PLANNING COMMISSION
CITY OF FREDERICKSBURG, VIRGINIA AGENDA
SEPTEMBER 16, 2020
7:30 P.M.
ELECTRONIC SPECIAL MEETING

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1. Call To Order E-Meeting

   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. September 9, 2020 Draft Minutes

   Documents:

   SEPTEMBER 9, 2020 DRAFT MINUTES.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, or (3) 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. Unfinished Business

7.I.i. SE2020-05, Hanover House, 100, 106 & 108 Hanover And 718 Sophia Streets

7.I.i.1. Hanover House

Documents:

HANOVERHOUSE_2020-09-16_PC_MEMO.PDF

7.I.ii. SE2020-04, Haven For Heroes, 315/317 McKinney Street

7.I.ii.1. McKinney Street Duplex

Documents:

MCKINNEY_PC MEMO_2020_09_16.PDF

7.I.iii. SUP2020-04, Crown Trophy, 1529 Olde William Street

8. 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, ir (3) 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 3 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.

9. Other Business

9.I. Planning Commissioner Comment

9.II. Planning Director Comment

10. Adjournment

City of Fredericksburg, Virginia

CITY OF FREDERICKSBURG
PLANNING COMMISSION MINUTES
September 9, 2020
7:30 p.m.
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL

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/f9g4ssl6px

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

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

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

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1. CALL TO ORDER
This meeting was held live and 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 attend in person with social distancing practices and masks required or 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.

Chairman Rodriguez 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 members were present.

4. APPROVAL OF AGENDA
Mr. Gantt moved for approval of the agenda as submitted. Mr. Slominski seconded.
Motion passed 7-0.

5. APPROVAL OF MINUTES

A. June 24, 2020
B. July 8, 2020

Chairman Rodriguez suggested a combined motion for approval of the minutes. Mr. Hornung motioned to approve both sets of minutes. Mr. Durham seconded.
Motion passed 7-0.

6. DECLARATION OF CONFLICT OF INTEREST

None.

7. PUBLIC HEARING

A. **Thomas Mitchell** requests a Special Exception to amend the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street. **SE2020-05**

Mr. Newman reviewed the staff report with a power point presentation (Att. 1) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Tommy Mitchell was present electronically.

Mr. Durham questioned how the four on-street public parking spaces become the property of this project. Mr. Craig stated that there are currently seven diagonal spaces that will be converted to four parallel on-street parking spots. While they are not specifically designated for this project, they are allowed to be counted toward the parking requirement. Mr. Durham asked for further specifications on the pedestrian crossings mentioned for Sophia and Hanover Streets. Mr. Johnston said that pedestrian crossing markings are there, but will change based on the design for Riverfront Park, which will include a sidewalk bump-out on Sophia Street and curbside parking on the Park side on Sophia, but no curbside parking in front of the project.

Chairman Rodriguez asked how many handicapped spaces are required for this project. Mr. Newman stated one space is required. Chairman Rodriguez asked if there was a mechanism to designate one of the four public on-street parking spaces as handicapped. Mr. Johnston stated this inquiry would have to be made through the City Public Works and staff would consult with them.

Applicant had no presentation, no written public comments had been received, and no public speakers were present. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

B. **Haven for Heroes Inc**. requests a Special Exception for a Duplex at 315/317 McKinney Street. **SE2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 2) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Barzel McKinney was present electronically.

Mr. Pates questioned Council's recent approval of a change to the definition of a duplex and whether that would affect this property. Mr. Newman stated Council modified the definition on September 8, 2020, which was considered by the Planning Commission and recommended for approval in March 2020. Mr. Craig explained the change and the effect on this property.

Mr. Durham asked for confirmation that Lots 56, 57, and 58 are what was shown in the staff report map. Mr. Newman stated that based on the survey and the deed provided in the application the property includes all three lots. Mr. Newman stated that the red boundary lines encapsulate the approximate location of the lots, it is based on GIS, not survey accurate. Mr. Durham questioned whether the driveway is included in

the three lots. Mr. Newman said yes, but further clarified that this will be confirmed when a survey of the property is prepared.

Mr. Gantt asked about the Building Code and the proposed use of the property to house low income or disabled veterans. Mr. Newman deferred to the applicant who stated the improvements would consist of universal design elements accommodating wheelchair accessibility. The prospective tenants come from case managers from Veterans' Affairs (VA) and not all are disabled, the proposed improvements would accommodate disabled vets. Mr. Gantt asked if the VA would be inspecting the homes upon completion of the project. Applicant stated yes, the VA would be inspecting the property prior to occupancy.

Chairman Rodriguez asked whether affordable housing was addressed. Mr. Newman said there is language in the staff report if the Commission wants to add a condition requiring affordable housing. Mr. Newman said that this structure was designed to be a duplex and while affordable housing is a good goal, the main goal is to return this structure to a usable duplex. Discussion ensued regarding whether the Commissioner's support a condition of affordable housing for this project. Mr. Johnston noted that Council is working on affordable housing directives regionally and they will be coming to the Commissioner for review. Applicant noted that the U.S. Department of Housing Urban Development (HUD) guidelines are followed and discussed how the VA works with HUD to determine the affordability and the amount of subsidizing that might be necessary.

Chairman Rodriguez asked staff about the current condition of the property. Mr. Newman said that the visual conditions of the property have been improved, no City action has been taken in the last eight years, the property has never been condemned, and is structurally sound.

Mr. Hornung noted that he sees no need for a condition to be added to the Special Use Permit regarding affordable housing eligibility as this is how the applicant's program Haven for Heroes is structured. Additionally, any conditions made with a Special Exception will always run with the property and shouldn't be done to single family structures. Mr. Pates agreed with Mr. Hornung and also commended applicant on this project.

Applicant had no presentation and no public written comments had been received. One public speaker was present.

Christopher Page, 321 McKinney Street, stated he had concerns with the project due to the uncertainty of knowing who may move into the neighborhood and possible drug, alcohol, or mental issues. Mr. Page is also concerned if the project will actually be completed.

Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

Mr. Durham asked applicant if he wished to respond to Mr. Page's concerns. Applicant said that upon approval by City Council, this project will be completed in 2021. Applicant further noted that the potential veterans are typically chosen by VA based on family size and are typically transitioning families. The case managers have assured Haven for Heroes that these veterans do not have medical or mental risk factors nor do they have major disabilities. Mr. Durham asked what was the specific VA program applicant is using. Applicant said the program is HUD VA Supportive Housing (VASH) (https://www.va.gov/homeless/hud-vash.asp) and discussed various aspects of the program. Mr. Durham requested staff to include some of this background information when this matter goes to Council so they understand the relationship between Haven for Heroes and HUD-VASH.

C. **Crown Trophy** requests a Special Use Permit to allow for a retail sales establishment at 1529 Olde William Street. **SUP2020-04**

Mr. Newman reviewed the staff report with a power point presentation (Att. 3) and noted that a vote on this matter would be taken at the September 16 Planning Commission special meeting. Applicant Crown Trophy and their representative Ron Hicks were present electronically.

There were no questions or discussion from the Commissioners, no public written comments were received, and no public speakers. Chairman Rodriguez noted that the public hearing would remain open until September 16, 2020 for further time to receive public comments, with the vote planned for that session.

8. GENERAL PUBLIC COMMENT

None.

9. OTHER BUSINESS

A. Status of Land Use Annual Report

Mr. Craig reviewed the matter for the Commissioners to start updating for this year's report. He included several updated maps for the Commissioners' review (Att. 4). Mr. Durham asked if the draft sent to the Commissioners has been updated with the information presented tonight. Mr. Craig said he didn't believe this information would account for any changes in the draft, but he will review it.

B. Planning Commissioner Comments

None.

C. Planning Director Comments

Mr. Johnston said the City Council, at its September 8, 2020 meeting, approved the establishment of the Creative Maker Zoning District and the rezoning to this district of portions of the Area 6, Princess Anne/Route 1 North, Small Area Plan. He also said Council approved the amendment of the City Comprehensive Plan for the Area 7, Downtown, Small Area Plan, amendment of the Unified Development Ordinance parking regulations, and UDO amendments regarding duplex and other housing-type definitions.

Mr. Johnston discussed what work staff will be doing on follow up to the Downtown Plan, such as addressing density issues, so special exceptions will not be necessary.

Mr. Johnston reminded the Commission that an electronic special Commission meeting is scheduled for next week for votes on tonight's public hearing matters, and these items will be going to a Council public hearing on September 22, 2020. Additionally, a joint electronic work session will be held with Council on September 23 to further discuss small area plans for Areas 1 and 2.

9. ADJOURNMENT

There being no further items to be discussed, the Planning Commission meeting adjourned at 8:42 p.m.

Next meeting is September 16, 2020.

_____

Rene Rodriguez, Chairman

DRAFT

Hanover House by Thomas Mitchell:
Special Exception for a revised General Development Plan

SE2020-05

Overview

- Issue: Special Exception to revise the approved General Development Plan (GDP).
- Reduction in width of building, commercial space
- Has 24 residential units, including 4 units for affordable housing
- 24 parking spaces provided on-site with 4 on-street
- **Recommendation**: Approval subject to conditions

Location – Hanover/Sophia intersection

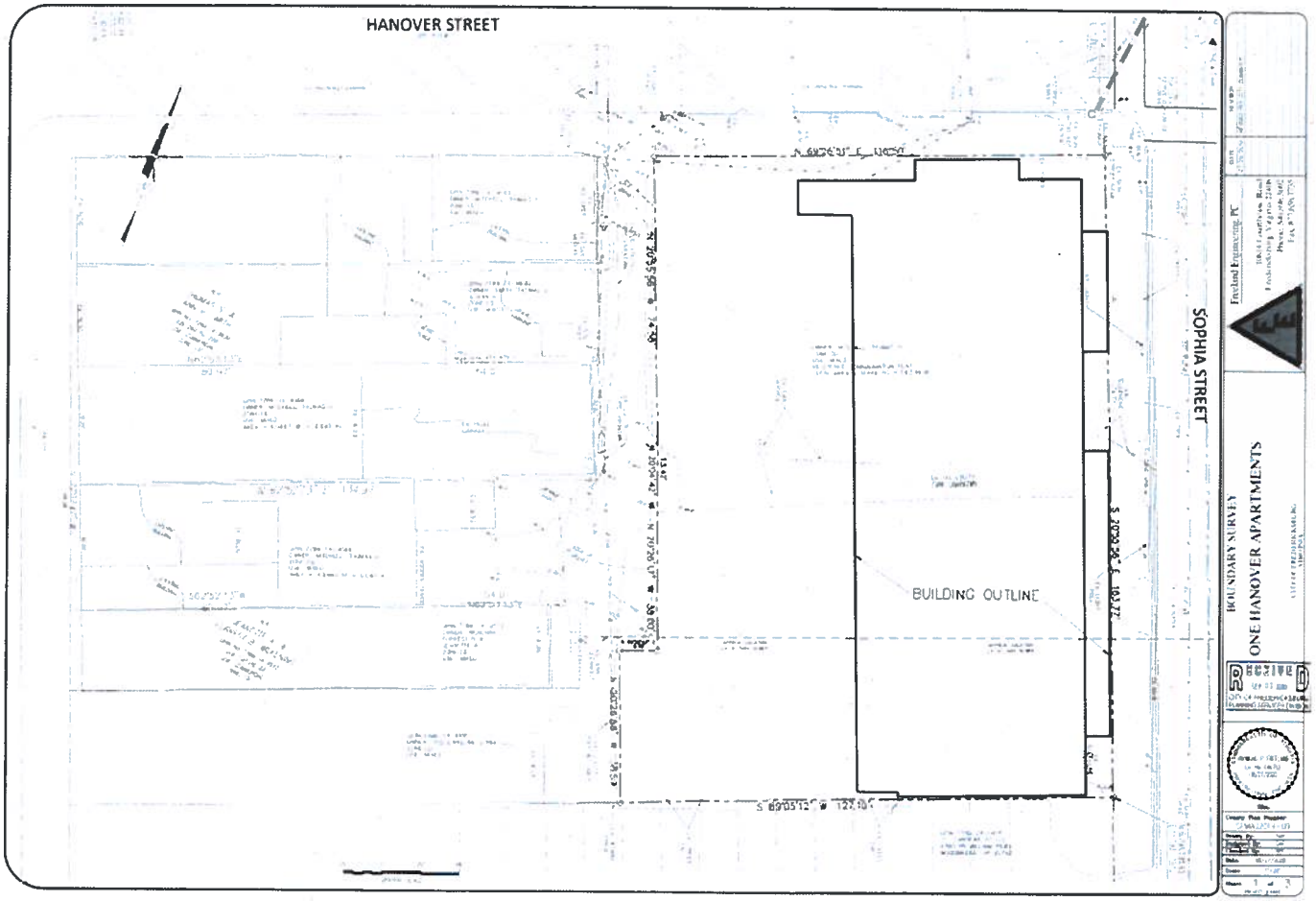
Changes - Overview

	Previously Approved	Rev. Dwgs. Dated 6/18/20
Site Area	19,539 SF	No change
Parking Spaces	40 (on site)	28 (on site)
Gross SF	41,432 SF	28,566 SF
Commercial SF	13,068 SF (1st and 2nd Floor)	2,755 SF (1st Floor only)
Apartments	24 (eighteen 1 br, six 2br) including four units designated affordable (50% AMI)	24 (fourteen 1 br, seven 2br, 3 studio) including four units designated affordable (50% AMI)
Building Height	48'-4" (avg. grade plane to avg. roof slope)	44'-0" (avg. grade plane to avg. roof slope)

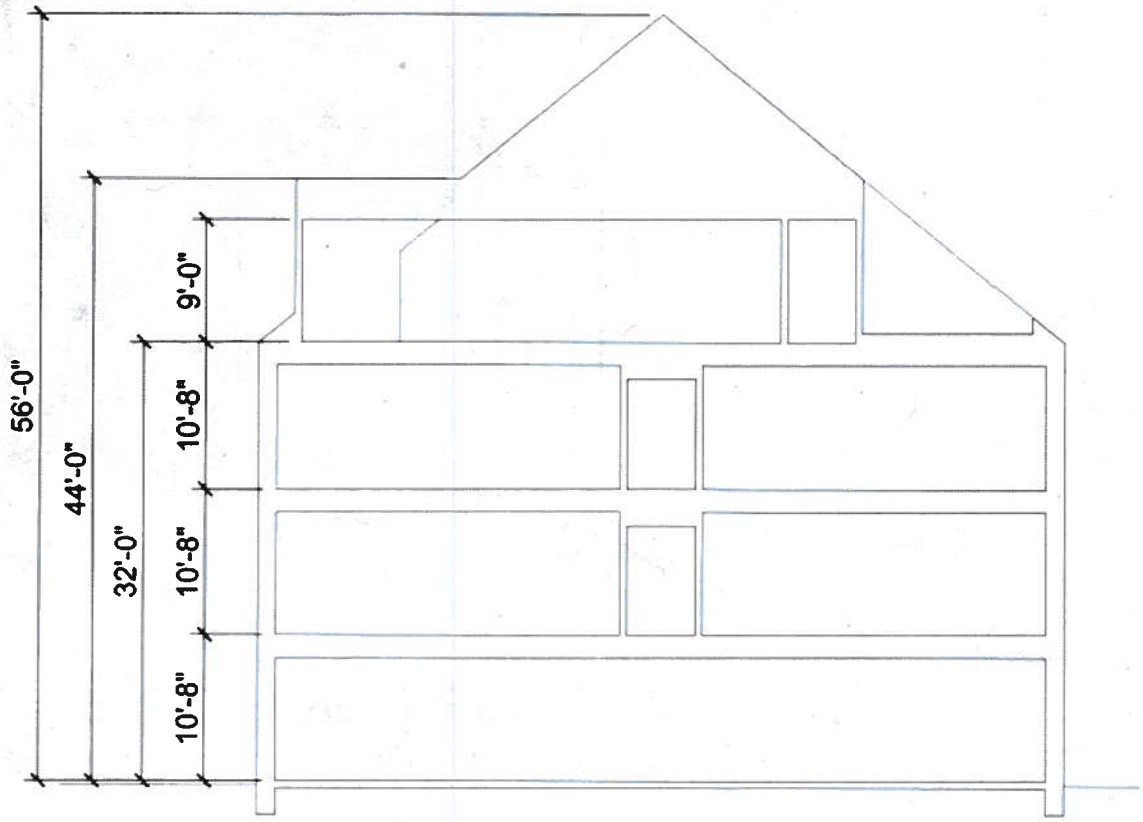
History

- **Aug 27, 2013**: Council approves 4 Special Exceptions & 1 Special Use Permit, related to height, density, floor-area-ratio, non-residential ground floor coverage, and building in a floodplain
- **October 2013**: Adoption of new Ordinance rendered 3/5 of those approvals obsolete
- **December 2018**: ARB approves mass and scale of current GDP
- **February 2019**: Council adopts current GDP for the site
- **September 2020**: Current application received.

GDP, Building Outline

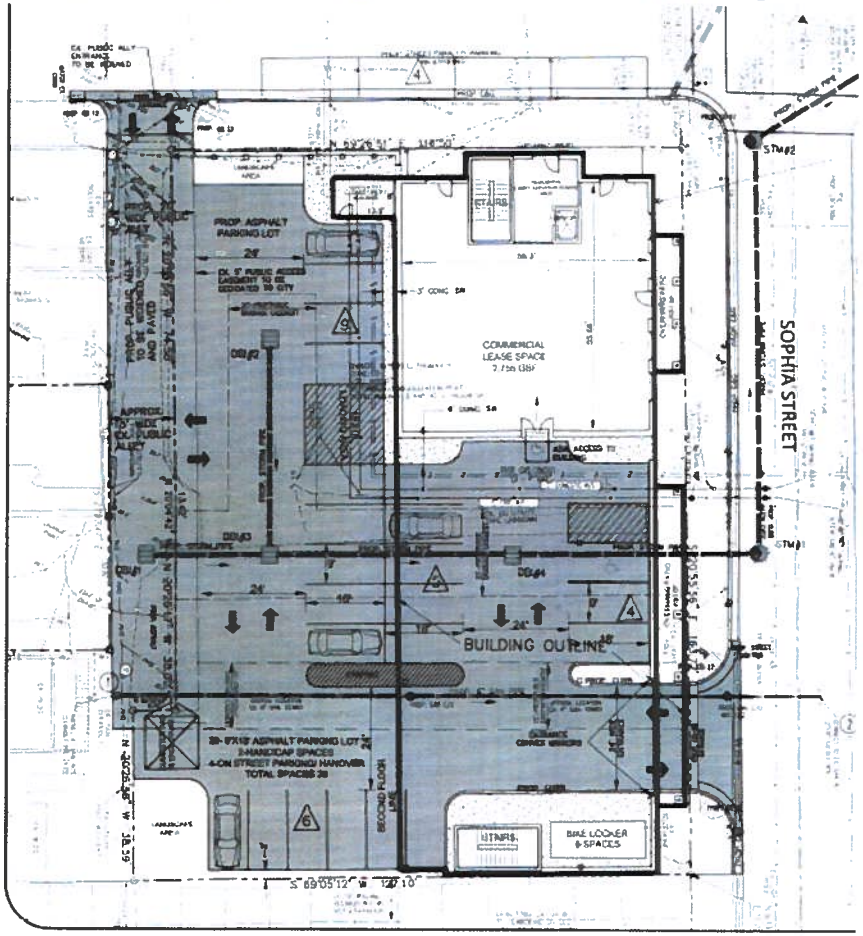


GDP, Sectional View



SECTION

GDP, Building Outline, Parking



SITE DATA

PROJECT NAME: ONE HANOVER APARTMENTS

OWNER & APPLICANT: THOMAS A. MITCHELL
ADDRESS: 614-B CAROLINE STREET
FREDERICKSBURG, VA 22401
PHONE: (540) 847-1066

PLAN PREPARER: FREELAND ENGINEERING, PC
ADDRESS: 10814 COURTHOUSE ROAD
FREDERICKSBURG, VA 22408
PHONE: (540) 898-3092

PARCEL ID: GPIN 7789-24-0627, -0638, -0697, -0673, -1509
PARCEL AREA: 0.448 AC = 19,539 SF
ZONING DISTRICT: LD DOWNTOWN BUSINESS
BUILDING SETBACKS & MAXIMUM HEIGHT: TO BE DETERMINED BY THE ARCHITECTURAL REVIEW BOARD (ARB)
OVERLAY DISTRICT: FLOODPLAIN & HISTORIC OVERLAY DISTRICT
CURRENT USE: VACANT
PROPOSED USE: MIXED USE - RETAIL/RESIDENTIAL

FLOODPLAIN ON SITE: Y
FEMA FIRM #: 510065 0037C
ZONE: "AE"
HYDRAULIC UNIT CODE: 02070005
BASE FLOOD ELEVATION: 39'-40' SEPTEMBER 19, 2007
WETLANDS ON SITE: N SOURCE: NWI PERMIT REQUIRED: N
RPA ON SITE: N

WATER SERVICE: PUBLIC
SEWER SERVICE: PUBLIC

DENSITY CALCULATIONS:
COMMERCIAL FLOOR AREA RATIO (3.225 MAX): $\frac{\text{FLOOR AREA}}{\text{LOT AREA}} = \frac{2,755}{19,539} = 0.141$

RESIDENTIAL: $\frac{\text{UNITS}}{\text{ACRES}} = \frac{24}{0.45}$ = (PERMITTED BY APPROVED (R19-20))

PARKING REQUIREMENTS:
RESIDENTIAL THIRD FLOOR: 1 SPACES PER UNIT
1 x 24 = 24 SPACES
COMMERCIAL FIRST FLOOR RETAIL: 4 SPACES
HANDICAP SPACES: COMMERCIAL: 1 SPACE
RESIDENTIAL: 1 SPACE

TOTAL PARKING SPACES REQUIRED: 28 (INCLUDING ADA PARKING SPACES)
BICYCLE PARKING SPACES: ONE/10 OFF STREET PARKING, 3 SPACES REQUIRED

ENTIRE BUILDING AREA: 28,566 SF

TOTAL PARKING SPACES PROVIDED: 28

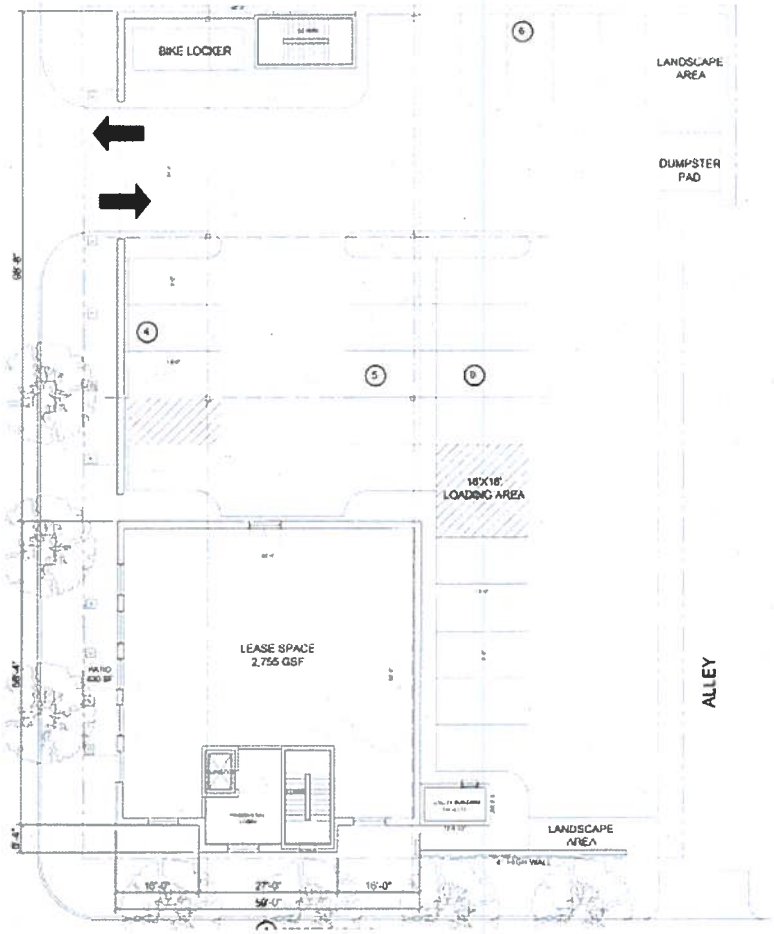
OPEN SPACE REQUIRED: N/A IN C-D DISTRICT
ESTIMATED VEHICLE TRIPS: 70 TRIPS PER DAY

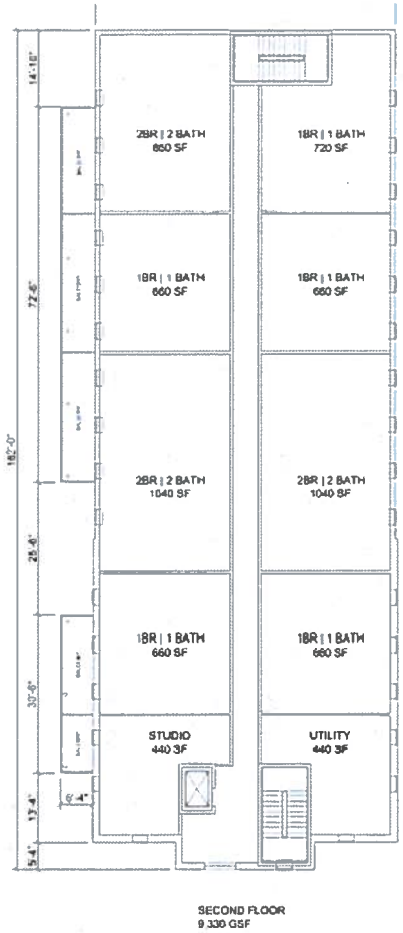
IMPERVIOUS SURFACES: STRUCTURES = 9,444.6 SF
PAVED PARKING, S/W, = 7,636 SF
TOTAL IMP. AREA = 17,080 SF

IMPERVIOUS SURFACE RATIO: $\frac{\text{IMPERVIOUS AREA}}{\text{SITE AREA}} = \frac{0.39}{0.448} = 0.87$

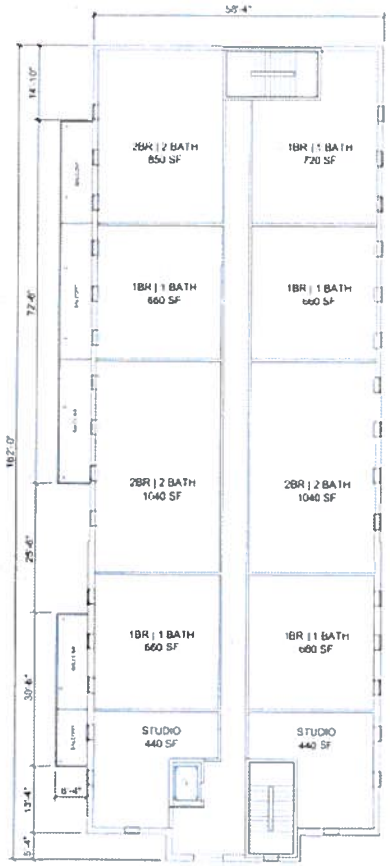
DISTURBED AREA: 0.448 AC = 19,539 SF

GDP, 1st and 2nd Floors

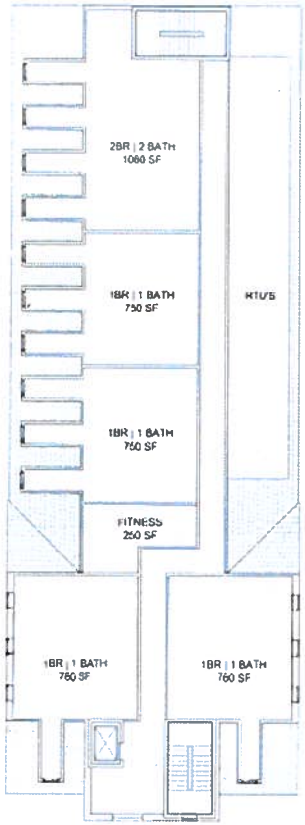




GDP, 3rd and 4th Floors



THIRD FLOOR
9,330 GSF



FOURTH FLOOR
9,320 GSF

Approval Criteria

1. *Consistency with the Unified Development Ordinance*
2. *Conformance with the Comprehensive Plan*
3. *Whether there has been a sufficient period of time for investigation and community planning with respect to the application.*
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.*
5. *Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.*
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.*

Consistency with the UDO

1. Located within the Commercial Downtown Zoning District. Purpose is:
"to promote harmonious development, redevelopment, and rehabilitation of uses in the commercial areas of the Old and Historic Fredericksburg (HFD) Overlay District..."

2. Project would result in development of a vacant parcel downtown.

3. Provide additional housing, some commercial space, improvements to pedestrian scale lighting, sidewalks, and trees.

4. Architectural Review Board must approve mass and scale. Previous iteration was approved in 2018.

Conformance with the Comprehensive Plan

1. The property lies within Land Use Planning Area 7: Downtown, Sub Planning Area 7A. This area is the historic core. The area is defined by its urban core and residential neighborhoods.

2. Project meets business, residential, transportation, historic goal and opportunities outlined in the Comp. Plan.

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

- The application is a modification of a proposal that was vetted by the Architectural Review Board in 2018 and the Planning Commission and City Council in 2019

- Technical Review Committee comments were submitted to the applicant who is incorporating them into the revised GDP.

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.

- Downtown is comprised of a mix of commercial and residential use types.

- The applicant will making improvements to the streetscape. Location across from Riverfront Park will help extend pedestrian amenities and the streetscape, better linking the commercial street frontage with Riverfront Park.

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

- The request is special:

  -It fulfills the vision of the Comprehensive Plan for the revitalization of neighborhoods and businesses within the historic district.

  -It can allow for an increase in the supply of affordable housing stock within the City, while filling in vacant space with a structure that harkens back to the historic design of buildings in the downtown core.

- A Phase I archaeological dig has already been carried out at the site, and further artefacts may be found in development. The City is working with Mr. Mitchell to ensure further excavation of the site.

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.

- 24 units + approx. 2,800 sq, ft. of commercial requires 28 parking spaces. 24 spaces provided on-site, with 4 on-street parking spaces.
- Pedestrian scale improvements include lighting, street trees, and a brick sidewalk
- Mirrors installed at Sophia Street parking garage entrance to further ensure safety

Conditions 1-3

1. The project shall be developed in substantial accordance with the application for special exception dated August 27, 2020, subject to review and approval by the Architectural Review Board ("ARB"). Changes in the mass, scale, and final architectural details of the project required by the ARB do not require an amendment of this special exception if there is no substantial revision to the project as proposed. The Owner shall obtain all ARB approvals necessary for the project.

2. Thomas H. Mitchell or successor in interest ("Owner") shall record an approved plat of resubdivision and dedicate an easement to the City widening the Hanover Street alley its entire length, from Hanover Street to its terminus point, so that it will have a minimum width of 20 feet.

3. Based on the identification-level archaeology survey completed by Dovetail Cultural Resource Group in 2019, an archaeological site has been determined to exist and is likely to be significant. The Owner shall conduct additional archaeological investigation and mitigation of impacts, as appropriate.

a) The major site plan shall incorporate mitigation measures to preserve or accommodate archaeological resources, such as avoidance or recovery, reduction in the size or scope of land-disturbing activities, or the implementation of other mitigation measures, such as Phase II evaluation testing, Phase III data recovery, and interpretation of the site, as recommended by the archaeologist, to the degree possible.

b) Should avoidance not be achievable, a memorandum of agreement shall be crafted to outline the steps required to meet this ordinance. The memorandum of agreement shall be prepared in accordance with Virginia Department of Historic Resources procedures, and the Development Administrator and the landowner shall be signatories on the ensuing document.

c) The Development Administrator may approve the major site plan application before the completion of the required Phase II or Phase III investigations, only if feasible and consistent with the purposes of the district and upon ratification of the memorandum of agreement.

d) If unexpected archaeological resources are discovered on the development site after approval of the major site plan without the imposition of appropriate mitigation measures, then the Development Administrator shall issue an order to cease and desist all development activity in the affected area for up to seven days in order to develop and implement mitigation measures that meet the criteria in section (b).

Conditions 4-6

4. The development of the project shall include the following pedestrian improvements:

a) The Owner shall install a streetscape along the Sophia and Hanover Street frontages consisting of at a minimum a full width brick sidewalk, street trees as required under § 72- 55.6, and pedestrian scaled site lights (standard downtown lighting), subject to review and approval by the City and Public Utility Review Committee under City Code Chapter 66, Article V.

b) The Owner shall install mirrors at the entrance to the parking garage to ensure adequate visibility of cars and pedestrians.

5. Four units, comprised of one studio, one one-bedroom, and two two-bedrooms, shall be reserved as affordable to those earning 50% of Area Median Income as defined by the HUD HOME program, low rent limit. The owner shall submit annually to the Zoning Administrator a report outlining the rents being charged and confirmation that all households in those units are verified to be under 50% of AMI, as defined by HUD based on household size. The affordability standard will apply as long as the development remains a rental property. Annual reports shall be sent starting one year after approval of the site plan.

6. The site plan for the project shall include the grading, paving, and improvement of the Hanover Street alley to conform to the development standards in Article V of the Unified Development Ordinance.

Conclusion

- Previously approved in February 2019 by Council for 24 units + approx. 13,000 sq. ft. of commercial.
- Now has 24 residential units + 2,755 sq. ft. of commercial space.
- Improvements to pedestrian scale amenities
- ARB must approve mass and scale

Staff Recommendation

Recommend **approval** to the City Council, with conditions

Recommend approval, denial, or defer to late date

Planning Commission Vote scheduled for **September 16th**

Haven for Heroes:
Special Exception for a Duplex

SE2020-04

Overview

- Issue: Special Exception to permit a Duplex in an R4 Zoning District. Use not permitted in Table 72-40.2 'Use Table'. Property was built as a duplex in 1949, use was abandoned in 2013. 11 units per acre. Propriety comprised of 3 parcels. Potential of 17 units an acre if each parcel was developed as a single family house.
- **Duplex**: *Two single-family dwelling units connected by a common vertical wall, common party wall, a common floor or ceiling, or permanent connecting structure such as a breezeway, carport, or garage. Each dwelling unit may be located on its own lot, or both may be located on a single lot.* (new definition adopted by Council Sept. 8, 2020).
- Structure was designed to be a duplex
- Would result in rehabilitation of a visually blighted structure
- Would permit more neighborhood investment, housing options
- **Recommendation**: Approval subject to conditions

Location – 315/317 McKinney Street

Approval Criteria

1. *Consistency with the Unified Development Ordinance*
2. *Conformance with the Comprehensive Plan*
3. *Whether there has been a sufficient period of time for investigation and community planning with respect to the application.*
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.*
5. *Whether the proposed use or aspect of the development requiring the special exception is special, extraordinary or unusual.*
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.*

Consistency with the UDO

1. Use is not listed in the *Use Table, 72-40.2*

2. Use is defined in the UDO as:

   Two single-family dwelling units connected by a common vertical wall, common party wall, a common floor or ceiling, or permanent connecting structure such as a breezeway, carport, or garage. Each dwelling unit may be located on its own lot, or both may be located on a single lot.

3. Purpose of the R4 Zoning District:

   The R-4 Residential District is established to provide for single-family detached dwellings in both developed and undeveloped areas of the City at densities of up to four units per acre. The district ***also allows selected uses which are compatible with the medium density residential character of the district*** *and to implement the stated purposes and intent of the Comprehensive Plan. Cluster-style development configured in accordance with the standards in § 72-51.4, Cluster subdivisions, is permitted.*

4. Rehabilitate a vacant duplex to make it habitable

5. Eight duplexes in surrounding neighborhood

6. Would result in lower density that what could be built (property is three parcels). Proposed use is for 2 units on the property when 3 single-family units would be permitted by-right.

Conformance with the Comprehensive Plan

1. The property lies within Land Use Planning Area 8: Dixon Street/Mayfield. The Future Land Use map identifies this area as Low-Density Residential. This category states: "*Residential development at four units per acre is generally a conventional subdivision. Some parts of the City are zoned for two units per acre, but these districts are typically rezoned to a higher density so that can be developed in a manner more appropriate to an urban location…*"

2. Supports environmental protection goals, residential neighborhood goals, and affordable housing goals:

- Compact development
- Provide a sense of community with a variety of housing choices
- Provide affordable housing

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

- Work must meet Building Code Standards,
- Units to be split horizontally, requires a 1-hour fire-separation buffer
- Egress is possible from the basement unit via doors and windows

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.

- Not within a floodplain/floodway
- Approval would permit rehabilitation of a visually blighted structure
- 8 other duplexes in the neighborhood
- Duplex is a lower density than the what could be built-by right

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

- Structure was designed to be a duplex
- Renovation would keep the built character of the neighborhood intact

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.

- Current structure is a blight on the neighborhood; renovation would remove the blight and bring investment to the neighborhood
- Approval would keep the number of units the same

Conditions

- Prior to occupancy the three lots must be consolidated to make the structure conform to the Unified Development Ordinance;
- 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.

Conclusion

- R4 Property, comprised of three parcels
- Property is unique in that the duplex already exists; proposal would result in renovation and bring life back to the property.
- 8 Other duplexes in neighborhood
- Condition to consolidate lots would bring the property more in conformance with the R4 lot requirements.

Staff Recommendation

Recommend **approval** to the City Council, with conditions

Recommend approval, denial, or defer to late date

Planning Commission Vote scheduled for **September 16th**

Crown Trophy:
Special Use Permit for Retail Sales

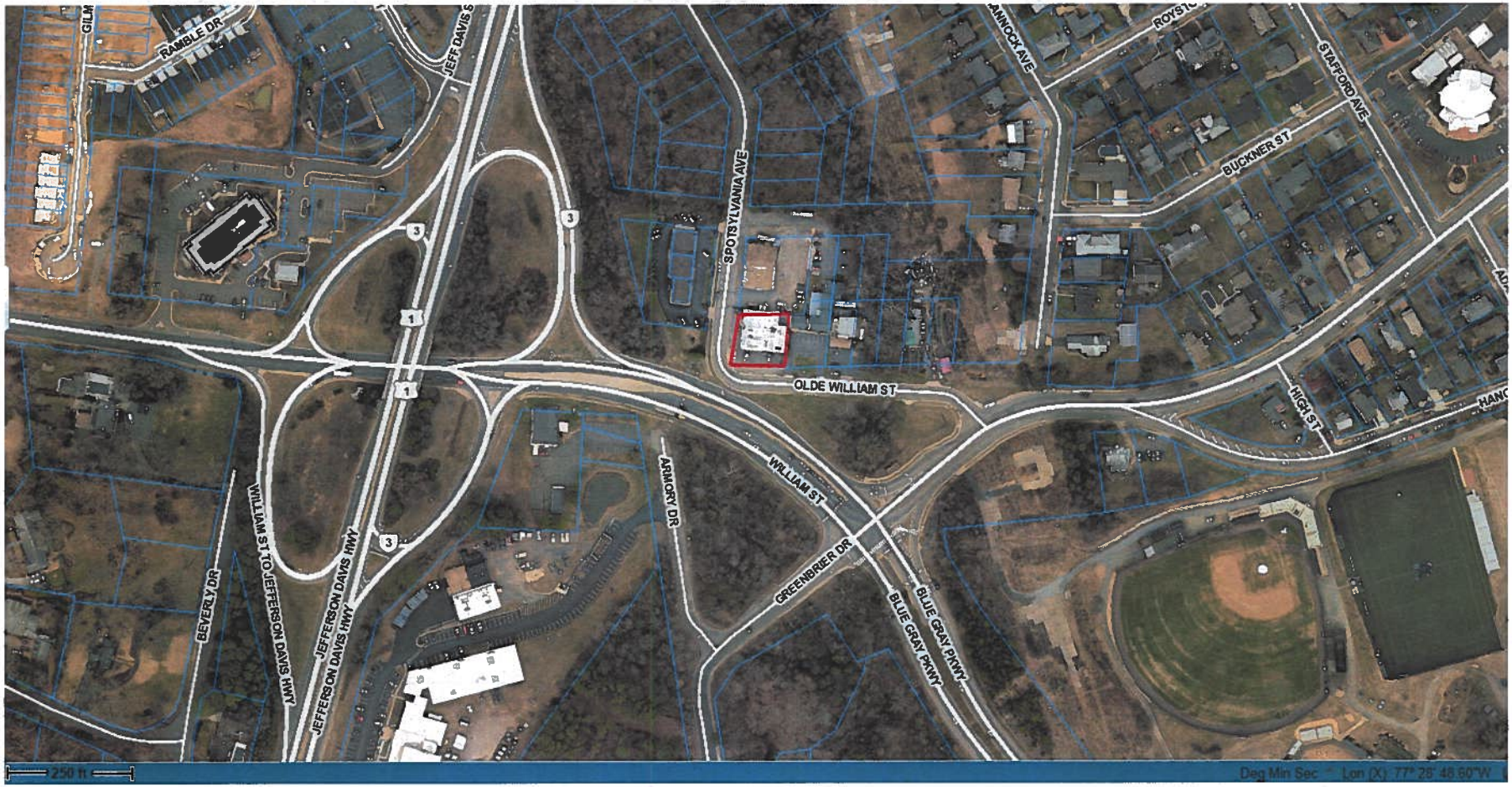
SUP 2020-04

ATT. 3

Overview

- Issue: Special Use Permit for Retail Sales Establishment in Commercial-Transitional district
- Approx. 3,200 sq. ft. space for use. 18 parking spaces adjacent to building
- **Retail Sales:** *"Any building wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. The term shall not include automobile-oriented uses, quick-service food stores, or vehicle sale, rental or ancillary service establishments."*
- Existing business looking to expand
- Showroom and sales space, with an accessory manufacturing area
- **Recommendation**: Approval subject to conditions

Location – 1529 Olde William Street



Crown Trophy

- Manufactures trophies, plaques, awards, embroidery, similar items
- Has 7 employees (4 full-time, 3 part-time)

- Hand tools, an embroidery machine, laser etching machines
- No noxious fumes, vapors, vibrations, noises

- Low intensity commercial use proposed in a commercial area.
- All adjacent properties are commercial/non-residential

Requirements

1. Accordance with UDO

- CT zoning intended for predominantly non-residential uses
- Use is low intensity

2. Accordance with Comprehensive Plan

- Land Use Area 5B, area is located near highways, regional transit, and institutional anchors. Provides good site for commercial uses
- Meets goals and opportunities of the Comp. Plan

3. In harmony with neighborhood

- All surrounding uses are commercial
- Low impact use

4. No negative impacts

- No noise, vapors, or other negative impacts
- 18 parking spaces around building, plus additional on-street spaces

Conditions

- Hours of operation shall be limited from 9AM to 10PM Monday through Sunday.

- 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.

Conclusion

- CT Zoned Property requires an SUP for retail sales
- Expansion of existing local business
- Moving into an existing building located in a commercial area
- No negative impact on surrounding properties; low intensity use with ample parking

Staff Recommendation

Recommend **approval** to the City Council, with conditions

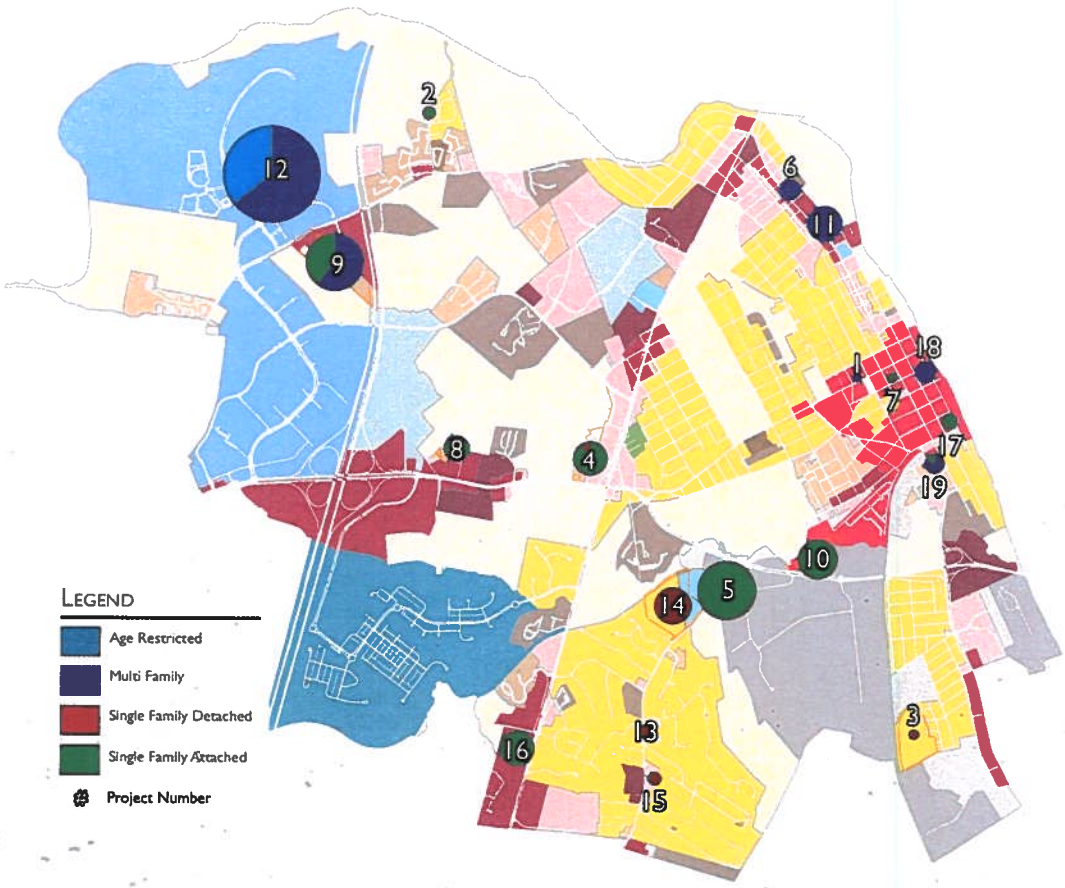
Recommend approval, denial, or defer to late date

Planning Commission Vote scheduled for **September 16th**

•Urban Design Center•

RESIDENTIAL DEVELOPMENT PROJECTS APPROVED SINCE 2015 CITY OF FREDERICKSBURG

Originally submitted in Dec. 2017



#	Project	Proposed Units December 2017 Original					Proposed Units April 2019 Update				
		SF	TH	SR	MF	Total Units	SF	TH	SR	MF	Total Units
1	Amelia Square	0	0	0	3	3	0	0	0	3	3
2	Bragg Hill Townhomes	0	9	0	0	9	0	9	0	0	9
3	Canterbury Subdivision	5	9	0	0	14	5	0	0	0	5
4	Cowan Crossing	6	62	0	0	68	6	62	0	0	68
5	Fredericksburg Park	0	80	0	270	350	0	207	0	0	207
6	General Washington Executive Center	0	0	0	23	23	0	0	0	23	23
7	George Street	0	2	0	0	2	0	5	0	0	5
8	Governors Row	0	36	0	0	36	0	36	0	0	36
9	Hamptons at Coleman Phase II	0	78	0	120	198	0	78	0	120	198
10	Highlander Park	0	91	0	0	91	0	91	0	0	91
11	Mill District	0	0	0	90	90	0	0	0	90	90
12	Silver Collection	0	0	208	369	577	0	0	208	369	577
13	Stonewall Heights	13	0	0	0	13	13	0	0	0	13
14	Telegraph Hill	80	0	0	0	80	80	0	0	0	80
15	The Vintage	9	0	0	0	9	9	0	0	0	9
16	Valley Run						0	67	0	0	67
17	Riverview						0	13	0	0	13
18	Hanover One						0	0	0	24	24
19	Frederick Street Lofts						0	4	0	17	21
		113	367	480	875	1563	113	572	208	646	1539

#	Project	Unit Status April 2019 Update			
		Units Completed	Units Under Const.	Units In Design	Total Units
1	Amelia Square	3	0	0	3
2	Bragg Hill Townhomes	0	0	9	9
3	Canterbury Subdivision	0	0	5	5
4	Cowan Crossing	64	0	4	68
5	Fredericksburg Park	0	0	207	207
6	General Washington Executive Center	23	0	0	23
7	George Street	5	0	0	5
8	Governors Row	36	0	0	36
9	Hamptons at Coleman Phase II	0	198	0	198
10	Highlander Park	0	0	91	91
11	Mill District	0	0	90	90
12	Silver Collection	0	577	0	577
13	Stonewall Heights	13	0	0	13
14	Telegraph Hill	0	0	80	80
15	The Vintage	9	0	0	9
16	Valley Run	0	0	67	67
17	Riverview*	0	0	13	13
18	Hanover One	0	0	24	24
19	Frederick Street Lofts	0	0	21	21
		153	775	611	1539

* Riverview constitutes the replacement of 13 existing units at 525 Sophia Street. The project does not produce any new units.

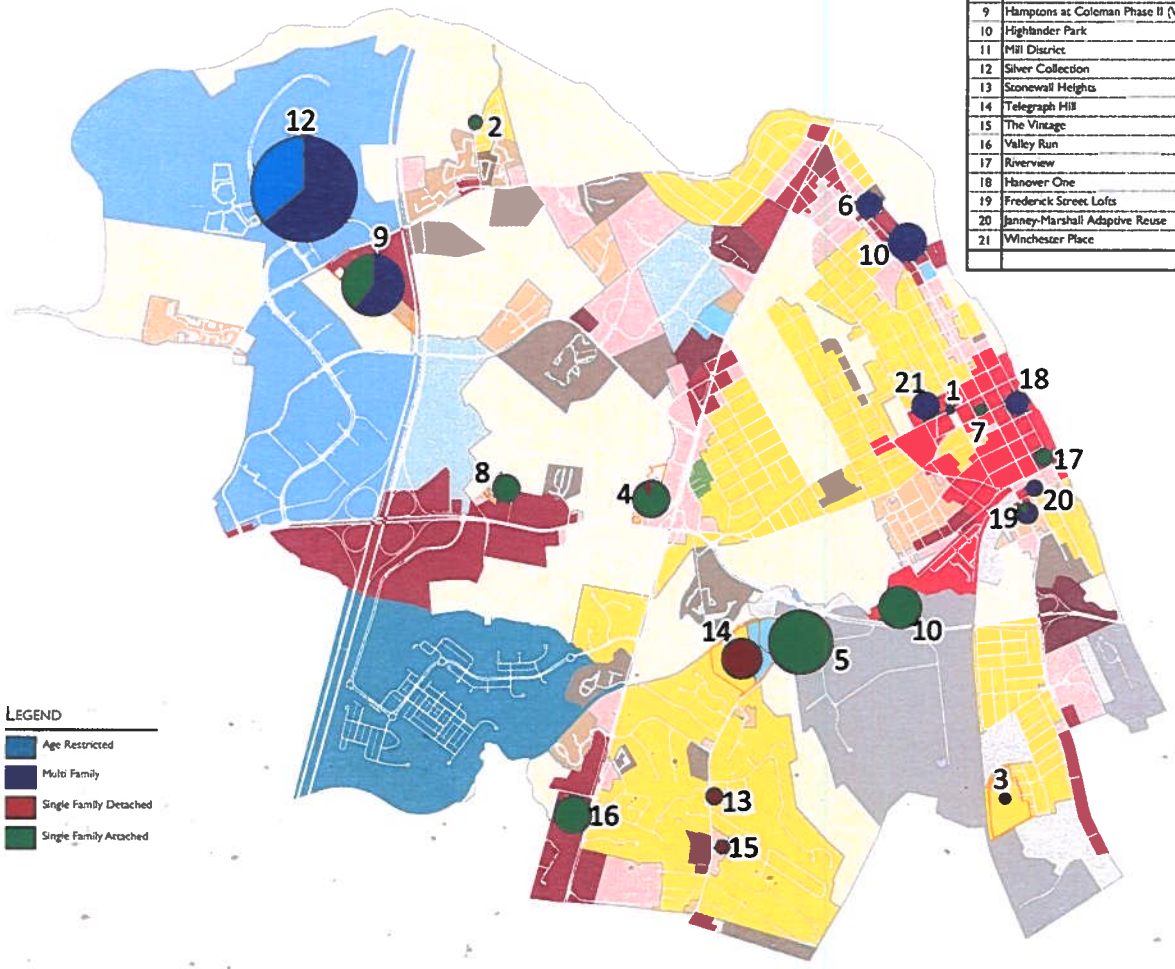
ATT.4

FXBG
City of Fredericksburg, Virginia

RESIDENTIAL DEVELOPMENT PROJECTS APPROVED SINCE 2015 CITY OF FREDERICKSBURG

Originally submitted in Dec. 2017
Updatded in April 2019 and
September 2020

		Proposed Units December 2017 Original					Proposed Units April 2019 Update					Proposed Units September 2020 Update					
#	Project	SF	TH	SR	MF	Total Units	SF	TH	SR	MF	Total Units	SF	TH	SR	MF	Total Units	Status
1	Amelia Square	0	0	0	3	3	0	0	0	3	3	0	0	0	3	3	Completed
2	Bragg Hill Townhomes (Park Commons)	0	9	0	0	9	0	9	0	0	9	0	9	0	0	9	In Design
3	Canterbury Subdivision	5	9	0	0	14	5	0	0	0	5	5	0	0	0	5	Under Construction
4	Cowan Crossing	6	62	0	0	68	6	62	0	0	68	6	62	0	0	68	Completed
5	Fredericksburg Park	0	80	0	270	350	0	207	0	0	207	0	207	0	0	207	Under Construction
6	General Washington Executive Center	0	0	0	23	23	0	0	0	23	23	0	0	0	30	30	Under Construction
7	George Street	0	2	0	0	2	0	5	0	0	5	0	5	0	0	5	Completed
8	Governors Row	0	36	0	0	36	0	36	0	0	36	0	36	0	0	36	Completed
9	Hamptons at Coleman Phase II (Valor)	0	78	0	120	198	0	78	0	120	198	0	78	0	120	198	Under Construction
10	Highlander Park	0	91	0	0	91	0	91	0	0	91	0	91	0	0	91	Under Construction
11	Mill District	0	0	0	90	90	0	0	0	90	90	0	0	0	90	90	In Design
12	Silver Collection	0	0	208	369	577	0	0	208	369	577	0	0	207	369	576	Under Construction
13	Stonewall Heights	13	0	0	0	13	13	0	0	0	13	13	0	0	0	13	Completed
14	Telegraph Hill	80	0	0	0	80	80	0	0	0	80	80	0	0	0	80	Under Construction
15	The Vintage	9	0	0	0	9	9	0	0	0	9	9	0	0	0	9	Under Construction
16	Valley Run						0	67	0	0	67	0	64	0	0	64	Under Construction
17	Riverview						0	13	0	0	13	0	13	0	0	13	Under Construction
18	Hanover One						0	0	0	24	24	0	0	0	24	24	In Design
19	Frederick Street Lofts						0	4	0	17	21	0	4	0	17	21	Under Construction
20	Janney-Marshall Adaptive Reuse														12	12	Under Construction
21	Winchester Place														36	36	Under Construction
		113	367	480	875	1563	113	572	208	646	1539	113	569	207	701	1590	



		Unit Status September 2020 Update			
#	Project	Units Completed	Units Under Const.	Units In Design	Total Units
1	Amelia Square	3	0	0	3
2	Bragg Hill Townhomes (Park Commons)	0	0	9	9
3	Canterbury Subdivision	2	3	0	5
4	Cowan Crossing	68	0	0	68
5	Fredericksburg Park	0	207	0	207
6	General Washington Executive Center	23	7	0	30
7	George Street	5	0	0	5
8	Governors Row	36	0	0	36
9	Hamptons at Coleman Phase II (Valor)	179	19	0	198
10	Highlander Park	0	91	0	91
11	Mill District	0	0	90	90
12	Silver Collection	369	207	0	576
13	Stonewall Heights	13	0	0	13
14	Telegraph Hill	0	80	0	80
15	The Vintage	6	3	0	9
16	Valley Run	0	64	0	64
17	Riverview*	0	13	0	13
18	Hanover One	0	0	24	24
19	Frederick Street Lofts	0	21	0	21
20	Janney-Marshall Adaptive Reuse	0	12	0	12
21	Winchester Place	0	36	0	36
		704	763	123	1590

* Riverview constitutes the replacement of 13 existing units at 525 Sophia Street. The project does not produce any new units.

MEMORANDUM

TO: Chairman Rodriguez, Planning Commission
FROM: James Newman, Zoning Administrator
DATE: September 15th, 2020 for the September 16th vote.
SUBJECT: ***SE2020-05,*** **Thomas Mitchell** requests a Special Exception to revise the approved General Development Plan for a mixed-use structure to be located at the corner of Sophia and Hanover Streets, at 100, 106, and 108 Hanover, and 718 Sophia Street.

ISSUE

Should the Planning Commission recommend approval for a modified General Development Plan (GDP) from a 45,000 sq ft. mixed-use structure to a 28,566 sq. ft. predominantly residential structure?

RECOMMENDATION AND CONDITIONS

Approve the Special Exception subject to the following conditions:

1) The project shall be developed in substantial accordance with the application for special exception dated August 27, 2020, subject to review and approval by the Architectural Review Board ("ARB"). Changes in the mass, scale, and final architectural details of the project required by the ARB do not require an amendment of this special exception if there is no substantial revision to the project as proposed. The Owner shall obtain all ARB approvals necessary for the project.

2) Thomas H. Mitchell or successor in interest ("Owner") shall record an approved plat of resubdivision and dedicate an easement to the City widening the Hanover Street alley its entire length, from Hanover Street to its terminus point, so that it will have a minimum width of 20 feet.

3) Based on the identification-level archaeology survey completed by Dovetail Cultural Resource Group in 2019, an archaeological site has been determined to exist and is likely to be significant. The Owner shall conduct additional archaeological investigation and mitigation of impacts, as appropriate.

   a) The major site plan shall incorporate mitigation measures to preserve or accommodate archaeological resources, such as avoidance or recovery, reduction in the size or scope of land-disturbing activities, or the implementation of other mitigation measures, such as Phase II evaluation testing, Phase III data recovery, and interpretation of the site, as recommended by the archaeologist, to the degree possible.

   b) Should avoidance not be achievable, a memorandum of agreement shall be crafted to outline the steps required to meet this ordinance. The memorandum of agreement shall be prepared in accordance with Virginia Department of Historic Resources procedures, and the Development Administrator and the landowner shall be signatories on the ensuing document.

   c) The Development Administrator may approve the major site plan application before the completion of the required Phase II or Phase III investigations, only if feasible and consistent with the purposes of the district and upon ratification of the memorandum of agreement.

   d) If unexpected archaeological resources are discovered on the development site after approval of the major site plan without the imposition of appropriate mitigation measures, then the Development Administrator shall issue an order to cease and desist all development activity in the affected area for up to seven days in order to develop and implement mitigation measures that meet the criteria in section (b).

4) The development of the project shall include the following pedestrian improvements:

   a) The Owner shall install a streetscape along the Sophia and Hanover Street frontages consisting of at a minimum a full width brick sidewalk, street trees as required under § 72-55.6, and pedestrian scaled site lights (standard downtown lighting), subject to review and approval by the City and Public Utility Review Committee under City Code Chapter 66, Article V.

   b) The Owner shall install mirrors at the entrance to the parking garage to ensure adequate visibility of cars and pedestrians.

5) Four units, comprised of one studio, one one-bedroom, and two two-bedrooms, shall be reserved as affordable to those earning 50% of Area Median Income as defined by the HUD HOME program, low rent limit. The owner shall submit annually to the Zoning Administrator a report outlining the rents being charged and confirmation that all households in those units are verified to be under 50% of AMI, as defined by HUD based on household size. The affordability standard will apply as long as the development remains a rental property. Annual reports shall be sent starting one year after approval of the site plan.

6) The site plan for the project shall include the grading, paving, and improvement of the Hanover Street alley to conform to the development standards in Article V of the Unified Development Ordinance.

GENERAL BACKGROUND AND EXISTING SPECIAL EXCEPTIONS

The One Hanover project is proposed on four lots at the south west intersection of Hanover and Sophia Streets. The lots are identified as GPIN 7789-24-0627, 7789-24-0658, 7789-24-0697, and 7789-24-1509 and are a total of 0.45 acres. The parcels are zoned Commercial Downtown, are within the Old and Historic Fredericksburg Overlay District (subject to Architectural Review Board oversight), and are within the Floodplain Overlay District.

The parcels are all within the 100 year floodplain and as such are subject to the Floodplain Overlay District. The Floodplain Overlay District requires that all residential development be elevated 1 ½ feet above the established Base Flood Elevation on a property. It also requires that all commercial development that is not elevated out of the floodplain be flood-proofed to the level of the one-hundred-year flood in accordance with the Virginia Uniform Statewide Building Code.

On August 27, 2013, the City Council approved four special exceptions and a special use permit related to a previous version of the One Hanover project. The special exceptions were for building height (increased from 50 to 56 feet), floor area ratio (increased from 3.0 to 3.225), required ground floor non-residential percentage (decreased from 100% to 15%), and residential density (increased from 36 units an acre to 40 units per acre to permit a total of 18 units). The special use permit was for construction of a building within the flood plain.

The adoption of the Unified Development Ordinance in October 2013 rendered three out of the five required approvals obsolete. The required ground floor non-residential percentage in the CD zoning district is now required to be 15%, the floor area ratio calculation no longer includes parking garage or residential square footage, and building within the floodplain no longer requires a special use permit.

A revised version of the project again went before public hearings in 2018 and 2019. The mass and scale of this of the One Hanover proposal was approved by the Architectural Review Board on December 10, 2018. Council approved a Special Exception for 24 units (53 units/acre) in a four-story, 45,000 sq. ft. building at this site with 13,068 sq. ft. of commercial space, in February 2019.

This application is intended to modify the GDP. This proposal would decrease the building to 28,566 sq. ft. with 24 residential units and 2,755 sq. ft. of commercial space.

PLANNING COMMISSION

The Planning Commission held a public hearing for this application on September 9th, 2020. There was no public comment. The Commissioners asked about having additional pedestrian crossings marked along Sophia Street and Hanover. Additional crossings will be made as part of the development of the adjacent Riverfront Park project

The Commission also asked about the possibility of turning one of the four proposed parking spaces on Hanover Street into a handicap accessible parking space. Public Works is reviewing the issue, and it will be dealt with during site plan review.

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant seeks to decrease the width of the structure, minimize the space devoted to non-residential uses, and therefore decrease parking. The number of residential units does not change from previous approvals. 24 parking spaces will be provided on-site with four parking spaces adjacent to the site on Hanover Street.

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 UDO:***

The proposed One Hanover project is zoned Commercial Downtown (CD) and is within the Old and Historic Fredericksburg Overlay District and the Floodplain Overlay District. The purpose of the CD Zoning District is

"to promote harmonious development, redevelopment, and rehabilitation of uses in the commercial areas of the Old and Historic Fredericksburg (HFD) Overlay District. The regulations of this district are intended to implement the goals of the Comprehensive Plan for historic district development while encouraging mixed uses in the downtown area. The emphasis in site planning is to be placed upon enhancing pedestrian circulation, minimizing vehicular and pedestrian access conflicts among uses, respecting the geometry of the downtown streetscape, and maintaining continuity with the architectural precedents of the historic area."

The proposed project would provide for redevelopment of a vacant site. It would provide additional housing, some commercial space, and would bring about pedestrian-scale improvements to lighting, street trees, and sidewalks, while preserving the historic character of Downtown. The applicant must obtain Architectural Review Board approval of one or more certificates of appropriateness for the proposed construction, including approvals of site planning, mass and scale, and detailed design.

2. ***Consistency with the Comprehensive Plan (CP)***

Transportation Goals (page 8)

Goal 8: Urban Development Areas. *Recognize that the entire City of Fredericksburg is a strategic growth area within the region and continue to ensure that land use decisions recognize that compact, integrated development is the best use of finite urban space.*

This project is an integrated, compact, multi-story development that makes efficient use of finite urban space. Increasing density is in keeping with the desire for compact walkable development.

Business Opportunity Goals (page 10)

Goal 1: Downtown as a Center for Commerce, Culture, and Community. *Ensure that downtown Fredericksburg continues to serve as a center of commerce, art, culture, recreation, historic amenities, and government, in order to provide economic stability and a sense of community. Actively pursue the preservation and adaptive reuse of downtown buildings and ensure that infill projects are designed with sensitivity to the City's historic character.*

This infill mixed-use project serves as a reuse of vacant space in the Historic Core of the City, and provides for economic development and living space, contributing to a vibrant downtown.

Goal 2: A well-balanced mix of uses Downtown. *Achieve a sustainable mix of commercial and residential development downtown that fits the historic character of the urban core and helps people to live, shop, and work in the city center.*

This mixed-use project provides places to live and shop. The building design is meant to evoke the historic building style associated with the City center, and the previous iteration was approved by the ARB.

Goal 4: Community Character. *Preserve and enhance the City's visual appeal by pursuing patterns of development that respect the City's historic growth pattern (mixed-use development) and by installing landscaping and street trees (complete streets).*
The applicant has designed the project to be consistent with its historic context, responding to the architectural character of downtown Fredericksburg, without copying architectural details. The project will also enhance downtown's economic strength.

Residential Neighborhood Goals (page 11)
Goal 1: Neighborhood Character. *Preserve the character of the City's neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.).*
Conditions for approval require the alley to be widened to permit service and emergency vehicles, street trees and wide sidewalks be provided for pedestrians, and colonial lighting provided as a tie to the history of the downtown core.

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.*
The project included walkability upgrades (sidewalk, pedestrian lighting, widened alleys), a mixture of commercial and residential uses, and on-site parking.

Goal 3: Distinct and Attractive Neighborhoods. *Ensure the residential areas of the City continue to comprise a collection of distinct and attractive neighborhoods, each possessing a sense of place, history, and shared identity.*
Previous iterations of this structure have been approved by the Architectural Review Board, though this current application is undergoing ARB review.

Goal 4: Adequate Public Services and Facilities. *Ensure that residential neighborhoods are adequately served with efficient and multi-modal transportation, available parking, street trees, and public services such as trash pickup, leaf removal, and snow plowing*
Parking is provided on-site, the applicant will be planting new street trees, and will be placing pedestrian level lighting along a widened sidewalk. The alley will be widened, with improved paving and drainage.

Historic Resources Goals (page 12)
GOAL 1: City Character. *Protect and enhance the character of Fredericksburg's historic area and city center as a means to preserve the community's sense of place, to promote economic strength, and to ensure the City's continued appeal to residents, businesses, and visitors.*
The revised design of the structure is in keeping with historically appropriate designs, but has not yet been approved by the ARB. Goal 2 of the City's Historic preservation Plan calls for: "*Establish controls to assure that archaeological sites and subsurface materials are properly identified, evaluated and mitigated prior to excavation projects throughout the city.*" An archaeology study is required as a condition of the Special Exception.

GOAL 2: Redevelopment. *Promote redevelopment of downtown properties in a manner that reflects the character of the City as a vibrant and growing community.*
This project promotes redevelopment of vacant space with a vibrant mixed use property.

3. Other Goals and Initiatives – Affordable Housing

Goal 7 of ***Residential Neighborhood Goals*** calls for "*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*", while Goal 8 calls for "*Variety of Housing: Provide a variety of housing opportunities throughout the City that respect the character of the community*."

As a condition of approval, the applicant will be providing 4 units of affordable housing, for the duration of time that they are rental properties.

Fredericksburg is located within the Washington D.C. Metropolitan Statistical Area. 50% of the Average Median Income (AMI) for 1 person is $41,050; for a family of 2 it's $46,900; and for a family of 3 it's $52,750.

Rent based on a 30% affordability for those making 50% of AMI would be: An Efficiency unit at $1,100 a month; A One-Bedroom Unit at $1,120 a month; a Two-Bedroom at $1,280 a month. These figures come from the Housing Opportunities Made Equal organization in conjunction with Department of Housing and Urban Development, and are subject to change on a yearly basis.

SPECIAL EXCEPTION ANALYSIS

4. 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 responded to comments made. The application is a modification of a proposal that was vetted by the Architectural Review Board in 2018 and the Planning Commission and City Council in 2019.

5. 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.

The Downtown is comprised of a mix of commercial and residential use types and is a focal point for City investment in infrastructure and services. The applicant will making improvements to the streetscape. Its location across from Riverfront Park will help extend pedestrian amenities and the streetscape, better linking the commercial street frontage with Riverfront Park.

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

The request is special. It fulfills the vision of the Comprehensive Plan for the revitalization of neighborhoods and businesses within the historic district. It can allow for an increase in the supply of

affordable housing stock within the City, while filling in vacant space with a structure that harkens back to the historic design of buildings in the downtown core. A Phase I archaeological dig has already been carried out at the site, and further artefacts may be found in development.

7. ***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.***

Parking:
The applicant is required to have 28 spaces. There are 24 parking spaces in the on-site garage, plus four spaces on Hanover Street.

Transportation:

The properties are zoned Commercial-Downtown (CD). The use of commercial retail space, and multi-family housing are allowed by-right in CD zoning. This application asks for 24 residential uses with a commercial space. The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that apartment units generate 10 trips (5 leaving and 5 arriving) every day. The City's version of the ITE notes that these numbers are geared toward garden apartment complexes in single use automobile environments. The trip generation in a Downtown environments is likely to be substantially less.

Pedestrian environment --- The transportation focus of the application is on ensuring that the pedestrian environment is cohesive, safe, and accessible. To ensure the appropriate improvements are constructed, several conditions were added to the staff recommendation for approval. The applicant shall construct the full pedestrian streetscape (including wide brick sidewalks, street lights, and street trees) along Hanover and Sophia Street frontages. The geometry of the entrances to the buildings should be designed so that any required ramps into the building or the paths of opening doors do not restrict the sidewalk area. The exterior entrance to the garage along Sophia Street shall contain mirrors to enhance pedestrian and vehicular visibility at the point the garage discharges over the sidewalk.

CONCLUSION
The proposal is to turn a mixed-use project into a predominantly residential structure with one 2,755 sq. ft. commercial space. Density of 53 units an acre was previously approved by Council. It meets the goals of the Comprehensive Plan. The Planning Commission should recommend approval to City Council.

MEMORANDUM

TO: Chairman Rodriguez and Planning Commissioners
FROM: James Newman, Zoning Administrator
DATE: September 15th, 2020 for the September 16th vote
RE: **SE 2020-04: Haven for Heroes Inc**. requests a Special Exception from City Code §72-40.2, Use Table, to permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

ISSUE

Proposed special exception request is to permit a former duplex to be renovated into a duplex.

PROPOSED SPECIAL EXCEPTION REQUEST

The applicant seeks an exception to Code §72-40.2, Use Table, which does not list 'Dwelling, Duplex' as an allowed use in the R4 Zoning District. 'Dwelling, Duplex' is defined in §72-84, Definitions. Granting this Special Exception would permit a duplex at 315/317 McKinney Street/GPIN 7788-18-9981.

RECOMMENDATION

Recommend to the City Council approval of the Special Exception subject to the following conditions:

1. Prior to occupancy the three lots shall be consolidated to make the structure conform to the Unified Development Ordinance;
2. 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.

GENERAL BACKGROUND

The applicant wishes to renovate a dilapidated duplex to make it habitable. The property is zoned R4, and a duplex is not a permitted use in the R4 Zoning District. The use is **not** legally non-conforming as the structure has not been inhabited for over two years.

City Code §72-82.4 defines a "**Dwelling, Duplex"** as

> *A single-family dwelling unit attached to one other single-family dwelling unit by a common vertical wall. Each dwelling unit may be located on its own lot, or both may be located on a single lot.*

The structure is a duplex. The house dates to 1949, is 1,426 sq. ft. in area, and is one story with a basement below. The structure is split down the middle, with two separate entrances for each unit. The applicant proposes to remodel the building and split the units horizontally, with one unit in the basement and the other unit on the main floor. Each unit would have its own utility hookup.

The applicant is 'Haven For Heros' [sic]. It works to provide affordable housing for veterans and their families. The applicant proposes to use this duplex for affordable housing for low income veterans.

While the applicant has chosen to pursue this special exception as a way to provide affordable housing, approval should be granted regardless. The property was historically used as a duplex. There are eight duplexes in the surrounding neighborhood and they serve as a source of naturally occurring affordable housing. The approval of the exception would maintain the historic variety of missing-middle housing options available in the neighborhood and approval would lead to the renovation of a visually blighted structure. Should the property owner desire to make this housing opportunity available for veterans exiting homelessness, it is recommended that he connect with the Fredericksburg Regional Continuum of Care's Stable Homes Partnership.

PLANNING COMMISSION

The Planning Commission heard this item at their public hearing on September 9, 2020. There was one public comment at the meeting, from a citizen seeking assurances that the future tenants for the duplex would not be a nuisance.

The applicant explained that tenants for their program must meet Haven for Hero's [sic] financial hardship criteria, and that their main focus as an organization is providing housing for veterans that qualify under Federal Housing and Urban Development (HUD) guidelines for low and very low income standards, those who are recently unemployed and in poverty, and those suffering from extreme hardships. The focus is on providing housing for low income veterans, not persons suffering from substance abuse, mental health issues, or other hardship factors.

The Commission asked if any blight abatement actions hand been taken by the City. Per the Property Maintenance Official, the property owner and applicant have worked with the City to abate violations before they rise to a level where the City is required to take action.

The Commission asked if the Dept. of Veterans Affairs (VA) would do a livability check on the property prior to occupancy by tenants. The applicant stated that such a check would be performed.

The Planning Commission discussed the need for a condition to provide affordable housing. Such a condition would hold the developer to its promise to provide affordable housing, but would run with the land and potentially burden future owners of the property; therefore such a condition is not recommended.

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 Residential-4 (R4) Zoning District is:

"established to provide for single-family detached dwellings in both developed and undeveloped areas of the City at densities of up to four units per acre. The district also allows selected uses which are compatible with the medium density residential character of the district and to implement the stated purposes and intent of the Comprehensive Plan. Cluster-style development configured in accordance with the standards in § 72-51.4, Cluster subdivisions, is permitted."

The applicant seeks to rehabilitate a vacant duplex to make it habitable. The property is composed of three lots, which could result in 3 new units with a density of 17 units per acre. Renovating the existing duplex would result in a density of 11 units per acre. As a condition of approval, the lots should be combined to bring the property more into conformance with City Code requirements. Consolidating the lots would maintain the two units while reducing the overall density of the lot to the existing 11 units an acre.

2. Conformance with the Comprehensive Plan

The property lies within Land Use Planning Area 8: Dixon Street/Mayfield. The Future Land Use map identifies this area as Low Density Residential. This category states: *"Residential development at four units per acre is generally a conventional subdivision. Some parts of the City are zoned for two units per acre, but these districts are typically rezoned to a higher density so that can be developed in a manner more appropriate to an urban location. Where the land has historic resources and/or attractive natural features, the City encourages innovative layouts and clustering, to retain attractive open space and to protect sensitive lands."*

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

<u>Environmental Protection Goals – pg. 1-8</u>

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".

<u>Residential Neighborhoods – pg. 1-10</u>

Goal 1. Neighborhood Character

"Preserve the character of the City's neighborhoods, by respecting and maintaining their functional design (sidewalks, alleys, street trees, etc.)"

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 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. If approved, work would be required to be performed in accordance with all Building Code requirements, which requires that there must be a complete 1-hour fire separation between units and all supporting construction of the 1-hour horizontal fire separation assembly must be equally fire rated. Egress from the basement unit is possible via the rear door at the basement ground level and via the windows, which meet current Building Code requirements to be emergency egress points.

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. Approval will allow for the rehabilitation of a vacant, dilapidated structure, and provide housing choice.

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

The property was developed as duplex in 1949. It was inhabited until 2013. The applicant proposes to restore the structure to its historic use.

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 current structure is vacant and blighted, having a negative impact on the aesthesis of the community. Approval would permit a duplex built to current Building Code requirements, and would eliminate blight. There are eight other duplexes in the neighborhood; approval would not lead to a standalone situation. Rehabilitant the structure would keep the number of dwelling units that already exist on site. If the structure was torn down, three dwelling units could be placed on the property.

CONCLUSION

This is a proposal for a special exception to reestablish a duplex use in a structure originally designed and built for that purpose. 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.