. As redevelopment occurs in the College Heights area, the highly functional street grid will need to be respected and kept intact.

TABLE 11-24 LAND USE POTENTIAL IN PLANNING AREA 5

SUB PLANNING AREA	SIZE	CURRENT ZONING	RECOMMENDED USE
5A	34.7 acres	R-2 Residential	Low Density Residential
5B	30 acres	Commercial Transitional, R-4 Residential, and Mobile Home	Commercial-General; Commercial-Transitional/Office
5C	1.3 miles of the U.S. Route 1 Bypass Corridor	Planned Development-Medical Campus, Commercial-Highway, Commercial-Shopping Center, Commercial-Transitional/Office, R-12 Residential	Commercial-General; Commercial-Transitional/Office; Institutional

SUB PLANNING AREA 5A

This 34.7-acre tract is controlled by the University of Mary Washington and has frontage on the U.S. Route 1 Bypass as well as Greenbrier Drive. Potential uses include student housing, but there could also be a potential mix of commercial and residential uses, as has occurred at Eagle Village. This level of development could provide much needed student housing and allow the College Heights neighborhood to recover from excessive numbers of rental units and reestablish itself as an owner-occupied community.

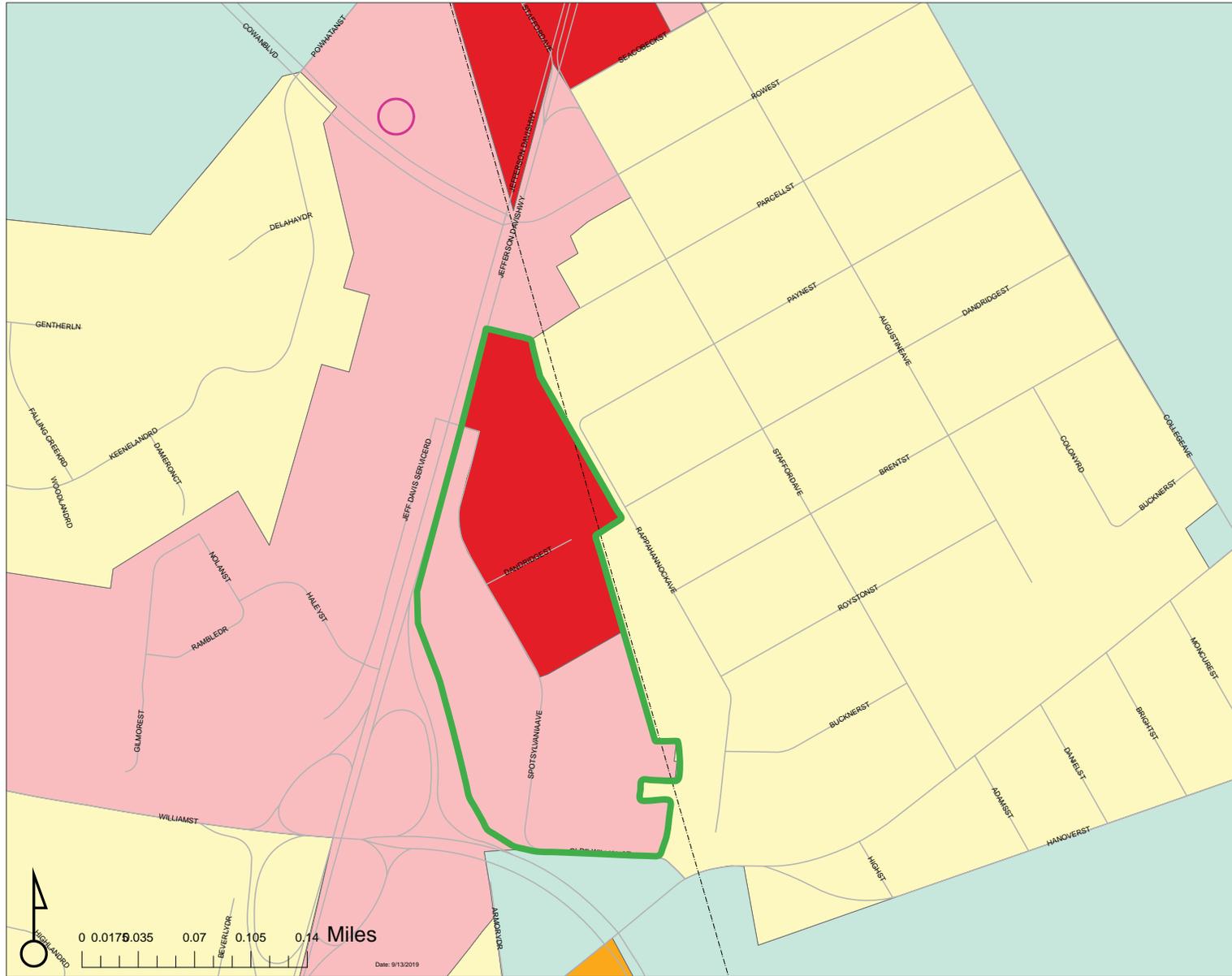
SUB PLANNING AREA 5B

The northeast quadrant of the intersection of State Route 3 and U.S. Route 1 exists currently as a remnant of the original Fredericksburg Development Company's platting with an assemblage of uses. Natural features and the Dominion Transmission Line functionally separate this area from the College Heights Neighborhood. The original configuration of streets and small lots is no longer practical particularly given the proximity to U.S. Route 1 and disconnection from College Heights. The existing layout, including vestiges of undeveloped rights-of-way, could be reassembled to support future evolution of the site. This area is uniquely positioned near major roadways, regional transit, and two major institutional anchors and could provide space for commercial and office activity. Serving as a walkable center, future development should link neighborhoods and local goods and services. A cohesive redevelopment could provide new uses where appropriate buffering ensures minimal effect to the adjoining neighborhood. To ensure this sensitivity, automobile centered uses and activities should only be considered under special review.

SUB PLANNING AREA 5C (U.S. ROUTE 1 BYPASS CORRIDOR)

The U.S. Route 1 Bypass/Jefferson Davis Highway became functional when a new Falmouth Bridge was completed in the 1940s, providing a way for travelers to avoid driving through downtown Fredericksburg when they did not intend to stop there. Commercial development followed the new traffic pattern and over the years a great variety of uses have gravitated to that roadway. A more cohesive commercial corridor could provide appropriate transitional land uses between the commercial activity along the highway and the nearby residential neighborhoods.

FUTURE LAND USE - PROPOSED



Legend

LAND USE DESIGNATION

TRANSECTS

- Civic
- T1
- T3E
- T3
- T4
- T4M
- T5M
- T5C
- T5W

RESIDENTIAL

- Low Density
- Medium Density
- High Density
- Planned Development/Mixed Use

COMMERCIAL

- Transitional/Office
- Downtown
- General Commercial
- Planned Development/Commercial

INDUSTRIAL

- General Industrial
- Light/ Research & Development

OTHER

- Institutional
- Parkland
- Preservation

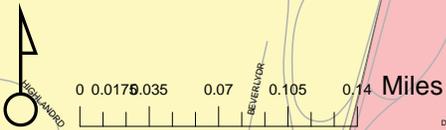
CENTERLINES

- Existing
- Planned

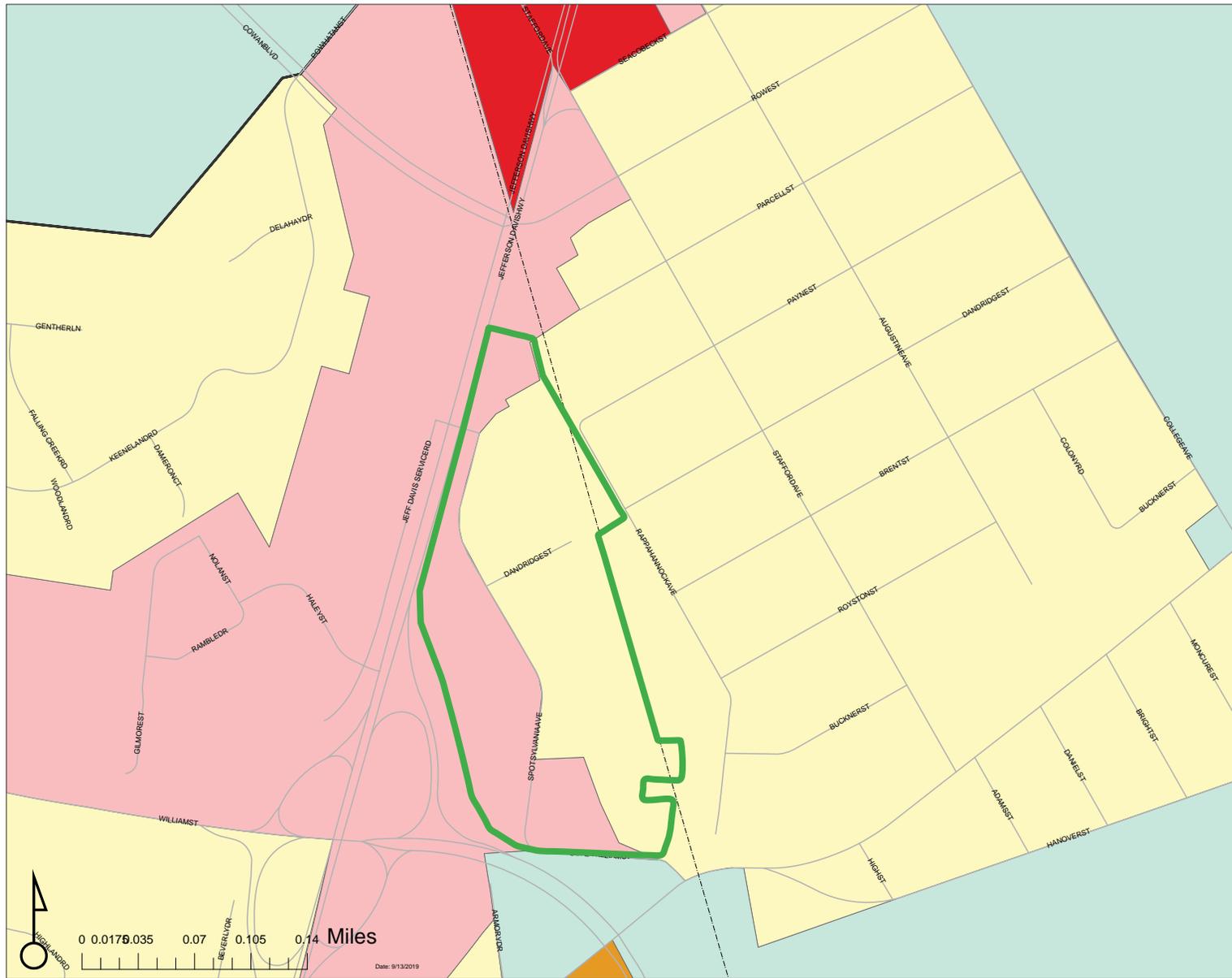
Area Plan Boundaries

Power Lines

Proposed Interstate Interchange



FUTURE LAND USE



Legend

LAND USE DESIGNATION

TRANSECTS

- Civic
- T1
- T3E
- T3
- T4
- T4M
- T5M
- T5C
- T5W

RESIDENTIAL

- Low Density
- Medium Density
- High Density
- Planned Development/Mixed Use

COMMERCIAL

- Transitional/Office
- Downtown
- General Commercial
- Planned Development/Commercial

INDUSTRIAL

- General Industrial
- Light/ Research & Development

OTHER

- Institutional
- Parkland
- Preservation

CENTERLINES

- Existing
- Planned

Area Plan Boundaries
 Power Lines
 Proposed Interstate Interchange





MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: Mike Craig, Senior Planner
DATE: June 12, 2020 for the June 17 meeting
SUBJECT: Jarrell, Inc. proposes the rezoning of 9.37 acres from Commercial/Transitional- Office (CT), Residential Mobile-Home (R-MH), and Residential 4 (R-4) to Commercial Highway with proffered conditions and proposes the vacation and rededication of City right-of-way to realign Spotsylvania Avenue.

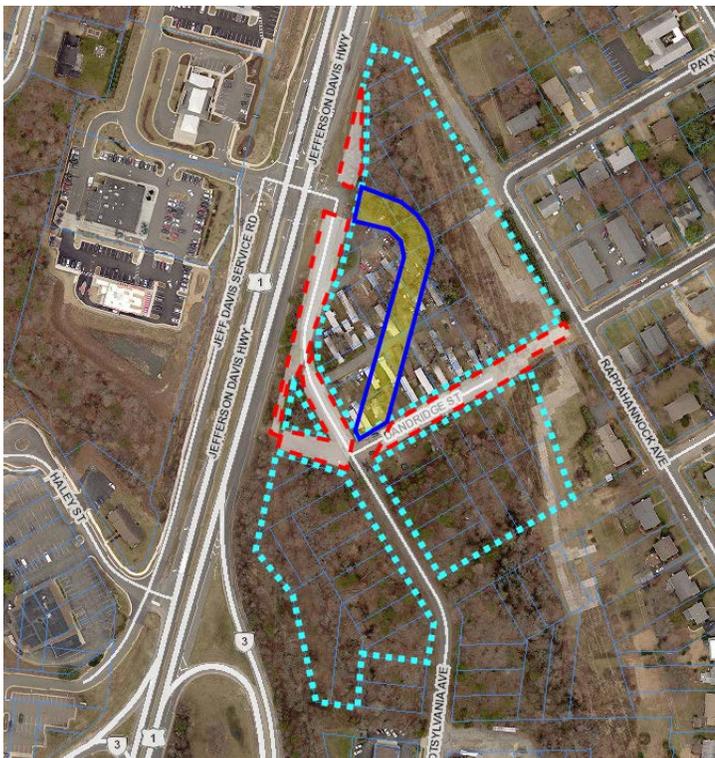
ISSUE

Should the Planning Commission determine that the proposed right-of-way vacation and rededication are in conformance with the Comprehensive Plan (in accordance with Virginia Code §15.2-2232) and recommend approval of the proposed rezoning?

RECOMMENDATION

Hold a public hearing to gather comments on the proposed zoning map amendment and vacation of right-of-way. Hold the public hearing open until the June 24th meeting for a recommendation at that meeting.

EXISTING USE AND CHARACTER OF THE PROPERTY



The proposed Cowan Station rezoning consists of 50 parcels located between the Rappahannock Avenue right-of-way, US Route 1, Spotsylvania Avenue and the Brent Street right-of-way. This area was annexed by the City in 1951. The northern portion of the property was used as a mobile home park between the 1960's and 2018. The southwestern parcels are vacant and wooded.

The parcels were platted as part of the Fredericksburg Development Companies platting of the western portions of the City in the late 19th and early 20th century. At that time, the lots were divided as a continuation of the College Heights residential neighborhood and street grid. However, barriers to the continuation of that pattern are present. They include natural features such as streams as well as the major electrical transmission line bordering the eastern portion of the property and US Route 1 forming the western portion of the property.

The parcels proposed to be rezoned to Commercial-Highway (dashed in Cyan),
The right-of-way proposed to be vacated (dashed in Red and hatched White), and
The right-of-way proposed to be dedicated (outlined in blue and hatched Yellow).

The existing features of the property. The streams are shown in blue and the green outlined areas are perennial portions of those streams and their corresponding Resource Protection Areas. The orange area is the 175 foot wide Dominion Power easement.



These barriers prevented the natural continuation of the neighborhood and street grid. In recognition, in the 1960's the City Council vacated the Payne Street extension for use in the mobile home park that occupied a portion of the site for the next fifty years. Vacant mobile homes and accessory structures remain abandoned on that portion of the property.

The site is accessed from US Route 1 by Spotsylvania Avenue. Spotsylvania Avenue is a two lane road with graded shoulder and ditch sections on both sides. The road does not meet modern road design guidelines. The intersection with US Route 1 is particularly problematic. It is a signalized intersection, but the stacking for the light is perpendicular to the main travel direction of the roadway.

Two streams exist on the site. Smith Run, located to the west of the project, is a perennial stream (meaning permanent or very frequently recurring) and a tributary to Hazel Run. Under the City and Statewide Chesapeake Bay Protection Act, perennial streams are protected features that require a 100 foot "Resource Protection Area" on both sides of the feature. The stream to the east consists of the drainage from the Cowan Crossings commercial development across the street, which flows in a 36 inch culvert under US Route 1. The stream becomes perennial on-site.

The vacant areas of the site are generally flat with some sloping towards the streams. These portions of the property are wooded and contain some mature canopy trees.

The zoning on the site varies. A 5 acre portion of the property used as the mobile home park is zoned R-MH. The areas to the southwest adjacent to the US Route 1 and Route 3 interchange are zoned CT. The southeastern portions of the proposed project are zoned R-4. The neighborhood adjacent to the property to the east is zoned R-4.



The existing zoning of the property. Green is Residential-Mobile Home, pink is Commercial Transitional / Office, and yellow is Residential-4.

PROPOSED USE AND CHARACTER

The Jarrell Companies propose to rezone the property to Commercial-Highway with proffered conditions to build a commercial / office park. The development will include eight 1 story, 6,500 square foot buildings, totaling 52,000 square feet of commercial / office space.

The Commercial-Highway Zoning District permits a range of residential and non-residential uses. The Applicant has submitted a proffer statement that precludes certain uses on the site. Proffer 1 states that the project will be built in accordance with the General Development Plan (GDP), which shows a commercial / office park and would preclude residential development. In addition, Proffer 2 prohibits adult establishments, convenience stores (with gasoline sales), gasoline sales, tattoo / piercing establishments, automotive sales and rental (both small and large), automotive service, automobile towing and impoundment, and fast food restaurants. Proffer 3 states that no drive-throughs will be permitted on the site without obtaining an additional special use permit.

Both the GDP and Proffer 4 prohibit motor vehicle access from Cowan Station to the College Heights residential neighborhood. Pedestrian connections are provided with a trail connection proposed along both the old Payne Street right-of-way and within the City owned Brent Street right-of-way. The trail and sidewalk network proposed within the development is also proposed to be extended as a 10 foot wide shared use trail up US Route 1 to the Cowan Boulevard Trail.

The project is separated from College Heights by the 180 foot wide Dominion Power easement. The applicant proposes a mixture of fencing, enhanced plantings (stated in the proffer statement to be evergreen), and existing vegetation to provide the required Type D “Opaque” Perimeter landscape buffer between the site and the neighborhood. The Type D landscape buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation. It requires either 10 aggregate caliper inches (ACI) of canopy trees + 13.5 ACI of understory trees + 23 shrubs per 100 linear feet in a 25 foot wide buffer or A six-foot-tall opaque fence + 8 ACI of canopy trees + 15 ACI of understory trees + 23 shrubs per 100 linear feet in a 15 foot wide buffer.

The Proffer statement also considers the visibility of the development from the adjacent neighborhood as well as from US Route 1. Proffer 7 states that all service utilities shall be screened from visibility from US Route 1. It also states that the buildings will be constructed of brick, stone, wood, stucco, cementitious siding or similar materials.

The applicant has proposed a Comprehensive Plan amendment to accompany this request to change the vision for this area from higher intensity mixed use and student housing to a commercial / office park. More information on that request is contained in the accompanying staff report on that item.

ZONING REVIEW CRITERIA AND POTENTIAL ADVERSE IMPACTS

The effect of the rezoning would be to permit a total of 52,000 square feet of non-residential use on the 9.37 acre site. The impacts of these changes are evaluated using the criteria specified by the Code of Virginia and the City’s Unified Development Ordinance.

1. The Purpose of zoning ordinances.

In considering a zoning map amendment the Planning Commission and City Council should consider Virginia Code § 15.2-2284, which states:

“Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by

population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.”

The requested zoning map amendment changes the permitted use of the property from Mobile Home and Transitional Office use to a broader set of commercial uses. The intensity of the uses is controlled by the proposed General Development Plan, which requires the site to be configured as 8 single story 6,500 square foot buildings and by the proffer statement, which prohibits high-intensity uses. The application includes the reconstruction of Spotsylvania Avenue and the implementation of a substantial pedestrian network linking the site into the City’s existing multi-modal network. The application also includes buffering and architectural controls to ensure that the development of the site results in a harmonious cohesive development.

2. The Comprehensive Plan.

The applicant has requested an amendment to the Comprehensive Plan’s Future Land Use Map (FLUM) and to sub-panning area 5B to change the vision for this area from a residential to a commercial focus. An analysis of the suitability of that change is included in the staff report on the proposed amendment. The analysis concludes that changing the vision of this site from residential to commercial is appropriate.

The “opportunities” listed under Land Use Planning Area 5 (pg. 11(5)1) include:

- Promote mixed-use development along the US Route 1 Bypass and William Street corridors.
- Protect established residential neighborhoods from existing and proposed commercial development, through transitional uses and design standards that minimize adverse impacts.
- Engage in an aggressive landscaping program along the US Route 1 Bypass, planting trees where they will not interfere with lines of sight and installing lower level vegetation where visibility is critical to safety and commercial activity.

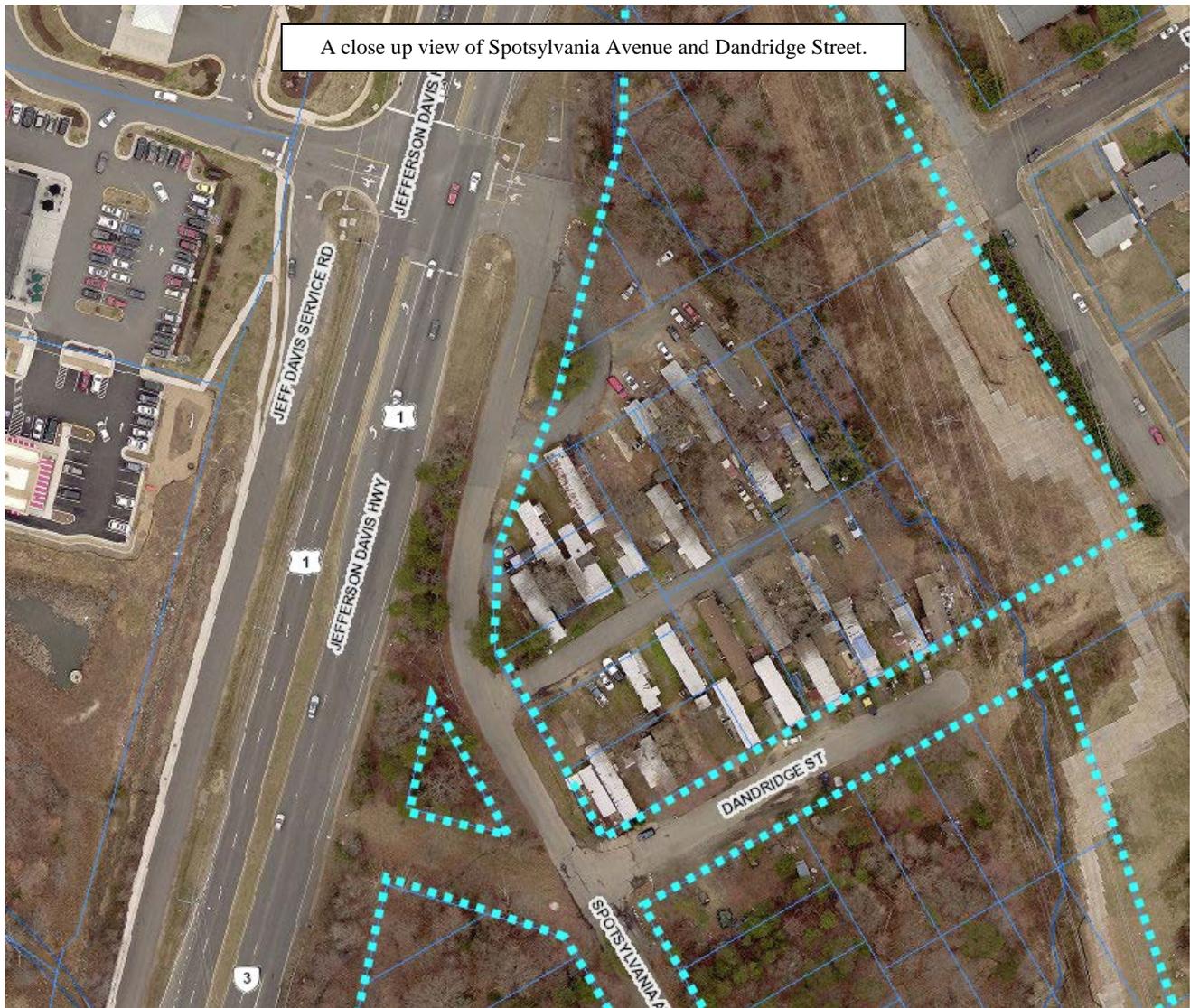
The proposed zoning is to Commercial-Highway with proffered conditions. Together, the zoning district and conditions permit a range of uses that will enhance the City’s tax base while prohibiting potential incompatible uses and high intensity automotive uses. The proffer statement includes the screening of utilities and service functions from US Route 1 and building material standards that make for an attractive view shed from US Route 1. The GDP and Proffer Statement prohibit automotive connections to the adjacent neighborhoods, but provide substantial pedestrian linkages to both the neighborhood and also to the Cowan Boulevard Trail to the north.

Chapter 5: Environmental Protection envisions protection of streams and waterways, woodlands and tree preservation and enhancement of the urban tree canopy (pages 5-7 through 5-8). The proposed project will require impact to the easternmost intermittent stream on the property. The portion of the stream impacted consists of the Cowan Crossings and drainage discharging onto the site from a 36 inch wide culvert underneath US Route 1. The impact is necessary to re-align Spotsylvania Avenue and the applicant proposes to install a 36 inch culvert underneath the proposed roadway to adequately convey the water through the site.

RE-ALIGNMENT OF SPOTSYLVANIA AVENUE AND RIGHT-OF-WAY VACATIONS

The Applicant proposes the vacation of a portion of the existing Spotsylvania Avenue right-of-way and the Dandridge Street right-of-way within the project limits. The total amount of right-of-way to be vacated is 1.52 acres. The Applicant proposes to realign the Spotsylvania Avenue right-of-way and

reconstruct the road through the site. New public right-of-way containing the newly built road will then be dedicated to the City. The Dandridge Street right-of-way is proposed to be incorporated into the proposed project. The amount of right-of-way proposed to be dedicated is 0.67 acres.



In accordance with Code of Virginia § 15.2-2232, the Planning Commission must make a determination that the change in general character and location of the City owned right-of-way is in accordance with the City's Comprehensive Plan. Chapter 3: Transportation focuses on the different transportation systems serving the City. The vision established in the Chapter is the continued development of a multi-modal transportation system comprised of complete streets (with sidewalks, planting strips, and street trees) (page 3-5), pathways (page 3-2), and transit systems (page 3-10).

As currently built, Spotsylvania Avenue lacks sidewalks and has problematic geometry. The Dandridge Street right-of-way contains some asphalt that served as an access to some of the trailers on the site. Both roadways are in poor condition. As discussed above, the intersection with US Route 1 is substandard and problematic.

Vacating existing right-of-way and reconfiguring Spotsylvania Avenue provides a safer geometric design for automobile traffic utilizing the Spotsylvania Avenue and US Route 1 intersection. The rebuilt road is proposed to be a complete street with sidewalks, planting strips, street trees, and parallel on-street parking. The reconstruction of Spotsylvania Avenue is in conformance with the Comprehensive Plan.

Chapter 7: Residential Neighborhoods focuses on neighborhood design, creating pedestrian connections and linkages, and interconnected streets (page 7-2 through 7-3). Automotive connections between the proposed project and College Heights were the subject of much discussion at neighborhood meetings regarding this project. Providing automobile connections between the site and College Heights could potentially result in adverse impacts from increased automotive traffic between US Route 1 and points east on neighborhood streets. However, a major component of the proposed application is to construct trail connections in the vicinity of Payne Street and Brent Street to provide pedestrian linkages from the neighborhood and also to provide a trail link from the Cowan Boulevard Trail down US Route 1 to the development.

The Dandridge Street right-of-way was platted at a time when the property was envisioned to be an extension of College Heights. The modern conditions on the property rendered that plan moot. The site is located at the intersection of the City's two primary arterial roadway, US Route 1 and State Route 3. Further, comment from the adjacent neighborhood indicates that continuing automotive connections into this area is undesirable. Linking the urban fabric through trails instead, via replacing the platted Dandridge Street automotive scaled right-of-way with trail connections under public easement where Payne Street once extended and along the Brent Street right-of-way is in conformance with the Comprehensive Plan and is a more suitable means of integrating the local transportation network.

The property itself is in close proximity to the Cowan Trail, Mary Washington Hospital, and the University of Mary Washington. As currently configured, the only connection between these properties is by automobile through the substandard Spotsylvania Avenue intersection. The vacation of right-of-way on the property enables the reconfiguration of Spotsylvania Avenue and development of a pedestrian system connecting the property to both the adjacent neighborhood and the Cowan Boulevard Trail. The proposed infrastructure creates new connections between the property, Mary Washington Hospital, and the University of Mary Washington. A goal of Chapter 6: Business Opportunities is to create Complementary and Connected Business Districts and the proposed transportation infrastructure associated with this project achieves that goal.

The applicant proposes to vacate 1.52 acres of City right-of-way and rededicate 0.67 acres of new right-of-way to the City. The applicant would thus receive 0.85 acres of surplus right-of-way from the City. The applicant should reimburse the City for the fair market value of this property as a condition of any approval transferring the right-of-way, though during the worksession on May 27 several Planning Commissioners stated that the value added to the City through the realignment and rededication of Spotsylvania Avenue outweighed the benefit of charging the applicant for the surplus right-of-way. The Planning Commission may include a recommendation regarding the payment for surplus right-of-way in their determination of whether this proposal is in conformance with the Comprehensive Plan.

City Councilor Tim Duffy submitted written comment that Spotsylvania Avenue should be renamed after Clyde Matthews due to his long time service of the community. Spotsylvania Avenue is the name of another street in Spotsylvania County. The renaming of the street is appropriate and the best time to complete the renaming would be as this new development is brought on-line and the road is

realigned and reopened. The name change would affect two existing buildings currently addressed on Spotsylvania Avenue to the south of the site. Renaming streets is an administrative process and does not require direct action from the Planning Commission. However, a condition of the vacation of the right-of-way could be that the applicant work with the City staff to rename the street as their project moves forward.

PUBLIC COMMENT

The Planning Department has received verbal comments from a business owner located on Spotsylvania Avenue where it turns ninety degrees and becomes Old William Street. They had concerns about the impact to the local sewer system and to traffic along Old William Street. Additionally, the Planning Department received written comment stating opposition to including the trail connections from the site to College Heights. The written comment is attached to this memo and will be read into the record during the public hearing.

CONCLUSION AND RECOMMENDATION

The proposed project will enhance the City's tax base and provides a substantial investment in the realignment of Spotsylvania Avenue and in the creation of strong pedestrian links in an area of the City deficient in pedestrian infrastructure. The proposed vacation and rededication of right-of-way within this project is in conformance with the Comprehensive Plan.

The Proffer statement contains certain prohibitions that ensure the development will be transitional, it provides for screening, building material standards, and buffering and also excludes high impact uses. The proposed rezoning conforms to the City's Comprehensive Plan and is a suitable revision to the zoning map.

In accordance with the established e-meeting policies, the Planning Commission should hold the public hearing open until the June 24th meeting. At that meeting, the Planning Commission should:

- Determine that the vacation of portions of Spotsylvania Avenue and Daindrige Street right-of-ways are in conformance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232.
- Recommend approval of the proposed zoning map amendment of 50 GPINs from Residential Mobile Home, Residential 4, and Commercial / Transitional Office to Commercial Highway in accordance with the General Development and Proffer Statement.

ATTACHMENTS

1. Revised application and GDP



MOTION:

SECOND:

[date]
Regular Meeting
Ordinance No. 20-__

RE: Rezoning approximately 9.37 acres of land along U.S. Route 1 from Commercial-Transitional, Residential-Mobile Home, and R-4 Residential to Commercial-Highway Conditional.

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ **SECOND READ:** _____

Sec. I Introduction.

This is a request to rezone approximately 9.37 acres of land, located at the corner of U.S. Route 1 and Spotsylvania Avenue, from Commercial-Transitional (C-T), Residential-Mobile Home (R-MH) and R-4 Residential to Commercial-Highway (C-H) Conditional. The purpose of this zoning map amendment is to facilitate the redevelopment of a former mobile-home park into a professional office park.

In adopting this ordinance, City Council has considered the applicable factors in Virginia Code § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare and good zoning practice favor the requested rezoning.

Sec. II. Zoning Map Amendment.

The Official Zoning Map of the City of Fredericksburg, prepared in accordance with City Code §72-30, is hereby amended by rezoning the he property shown on the General Development Plan entitled “Cowan Station,” by Fairbanks & Franklin, dated 0?-12-19, revised 02-07-20, sheet 2 of 5, “Existing Conditions,” from Commercial-Transitional (C-T), Residential-Mobile Home (R-MH) and R-4 Residential to Commercial-Highway (C-H) Conditional.

Sec. III. Proffered conditions.

This is a conditional rezoning. The voluntary proffers dated _____, are accepted and shall govern the use and development of this land.

Sec. IV. Effective date.

This ordinance becomes effective immediately. The applicant shall record a certified copy of this ordinance with a notice of conditional zoning, in a form approved by the City Attorney, in the land records of the Fredericksburg Circuit Court Clerk, with the owner as the “grantor” and the City as the “grantee.”

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20-__ duly adopted at a meeting of the City Council meeting held _____, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



June 17, 2020
Planning Commission
Resolution No. 20-__

MOTION:

SECOND:

RE: APPROVAL OF THE PROPOSED VACATION OF PORTIONS OF THE SPOTSYLVANIA AVENUE AND DANDRIDGE STREET RIGHTS OF WAY AS SUBSTANTIALLY IN ACCORD WITH THE 2015 COMPREHENSIVE PLAN

ACTION: APPROVED; Ayes: 0; Nays: 0

The City has received an application from JFH-Fredericksburg II, LLC to vacate 1.52 acres of built and unbuilt right of way, constituting portions of Spotsylvania Avenue and Dandridge Street, for the development of the Cowan Station commercial/office park. The purpose of the request is to convert the right of way to buildable land, as shown on the exhibit entitled "Rezoning Exhibit," by Fairbanks & Franklin, dated August 12, 2019 and last revised on April 17, 2020, sheet 3 of 5 of the General Development Plan for Cowan Station. The applicant proposes to dedicate 0.67 acres of new right of way for the reconfiguration of Spotsylvania Avenue through the Cowan Station development to connect with U.S. Route 1 as shown on the Rezoning Exhibit.

Under Code of Virginia §15.2-2232(C) and City Code §72-22.2, an application for the vacation of a public street right of way shall be submitted to the Planning Commission for review for substantial conformance with the Comprehensive Plan.

The proposed vacation of portions of the Spotsylvania Avenue and Dandridge Street rights of way, paired with a dedication of new right of way to reconfigure Spotsylvania Avenue, is consistent with Chapter 3 (Transportation) and Chapter 7 (Residential Neighborhoods) of the 2015 Comprehensive Plan, as stated more fully in the staff report.

The Fredericksburg Planning Commission therefore resolves that the proposed vacation of portions of the Spotsylvania Avenue and Dandridge Street rights of way is substantially in accord with the 2015 Comprehensive Plan.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

JFH – FREDERICKSBURG II, L.L.C.

*1005 Sophia Street
Downtown Fredericksburg, Virginia 22401
540 / 899 – 3825 jeh@jarrellinc.com*

COWAN STATION

General Development Plan Statement and General Narrative

Jarrell Properties, Inc. is proud to propose a professional office park for the City of Fredericksburg, Cowan Station. In order to continue to compete with other Virginia localities, the City of Fredericksburg must continue to take great advantage of its geographic location. To do so, the City must move forward and provide new, modern work spaces, with close-by business related amenities for employers, producing employment opportunities on the high-end of the pay scale.

The beauty of the City of Fredericksburg is that the businesses naturally drawn to this location, which are in demand regionally, can be conveniently located for the benefit of the City residents. The City's Comprehensive Plan encourages live here, work here business developments; and, Cowan Station creates just such a regional economic opportunity in the right way, in the perfect location, and in the City.

The Cowan Station project sits on 9.38 acres (not including proposed right-of-way), which lie between Spotsylvania Avenue (in the City) to the south, the College Heights neighborhood to the north and the Cowan Crossing intersection, with Route 1, to the west. Bordered by the City's main traffic arteries of U.S. Route 1 and State Route 3, Cowan Station is naturally situated to highlight this area of the City for further inclusion with our

Downtown, commercially the southern tip of our extended Downtown. It will be designed with an eye on the City's effort to be connected, to provide non-motorized means of connectivity throughout the City for its residents. In the immediate vicinity of the project, this also means being linked with those major Fredericksburg economic forces of the local university and the local hospital.

The Cowan Station project provides for the construction of eight separate, independently standing professional office suites, of 6,500 sq.ft., providing a total available space of 52,000 sq.ft. Each of the individual buildings will have the flexibility to host from one and up to four offices / businesses, under each roof. Businesses attracted to this office park are expected to operate within the normal business hours of 7:00 a.m. – 12:00 a.m. With this prime regional location, in such close proximity to the University of Mary Washington and the Mary Washington Healthcare's main full-service hospital, target occupants for this space will be medical service offices, laboratory facilities, government contractors, locally related professional services, retail, food /coffee service and other collateral businesses, which could directly serve those working on the property, living the adjacent neighborhoods and residing in the City.

The real estate that is subject to this rezoning request consists of Fifty (50) GPIN lots, totaling 9.38 acres of land, located on the East side of Route 1, North of the Route 3 junction and South of the Cowan Boulevard intersection. The property was most recently zoned and used as a mobile home park, with a layout that provided for as many as 40 potential lots for the placement of individual residential mobile homes, under the zoning designation of C-T,

RM-H and R-4. The properties adjacent to Cowan Station have zoning designations of C-T and R-4.

The Applicant proposes a rezoning of each of the identified lots to a single parcel of Commercial – Highway (C – H) and construction of eight professional office suites. The project lies next to the highly regarded College Heights neighborhood and across Route 1 from the Cowan Crossing commercial center. The view of the property for the neighborhood will be greatly improved over the present condition; and our College Heights neighbors have been considered in every step of our design for the office park, to ensure that Cowan Station has a positive impact on College Heights residents and does not negatively impact their property values.

The property's location, as a gateway to the City's Route 1 commercial corridor, as a boundary to the extended Downtown economic district and as a point of connection to our pathways, provides that a C – H designation is the best fit. C – H allows the professional office park to develop with its true needs and accommodations to the professional offices. Certainly, there is no desire for any automobile related operations to occupy these spaces; but the needs of the occupants of the park and the community may require a bike shop, a restaurant, a coffee shop or fitness location, which could each be permitted under a broader scoped C – H zoning district.

As generally described above, this property rests in one of the most unique locations in the region. It is on one of the most travelled corridors on the East Coast, yet it should absolutely be considered a part of a Downtown in one of the most historic areas in the country. It is close to large employment centers, but it is neighbors with one of the finest residential neighborhoods

around. Due to the options available and the need to be flexible to the needs of the surrounding community, this kind of variety speaks to C – H zoning is absolutely consistent with good zoning and community development practices.

The Unified Development Ordinance exists to protect the general well-being of the community and ensure standards are upheld; and, Cowan Station is a model project under the City's UDO. A project that seeks to redevelop a part of the City that had fallen into a state of concern and one that will create business opportunity no-where near our priceless historic locations. The occupants of the office park will be mostly professional in nature and will be providing higher wage paying employment opportunities, in the City. The product that will be built at Cowan Station is a product with which JPI is well familiar. JPI built this same style of building in Spotsylvania County, on their Spotsylvania Avenue. Those buildings have been occupied and well-maintained for ten years. They still look brand new.

The traffic impact of this project has been studied extensively. Discussions with City Staff, from top to bottom, has produced several assessments, tests and a Technical Review Committee meeting that resulted in traffic information eagerly being shared between the Applicant and the City. Those discussions and tests involved concern over the impact Cowan Station could have on the flow of traffic on U.S. Route 1 at peak times. More particularly, the focus has been on the cycle for the traffic signal that exists with Cowan Crossing, limiting the amount of time that the addition of Cowan Station will have on the main traffic flow for the signal. No further study was requested to be provided to the City at this time; however, one may be provided at any time the City changes their position.

Highway traffic in this center of the Fredericksburg region is challenging, to say the least. Cowan Station seeks to take advantage of all available means to get around. Yes, the highways will remain a main means of transportation to and from Cowan Station for the foreseeable future; but the project also benefits from being in the center of it all.

Cowan Station will provide pathways and sidewalks to integrate into the City's designated pathway system, contributing to the non-motorized connectivity for our residents and local commercial activity. In addition, the open space and environmentally sensitive areas, which make up over sixty percent (60%) of this project, will be respectfully handled in the project and will be respectfully incorporated into the Cowan Station pathway design.

In addition, a more and more popular means of travel is the Fred bus system. The central station for the Fred bus system is our local bus station and is just a couple of blocks away from this project and easily accessible by sidewalk or pathway. This means that every Fred route makes its way back to us. More importantly, the Fred is a way that people are stepping up their income earning potential. With access to this public transportation, all of the residents in the City, along with many in the surrounding regional area, have access to the potential high wage employment that can be available at Cowan Station.

This project is expected to be served by the City's public water and sewer system. It should not have a negative impact on the service that is currently being provided. There may be modifications to the system on the property itself; however, there is not expected to be any disruption to the location and size of the City's Utility Mains.

Cowan Station is not expected to affect the level of service provided by Fredericksburg's Police Department, Fire Department or Rescue Squad. To the contrary, the improvement that will be made to the U.S. Route 1 entrance to the project improves emergency access to this property.

A portion of the property has a sensitive environmental factor, which great effort has been taken to identify and to preserve. A portion of the property is impacted by a stream that has an associated RPA area. The project has been designed so there will be no disturbance within 100' of the stream, except as may be allowed for recreational purposes.

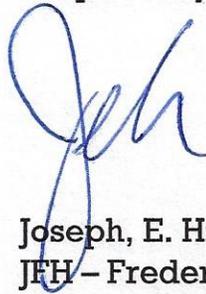
Attempts have been made to protect the stream in the project by designing the buffers and green areas such that any impacts to the streams and wetlands are kept to a minimum. Approximately 5.9 acres of environmentally sensitive areas will be included in Cowan Station, which will serve to protect these areas in the future.

The redevelopment of this property will not increase the number of students, nor negatively impact the City Schools. In actuality, this rezoning positively impacts the schools, as it will be permanently remove the residential zoning components of the lots that we seek to rezone for Cowan Station with this Rezoning Application.

In brief conclusion, this has been a thoughtfully designed project. Yes, there is a desire to build a particular project that we are familiar with developing; however, the City has been intentionally engaged in our considerations from the very beginning, for the purpose of working with the City, not against the City. It is our intent to deliver a product that makes

economic sense for JPI and economic, environmental and strategic sense for the City, with a lasting impression on business in our area for a long time to come. As such, JPI respectfully requests the honor of your approval of our request in this Rezoning Application, to convert the properties described herein from C - T, R - 4 and R - MH to a Commercial - Highway (C - H) designation.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Jeh', is written over the printed name and company information.

Joseph, E. Hicks
JFH - Fredericksburg II, LLC

GENERAL DEVELOPMENT PLAN COWAN STATION

CITY OF FREDERICKSBURG, VIRGINIA



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

COVER SHEET

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

DOCUMENT NO.
436-1005

1 SHEET
OF 5

436-1005 GENERAL DEVELOPMENT PLAN COWAN STATION 04-17-20

SITE INFORMATION:

PARCEL GPIN: 7779-42-8953, 7779-42-8984, 7779-42-9737, 7779-42-9783, 7779-42-9946, 7779-42-9972, 7779-43-8079, 7779-43-9005, 7779-43-9040, 7779-43-9109, 7779-43-9388, 7779-43-9395, 7779-52-0758, 7779-52-0795, 7779-52-0808, 7779-52-0833, 7779-52-2908, 7779-52-2944, 7779-53-0256, 7779-53-0272, 7779-53-0320, 7779-53-0441, 7779-53-0525, 7779-53-0594, 7779-53-0641, 7779-53-0684, 7779-53-0752, 7779-53-0878, 7779-53-0893, 7779-53-1056, 7779-53-1083, 7779-53-1121, 7779-53-1310, 7779-53-1353, 7779-53-1435, 7779-53-1487, 7779-53-1536, 7779-53-1669, 7779-53-1718, 7779-53-2082, 7779-53-2113, 7779-53-2155, 7779-53-2305, 7779-53-2347, 7779-53-2487, 7779-53-3025, 7779-53-3057, 7779-53-3108, 7779-53-3159, 7779-53-3190

CURRENT ZONING: C-T, RM-H, & R-4
PROPOSED ZONING: C-H
PRESENT USE: MOBILE HOME PARK & UNDEVELOPED
PROPOSED USE: COMMERCIAL & OFFICE DEVELOPMENT
TRASH COLLECTION: PRIVATE TRASH COLLECTION
WATER: PUBLIC CONNECTION
SEWER: PUBLIC CONNECTION
ROADS: PUBLIC & PRIVATE
OPEN SPACE REQUIRED: 15%
ALLOWABLE FLOOR AREA RATIO: 0.70
ALLOWABLE BUILDING HEIGHT: 40 FT
MINIMUM YARD REQUIREMENTS: FRONT = 25 FEET
SIDE = 15 FEET
REAR = 20 FEET

MINIMUM DISTRICT SETBACK: 40 FEET

COMMERCIAL / OFFICE
PARCEL AREA (NOT INCLUDING PROPOSED RIGHT OF WAY): 9.37 AC
OPEN SPACE: 62.5 % (5.86 AC)
BUILDING AREA: 52,000 SF
FLOOR AREA RATIO: 0.127
BUILDING HEIGHT: 20' (APPROXIMATE)
PARKING REQUIRED: 1 SP/300 SF = 173 SPACES
PARKING PROVIDED: 249 TOTAL (226 OFF STREET & 23 ON STREET)
LOADING REQUIRED: 3 - 15'X25' SPACE
LOADING PROVIDED: 3 - 15'X25' SPACE

SHEET INDEX

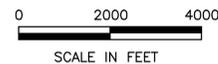
SHEET	TITLE
SHEET 1	COVER SHEET
SHEET 2	EXISTING CONDITIONS
SHEET 3	REZONING EXHIBIT
SHEET 4	GENERAL DEVELOPMENT PLAN
SHEET 4A	GENERAL DEVELOPMENT PLAN TRAIL CONNECTIVITY PLAN
SHEET 5	UTILITY PLAN

LEGEND

EXISTING		PROPOSED
8"W	WATER	8"W
8"S	SEWER	8"S
	STORM	
	STORM STRUCTURE	
	SANITARY MANHOLE	
	VALVE	
	FIRE HYDRANT	
	CLEAN OUT	
	WATER METER	
	PROPERTY LINE/ RIGHT OF WAY	
	CONTOUR LINE	
	PAVEMENT HATCH	
	CONCRETE HATCH	
	TRAFFIC CONTROL BOX	
	SIGNAL POLE	



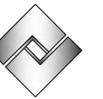
VICINITY MAP
SCALE 1"=2000'



PROPERTY OWNER	DEVELOPER	ENGINEER
JFH-FREDERICKSBURG II, LLC 1005 SOPHIA ST FREDERICKSBURG, VA 22401	JARRELL PROPERTIES, INC. 1005 SOPHIA ST FREDERICKSBURG, VA 22401	FAIRBANKS & FRANKLIN 1005 MAHONE STREET FREDERICKSBURG, VIRGINIA 22401
KEENE DELAHAY EMBREY DUFFEE C/O COURT APPOINTED CUSTODIAN MR. JAMES B. FRANKLIN 308 LEE DRIVE FREDERICKSBURG, VIRGINIA 22401		

PROJECT NARRATIVE:
THIS PROJECT ENTAILS THE DEVELOPMENT OF A COMMERCIAL/OFFICE CENTER ON THE EAST SIDE OF ROUTE 1 ON LAND THAT IS OCCUPIED BY A MOBILE HOME PARK. THE LAND WITHIN THE DEVELOPMENT WILL BE REZONED TO COMMERCIAL HIGHWAY (C-H).

- NOTES:
- CBPA IS AN OVERLAY DISTRICT FOR THE CITY OF FREDERICKSBURG AND THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RMA FEATURES AND DOES CONTAIN RPA FEATURES WITHIN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT. THERE ARE PROPOSED IMPACTS TO WATERS OF THE U.S. THAT WILL REQUIRE AN ENVIRONMENTAL PERMIT.
 - THERE ARE NO KNOWN HISTORIC BUILDINGS OR ARCHEOLOGICAL FEATURES ON SITE.
 - THERE ARE NO KNOWN PLACES OF BURIAL ON SITE.
 - THIS PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.I.R.M. COMMUNITY PANEL NO. 510065 0036C DATED SEPTEMBER 19, 2007.
 - EXISTING TOPOGRAPHIC INFORMATION IS A COMPILATION OF AERIAL MAPPING PROVIDED BY MCKENZIE SNYDER JUNE 2017.
 - BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY PREPARED BY FAIRBANKS & FRANKLIN TITLED "PERIMETER BOUNDARY SURVEY ON VARIOUS PARCELS STANDING IN THE NAMES OF COWAN EAST, LLC" DATED 02-08-17.
 - WATERS OF THE US (WOUS) AND WETLANDS WERE FIELD DELINEATED BY EEE CONSULTING, INC. MARCH 2017.
 - THE USE AND DEVELOPMENT OF THIS PROPERTY, AND ALL IMPROVEMENTS THEREON, ARE SUBJECT TO THE FINAL GENERAL DEVELOPMENT PLAN AS WELL AS TO THE GENERALLY APPLICABLE REGULATIONS SET FORTH IN UDO SECTION 72-33.
 - THIS DEVELOPMENT SHALL BE MEET ALL APPLICABLE LANDSCAPING AND LIGHTING REQUIREMENTS.
 - PEDESTRIAN ACCESS:
 - 10.1. SIDEWALKS WITHIN PARKING AREAS AND ALONG STREETS SHALL BE 5' WIDE CONCRETE.
 - 10.2. THE TRAILS SHALL BE 10' WIDE ASPHALT.
 - TRAILS SHOWN ON THIS PLAN SHALL BE CONSTRUCTED BY THE DEVELOPER OF THIS PROJECT AT THE TIME THE INFRASTRUCTURE (ROADS, WATER, SANITARY SEWER, AND STORM) IS CONSTRUCTED.
 - REFER TO TRAFFIC STUDY FOR TRIP GENERATION VOLUMES.



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

EXISTING CONDITIONS

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA

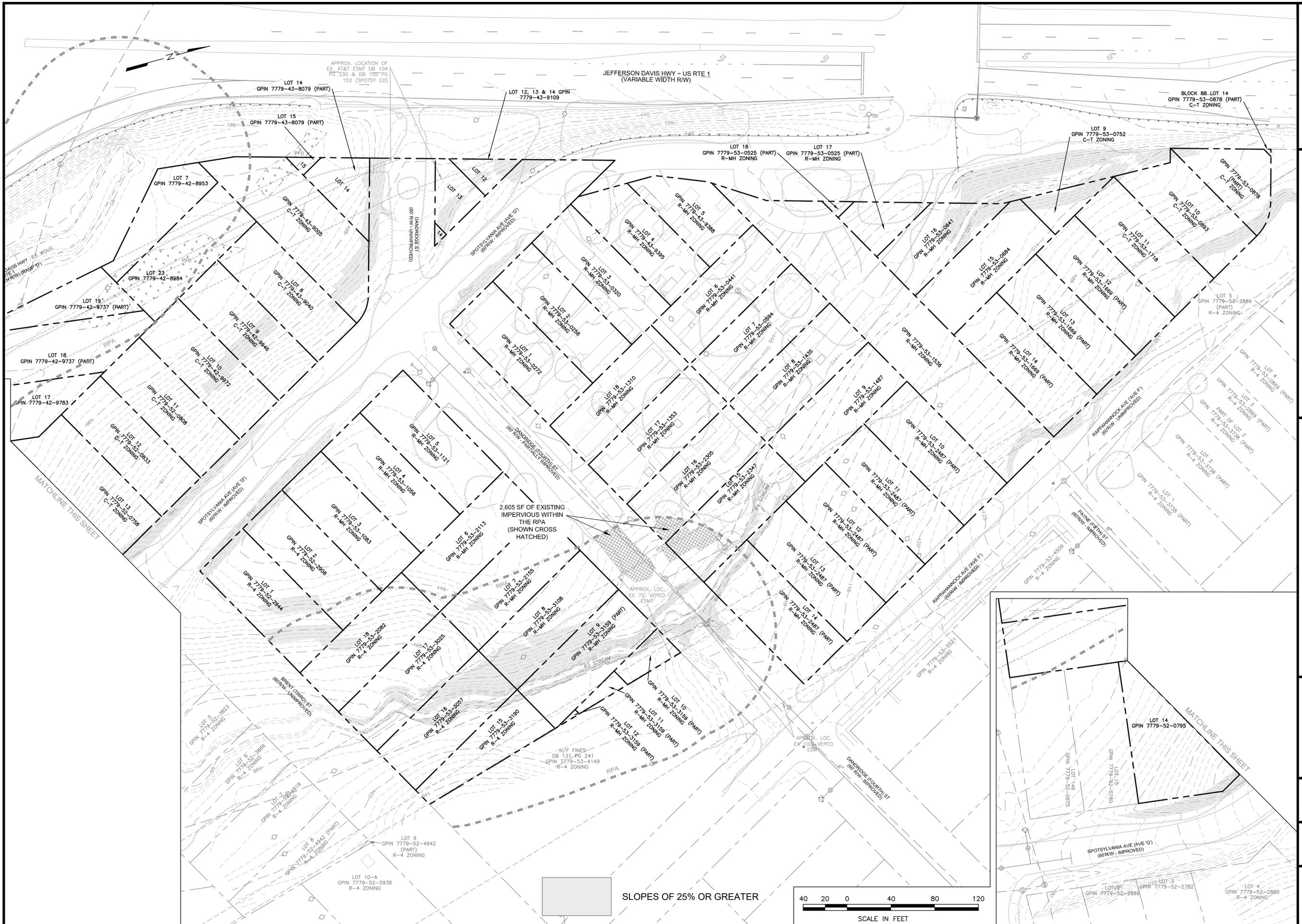


DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

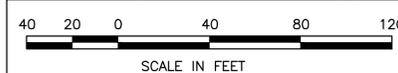
REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

DOCUMENT NO.
436-1005

2 SHEET
OF 5



SLOPES OF 25% OR GREATER



SCALE IN FEET



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

REZONING EXHIBIT

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA

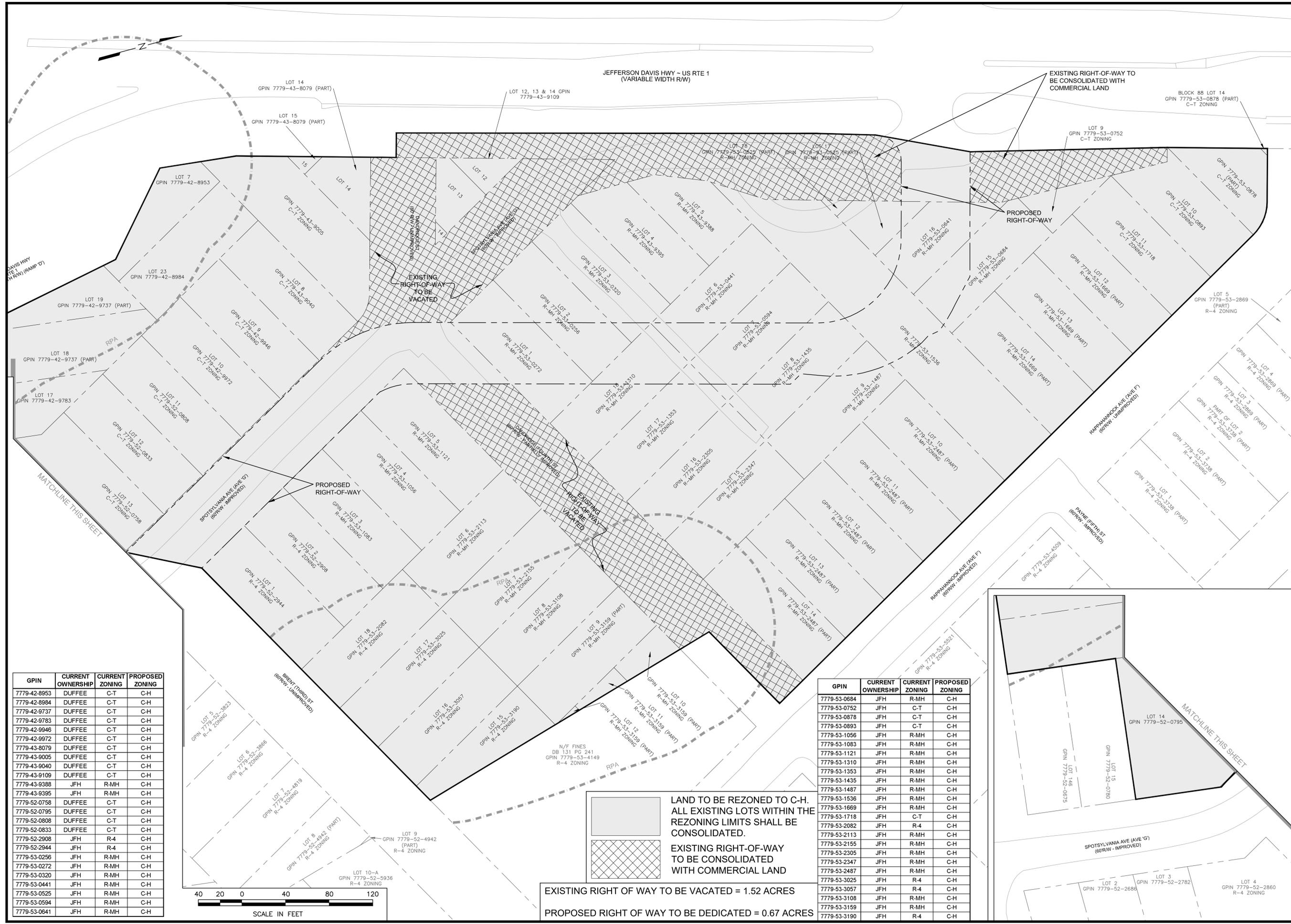


DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

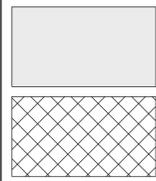
DOCUMENT NO.
436-1005

3 SHEET
OF 5

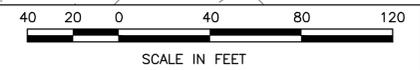


GPIN	CURRENT OWNERSHIP	CURRENT ZONING	PROPOSED ZONING
7779-42-8953	DUFFEE	C-T	C-H
7779-42-8984	DUFFEE	C-T	C-H
7779-42-9737	DUFFEE	C-T	C-H
7779-42-9783	DUFFEE	C-T	C-H
7779-42-9946	DUFFEE	C-T	C-H
7779-42-9972	DUFFEE	C-T	C-H
7779-43-8079	DUFFEE	C-T	C-H
7779-43-9005	DUFFEE	C-T	C-H
7779-43-9040	DUFFEE	C-T	C-H
7779-43-9109	DUFFEE	C-T	C-H
7779-43-9388	JFH	R-MH	C-H
7779-43-9395	JFH	R-MH	C-H
7779-52-0758	DUFFEE	C-T	C-H
7779-52-0795	DUFFEE	C-T	C-H
7779-52-0808	DUFFEE	C-T	C-H
7779-52-0833	DUFFEE	C-T	C-H
7779-52-2908	JFH	R-4	C-H
7779-52-2944	JFH	R-4	C-H
7779-53-0256	JFH	R-MH	C-H
7779-53-0272	JFH	R-MH	C-H
7779-53-0320	JFH	R-MH	C-H
7779-53-0441	JFH	R-MH	C-H
7779-53-0525	JFH	R-MH	C-H
7779-53-0594	JFH	R-MH	C-H
7779-53-0641	JFH	R-MH	C-H

GPIN	CURRENT OWNERSHIP	CURRENT ZONING	PROPOSED ZONING
7779-53-0684	JFH	R-MH	C-H
7779-53-0752	JFH	C-T	C-H
7779-53-0878	JFH	C-T	C-H
7779-53-0893	JFH	C-T	C-H
7779-53-1056	JFH	R-MH	C-H
7779-53-1083	JFH	R-MH	C-H
7779-53-1121	JFH	R-MH	C-H
7779-53-1310	JFH	R-MH	C-H
7779-53-1353	JFH	R-MH	C-H
7779-53-1435	JFH	R-MH	C-H
7779-53-1487	JFH	R-MH	C-H
7779-53-1536	JFH	R-MH	C-H
7779-53-1669	JFH	R-MH	C-H
7779-53-1718	JFH	C-T	C-H
7779-53-2082	JFH	R-4	C-H
7779-53-2113	JFH	R-MH	C-H
7779-53-2155	JFH	R-MH	C-H
7779-53-2305	JFH	R-MH	C-H
7779-53-2347	JFH	R-MH	C-H
7779-53-2487	JFH	R-MH	C-H
7779-53-3025	JFH	R-4	C-H
7779-53-3057	JFH	R-4	C-H
7779-53-3108	JFH	R-MH	C-H
7779-53-3159	JFH	R-MH	C-H
7779-53-3190	JFH	R-4	C-H



EXISTING RIGHT OF WAY TO BE VACATED = 1.52 ACRES
PROPOSED RIGHT OF WAY TO BE DEDICATED = 0.67 ACRES





Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

GENERAL DEVELOPMENT PLAN

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA

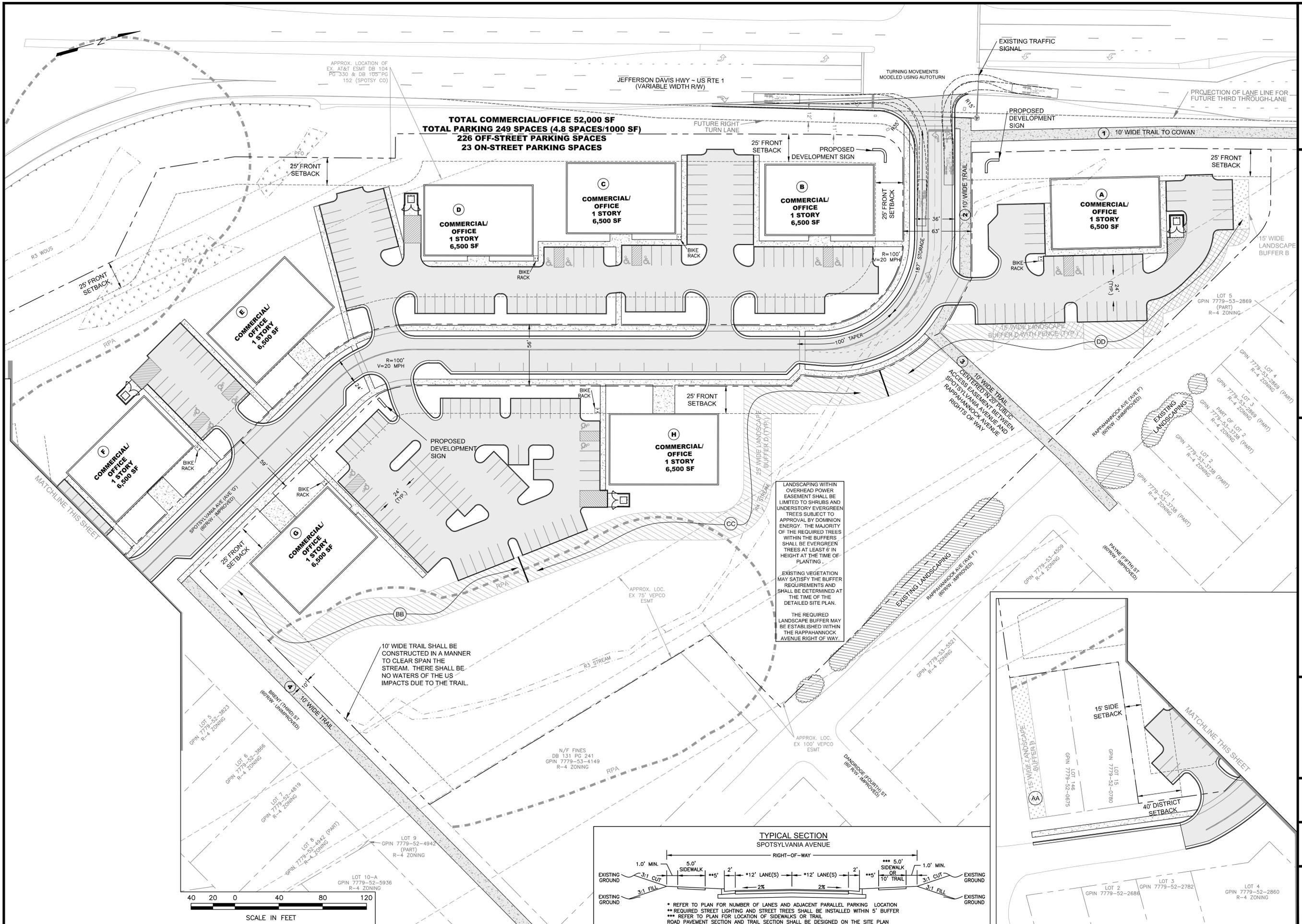


DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF,JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

DOCUMENT NO.
436-1005

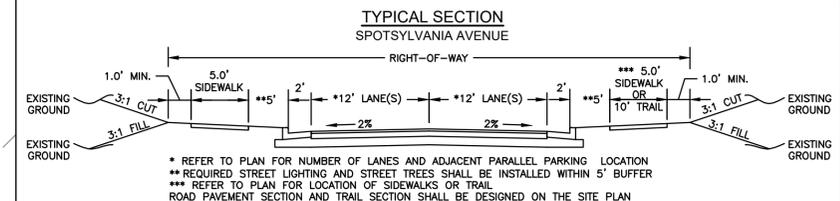
4 SHEET
OF 5



TOTAL COMMERCIAL/OFFICE 52,000 SF
TOTAL PARKING 249 SPACES (4.8 SPACES/1000 SF)
226 OFF-STREET PARKING SPACES
23 ON-STREET PARKING SPACES

LANDSCAPING WITHIN OVERHEAD POWER EASEMENT SHALL BE LIMITED TO SHRUBS AND UNDERSTORY EVERGREEN TREES SUBJECT TO APPROVAL BY DOMINION ENERGY. THE MAJORITY OF THE REQUIRED TREES WITHIN THE BUFFERS SHALL BE EVERGREEN TREES AT LEAST 6 IN HEIGHT AT THE TIME OF PLANTING.
EXISTING VEGETATION MAY SATISFY THE BUFFER REQUIREMENTS AND SHALL BE DETERMINED AT THE TIME OF THE DETAILED SITE PLAN.
THE REQUIRED LANDSCAPE BUFFER MAY BE ESTABLISHED WITHIN THE RAPPAHANNOCK AVENUE RIGHT OF WAY.

10' WIDE TRAIL SHALL BE CONSTRUCTED IN A MANNER TO CLEAR SPAN THE STREAM. THERE SHALL BE NO WATERS OF THE US IMPACTS DUE TO THE TRAIL.



* REFER TO PLAN FOR NUMBER OF LANES AND ADJACENT PARALLEL PARKING LOCATION
** REQUIRED STREET LIGHTING AND STREET TREES SHALL BE INSTALLED WITHIN 5' BUFFER
*** REFER TO PLAN FOR LOCATION OF SIDEWALKS OR TRAIL
ROAD PAVEMENT SECTION AND TRAIL SECTION SHALL BE DESIGNED ON THE SITE PLAN



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

**GENERAL DEVELOPMENT PLAN
TRAIL CONNECTIVITY PLAN**

**GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA**



DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

DOCUMENT NO.
436-1005
SHEET **5**
OF



Fairbanks & Franklin

Civil Engineering
Land Planning

1005 Mahone Street
Fredericksburg, VA 22401
(540) 899-3700

UTILITY PLAN

GENERAL DEVELOPMENT PLAN
COWAN STATION
CITY OF FREDERICKSBURG, VIRGINIA

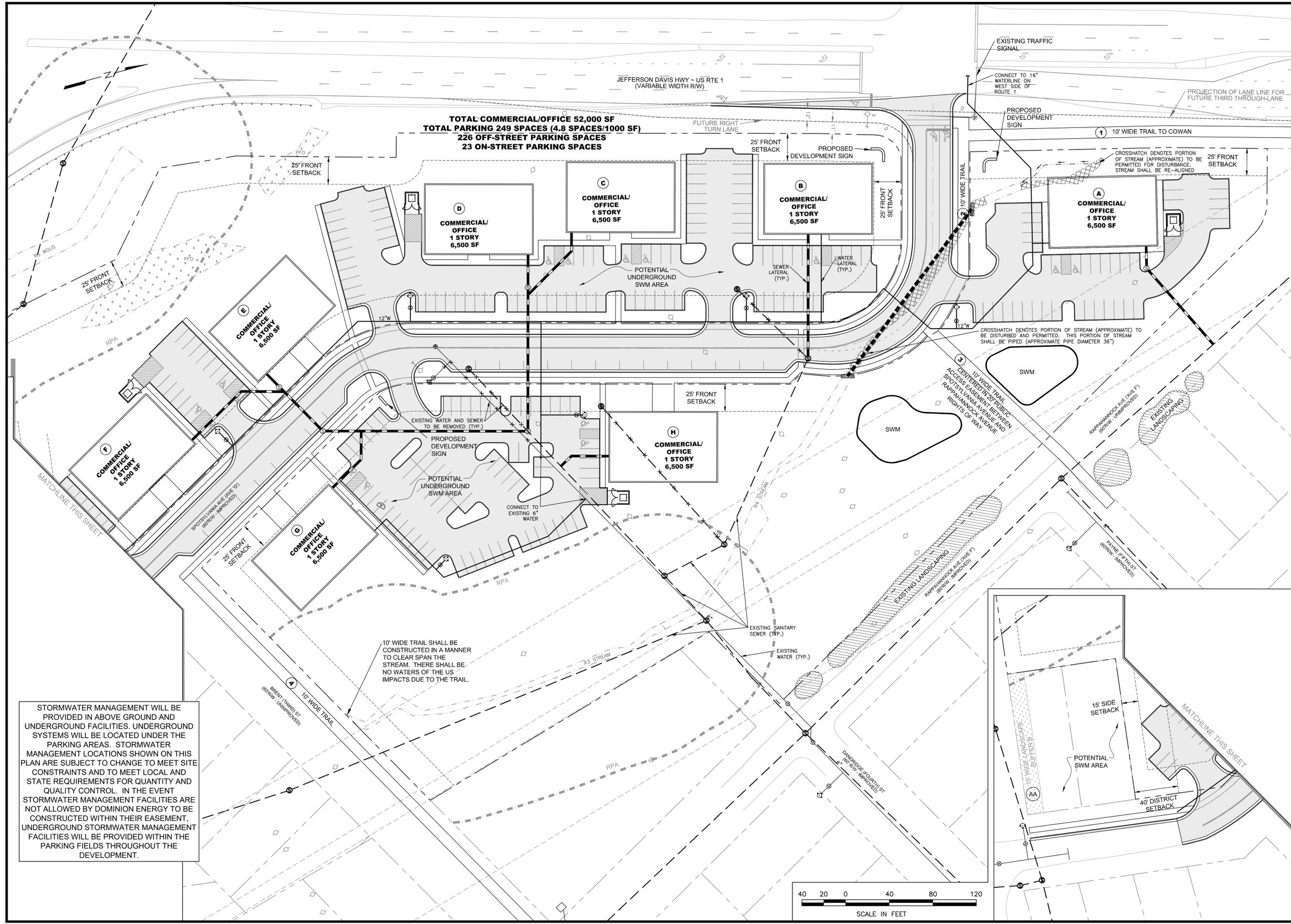


DATE : 08-12-19
DESIGNED: JRF
DRAWN : JRF, JAC
CHECKED : JDF

REVISIONS: 02-07-20
08-21-19 04-17-20
09-16-19
10-25-19
11-13-19

DOCUMENT NO.
436-1005

5 SHEET
OF 5

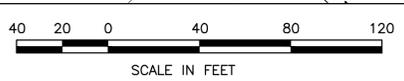


TOTAL COMMERCIAL/OFFICE 52,000 SF
TOTAL PARKING 249 SPACES (4.8 SPACES/1000 SF)
226 OFF-STREET PARKING SPACES
23 ON-STREET PARKING SPACES

COMMERCIAL/
OFFICE
1 STORY
6,500 SF

STORMWATER MANAGEMENT WILL BE PROVIDED IN ABOVE GROUND AND UNDERGROUND FACILITIES. UNDERGROUND SYSTEMS WILL BE LOCATED UNDER THE PARKING AREAS. STORMWATER MANAGEMENT LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE TO MEET SITE CONSTRAINTS AND TO MEET LOCAL AND STATE REQUIREMENTS FOR QUANTITY AND QUALITY CONTROL. IN THE EVENT STORMWATER MANAGEMENT FACILITIES ARE NOT ALLOWED BY DOMINION ENERGY TO BE CONSTRUCTED WITHIN THEIR EASEMENT, UNDERGROUND STORMWATER MANAGEMENT FACILITIES WILL BE PROVIDED WITHIN THE PARKING FIELDS THROUGHOUT THE DEVELOPMENT.

10' WIDE TRAIL SHALL BE CONSTRUCTED IN A MANNER TO CLEAR SPAN THE STREAM. THERE SHALL BE NO WATERS OF THE US IMPACTS DUE TO THE TRAIL.



June 5, 2020

CITY OF FREDERICKSBURG
Fredericksburg City Planning and Zoning Department
Attention: *Mr. Michael J. Craig, Senior Planner*
CITY HALL
715 Princess Anne Street
Fredericksburg, Virginia 22401

VOLUNTARY PROFFER STATEMENT

APPLICANT/OWNER: JFH Fredericksburg II, LLC
1005 Sophia Street
Fredericksburg, Virginia 22401

PROPERTY GPIN #s: 7779-43-9388, 7779-43-9395, 7779-52-2908,
7779-52-2944, 7779-53-0256, 7779-53-0272, 7779-53-0320, 7779-53-0441,
7779-53-0525, 7779-53-0594, 7779-53-0641, 7779-53-0684, 7779-53-0752,
7779-53-0878, 7779-53-0893, 7779-53-1056, 7779-53-1083, 7779-53-1121,
7779-53-1310, 7779-53-1353, 7779-53-1435, 7779-53-1487, 7779-53-1536,
7779-53-1669, 7779-53-1718, 7779-53-2082, 7779-53-2113, 7779-53-2155,
7779-53-2305, 7779-53-2347, 7779-53-2487, 7779-53-3025, 7779-53-3057,
7779-53-3108, 7779-53-3159, & 7779-53-3190

APPLICANT/OWNER: Keene Delahay Embrey Duffee
By her Court Appointed Custodian
Mr. James B. Franklin
308 Lee Drive
Fredericksburg, Virginia 22401

PROPERTY GPIN #s:

7779-42-8953, 7779-42-8984, 7779-42-9737, 7779-42-9783, 7779-42-9946,
7779-42-9972, 7779-43-8079, 7779-43-9005, 7779-43-9040, 7779-43-9109,
7779-52-0758, 7779-52-0795, 7779-52-0808, 7779-52-0833

PROJECT NAME: Cowan Station

REZONING REQUEST: Applicant seeks rezoning of the above referenced properties from
C-T, RM-H and R-4 to C-H (Commercial Highway)

CASE NO.: _____

PROFFERS

The Applicant voluntarily proffers the following admittedly reasonable conditions for this project as a part of our requested rezoning, in accordance with Sections 15.2-2298 and 15.2 – 2303, et al., of the Code of Virginia (1950):

1. This property shall be developed in substantial compliance with the ‘General Development Plan - Cowan Station, City of Fredericksburg, dated June 12, 2019, last revised April 17, 2020’ (“**GDP**”), which is made a part hereof by this reference, subject to minor adjustments, which may occur for purposes of addressing final engineering, design requirements, or compliance with applicable regulations. The Applicant may subdivide the consolidated parcel subject to the requirements of the UDO, so long as the subdivision does not otherwise deviate from the GDP.
2. The following types of businesses shall be explicitly prohibited in this development: Adult Establishments, Convenience Store (with gasoline sales), Gasoline Sales, Tattoo/Piercing Establishment, Automotive Sales and Rental, Small Scale, Automotive Sales and Rental, Large Scale, Automotive Service, Automobile Towing and Impoundment, and Restaurant, Fast-food.
3. A special use permit shall be required for any accessory drive-through use.
4. There shall be no direct motor vehicle access from Cowan Station to the College Heights residential neighborhood.
5. The Applicant will construct four (4) 10’ wide trails as shown on the GDP. Trails 1, 2, and 3 will be constructed prior to the issuance of an Occupancy Permit for Building A. Trail 4 will be constructed prior to the issuance of an Occupancy Permit for Building G. The Applicant will grant a public access easement to the City across the Property for the portion of Trail 3 connecting Spotsylvania Ave to Payne Street. The easement shall be conveyed prior to the completion of construction of Trail 3 by an instrument that is in substantial conformance with the City’s standard form, which is attached hereto as Exhibit A.
6. Landscape Buffer area AA, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building F. Buffer area BB will be constructed prior to the issuance of an Occupancy Permit for Building G. Buffer area CC, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building H. Buffer area DD, as identified on the GDP, will be constructed prior to the issuance of an Occupancy Permit for Building A. The majority of the trees in the landscape buffer shall be evergreen and shall be at least 6’ in height at the time of planting.
7. Service utilities for the buildings that are adjacent to US Route 1 shall be screened from visibility from US Route 1. The exterior wall services of the buildings shall be constructed of brick, stone, wood, stucco, cementitious siding or similar appearing materials. Vinyl siding, corrugated metal and cinder block shall not be used on the exterior of the buildings.

WITNESS the following signatures acknowledging approval and consent of the proffer statement:

JFH – Fredericksburg II, LLC

By: _____
James E. Jarrell, III, Operating Manager

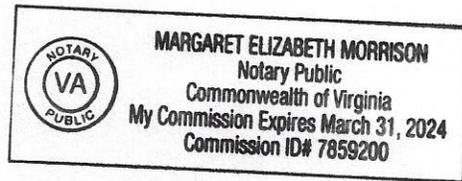
COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that JAMES E. JARRELL, III, in his capacity as Operating Manager for JFH – Fredericksburg II, LLC has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 5th day of June, 2020.

Margaret Elizabeth Morrison
Notary Public

Print Name: Margaret Elizabeth Morrison
My Commission Expires: March 31, 2024
Registration No.: 7859200



Keene Delahay Embrey Duffee
By her Court Appointed Custodian

James B. Franklin
James B. Franklin

COMMONWEALTH OF VIRGINIA,
CITY OF FREDERICKSBURG, to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that JAMES B. FRANKLIN, in his capacity as Court Appointed Custodian for Keene Delahay Embrey Duffee has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 5th day of June, 2020.

Margaret Elizabeth Morrison
Notary Public

Print Name: Margaret Elizabeth Morrison
My Commission Expires: March 31, 2024
Registration No.: 7859200

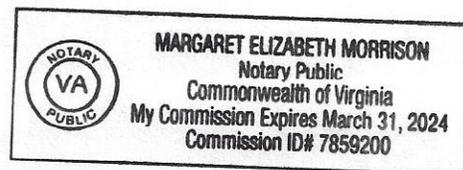


Exhibit A
Deed of Easement Form

GPIN# _____

Clerk's Fee _____

Return recorded instrument to:
Kathleen Dooley, City Attorney
615 Princess Anne Street
Fredericksburg, Virginia 22401

Exempt from recordation taxes pursuant to Virginia Code §58.1-811(A)(3)

This DEED of EASEMENT is made this ___ day of _____, ____, by and between [LANDOWNER], Grantor, and the CITY OF FREDERICKSBURG, VIRGINIA, a municipal corporation ("City"), Grantee. [and _____, Sole Acting Trustee ("Trustee") and _____ ("Lender").]

Recitals

1. Grantor is the owner of a certain tract of land in the City of Fredericksburg, Virginia, known as GPIN # _____ ("Property"), being a portion of the property conveyed to Grantor by deed recorded as instrument no. _____ among the land records in the Clerk's Office of the Circuit Court of the City of Fredericksburg, Virginia.

2. Grantor desires to dedicate to the City a certain perpetual public access easement across a portion of the Property for the development of a recreational trail.

Perpetual easement for recreational trail

In consideration of the sum of One Dollar and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant and convey unto the City, its successors and assigns, a perpetual public access easement for recreational use over and across the area of Grantor's property which is shown as "_____" (hereinafter, the "Easement Area") on the plat of survey entitled _____, dated _____, prepared by _____, and recorded in Plat Book ___ page ___ in the land records of the Clerk of the Circuit Court of the City of Fredericksburg, subject to the following provisions:

1. The City shall have the right to construct, maintain, operate, repair and open for public use a surfaced trail suitable for walking, jogging, bicycling and other related recreational uses for the enjoyment of the public. The City may install, repair, and maintain within the Easement Area such amenities as are consistent with the purpose of this grant, including benches, landscaping, litter receptacles and discrete directional and informational signs. All such facilities installed in the Easement Area by the City shall be and remain the property of the City. The City shall replace grass, vegetation and topsoil, where necessary when damaged due to work undertaken by the City within the Easement Area. Travel over the Easement Area by motorized vehicles, including but not limited to motorcycles, ATV's and motor bikes, shall be prohibited except for public safety vehicles and as necessary for the construction, maintenance and repair of the trail and related facilities.

2. The City shall maintain the Easement Area and shall regulate its use in order to provide a safe and attractive recreational facility. The Grantor, its successors and assigns, shall have no obligation to maintain or repair the Easement Area or the trail and other improvements thereto made by the City.

3. The Grantor, its successors and assigns, shall have the right to use the Easement Area for all purposes which are not inconsistent with the rights hereby conveyed to the City and do not interfere with

the City's use of the Easement Area for the purposes named herein; provided, however, that the Grantor shall not erect any building or other structure, including fencing, upon the Easement Area without obtaining the prior written consent of the City. The Grantor shall not remove, destroy or cut trees within the Easement Area except as may be reasonably approved by the City.

4. The City shall have no obligation to maintain the Easement Area unless and until [it constructs a trail thereon / Grantor has completed construction of a trail thereon, and the work has been accepted by the City]. The City's maintenance responsibility includes repairing, resurfacing, re-constructing the trail and the other amenities permitted hereby, mowing grass and trimming and pruning other vegetation within the Easement Area, removing trash and performing such other activities as necessary for a trail over the Easement Area. The City may, with reasonable notice to the fee simple owner except in emergencies, during which no notice shall be required, remove or trim trees and other vegetation beyond the limits of the Easement Area which, in the City's sole judgment, pose a hazard to the public.

5. Pursuant to Section 29.1-509(E) of the Code of Virginia, 1950, as amended, and as authorized by Section 15.2-1806 thereof, the City shall hold the Grantor and his successors and assigns harmless from all liability and be responsible for providing, or for paying the cost of, all reasonable legal services required by any person entitled to the benefit of this provision as the result of any claim or suit attempting to impose liability.

6. Nothing herein shall be construed to waive the City's sovereign immunity in the operation of a recreational facility, or otherwise, or as a waiver of the Grantor's immunity under Section 29.1-509 of the Code of Virginia, 1950, as amended, or successor statute, or through any other grant of immunity.

This dedication is with the free consent and in accordance with the desires of the Grantor, as evidenced by the signature set forth below. The terms, conditions, and restrictions imposed herein shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, assigns and successors-in-interest, and the easement conveyed herein shall run with title to the land hereby subjected to the terms of this Deed of Easement.

WITNESS the following signatures and seals:

Note: Signatures have been removed from this Exhibit for clarity, and to reduce length

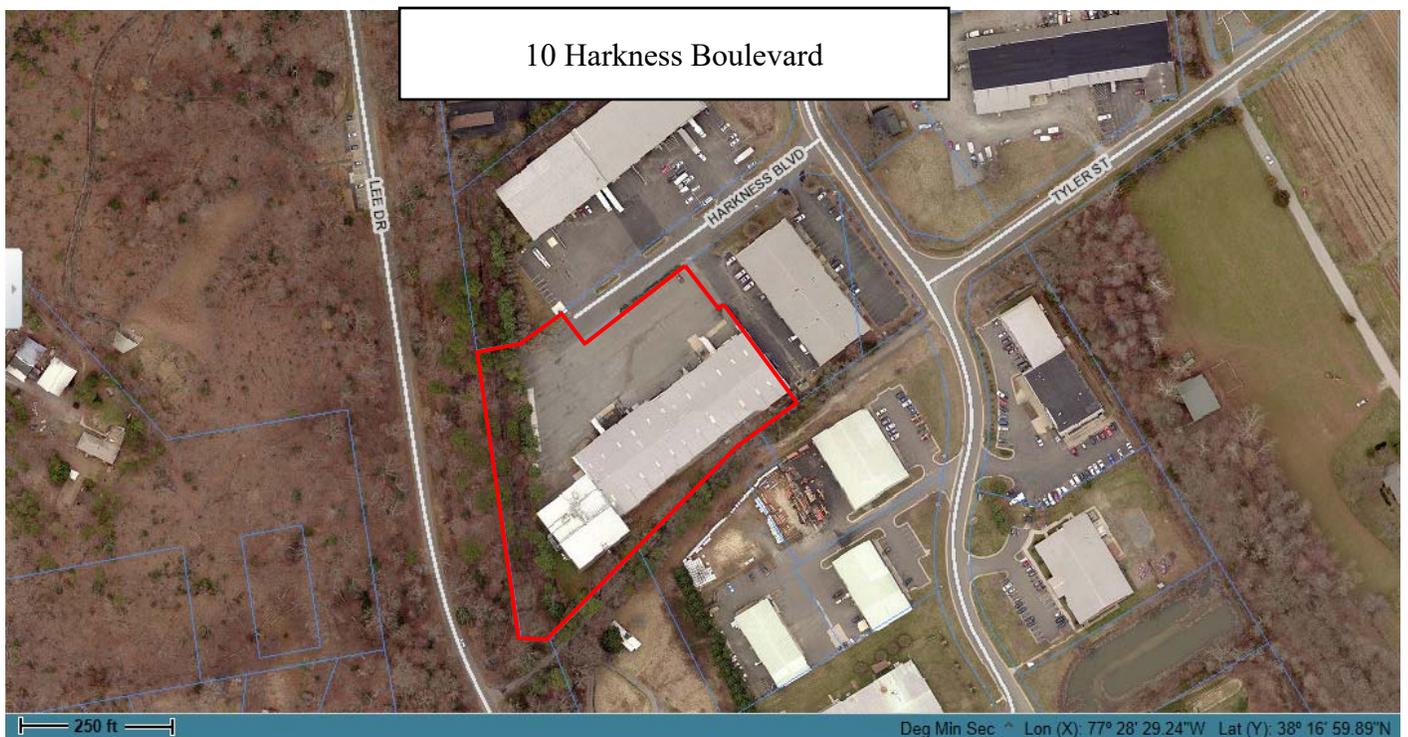


MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: June 12, 2020 (for the June 17, 2020 meeting)
RE: **GreenChip Inc. SUP2020-03** requests a special use permit to operate a recycling center for electronic waste at 10 Harkness Boulevard/GPIN 7778-78-5342. The property owner is Dominion Real Estate LLC. This property is located approximately 300 feet south-west of the intersection of Central Road and Harkness Boulevard, within the Industrial Park. The property is zoned General Industrial (I2).

ISSUE

Proposed special use permit for a recycling center.



RECOMMENDATION

Approval subject to conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment

disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;

3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING – JUNE 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. The National Park Service provided comments about the suitability of the use and are attached to this memo. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 23. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

GENERAL BACKGROUND

GreenChip Inc. wishes to operate a recycling center at 10 Harkness Boulevard. The center would dismantle and recycle both electronic goods and data. This property is 3.85 acres in size. The existing building was built in 1988, and is approximately 53,500 sq. ft. in area. The property is zoned General Industrial (I2).

Adjacent uses include the National Battlefield (to the west), a warehouse (to the north), light manufacturing, a driving clinic, education center (all to the east), and one single family residence (to the south). Per the applicant, the structure is vacant and has been for four years. There is no Certificate of Zoning Use on file with the City. The National Park Service was sent notice of the application on June 2nd.

The applicant currently operates in New York City, and is looking to expand its business. It dismantles electronic devices, processes electronic waste, repurposes materials and destroys data, for a variety of customers including the federal government. Materials are also sent to third-party processors for further recycling or reuse. This center would not process standard household waste, food waste, or other materials. The work is done inside the structure and there will be a screened outdoor storage area. The storage area will hold bales of plastic and metal that have already been processed. As shown on the General Development Plan (GDP) it will be screened.

The applicant will operate the property 24 hours a day. One proposed condition would limit deliveries to between 7am-7pm. It anticipates providing 20 new jobs, with a potential for up to 45 jobs within 3 years. The applicant does not anticipate any odors, visual impact, or other nuisance issues arising from the use. It will maintain a 25 foot-wide landscaping buffer adjacent the single family residence and National Battlefield. Attached photographs taken on May 19th and 20th show what the existing

landscaping buffer looks like from the adjacent residence as well as Lee Drive within the Battlefield Park.

SPECIAL EXCEPTIONS

The applicant requires four special exceptions. The applicant seeks exceptions to the following Code Sections:

- a. 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
The subject parcel contains 3.85 acres.
- b. 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
The proposed recycling center is 30 feet from the closest residential zoning district.
- c. 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
The proposed recycling center is 30 feet from a lot line.
- d. 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.
The proposed operating hours of the recycling center would be continuous with truck delivery limited to 7AM-7PM.

These special exception requests are dealt with in a separate staff report.

HAZARDOUS MATERIAL AND INDUSTRY STANDARDS

There will be no hazardous material stored or processed on site. The Virginia Department of Environmental Quality states that electronic waste is not hazardous material:

"...because there is no class specific exemption for discarded consumer electronics at present, we must default to the basic waste determination and management provisions of the regulations. The regulations do not define e-waste as a listed hazardous waste. Therefore, it is the generator's responsibility to determine if his devices may exhibit a characteristic of a hazardous waste. The generator will bear sole responsibility to determine if his e-waste or its subcomponents are hazardous wastes and manage them accordingly." – VA DEQ Electronics Waste Management Interim Recommendations

The applicant will be required to adhere to all applicable federal, state, and local regulations. It will comply with Occupational Health and Safety Management certification OHSAS 18001:2007. It will adhere to the International Organization for Standardization environmental management system requirements for ensuring the facility operates in such a way as to protect the environment (ISO 14001:2015. ISO 14001:2015 specifies the requirements for an environmental management system as part of an overall environmental management program (<https://www.epa.gov/ems/frequent-questions-about-environmental-management-systems>)). This provides guidance on providing a safe work environment for employees, and was developed by the international certification body Certification Europe. It also adheres to the R2 standard set forth by the Sustainable Electronics Recycling International non-profit. The R2 Certified Electronics Recyclers program sets responsible recycling standards for the industry (<https://sustainableelectronics.org/sites/default/files/R2-2013%20Standard%20%5BENGLISH%5D.pdf>).

Both programs are recognized by the federal Environmental Protection Agency as best practices for the industry. Due to some concerns expressed by the Planning Commission regarding the nature of the items received and the recycling process on-site, staff recommends an additional condition that

the operator shall retain these two certifications for the duration of their use of the site. Per the applicant:

“Green Chip proposes to recycle electronic equipment. We described the type of facility we intend to operate to several DEQ regulators in the solid waste and electronic waste fields. The proposed electronics recycling facility that Green Chip will operate at the 10 Harkness Boulevard location will not be considered a materials recovery facility or solid waste management facility by DEQ. Accordingly, no DPOR license would be required.

As DEQ's website notes, adherence to independent standards such as R2 and e-Stewards is helpful to ensure that electronic equipment recycling is conducted responsibly. Green Chip plans to obtain independent certifications for the Fredericksburg facility as it has done at its two locations in New York City.

Also, electronic equipment generally is considered a "universal waste" under federal law requiring certain storage and handling procedures to be maintained, which Green Chip does at its existing facilities and will do for the Fredericksburg facility, but is not subject to RCRA hazardous waste registration and reporting requirements.”

USE STANDARDS

A recycling center is subject to 13 use standards as laid out in Code §72-41.4.E. These standards were developed to deal with a typical household waste recycling center. The proposed use is an electronic waste recycling and repurposing facility. It accepts only electronic goods and intangible data.

(1) *The center shall be on a parcel with an area of at least five acres.*

This property is 3.85 acres. See special exception request SE2020-01.

(2) *The center shall be located at least 250 feet from any residential district, school, or day care.*

This property is approximately 30 feet from a residential zoned property. See special exception request SE2020-01.

(3) *Except for a freestanding office, no part of the center shall be located within 50 feet of any lot line.*

The existing structure is approximately 30 feet from a lot line. See special exception request SE2020-01.

(4) *All recycling activities and storage areas shall be effectively screened from view by walls, fences, or buildings. Such screening shall be designed and installed to ensure that no part of recycling activities or a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas exceed 20 feet or the height of the principal building on the lot, whichever is greater.*

All recycling work will be done indoors. The 2,000 sq. ft. outdoor storage area will be screened as shown on the GDP.

(5) *All outdoor storage areas shall be surrounded by a solid fence or wall that is at least eight feet high.*

This will be done in accordance with the GDP.

(6) *Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground.*

This will be required for outdoor storage.

(7) There shall be no collection or storage of hazardous or biodegradable wastes on the site.

The applicant states they will not be storing household waste or hazardous waste onsite or process any as part of their work.

(8) Space shall be provided to park each commercial vehicle operated by the center.

The applicant will be required to meet all parking requirements and this will be met while developing the site plan. The applicant will have up to 8 loading bays.

(9) If the center is located within 500 feet of property in a residential zoning district or developed for residential use, it shall not be in operation between the hours of 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site persons during the hours the facility is open.

The applicant wishes to operate a 24-hour continuous operation. Condition 2 would limit deliveries to between 7am-7pm. See special exception request SE2020-01.

(10) The site shall be maintained free of fluids, odors, litter, rubbish, and any other non-recyclable materials. The site shall be cleaned of debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

The applicant states they shall comply with this requirement.

(11) Signage shall include the name and phone number of the facility operator and indicate any materials not accepted by the center.

The applicant states they shall comply with this requirement.

(12) Access to the center shall be from a collector or arterial street.

The recycling center is in the Battlefield Industrial Park, which has direct access to Route 3, a primary arterial.

(13) No dust, fumes, smoke, vibration or odor above ambient level shall be detectable on abutting properties.

The applicant states that no dust, fumes, smoke, vibration or odor above ambient level shall be detectable on abutting properties. All work is done inside the facility.

SPECIAL USE PERMIT ANALYSIS

Special Use Permits applies to the property indefinitely per Virginia Code, regardless of ownership. They are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 9: Downtown. The future land use map identifies this area General Industrial use. This category provides for “*The general industrial category allow for manufacturing, wholesale and limited ancillary retail uses, warehousing, offices, and distribution facilities. These districts are located where they can be served by adequate transportation access.*”

The relevant Opportunity listed for Land Use Planning Area 9 (on page 11(9)-1):

- Continue to develop the City/Battlefield Industrial Park

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the General Industrial (I2) Zoning District is “*to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development. Outdoor storage areas shall be screened where visible from off-site areas.*”

The use of a recycling center in this space fits this definition well. It is a light industrial use, partially screened via landscape from non-industrial uses, with a planned outdoor storage area which will be screened by a solid fence.

(c) In harmony with the existing uses or planned uses of neighboring properties.

The recycling center is located within an existing, functioning Industrial Park. The property is adjacent to a single-family residence, and the National battlefield. During staff visits on May 19 and May 20, 2020, the structure is was from both locations, though it is screened better from the National Park. The structure has been in place since 1988. All proposed work will be inside, with no additions to the structure shown on the GDP. The outdoor storage area is shown on the GDP as being established adjacent to the woodland buffer with the Battlefield.

In considering an application for a Special Use Permit, the City Council shall consider potential adverse impacts including:

1. Traffic or parking congestion;

The site is situated on Harkness Drive and connects to the rest of the Industrial Park via Central Road. The applicant anticipates 10 delivery trucks per day and approximately 20 employee vehicles in the first year with more after. Operating at maximum capacity and staffing, they anticipate 220 vehicle trips per day.

2. Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;

No excessive noise, odor, fumes, or vibration are associated with the proposed use. Delivery of materials is subject to Condition 2 (between 7am – 7pm). All work is performed inside the structure. The outdoor space is used for storage in a screened-off area. It will be located adjacent to the wooded buffer with the Battlefield. The material being recycled is not quickly bio-degradable as regular household waste would be, will emit no noxious fumes that would harm neighboring properties, and will not be equipped with machinery that would affect neighboring properties through vibrations or other nuisance factors. All recycling work is done indoors.

3. Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;

The use constitutes economic development.

4. Undue density of population or intensity of use in relation to the community facilities existing or available;

There are sufficient public utilities to serve the site.

5. **Reduction in the availability of affordable housing in the neighborhood;**
Not applicable, this Special Use application is for a commercial use in an existing building.
6. **Impact on school population and facilities;**
Not applicable, this Special Use application is for a commercial use in an existing building.
7. **Destruction of or encroachment upon conservation or historic districts;**
The location has an existing building and the area is an Industrial Park adjacent to the National Battlefield.
8. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
The applicant states they have conformed to all federal, state, and local laws.
9. **Massing and scale of the project.**
The business will operate within the existing building, no expansion is proposed as part of this Special Use Permit. An outdoor storage area will be created.

CONCLUSION

The request meets the goals of the Comprehensive Plan. The use is in keeping with the character of development within the Industrial Park. The proposed development will bring jobs and increase the tax base. Approval is recommended.

ATTACHMENTS:

1. Resolution
2. Application
3. Narrative
4. GDP
5. Traffic Impact Analysis
6. Staff Pictures from May 19 and 20, 2020



MOTION:

2020 05 22 draft
Regular Meeting
Resolution 20-__

SECOND:

RE: Granting a special use permit for a recycling center at 10 Harkness Boulevard

ACTION:

Green Chip, Inc., as agent for Dominion Real Estate, LLC, owner, has applied to the City Council for a special use permit for a recycling center at 10 Harkness Boulevard. The application includes a General Development Plan entitled "Green Chip Recycling," dated February 2020, last revised February 10, 2020. The subject property is in the General Industrial (I-2) zoning district. A recycling center is permitted in the I-2 zoning district, but only by special use permit.

City Council, after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped, and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring, or community land or structures, or impair their economic, social, or environmental value.

Therefore, the City Council hereby resolves that:

- City Council grants to a special use permit for a recycling center at 10 Harkness Boulevard (GPIN 7778-78-5342), in accordance with the following conditions:
 1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
 2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;
 3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
 4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
 5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
 6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of

electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.
certifications.

Votes:

Ayes:

Nays:

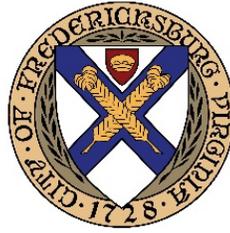
Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-__, adopted at a meeting of the City Council held Date, 2020, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

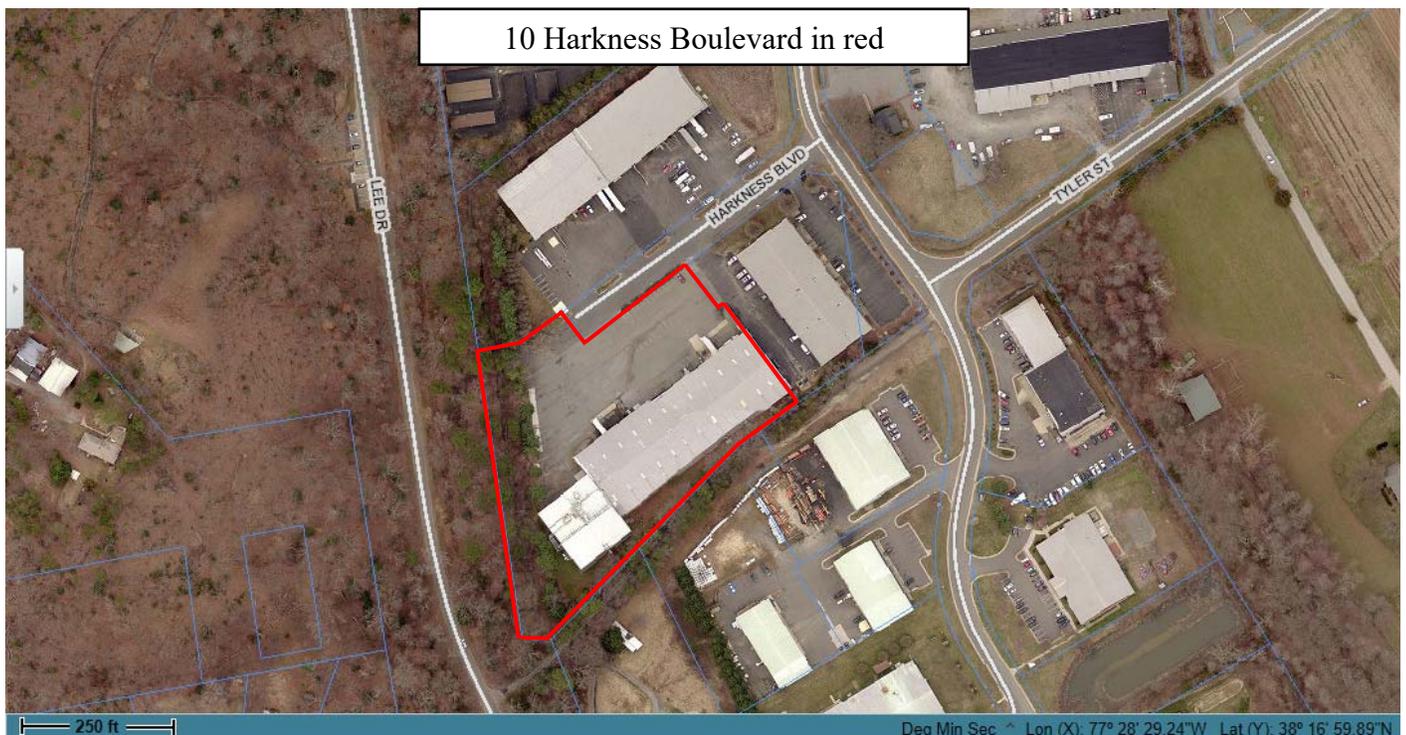


MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: June 12, 2020 (for the June 17, 2020 Meeting)
RE: **GreenChip Inc. SE2020-01** requests a special use permit to operate a recycling center for electronic waste at 10 Harkness Boulevard/GPIN 7778-78-5342. The property owner is Dominion Real Estate LLC. This property is located approximately 300 feet south-west of the intersection of Central Road and Harkness Boulevard, within the Industrial Park. The property is zoned General Industrial (I2).

ISSUE

Four proposed special exceptions for a recycling center



RECOMMENDATION

Approval subject to conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled

commodities, as described in the application;

3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING – JUNE 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. The National Park Service provided comments about the suitability of the use and are attached to this memo. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 23. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

GENERAL BACKGROUND

GreenChip Inc. wishes to operate a recycling center at 10 Harkness Boulevard. The center would dismantle and recycle both electronic goods and data. This property is 3.85 acres in size. The existing building was built in 1988, and is approximately 53,500 sq. ft. in area. The property is zoned General Industrial (I2).

Adjacent uses include the National Battlefield (to the west), a warehouse (to the north), light manufacturing, a driving clinic, education center (all to the east), and one single family residence (to the south). Per the applicant, the structure is vacant and has been for four years. There is no Certificate of Zoning Use on file with the City. The National Park Service was sent notice of the application on June 2nd.

The applicant currently operates in New York City, and is looking to expand its business. It dismantles electronic devices, processes electronic waste, repurposes materials and destroys data, for a variety of customers including the federal government. Materials are also sent to third-party processors for further recycling or reuse. This center would not process standard household waste, food waste, or other materials. The work is done inside the structure and there will be a screened outdoor storage area. The storage area will hold bales of plastic and metal that have already been processed. As shown on the General Development Plan (GDP) it will be screened.

The applicant will operate the property 24 hours a day. One proposed condition would limit deliveries to between 7am-7pm. It anticipates providing 20 new jobs, with a potential for up to 45 jobs within 3 years. The applicant does not anticipate any odors, visual impact, or other nuisance issues arising from the use. It will maintain a 25 foot-wide landscaping buffer adjacent the single family residence and National Battlefield. Attached photographs taken on May 19th and 20th show what the existing

landscaping buffer looks like from the adjacent residence as well as Lee Drive within the Battlefield Park.

The regulations governing a recycling center are extensive and thorough. They were intended to govern a typical household waste/commercial waste recycling facility that dealt with a variety of materials, including food stuffs, waste, and a variety of recyclable materials. This facility will be more limited with much less of an impact compared to a standard recycling center. There will be no odor from containers contaminated with bio-degradable waste. The work done is indoors, done manually and with machines, with no vibrations, fumes, or other nuisance factors that will unduly emanate from the building. Most of the use standards were not designed with this particular facility's operation in mind; the recycling center these standards were created for is simply not what is happening at his facility. This is a type of specialized recycling and repurposing focusing on data management and electronic waste sorting, recycling, and repurposing (including resale of functioning electronics and their components to third parties).

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant requires four special exceptions. The applicant seeks exceptions to the following Code Sections:

- a. 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
- b. 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
- c. 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
- d. 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.

SPECIAL EXCEPTION ANALYSIS

Unified Development Ordinance (UDO) §72-22.7 contains review criteria that the Planning Commission and City Council shall use when evaluating an application for a Special Exception. These criteria are:

1. Consistency with the Unified Development Ordinance

The purpose of the General Industrial (I2) Zoning District is *“to provide for medium to heavy industrial land uses in areas of the City appropriate to adequately serve the physical, transportation access, and environmental impacts of such industrial development. Outdoor storage areas shall be screened where visible from off-site areas.”*

The use of a recycling center in this space fits this definition well, but the use standards do not fit this particular iteration of a recycling center. It is a light industrial use, partially screened via landscape from non-industrial uses, with a planned outdoor storage area which will be screened by a solid fence and which is adjacent to the wooded buffer with the Battlefield. A major site plan will be required for the proposed development. The property is not located within any overlay zone. The special exceptions would provide employment while increasing the commercial tax base. The business would help support local data management and electronics industry businesses.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 9: Downtown. The future land use map identifies this area General Industrial use. This category provides for *“The general industrial category allow for manufacturing, wholesale and limited ancillary retail uses, warehousing, offices, and distribution facilities. These districts are located where they can be served by adequate transportation access.”*

The relevant Opportunity listed for Land Use Planning Area 9 (on page 11(9)-1):

- Continue to develop the City/Battlefield Industrial Park

The requested special exceptions and associated development are in accordance with goals of the Comprehensive Plan:

Goal 3 – Business Development:

“Ensure the City can accommodate and capture its projected share of regional economic growth, by actively recruiting desired new businesses and providing for retail and office space development in areas identified for growth” – pg. 1-9.

Business Opportunity Initiatives (pg.6-11)

1. Make the attraction of new businesses to the City a main focus of economic development along with business retention and expansion.

- 3. Whether there has been a sufficient period of time for investigation and community planning with respect to the application.***

The Technical Review Committee has completed its review and the Applicant has submitted a revised application and GDP based on staff comments.

- 4. Whether the special exception is consistent with the principles of good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, and the characteristics of the property involved.***

Section 72-12 of the UDO states that *“The City Council has adopted this chapter to promote the health, safety, convenience, and general welfare of the public, to plan for the future development of the community, and to accomplish the objectives of the Code of Virginia and the City of Fredericksburg Comprehensive Plan”*. As stated in that Code Section, zoning is intended to be a tool that provides for, amongst other things:

- A. ...Adequate light, air, convenience of access, and safety from fire, flood, impounding structural failure, crime, and other dangers;*
- C. To facilitate the creation of a convenient, attractive, and harmonious community;*
- G. To encourage economic development that provides desirable employment, including high wage jobs, and enlarge the tax base;*
- J. To implement the Fredericksburg Comprehensive Plan and any special area plan adopted by the City;*

The property is not located within a floodplain or floodway. The development will provide employment for citizens and support other electronic and data industry business opportunities. The use will occur within an existing industrial building. It would be keeping in character with the scale of development in the Industrial Park. The use is in keeping with the future land use designation of general industrial.

- 5. Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.***

The lot is 3.85 acres in size with frontage along three streets (Harkness Boulevard, Lee Drive, and a service road), with no extreme contours, or undevelopable wetlands. The site is a prime spot for use, with an approximately 53,500 sq. ft. area building and ample paved area for parking, loading, and outdoor storage needs.

The proposed recycling center is unique in that most of the use standards were not designed with this particular facility's operation in mind; the recycling center these standards were created for is simply not what is happening at his facility. This is a type of specialized recycling and repurposing focusing on data management and electronic waste sorting, recycling, and repurposing (including resale of functioning electronics and their components to third parties). Green Chip Inc. is tailored for the information technology field, not the collection and processing of everyday waste from neighborhoods and businesses. The applicant states that they will provide an outlet for residents and business to drop off unwanted electronic waste, thereby avoiding having it sent to a landfill while at the same time repurposing or recycling it.

6. Whether the proposed exception potentially results in any adverse impacts on the surrounding neighborhood, or the community in general; and if so, whether there are any reasonable conditions of approval that would satisfactorily mitigate such impacts.

The applicant will be bound by the noise ordinance just as all other operations in the Industrial Park are. There will no detectably fumes beyond the facility, conditioned limits on delivery times, and no aspect of the operation that would make it stand out negatively compared to surrounding business. The applicant will be required to adhere to all applicable federal, state, and local regulations. It will comply with Occupational Health and Safety Management certification OHSAS 18001:2007. It will adhere to the International Organization for Standardization environmental management system requirements for ensuring the facility operates in such a way as to protect the environment (ISO 14001:2015. ISO 14001:2015 specifies the requirements for an environmental management system as part of an overall environmental management program (<https://www.epa.gov/ems/frequent-questions-about-environmental-management-systems>). This provides guidance on providing a safe work environment for employees, and was developed by the international certification body Certification Europe. It also adheres to the R2 standard set forth by the Sustainable Electronics Recycling International non-profit. The R2 Certified Electronics Recyclers program sets responsible recycling standards for the industry (<https://sustainableelectronics.org/sites/default/files/R2-2013%20Standard%20%5BENGLISH%5D.pdf>).

Both programs are recognized by the federal Environmental Protection Agency as best practices for the industry. Due to some concerns expressed by the Planning Commission regarding the nature of the items received and the recycling process on-site, staff recommends an additional condition that the operator shall retain these two certifications for the duration of their use of the site. Per the applicant:

“Green Chip proposes to recycle electronic equipment. We described the type of facility we intend to operate to several DEQ regulators in the solid waste and electronic waste fields. The proposed electronics recycling facility that Green Chip will operate at the 10 Harkness Boulevard location will not be considered a materials recovery facility or solid waste management facility by DEQ. Accordingly, no DPOR license would be required.

As DEQ's website notes, adherence to independent standards such as R2 and e-Stewards is helpful to ensure that electronic equipment recycling is conducted responsibly. Green Chip plans to obtain independent certifications for the Fredericksburg facility as it has done at its two locations in New York City.

Also, electronic equipment generally is considered a "universal waste" under federal law requiring certain storage and handling procedures to be maintained, which Green Chip does at its existing facilities and will do for the Fredericksburg facility, but is not subject to RCRA hazardous waste registration and reporting requirements."

CONCLUSION

The request meets the goals of the Comprehensive Plan. The use is in keeping with the character of development within the Industrial Park. The proposed development will bring jobs and increase the tax base. The proposed conditions will limit adverse impacts. Approval is recommended.

ATTACHMENTS

1. Resolution
2. Application
3. Narrative
4. GDP
5. Traffic Impact Analysis



MOTION:

2020 05 22 draft
Regular Meeting
Resolution 20-

SECOND:

RE: Granting special exceptions for a recycling center at 10 Harkness Boulevard

ACTION: APPROVED:Ayes:0;Nays:0

Green Chip, Inc., as agent for Dominion Real Estate, LLC, owner, has applied to City Council for four special exceptions for a recycling center at 10 Harkness Boulevard (GPIN 7778-78-5342). The requested special exceptions are to certain Principal Use Standards for a “recycling center” set out in City Code §72-41.4(E).

The application includes a General Development Plan entitled “Green Chip Recycling,” dated February 2020, last revised February 10, 2020. The request for special exceptions is being made in conjunction with an application for a special use permit for the recycling center use of the property.

The UDO defines a “recycling center” broadly, to include “any facility in which used materials are separated and processed prior to shipment to others for reuse in the manufacture of new or reconstructed products.” Green Chip proposes to use the subject property for an electronics recycling operation.

Therefore, the City Council hereby resolves that:

- Council makes the following findings with respect to the special exception applications: (a) the proposed use is unique and unlikely of recurrence; (b) the grant of the special exceptions is consistent with the City's Comprehensive Plan; (c) the special exceptions are consistent with the goals, purposes and objectives of the City's zoning ordinance; (d) there has been a sufficient period of time for investigation and community planning with respect to the applications; (e) the special exceptions are consistent with the principles of zoning and good zoning practice, including the purposes of the district in which the special exception would be located, existing and planned uses of surrounding land, the characteristics of the property involved, and the adverse impacts of the proposed use; (f) the proposed use or aspect of the development requiring the special exceptions is special, extraordinary or unusual; and (g) the applicant has demonstrated that its application meets all these criteria.

- Pursuant to Section 72.22.7 of the City of Fredericksburg Uniform Development Ordinance, Council hereby grants special exceptions for a recycling center use at 10 Harkness Boulevard (GPIN 7778-78-5342) from:
 1. Section 72-41.4(E)(1) requiring a recycling center to be on a parcel with an area of at least five acres;
 2. Section 72-41.4(E)(2) requiring a recycling center to be at least 250 feet from any residential zoning district;
 3. Section 72-41.4(E)(3) requiring no part of a recycling center other than a free standing office to be located within 50 feet of any lot line;
 4. Section 72-41.4(E)(9) prohibiting the operation of a recycling center between the hours of 7:00 p.m. and 7:00 a.m.
- The special exceptions are granted with the following conditions:

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;
3. The use shall commence within 24 months of the date of adoption of this resolution. The use is permitted only so long as it continues and is not discontinued for more than 24 months;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.
6. Within six months of the commencement of the use the operator shall obtain and throughout the duration of operation shall maintain best industry standards for responsible recycling of electronic equipment, such as the R2 Electronic Recyclers and ISO 14001:2015 certifications.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-, adopted at a meeting of the City Council held _____, 2020, at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council

Michael J. Craig

From: Talken-Spaulding, Kirsten <Kirsten_Talken-Spaulding@nps.gov>
Sent: Wednesday, June 10, 2020 4:15 PM
To: Charles R. Johnston; James D. Newman; Marne E. Sherman; Michael J. Craig
Subject: [EXTERNAL] FRSP MEMO: GreenChip SUP

CORRESPONDENCE TRANSMITTED VIA ELECTRONIC MAIL

United States Department of the Interior

NATIONAL PARK SERVICE
Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

Memorandum

To: City of Fredericksburg, Community Planning & Building Department

From: Office of the Superintendent

Subject: Written comments regarding Green Chip SUP

Thank you for the opportunity to provide comments on the proposed SUP for Green Chip in the industrial park north of the Lee Drive district of the Fredericksburg and Spotsylvania National Military Park. We understand that due to the pandemic in-person meetings have been suspended and all feedback is being provided through written testimony. Please accept this emailed memorandum as such for the national park.

The vegetative screening around the building complex assists with keeping it out of the view shed for park visitors. We note that there is nothing in the proposal that calls for the removal of the screening so we only ask that the buffer be maintained. Also, we note that there **are no**

proposed changes to the building that might change its visibility from the federal lands.

Use Standard #12 states that it is off of Rt. 3, meeting the direction that it be accessed from "a collector or arterial street." Commercial traffic is already prohibited on Lee Drive. We request that the dirt path commonly referred to as "Ceder Lane" be prohibited to commercial and larger-vehicle/truck traffic as well.

Finally, there are a number of special exceptions requested for this permit. Taking these requests case-by-case is critical and allowing an exception for this permittee must not be used as precedent for future requests. That being said, the National Park Service does not have any objection to the exceptions requested, following the recommendation of the city planning office.

As always, should there be questions or further consultation be desired, please do not hesitate to contact me.

Kirsten Talken-Spaulding
Superintendent

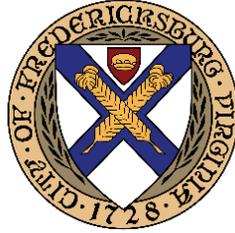
Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

(540) 693-3200 x1010
www.nps.gov/frsp

Preferred pronouns: she/her/hers

PLEASE NOTE: Email checked in the morning, mid-afternoon, and later in the day. If your message needs immediate attention, please call or text me directly.

Confidentiality Notice: This E-mail may contain Privacy Act Data/Sensitive Data, which is intended only for the use of the individual to whom it is addressed. It may contain information that is privileged, confidential or otherwise protected from disclosure under applicable laws.



MEMORANDUM

TO: Chairman Rodriguez and Planning Commission Members
FROM: Marne E. Sherman, Development Administrator
RE: Proposed Amendments to Sign Regulations
DATE: June 12, 2020 (for the June 17, 2020 Meeting)

ISSUE

Shall the Unified Development Ordinance (UDO) be amended to:

- Update sign regulations to allow for additional building signage for multi-story buildings of three or more stories?
- Increase the proportion of signage permitted per building side in the Commercial, Industrial, and Planned Development Districts?
- Differentiate building signage standards for non-residential and mixed-use buildings vs. residential buildings in the Commercial and Planned Development Districts?
- Update the freestanding sign standards in all Planned Development Districts?

RECOMMENDATION

Approval of the draft ordinance to City Council.

ACTION DEADLINE – PLANNING COMMISSION

Virginia Code § 15.2-2285(B) states:

“No zoning ordinance shall be amended ... unless the governing body has referred the proposed amendment ... to the local planning commission for its recommendations. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment ... has been referred to the commission, ..., shall be deemed approval,”

The City Council referred this amendment to the Commission on May 12, 2020. The next Planning Commission meeting was May 27, 2020. One hundred days after that date is September 4, 2020. If the Commission wishes to take action, it would need to do so by its August 26, 2020 meeting.

CITY COUNCIL AND PLANNING COMMISSION PUBLIC HEARING – JUNE 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. One local business owner offered written comments endorsing the amendments and encouraging the Planning Commission and City Council to take action to approve the draft ordinance. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 24. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

PLANNING COMMISSION WORK SESSION – MAY 27, 2020

On May 27, 2020, the Planning Commission held a work session to discuss the proposed text amendments. The Commissioners requested that staff consider the appropriateness of allowing one freestanding sign for parcels along Interstate-95 within the Planned Development-Medical Campus (PD-MC) district in anticipated of the future Veterans Affairs (VA) clinic.

Staff consulted with VA development representatives, who stated that their intent is to use building mounted signage along Interstate-95 and that no interstate directed freestanding sign is needed or has been identified in the VA site selection criteria. Therefore, no changes to the draft ordinance were made.

BACKGROUND

General Building Mounted Signage

In 2019, business community stakeholders requested consideration of changes to the sign ordinance to allow for an increase in the proportion of building signage permitted per building side and additional amount of signage for buildings with multiple floors in all Commercial and Planned Development-Commercial, PD-C Districts. Specifically, owners of multi-tenant buildings and multi-story buildings in Downtown, Central Park, and Celebrate Virginia noted that the code limits their ability to provide adequate advertising space to meet their tenants' needs.

Currently §72-59.6 permits one and a half square feet of building mounted signage per one linear foot of building frontage (the one primary front of a building) in the Commercial and Industrial Districts and one square foot of signage per one linear foot of the entire building perimeter in the Planned Development-Commercial District, regardless of the number of floors in a building. The code limits building mounted signage to a maximum of 200 square feet on any one building side in all Commercial, Industrial, and Planned-Development Districts, regardless of the length of the building.

Changes to increase building signage are recommended and should be relatively consistent in these districts to assist with clarity for all users of the code (staff, the public, and sign companies alike). The draft ordinance proposes:

- Increasing the maximum proportion of building signage permitted on any one building side to 250 square feet or 25 percent of the total building signage allowed, whichever is greater.
- Permitting an additional 0.25 square feet of signage per linear foot of frontage/building perimeter for multi-story buildings of three or more stories.

The changes would make the maximum permitted sign area on any one side of the building more proportionate to the overall scale of the building, crediting longer and taller buildings with more sign area per side.

Residential Building Mounted Signage

As residential projects are being developed in Commercial and Planned Development-Commercial Districts (Valley Run Subdivision and Silver Collection Apartments as examples), it is appropriate to update the code to maintain building signage in residential developments at a residential scale. The proposed change would limit residential buildings to 0.5 square feet of signage per linear foot of building frontage, up to 50 total square feet maximum in Commercial Districts and 0.3 square feet of signage per linear foot of building perimeter, up to 50 square feet maximum in Planned Development Districts, consistent with the current regulations for building signage in Residential and Planned Development-Residential Districts.

Freestanding Signage

In anticipation of the proposed Veterans Affairs Clinic (an institutional use) in PD-MC and the current Fredericksburg Park neighborhood development in Planned Development-Mixed Use, PD-MU, changes to the code would permit overall "development signage" and address the oversight currently in the code, which precludes signage for institutional and residential uses. The proposed regulations are based on the current

PD-C sign regulations and tailored to the scale of development in the PD-MC and PD-MU districts. Amendments for freestanding signs in PD-MC and PD-MU include:

- “Development Signage.” In districts of at least 20 acres, allowing a freestanding sign at a major entrance on a public street right-of-way greater than 70 feet in width. The sign shall not exceed 30 feet in height. The sign shall not exceed 200 square feet. Up to 100 square feet of the total sign area can be used as off-premises signs for uses within the district.
- “Development Signage.” In districts of at least 20 acres, allowing a freestanding sign at each existing major intersection at the boundary of the district, not to exceed 15 feet in height and 100 square feet in sign area.
- Institutional and Residential Uses. Signage on individual parcels would be updated to be consistent with the PD-C standards – generally one sign per parcel, 10 feet in height and 100 square feet in size for single-user signs and 150 square feet in size for multi-user signs.

General “development signage” regulation updates in the PD-C District are recommended to:

- Preclude large scale signage in smaller PD-C districts (less than 150 acres).
- Reduce the tallest permitted sign from 175 feet in height to 150 feet in height. For perspective, the existing Central Park sign along I-95 is 138 feet in height. New signs should be limited to a similar height.
- Define major entrances as public streets with right-of-ways that are greater than 70 feet in width.
- Allow for all styles of freestanding signs, not only monument signs.

PUBLIC INPUT

Through March and April, staff reached out to three sign companies and four private landowners for comment on the proposed ordinance amendments. One company and one landowner endorsed the amendments, one sign company offered editorial changes, which were incorporated, and the remaining stakeholders offered no comment.

ATTACHMENTS

Draft Ordinance (Text Amendments)
City Council Resolution 20-34



MOTION:

DRAFT
[Date]
Regular Meeting
Ordinance No. 20-__

SECOND:

RE: Amending the Unified Development Ordinance §72-59 Signage, to Update Building Signage Standards in Commercial, Industrial, and Planned Development Districts and Update the Freestanding Sign Standards in Planned Development Districts.

ACTION: APPROVED: Ayes: 0; Nays: 0

FIRST READ: _____ SECOND READ: _____

Sec. I Introduction.

The purpose of these amendments is to update the Unified Development Ordinance sign regulations for Commercial, Industrial, and Planned Development Districts. Over the last 12 to 18 months, staff conducted independent research and gathered input from the business community to develop updated standards to reflect the current state of neighborhood development in these districts.

The amendments will increase the amount of building mounted signage allowed per side and for buildings with multiple floors in the Commercial, Industrial, and Planned Development Districts and provide a standard for building mounted signage on residential buildings in the Commercial and Planned Development Districts. The update will also revise the freestanding sign standards in all Planned Development Districts to provide for freestanding “development signage” and for institutional and residential uses in these districts, as these uses are beginning to increase in number. Finally, the changes will also update the freestanding sign regulations in the Planned Development – Commercial District to preclude large scale signage in smaller PD-C districts, reduce maximum sign height, define major entrances, and allow styles other than monument signs.

The City Council adopted a resolution to initiate this text amendment at its meeting on _____. The Planning Commission held its public hearing on the amendment on _____, after which it voted to recommend the amendment to the City Council. The City Council held its public hearing on this amendment on _____.

In initiating these amendments, the City Council has considered the factors listed in Code of Virginia § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare, and good zoning practice favor the amendments.

Sec. II. City Code amendment.

Article 72-5, Development Standards, Section 72-59, Signage, of the Fredericksburg City Code, is hereby amended as follows:

Section 72-59.6, Sign regulations by type of sign: building-mounted and freestanding, subsection A (1) is hereby amended to delete the language shown in strikethrough and add the underlined language as follows:

72-59.6 Sign regulations by type of sign: building-mounted and freestanding.

A. Residential, Planned Development-Residential, Commercial, and Industrial Districts.

(1) Building-mounted signs are permitted as follows:

Building-Mounted Signs			
Zoning District	Residential and planned development-residential <u>Planned Development - Residential</u>	Commercial	Industrial
Maximum area	0.5 square feet of <u>signage</u> per linear foot of building front (up to 50 square feet)	<p><u>Non-residential and Mixed-use Buildings:</u></p> <p>1.5 square feet of <u>signage</u> per linear foot of building front (up to 200 <u>250</u> square feet <u>or 25% of the total building mounted signage allowed, whichever is greater, per building side)</u></p> <p>and</p> <p><u>Additional 0.25 square feet of signage per linear foot of building front for buildings with three or more stories</u></p> <p><u>Residential Buildings:</u></p> <p><u>0.5 square feet of signage per linear foot of building front (up to 50 square feet)</u></p>	1.5 square feet of <u>signage</u> per linear foot of building front (up to 200 <u>250</u> square feet <u>or 25% of the total building signage allowed, whichever is greater, per building side)</u>

Building-Mounted Signs			
Zoning District	Residential and planned development-residential <u>Planned Development - Residential</u>	Commercial	Industrial
Illumination	No	Yes	Yes
Maximum projection	42 inches from wall	42 inches from wall	42 inches from wall
Minimum clearance if projecting more than 6 inches	8 feet above pedestrian travel way, 15 feet above vehicle travel path		
Other	Only permitted for nonresidential uses permitted as a principal use.	Each building containing a commercial use in C-D may have additional building-mounted signage advertising off-premises nonresidential uses, of up to 4 square feet per off-premises use and up to 16 square feet total.	Three or more businesses that are not adjacent to an arterial or collector road may jointly erect 1 freestanding sign off-site, which shall not exceed 10 feet in height and 100 square feet in area. The sign shall be located within 1,000 feet of the businesses being advertised and be on property zoned I-1 or I-2.

Section 72-59.6, Sign regulations by type of sign: building-mounted and freestanding, subsection B, Planned Development Districts, is hereby amended to delete the language shown in strikethrough and add the underlined language as follows:

- B. Planned Development Districts. A signage design package is required for all signs in PD-C, PD-MU, PD-MC Districts that will have multiple land uses or multiple development phases.
 - (1) The Zoning Administrator may approve minor amendments to a signage design package. The Zoning Administrator has the sole discretion to determine whether an amendment to a package is minor.
 - (2) Signage design package review process.

- (a) The applicant shall submit a signage design package for approval by the Zoning Administrator with either the final site design for the first phase of development or before construction of the first phase of lot or site development.
- (b) The Zoning Administrator shall review the proposed signage design package within 60 days. The package may be returned to the applicant for changes or modifications. A changed or modified package that addresses departmental comments and is resubmitted shall be approved or denied within 45 days. The applicant may file an appeal of the Zoning Administrator's decision to the BZA.
- (3) A signage design package:
 - (a) Shall contain only signs with consistent colors and fonts (excepting business logos), lighting, and construction materials.
 - (b) May contain any types of signs that the Zoning Administrator deems to be consistent with the overall planned development district.
 - (c) Specify the types of materials proposed for construction or use on the project's various signs. Sign poles, supports, panels, attachments, lettering and visible base materials must be identified. Individual purchasers or lessees of project property may select sign materials for their individual signs where the package so allows.
- (4) Upon approval of the signage design package by the Zoning Administrator, all new signs within the boundaries of the PD-C, PD-MU, or PD-MC project shall adhere to the standards of the approved signage design package.
- (5) All signage design packages shall be in conformance with all sign permit requirements of § 72-59.
- (6) In addition to the general signage design package regulations, the regulations in this section apply to signs in all PD-C districts.
 - (a) In PD-C districts of at least 150 acres, PD-C development projects will be permitted the following signs:
 - [1] A freestanding sign not to exceed 1,000 square feet in sign panel area or ~~175~~ 150 feet in height, which may be illuminated.
 - [2] A ~~monument~~ freestanding sign at a major entrance ~~52 feet in width~~ adjacent to a public street right-of-way greater than 70 feet in width. The sign shall not exceed 60 feet in height

(excluding architectural treatments). The sign shall not exceed 200 square feet, except that up to 30 users in the development may each have up to 130 additional square feet of space on the ~~monument~~ freestanding sign as an off-premises sign.

[3] A ~~monument~~ freestanding sign at each existing major intersection at the boundary of the ~~parcel~~ district, not to exceed 15 feet in height and 250 square feet in sign area.

(b) Individual parcels within a PD-C may be permitted:

[1] ~~Building-mounted signage. signs of up to one square foot for each linear foot of building perimeter, up to 200 square feet of signage per building side.~~

<u>Non-residential and Mixed-use Buildings</u>	<u>Residential Buildings</u>
<p><u>Building-mounted signage of up to one square foot for each linear foot of building perimeter (up to 250 square feet of total building-mounted signage or 25% of the total building-mounted signage allowed, whichever is greater, per building side)</u></p> <p><u>and</u></p> <p><u>Additional 0.25 square feet of building-mounted signage per linear foot of building front for buildings with three or more stories.</u></p>	<p><u>Building-mounted signage of up to 0.3 square feet per linear foot of building perimeter (up to 50 square feet of total building-mounted signage per building side)</u></p>

[2] A ~~monument~~ freestanding sign up to 10 feet high and 100 square feet in area. A ~~monument~~ freestanding sign identifying more than one user may be up to 150 square feet in area.

[3] An off-premises ~~monument~~ freestanding sign up to 10 feet high and 100 square feet in area if the subject of the sign is on a site or lot of at least 100,000 square feet that does not abut a four-lane major thoroughfare, and the sign is located within 300 feet of the subject.

[4] Two signs are permitted for each stacking lane of an accessory drive-through use. The signs shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area. One sign is limited to six feet in height and 30 square feet in area. One sign is limited to six feet in height and 15 square feet in area. Signs shall be installed within 10 feet of the drive-through lane.

(7) In addition to the general signage design package regulations, the regulations in this section apply to signs in all PD-MU and PD-MC districts.

(a) ~~Commercial, industrial, or retail properties housing one or more tenants may not exceed 1.5 square feet of sign area for each linear foot of building frontage. No total sign area, including the area of any freestanding sign, may exceed 200 square feet in area.~~

In PD-MU and PD-MC districts of at least 20 acres, development projects will be permitted the following signs:

[1] A freestanding sign at a major entrance adjacent to a public street right-of-way greater than 70 feet in width. The sign shall not exceed 30 feet in height. The sign shall not exceed 200 square feet. Up to 100 square feet of the total sign area can be used as off-premises signs for uses within the district.

[2] A freestanding sign at each existing major intersection at the boundary of the district, not to exceed 15 feet in height and 100 square feet in sign area.

(b) ~~Freestanding signs for commercial, industrial, or retail properties may not exceed 15 feet in height. Individual parcels within a PD-MU and PD-MC may be permitted:~~

[1] Building-mounted signage.

<u>Non-residential and Mixed-use Buildings</u>	<u>Residential Buildings</u>
<u>Building-mounted signage of up to one square foot for each linear foot of building perimeter, up to 250 square feet of total building-mounted signage or 25% of the total building-mounted signage allowed, whichever is greater, per building side</u> <u>and</u>	<u>Building-mounted signage of up to 0.3 square feet per linear foot of building perimeter, up to 50 square feet of total building-mounted signage per building side</u>

<p><u>Additional 0.25 square feet of building-mounted signage per linear foot of building front for buildings with three or more stories</u></p>	
--	--

[2] A freestanding sign up to 10 feet high and 100 square feet in area. A freestanding sign identifying more than one user may be up to 150 square feet in area.

[3] An off-premises freestanding sign up to 10 feet high and 100 square feet in area if the subject of the sign is on a site or lot of at least 100,000 square feet that does not abut a four-lane major thoroughfare, and the sign is located within 300 feet of the subject.

~~(e)~~[4] Two signs are permitted for each stacking lane of an accessory drive-through use. The signs shall not be included in calculating the number of freestanding signs or in calculating the total aggregate sign area. One sign is limited to six feet in height and 30 square feet in area. One sign is limited to six feet in height and 15 square feet in area. Signs shall be installed within 10 feet of the drive-through lane.

Sec. III. Effective date.

This ordinance becomes effective immediately.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Approved as to form:

Kathleen Dooley, City Attorney

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Ordinance No. 20-__ duly adopted at a meeting of the City Council meeting held Date, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council



MOTION: GRAHAM

May 12, 2020
Regular Meeting
Resolution 20-34

SECOND: WITHERS

RE: Initiating Amendments to the Unified Development Ordinance, §72-59 Signage, to Update Building Signage Standards in Commercial, Industrial, and Planned Development Districts and Update the Freestanding Sign Standards in Planned Development Districts

ACTION: APPROVED: Ayes: 7; Nays: 0

The purpose of these amendments is to revise the sign regulations of the Unified Development Ordinance to:

- 1) allow additional building signage per side and for buildings with multiple floors in the Commercial, Industrial, and Planned Development Districts. The proposed amendment would increase the maximum building signage permitted on any one building side to 250 square feet or 25 percent of the total building signage allowed, whichever is greater. It would also permit an additional 0.25 square feet of signage per linear foot of frontage/building perimeter for buildings with three or more stories.
- 2) differentiate the building signage standards between non-residential or mixed-use buildings and residential buildings in the Commercial and Planned-Development Districts. The proposed change would add a specific standard for residential buildings, limiting them to 0.5 square feet of signage per linear foot of building frontage, up to 50 total square feet maximum in Commercial Districts and 0.3 square feet of signage per linear foot of building perimeter, up to 50 square feet maximum in Planned Development Districts.
- 3) Update the freestanding sign standards in all Planned Development Districts. Currently, the Code does not provide for freestanding “development signage” for institutional and residential uses in these districts. In anticipation of increased development of this type, the proposed amendments would add standards to permit freestanding signs at major entrances and intersections for institutional and residential uses. The proposed changes also update the existing freestanding sign regulations in the PD-C to preclude large scale signage in smaller PD-C districts, reduce maximum sign height, define major entrances, and allow styles other than monument signs.

The proposed amendments provide updates that reflect the evolving needs and developmental trends in these districts, and they have been developed in consultation with business community stakeholders.

In initiating these amendments, the City Council has considered the factors listed in Code of Virginia § 15.2-2284. The City Council has determined that public necessity, convenience, general welfare, and good zoning practice favor the amendments.

Therefore, the City Council hereby resolves that:

- The City Council initiates amendments to City Code Chapter 72, the Unified Development Ordinance, as described above.
- The City Council refers this proposal to the Planning Commission for review, public hearing, and recommendation under the procedures set forth in City Code § 72-22.1.

Votes:

Ayes: Greenlaw, Withers, Devine, Duffy, Frye, Graham, Kelly

Nays: None

Absent from Vote: None

Absent from Meeting: None

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-34, adopted at a meeting of the City Council held May 12, 2020, at which a quorum was present and voted.



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



TO: Chairman Rodriguez and Planning Commission Members
FROM: Erik F. Nelson, Transportation Administrator
DATE: June 12, 2020 (for the June 17, 2020 Meeting)
RE: **Comprehensive Plan Amendment, Proposed**

Introduction

The City of Fredericksburg is developing four funding applications to be submitted under the Virginia Department of Transportation's Smart Scale program. The review process will score submittals from around the Commonwealth and one basic criterion is that applications must reflect the locality's Comprehensive Plan. This matter is time-sensitive in that these applications must be submitted by the end of July 2020.

At its meeting on May 26, the City Council initiated an amendment to Chapter 3 of the Comprehensive Plan, and referred it to the Planning Commission for public hearing and recommendation.

Recommendation

On June 17, 2020, the Planning Commission should recommend approval of the Comprehensive Plan Amendment to City Council. On June 23, 2020, the City Council is scheduled to take action on first and second read.

City council and planning commission public hearing – June 10, 2020

On June 10, 2020, the City Council and the Planning Commission held a joint public hearing to discuss the proposed text amendments. No public comments were received. The public can continue to offer written comments until the Planning Commission meeting on June 17 and the City Council meeting on June 23. Any additional comments received will be forwarded to the Planning Commission and City Council and read into the record at the meetings.

Funding Requests

The Commonwealth of Virginia provides significant transportation funding through the Virginia Department of Transportation's Smart Scale program. By an August 1, 2020 deadline, City staff will submit applications to fund the following projects:

Project	Total Cost/ Requested Funds	Leveraged Funds
Gateway Boulevard, extended – VA Route 3 to Cowan Boulevard	\$49,469,371/ \$29,369,371	ROW donation valued at \$8.1 million; City funds \$12 million
U.S. Route 1 STARS – Route 3 off-ramp signals/Spotsylvania Avenue intersection improvements	\$8,373,474	None
U.S. Route 1 STARS – Augustine Avenue intersection improvements	\$1,710,339	None
Idlewild Boulevard to VCR Trail - 900 foot trail, 70 foot bridge, crosswalk at Kings Mill	\$1,904,311/ \$1,504,311	\$400,000 in Congestion Management/Air Quality (CMAQ) funds

Code of Virginia Section 15.2-2230 requires that a jurisdiction’s Comprehensive Plan be reviewed every five years. While Fredericksburg’s overall plan has been under review during the development of several Small Area Plans, the list of transportation projects needs to be amended to include a reference to the proposed trails project as well as to reflect better defined roadway projects.

In general, improved modelling capabilities has allowed planning to move beyond vehicle-to-pavement ratios that have too often been the basis of important transportation decisions. Those quantitative studies needed to always be evaluated through a qualitative analysis. Better computer models today more effectively integrate the quantitative/qualitative factors, to better identify needed improvements. The added benefit is that solutions can be found that are more affordable and therefore more financially sustainable. As a consequence, the transportation element of the City’s Comp Plan can be made clearer.

Staff has combined Tables 3-2 and 3-3 in the existing Comp Plan, and developed a new Table 3-2. The revised table gets cleaned up through removal of completed projects and then ensures that the remaining planned projects are better defined. In addition, the previous use of two tables reflected the financially-constrained and unconstrained projects lists in the FAMPO long range plan. Such distinctions are not useful in a local Comp Plan and can be confusing. The new table also arranges planned projects by type – such as interstate, roadway, bridge, and bicycle-pedestrian.

Summary of changes:

Interstate – the new interchange project is consolidated from two entries to one; HOT lanes are removed as these are under construction; the northbound off-ramp at Route 3 is inserted to support the Gateway Blvd project; and the VCR Trail tunnel is added, as specified in the adopted Fredericksburg Pathways Plan (2018)

Roadways – Completed projects are deleted and planned projects are given more definition. No new projects.

Bridges – Completed projects are deleted and planned projects are given more definition. Two new bridges are added (from the adopted Fredericksburg Pathways Plan) to remove the at-grade crossings of the VCR Trail at the Blue and Gray Parkway and U.S. Route 1.

Bicycle-Pedestrian Facilities – A reference is added for the adopted Fredericksburg Pathways Plan (2018)

Only the new table is proposed as an amendment. No text will be changed.

Impacts to Capital Improvement Program

The projects being submitted to VDOT will bring in state and federal funds, if successful, to add to the City's CIP. One project, however, has a commitment of \$12 million in local funds.

Fredericksburg Comprehensive Plan (2015)
Amendments to Chapter 3 – Transportation

Interstate Highway Projects

Interstate Project	Location	Description	Comments
Interstate-95 interchange	Mile Post 131	Construct new interchange	Interchange Justification Report (IJR) required first step
Interstate-95 northbound off-ramp	State Route 3 interchange	Reconfigure and signalize off-ramps	Modifications to make Gateway Boulevard intersection functional
Interstate-95 bicycle-pedestrian crossing	VCR Trail	Tunnel through embankment	Coordinate with Spotsylvania County and Kingswood HOA

Roadway Projects

Street Name	Location	Description	Comments
Lafayette Boulevard	Charles Street and Kenmore Avenue	Two roundabouts, bus pull-off, and bicycle-pedestrian facilities	Included in VDOT's Six Year Improvement Program
Lafayette Boulevard	St. Paul Street to South City Limits	Reconfigure roadway, to include roundabouts, multi-use trail and sidewalks	Study in progress
Gateway Boulevard 1	Between State Route 3 and Cowan Boulevard	New 4-lane, divided roadway, with internal roundabouts, multi-use trail, and sidewalks	Route 3 intersection includes potential modifications to Mahone Drive & Ramseur Street
Gateway Boulevard 2	Between Cowan Boulevard and Fall Hill Avenue	New 4-lane, divided roadway, with multi-use trail and sidewalks	
William Street	From Interstate-95 to Dixon Street	Operational improvements	Included in VDOT's Six Year Improvement Program
U.S. 1 Bypass	Princess Anne Street and Hanson Avenue	Operational improvements	Included in VDOT's Six Year Improvement Program
U.S. 1 Bypass	Augustine Avenue	Operational improvements	

U.S. 1 Bypass	Route 3 off-ramp and Spotsylvania Avenue	Off ramp signals; intersection improvements	
Dixon Street (Route 2/17)	Dixon Park to Beulah-Salisbury Road	Widen to 4-lane, divided roadway, with multi-use trail and sidewalks	Similar Tidewater Trail improvements as road extends into Spotsylvania County
Lansdowne Road	Intersection at Dixon Street		Included in VDOT's Six Year Improvement Program
Lansdowne Road	From Tidewater Trail to West City Limits	Widen to 4-lane, divided roadway, with multi-use trail	Similar improvements as road extends into Spotsylvania County
Carl D. Silver Parkway	Celebrate Virginia, South	New 4-lane divided roadway	
Fall Hill Avenue/Cowan Boulevard Connector	Connecting road	To Be Determined	Road needed to retrofit a grid pattern over the existing network
Re-establish two-way traffic pattern	Fall Hill Avenue and Washington Avenue	Restripe existing streets	

Bridge Projects

Bridge Name	Location	Description	Comments
Falmouth Bridge	U.S. Route 1 Bypass, in both City and Stafford	Replace bridge	Includes bicycle-pedestrian route
Rappahannock Canal Bridge	U.S. Route 1 Bypass	Replace entire bridge	Includes bicycle-pedestrian connections
VCR Trail Bridge	Hazel Run	New bridge	Active Smart Scale project
VCR Trail Crossing 1	Blue & Gray Parkway	New bridge	Grade separation project
VCR Trail Crossing 2	U.S. Route 1 Bypass	New bridge	Grade separation project

Bicycle-Pedestrian Projects

Bicycle-pedestrian projects, as contained in the Fredericksburg Pathways Plan, adopted in July 2018, and in Small Area Plans, as they are formally adopted.



MOTION:

June __, 2020

SECOND:

Regular Meeting
draft Resolution No. 20-__

RE: Amending the Comprehensive Plan to update Fredericksburg’s transportation projects identified in the FAMPO 2040 Constrained Long Range Plan and Projects Not Yet Included in the Long Range Plan.

ACTION: APPROVED; Ayes: 0; Nays: 0

The purpose of this amendment is to amend the Comprehensive Plan to update Fredericksburg’s transportation projects identified in Tables 3-2 and 3-3, “FAMPO 2040 Constrained Long Range Plan,” and “Projects Not Yet Included in the Long Range Plan,” respectively. These tables are found in Chapter 3, “Transportation.”

The City Council and Planning Commission held a joint public hearing on these amendments on June 10, 2020. The Planning Commission recommended adoption of the amendments at its meeting on June __, 2020. City Council finds that these amendments will improve the public health, safety, convenience, and welfare of residents and plan for the future development of the City to the end that transportation systems be carefully planned.

Therefore, the City Council hereby resolves that Chapter 3 of the Comprehensive Plan is amended to adopt the tables titled, “Interstate Highway Projects,” “Roadway Projects,” “Bridge Projects,” and “Bicycle-Pedestrian Projects,” as submitted for approval.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20- duly adopted at a meeting of the City Council meeting held June, 2020 at which a quorum was present and voted.

Tonya B. Lacey, CMC
Clerk of Council