



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES**

August 14, 2019

7:30 p.m.

**715 Princess Anne Street
Council Chambers**

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website:

<https://amsva.wistia.com/medias/czu129q99e>

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

MEMBERS

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

CITY STAFF

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

1. CALL TO ORDER

Chairman Gantt called the meeting to order at 7:32 p.m. Chairman Gantt explained meeting procedures for the public, as well as expected decorum during public comment.

2. PLEDGE OF ALLEGIANCE

3. ADOPTION OF MINUTES

July 10, 2019 – Regular Meeting

Mr. Pates motioned to approve the July 10, 2019 minutes with his edits; Mr. Durham seconded.
The motion passed 7-0.

4. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

5. CONTINUED PUBLIC HEARING

A. Catholic Diocese of Arlington, SUP 2019-01 requests a Special Use Permit for a 'Religious Institution' (a Rectory) on a 10,000 square foot lot (GPIN 7779-64-4797) at 1604 College Avenue.

Mr. Newman presented the staff report with a power point presentation.

Mr. Hornung asked how the amendments to SUP99-07, with conditions applying solely to the Rectory, will be tracked. Mr. Johnston responded that documentation will be made as to which conditions apply to which parcel. It doesn't replace the original SUP99-07 but is a revision, an enlargement of the original with its own set of conditions. The purpose of the Rectory is inherently tied to the Student Center, it is part of the same use but the special use conditions do not necessarily apply to both parcels.

Mr. Pates asked if any of the conditions that applied to SUP99-07 apply to this parcel. Mr. Johnston said no. Mr. Pates asked what the primary use of this property is and Mr. Newman responded its primary use is a Rectory. Mr. Johnston clarified the primary use of the special use permit is the Student Center, the Rectory is an accessory activity to the Student Center. Mr. Pates stated with only one person living there and the first floor being offices, in his opinion, the primary use is as a religious institution. Mr. Johnston stated that is why the Applicant was requested to file a special use permit. Mr. Pates asked if this was solely a religious institution and no one lived there, how many parking spaces would be required. Mr. Newman stated that based on the office space, six spaces would be required, but pursuant to the Code, a change in use does not require a change in the parking requirements. Discussion ensued regarding the fact that a change of use does not require a change in the parking requirements.

Mr. Durham requested a condition holding the Diocese's employee level at five.

Chairman Gantt questioned the conditions which Mr. Johnston clarified were as listed on page 2 of the staff memo.

Mr. Durham mentioned all the comments from the public about the impact of combining the two parcels and requested staff to address those concerns and how the conditions do address them. Mr. Newman responded that the house can only be occupied by the priest; house is on its own lot and thus would revert to single-family home if Diocese sells the property. Chairman Gantt requested a condition that the house must revert to a single-family home if the Diocese wishes to sell. Mr. Johnston stated that is not necessary because as a permitted use, the property will always revert to a dwelling, but if a buyer wanted another special use of the property, it would have to go through the process.

Mr. Slominski discussed the concerns of meetings occurring with 20 people in an area not really conducive to parking if the Student Center is also in use at the same time. Mr. Newman stated that the Student Center is the main meeting area, which is the intent of the condition to limit the focus of the Rectory to day-to-day operations and the Student Center being the proper venue for larger meetings. The request for this condition was made by the College Heights Civic Association and agreed to by Applicant. Mr. Slominski asked if there was any limit on how many meetings could be held which Mr. Newman said no but if there ends up being any complaints, the City will investigate.

Mr. Pates asked about the map prepared by staff that shows parcels that are tax exempt as state institutions and charitable organizations. Mr. Johnston stated that City Attorney has advised staff that tax status of parcels is not a land use issue. Chairman Gantt stated that Mr. Newman sent an email to the Commission explaining the legal aspects of this issue.

Mr. Rodriguez questioned the 20 people limit on the meeting space in the Rectory and would that be a Fire Marshal issue. Mr. Newman stated the Fire Marshal does review the meeting space as part of the occupancy permit application. Mr. Newman said he would do more research on this topic.

Chairman Gantt then opened the public hearing:

Meredith Beckett, 1401 Brent Street, president of the College Heights Civic Association, stated that her two major concerns were the vacation of the property lines (which has been withdrawn) and the amendment of the requested special use permit. The Association wants a standalone special use permit as it feels amending the current special use permit may expand the uses of the property. The original special use permit did not state conditions to restrict or govern the day-to-day use of the property. The Commission was convinced at that time that uses would be religious and educational opportunities exclusive to the University of Mary Washington ministry. The Association believes that the Student Center has had numerous events not exclusive to Mary Washington so the Association is concerned that non-exclusive uses will expand to the Rectory. The Association is concerned with the meeting room morphing into too many people all descending on the area at one time if meetings are scheduled at the Rectory and the Student Center at the same time.

Sue Sargent, Fredericksburg, 22401, stated she supports Meredith Beckett's comments. Ms. Sargent stated on July 17, 2019, the Arlington Catholic Herald had a story regarding grade school students from Northern Neck harvesting corn in Middle Neck. The article had a photo of the Student Center and contained information that the 80 students attended mass at the UMW Catholic Student Center Chapel, which is not a church. The original special use permit approved by the Planning Commission specified the use of the Student Center as just for UMW students. Ms. Sargent is now hearing that the assumption of the use for the Rectory is just for a priest and the Association needs more clarification and conditions that it has to be for that use only. Ms. Sargent therefore requested that only a standalone special use permit be approved with conditions set out to clarify all the assumptions she hears happening.

John Nere, 1718 College Avenue, stated he believes most of the recommended conditions are good but believes condition No. 4 should go further and not only not expand the existing residential building but also not alter the exterior appearance. Mr. Nere further believes that condition No. 6 goes beyond the original application in that meetings being held at the Rectory are not in character with the neighborhood residential appearance. He believes that meeting space at the Student Center should be sufficient. As stated by Ms. Beckett and Ms. Sargent, the neighborhood does not oppose the Rectory or the ancillary use, just the possible uses that the meeting space could entail. Mr. Nere requests that condition No. 6 be replaced by a condition that limits the use of the residential property as in the original application—a Rectory and some office space. He also wants to request a separate, standalone special use permit to keep the conditions separate, doesn't see any need for a combined special use permit.

Rachael Sargent, Fredericksburg, 22401, stated she was a member of the Catholic student center at Lynchburg College where there was one house to support numerous religions. She feels there is no need for now expanding to two structures for one center. If the Rectory is just for diocese use, there should be no need for a combined special use permit for that much space.

Everett Clark, 1212 Dandridge St., stated he agrees with the majority that a standalone special use permit should be issued since the two properties are claimed to be separate uses. He was under the impression it was to be a Rectory with office space and some visitors. The meeting space is the biggest concern along with the hours the meetings are allowed. He feels the meetings should be no later than conventional office hours.

Chairman Gantt then clarified a point of order in that the Applicant should have been allowed to make a statement and been queried by the Commission members prior to the public comments. He then called the Applicant to speak. Bruce Reese, Legacy Engineering, spoke on behalf of Applicant. Mr. Reese stated Applicant concurs with and urged the Commission to support staff recommendations. Applicant considers the conditions fair, but first and foremost this is a residence for the priest. He urged that it be treated like any other home in the neighborhood when specifying conditions. Specifically, since other residents are not given conditions for having guests in the home and are defined as three or more unrelated people, Applicant is asking for the same consideration.

Mr. Rodriguez asked if Applicants are willing to not alter the exterior of the home. Mr. Reese agreed to that as a condition.

Mr. Durham questioned the meeting issues and what types of meetings might potentially be occurring. Pursuant to the application, the Rectory is meant to be for the priest and his office space, so would the Diocese object to a restriction limiting the meetings to management of the Student Center? Mr. Reese stated the plan is not to have large meetings or even special events in the Rectory. Applicant said there may be opportunities for students to be in congregation for dinners in the setting of a home but with this condition, the 21st person will be turned away. Mr. Reese is hesitant to adopt restrictions on the types of meetings.

Mr. Durham asked Mr. Reese if the uses currently planned for the Rectory are not the sort of uses that currently happen inside the Student Center. Mr. Reese concurred. Mr. Durham then asked if it was accurate to say that in the case of a dinner/social event, it could take place as it does now. Mr. Reese agreed and stated that events larger than 20 people would be in the Student Center

Mr. Durham stated he would like to see a condition to restrict combined events as a meeting in the Rectory of 20 people is not burdensome but both buildings filled to capacity would be. Mr. Reese agreed with that legitimate concern but the Fire Marshal would be setting limits on the buildings. Mr. Reese stated that there never was the intention of the Rectory being able to add 20 more people to a meeting at the Student Center.

Mr. Hornung stated that based on the first floor drawing (approximately 1,000 sq. ft.) and approximate size of the meeting room, he believes no more than 20 people will fit in that room.

Chairman Gantt then closed the public hearing.

Mr. Johnston responded to concerns about the request for a standalone special use permit to better protect the neighborhood. He said if the Rectory is a free standing special use permit, it is a simple step for the Diocese to make this a Rectory for the “church down the road” or some other activity because it is no longer tied to the Student Center. The Rectory is adjacent to and should be a secondary use to the Student Center or there would be a broader interpretation of the purpose of the Rectory. Mr. Hornung asked if any of the conditions discussed apply to the existing Student Center which Mr. Newman confirmed the property conditions apply only to the Rectory. The Student Center was approved without conditions in 1999. Mr. Hornung asked if any of the permitted uses under the original special use permit are now allowed on the Rectory, which Mr. Johnston said no. Discussion ensued regarding the uses for each parcel

Mr. Rodriguez asked what the technical action is to create two separate standalone special use permits for each parcel. Mr. Johnston responded that the Applicant requested an amendment to SUP99-07

and the Applicant would have to change the request. Discussion ensued regarding the procedural steps if the Commission were to deny this request.

Mr. Durham stated he believes Mr. Johnston's and Mr. Hornung's earlier conversation was actually the same facts just restated differently. Mr. Johnston clarified they are different aspects of the same use but one special use permit. Mr. Durham stated the point is because the amendment only applies to the Rectory, it has no effect on the Student Center except for the fact that the parcels are now considered two conjoined usages with conditions that only apply to each parcel.

Mr. Durham asked staff if there could be two conditions added (1) limiting the employee level at only five employees and (2) maintaining the existing structure with no exterior alterations. Mr. Johnston stated the second request could be easily modified to change condition No. 4 to also state that no substantial exterior alterations will be made changing the character. Mr. Johnston stated that with regard to the request to add a condition limiting the number of employees, he is hesitant to tell Applicant at this evening's meeting they don't have the right to hire another person but will direct staff to investigate this action before the matter goes to Council. Mr. Durham asked if this proposed special use permit is approved and a particular parking parameter is set, would any future amendment of the use be altered and require Applicant to come before the Commission again? Mr. Johnston stated the parameters that were established for the Student Center were based on the GDP and the square footage, not based on capacity or employees, but staff can make Council aware of the parameters and include it in conditions going forward.

Mr. O'Toole made a motion to approve the recommendation with modifications as discussed to the seven conditions: No. 4 will be restated to include no exterior alterations. Commission also recommends to staff to review the employees for a recommendation to Council. Mr. Hornung seconded but further commented on Condition No. 4 to more specifically state there will be no exterior alterations affecting the residential character of the Rectory. Mr. Pates stated he will be voting against the motion as he feels the City is allowing different types of development encroach and degrade the neighborhoods. Mr. Rodriguez feels requesting an employee review and possible condition creates an administrative burden. He feels it is a governmental overreach and is almost inclined to deny the motion based on that. Mr. Hornung stated he understood that all the Commission requested was to do additional research on the meeting and office space to provide to Council as part of their consideration, not to draft additional conditions. Chairman Gantt stated it is not what he understood and Mr. Durham clarified that the Commission asked staff to investigate whether additional conditions could be crafted for Council based on future employment requirements and the potential parking parameters if the Diocese expands its employee base of the Student Center or the Rectory. Mr. Johnston stated that gave him ample direction to proceed. Mr. Durham clarified that essentially the Commission is giving staff the latitude to use staff's judgment for recommendations to Council.

Mr. Durham stated that he believes the concerns about the misuse of the Student Center recently, as documented in the Arlington Herald, should be discussed with the Student Center staff about appropriate uses as defined by SUP99-07. Mr. Slominski concurs with Mr. Durham that the incident of abuse of the appropriate uses should be looked into.

Motion carried 5-2, Gantt and Pates denying.

6. PUBLIC HEARING

- A. John Janney, RZ2019-05, SUP2019-03, and SE2019-01**, requests three actions to renovate the historic industrial building dating to c. 1872 at 401 – 409 Princess Anne Street into approximately 2,100 square feet of commercial space and 12 residential units. The project requires three requests:

1. RZ2019-05 - A Zoning Map Amendment to remove 401 and 409 Princess Anne from the Railway Station Overlay District.
2. SUP2019-03 – A Special Use Permit to permit a total of 12 units (33 units per acre) in the Commercial Downtown Zoning District.
3. SE2019-01 – A Special Exception to § 72-32.2.C(2) Mixed-Use Regulations to permit the mixed-use project to contain 2,100 square foot (10% of the 20,906 gross square feet of buildings on-site) as non-residential use.

Mr. Craig presented the staff report with a power point presentation.

Mr. Rodriguez asked about the existing businesses in the Railway Station Overlay District (RSOD) and the reduction in commercial mixed uses. Mr. Rodriguez asked if this project was in the Downtown Parking District where the Applicant could buy other spaces even though there are no parking requirements for this project since the UDO exempts historic buildings from providing parking. Mr. Rodriguez asked if this was not a historic building, what parking would be required. Mr. Craig confirmed that the 12 units are currently proposed, but 2,100 sq. ft. of commercial use would require 18 parking spots. Mr. Craig clarified that even though the project is in the Downtown Parking District, the only spaces that can be bought are non-residential spaces. Mr. Rodriguez asked if the surface asphalt is currently being used adequately in the RSOD. Mr. Craig said not in the evenings.

Mr. Pates asked for the time table approving the application. Mr. Craig stated the Commission must act by its November 13 meeting. The Commission discussed the Janney-Marshall residents' potential use of the Caroline Street/Frederick Street City lot (City lot) spaces, the vision for the train station's future, the appropriate use for the City lot, the appropriate expenditure around infrastructure, and the values the City needs to preserve.

Mr. Hornung asked if the existing 21,000 sq. ft. building could be developed by right as an office building and stated that under that scenario, without the historic building exemption, 70 spaces would be required by the ordinance. The proposed use without the historic building exemption, would have 25% of the required parking. Mr. Hornung asked if an office worker who lived in the City would be allowed to park in the City lot, which Mr. Craig confirmed.

Mr. Durham asked if the GDP has a specified use for commercial activity in the Janney-Marshall building. Mr. Craig referred that question to the Applicant but stated that the Commercial Downtown Zoning District would permit a variety of different uses by-right.

Mr. Rodriguez asked if the single-story warehouse shed could be converted to garage space. Mr. Craig referred that question to the Applicant.

Chairman Gantt discussed the use of the public lot by VRE commuters.

Mr. Craig stated that a walkable urban place requires a balance between density of use, open spaces, and car storage. The parking lot is vacant all night (which is peak residential parking demand). Mr. Craig said looking at the big picture, there would be sufficient parking with 6 parking spaces on site, 9 parking spaces on Frederick Street, 2 adjacent parking spaces on Princess Anne Street, and the 112 spaces in the City lot.

Chairman Gantt stated the George Washington Regional Commission and Nader's Store rent out open parking spaces for \$75 monthly, so there is a value aspect there. Mr. Craig stated that the value of being able to renovate a historical structure and preserve green space vs. the value of providing free parking or the value of having an open parking area should also be considered.

Mr. Durham stated he felt the parking situation will not significantly impact the commuter lot. He does think the ratio of asphalt to buildings percentage is slightly skewed because so much parking in the area is private. He wants to be sure not to impact commuter parking since a City goal is to encourage VRE use. Mr. Craig stated that the area has approximately 1,000 parking spaces for VRE spaces, in addition to the City parking garage at Sophia Street and Wolfe Street, which is underutilized. Mr. Craig stated that the legal and political impact of asphalt requirements is a focus of staff's work with the Parking Advisory Committee.

Mr. Durham requested a condition Applicant lease other parking spaces for the residents of the Janney-Marshall building as the Commissioners can't just take for granted that it will work out and need to consider alternative parking in order to consider these three variances. Mr. Rodriguez questioned if a condition can be tied to the special use permit regarding leased parking? Mr. Craig responded yes but as long as there is a nexus to the approval. If the Commission approves a reduced amount of non-residential square footage and the addition of three additional residential units, that would be the tie the Commission should work with.

Mr. Durham asked if the special use permit to add three additional units makes the project economically feasible. Mr. Craig deferred to Applicant but stated staff recommended approval because from a City standpoint, the renovation is primary, preserving the open space is secondary, and the parking impact is minimal.

Chairman Gantt opened the public hearing.

Applicant, John Janney, 717 ½ Kenmore Avenue; and Engineer, Jon Fairbanks, Fairbanks & Franklin, were present. Mr. Janney stated that not only do the three additional units matter to the economic feasibility of this project, but so do the tax credits. Mr. Janney has been told by the Virginia Dept of Historic Resources (DHR), that the metal shed on the side of the building has historic status and must be retained. Unfortunately for the project, this halts putting another 24 parking spaces on site. If he is able to, he will redevelop the site to add those additional parking spaces but he cannot do so during the tax credit hold period of five years.

Mr. Rodriguez asked if the metal shed can be made into any commercial space as it would add to the square footage and up the percentage of non-residential space. Mr. Janney stated no. Mr. Rodriguez asked if Mr. Janney had approached the Economic Development Authority (EDA) for a grant. Mr. Janney stated no.

Mr. Hornung asked what was intended for the façade. Mr. Janney responded the project had just gone before the Architectural Review Board (ARB) for review and the intention is to bring the original exterior character of the building back, no changes.

Mr. Pates asked what the DHR logic regarding the shed was. Mr. Janney stated that anything built before 1938 is automatically considered an historic structure by DHR.

Mr. Pates' discussed the unsafe conditions in the drop-off area of the train station and asked if the City had discussions to acquire some of the lot to expand the drop-off area. Mr. Janney stated no, but that the site plan does have a fence to surround the property and hopefully alleviate some of the pedestrian traffic across the Janney-Marshall property. Mr. Pates asked if there had been any discussions with the City about dedicating or acquiring any of the lot. Mr. Janney responded that the City may need the 6 space parking lot for future train station expansion. If Applicant is able to get the 24 space lot approved, at that time he would be happy to work with the City. Mr. Pates asked if that could be

incorporated into this application. Mr. Janney responded that at this time he has to have it for the 6 parking spaces and the 24 parking spaces can't be considered until the five-year tax credit program is through.

Mr. Durham asked if after the five-year tax credit period, the shed should then be able to be redeveloped into potential parking along with a potential sale of the adjacent lot to the City, which Mr. Janney confirmed. Mr. Durham asked if Applicant would be willing to look an arrangement where parking spaces would be leased for the use of the Janney-Marshall building residents. Mr. Janney stated he would reserve six spaces on his property at 510 Princess Anne Street for the residents. Mr. Durham asked if any specific plans were in motion for the non-residential use of the building. Mr. Janney stated it may possibly be leased by the building itself as a gym.

Mr. Slominski asked whether a "green roof" could be installed. Mr. Janney stated that insulated sheathing is being installed so as to retain the woodwork on the underside. This is the last major post and beam property in Fredericksburg that hasn't been redeveloped and Applicant wishes to retain as much character as can be done.

Nancy Moore, 314 Princess Anne Street, stated she was excited to see the development but was concerned with the parking.

Rebecca Hammer, 138 Caroline Street, stated she is pleased there will be no encroachment on the green space on the northeast side of the Janney-Marshall building, that is being called Trestle Park. Ms. Hammer gave a brief overview of the history and planning of the green space. Ms. Hammer requested a condition that the installment of the gas and power lines be carefully done so as not to disturb the landscaping beyond what is necessary and that the City work to help Mr. Janney convince the DHR there is no need to preserve the unsightly "historic" shed.

Linda Coker, 308 Caroline Street, stated that the median in the center of Princess Anne Street was constructed to deter pedestrian traffic crossing all over Princess Anne Street. Ms. Coker is thrilled with the project and is only concerned with preserving the green space (Trestle Park) and the parking situation. Frederick Street is highly utilized in the evening and she believes it would be so beneficial to get rid of the shed and gain those extra parking spaces.

Mary Deadman, 214 Princess Anne Street, stated she is much more encouraged about this project but the City cannot count on the Frederick Street parking spaces, those spaces are consistently full. Ms. Deadman discussed the parking situation in the Darbytown neighborhood because most every licensed driver in the neighborhood has at least one vehicle, if not two, trying to park there, which is why it is such a serious concern.

Ann Little, 726 William Street, Executive Director for Tree Fredericksburg, stated she is speaking for the trees. She understands that all the gas and power lines need to be installed but is requesting a condition that either (1) the lines be bored under the existing trees and shrubs as the existing landscape has an approximate value of \$15,000; or (2) that she is available as a resource to ensure the preservation of this green space.

Chairman Gantt closed the public hearing.

Mr. Pates wanted this matter delayed to the next meeting to take an opportunity to further discuss this project as he feels there are many issues that were only slightly discussed. Mr. Durham requested there be some specific activities done over the next month if this matter was tabled. Mr. Pates believes the

two issues are (1) parking alternatives; and (2) whether a condition can be made for the City to be able to acquire the small 6-space lot once the Applicant is able to build the larger 24-space lot.

Mr. Durham stated two additional issues (3) a specific plan to discover the best approach for the installation of the utilities with minor disturbance to the existing trees and shrubs; and (4) whether or not there can be a provision for what happens at the end of the five-year tax credit period stating that the Applicant will proceed with an alternate parking arrangement on site.

Mr. Hornung doesn't think it's a good practice to have a condition that says the City anticipates Applicant tearing down a historic structure when the Applicant is going through a DHR process. He is also concerned about a condition that Applicant is required to grant the small lot to the City once he is able to construct the larger lot. Mr. Hornung does not see a direct nexus between this proposal and the need to expand the drop off lanes for the train station.

Mr. Pates stated he wasn't suggesting that there would be a requirement but the Applicant always has the ability to volunteer or proffer something and there is a clear City need for that property. He hoped that that there could be some agreement and possibly the City could reciprocate by advocating on Applicant's behalf with DHR and feels it is worthy of further discussion.

Mr. Rodriguez asked if Kate Schwartz, Historic Resource Planner, has been consulted on the historic nature of the shed. Mr. Craig stated Ms. Schwartz said its DHR'S purview to operate their tax credit program. Mr. Craig stated that the Commission needs to be conscious of the 2016 proffer law wherein this is a residential rezoning and that Mr. Hornung's focus on the nexus of the project is very important. Any suggestions or discussions on the conditions need to be focused on the direct impact of the project.

Mr. Pates motioned to table this matter until the next meeting to discuss the four issues Mr. Durham listed. Mr. Durham seconded the motion to delay a recommendation on the matter.

Chairman Gantt stated he has a concern that the Commission should not be telling the City to challenge DHR'S perspective. Mr. Rodriguez stated that what he meant was not to challenge the State but if the City of Fredericksburg and DHR think it's historically significant, why is the Commission banking on Applicant being able to tear the structure down in five years. Mr. Hornung clarified that the tax credit will expire in five years. Mr. Johnston stated that discussion of tearing down the historic shed after the tax credit period, would jeopardize Mr. Janney's ability to get the tax credits today.

Mr. Hornung asked if a majority of the Commissioners would like to further discuss the items Mr. Durham brought up or go to a vote. Mr. Durham clarified that the four items he listed are all things he would allow staff to use their best judgment to deal with them as staff sees fit as he believes staff can resolve and strengthen this proposal with time to work with Applicant.

Mr. O'Toole asked for clarification on which four points were being discussed. Mr. Durham stated the points are: (1) work with Mr. Janney to establish a special use permit condition involving the six additional parking spots at 510 Princess Anne Street; (2) work with Tree Fredericksburg on how to minimize any disruption to the green area (Trestle Park) during utility installation; (3) an examination of whether it is feasible to set a provision for the future development of an expanded parking area on site; and (4) long-term parking alternatives. Mr. Rodriguez feels it is more appropriate to work with the City arborist who can then consult with whomever they choose.

Chairman Gantt stated he is not comfortable with the direction of this discussion and will not be voting in favor of a deferment. Mr. Hornung made a substitute motion to approve the project as referred by

staff with the addition of two conditions: (1) Applicant will reserve six additional parking spaces at 510 Princess Anne Street for the use of the properties residents; and (2) Applicant will work with the City Arborist to mitigate the impact of the installation of the utilities. Mr. Rodriguez seconded the substitute motion.

Mr. Pates clarified that this vote is just a procedural motion to determine if the Commission wants to vote on the three matters before the Commission regarding the Janney-Marshall building.

The motion passed 6-1 (Pates nay.)

Chairman Gantt asked for a vote on RZ2019-05, a rezoning to remove 401-409 Princess Anne Street out of the Railroad Station Overlay District. Mr. Rodriguez motioned to approve and Mr. Hornung seconded.

The motion passed 6-1 (Pates nay.)

Chairman Gantt asked for a vote on SUP2019-03, a special use permit to allow a mixed use residential density with the conditions in the staff report plus Applicant will (1) reserve six additional parking spaces at 510 Princess Anne Street for the use of the properties residents; and (2) work with the City Arborist to mitigate the impact of the installation of the utilities. Mr. Rodriguez seconded the amended motion. Mr. Pates stated that he just wants to clarify that he is voting against all three measure because he thinks it is premature.

The motion passed 6-1 (Pates nay.)

Chairman Gantt asked for a vote on SE2019-01, a special exception for a mixed use development. Mr. Rodriguez motioned to approve the special exception with the conditions as recommended by staff and by the Commission, the same conditions as listed in the special use permit. Mr. Hornung seconded.

The motion passed 6-1 (Pates nay.)

B. M&M Auto Parts Incorporated, SUP 2019-02 requests a Special Use Permit for 'Outdoor Storage' of vehicles and parts, near the intersection of Tyler Street and Belman Road.

Mr. Newman presented the staff report with a power point presentation.

Mr. O'Toole asked why an economic study needed to be done. Mr. Johnston stated this particular use may have an impact on larger property developments within the industrial park and the City wants to be sure of the implications of the impact on adjoining properties. Mr. O'Toole asked if the City Attorney has reviewed and advised on this matter. Mr. Johnston confirmed she had. Mr. Craig stated one of the review considerations in the special use permit is on the economic impact on adjoining properties. Mr. O'Toole asked if this has been done on any other properties. Mr. Craig stated that he does not recall this ever being done.

Mr. O'Toole asked if M&M Auto Parts went out of business, would the special use permit be voided and not run with the property and is that normal procedure. Mr. Newman stated the use of storage of autos without an associated recycling center would make it a junkyard, which is not allowed anywhere in the City. This is considered outdoor storage because it is associated with the recycling facility which two uses are integral.

Mr. Durham questioned the distinction between a storage facility for partially recycled vehicles and a junkyard. Mr. Craig responded that as long as there is an active processing center, it is a unified business.

Chairman Gantt opened the public hearing and invited Applicant to speak. Charles Payne, Jr., Hirschler Law Firm, representative for Applicant, said M&M Auto Parts has been operating for 60 years in the City and Stafford County. Mr. Payne presented a power point presentation for M&M Auto Parts showing M&M Auto Parts' history; an overview showing the project details, including the existing operations; the consistency with the Comprehensive Plan; the environmental and historical impacts; and the impacts to the surrounding properties. (See attached M&M Auto Parts power point presentation)

Mr. Pates stated the current owner of the subject parcel was Technautics LLC and asked what that company was. Mr. Payne replied it is a real estate holding company, but has no use on the property. Mr. Pates asked who the principals of Technautics are as all he was able to find out was that Jai Gupta is the manager. Mr. Payne stated the Technautics representative was present.

Mr. Durham asked about the 12-18 month cycle a vehicle body frame sits in storage and if that is typical. Mr. Payne replied yes and once the time period is exhausted, the vehicles are crushed and sold for metal. Mr. Payne stated this is a 100% recycling center and the facility even uses some of the oil to heat the facility in the winter.

John J. Schwartz, Commercial Real Estate Broker based in Henrico County, spoke on behalf of M&M Auto Parts and Technautics, LLC. Mr. Schwartz stated Technautics reached out to him to sell the property. After numerous attempts to develop this property, including a data center possibility, none of them worked because of the site limitations, size, shape, and maximum potential results of the functional building uses. Technautics requested Mr. Schwartz to express a very strong concern for the City's efforts to scrutinize the off-site impact of this use. Technautics is concerned that the City, by this latest study request, wants to second guess this project with a well-known successful company. Technautics thinks this late hour type of scrutiny is highly unusual and potentially bad business for future City development. Mr. Schwartz requested the Commission move this project forward.

Ann Little, 726 William Street, stated that she had previously worked with Mr. Morrow in 2015 regarding the trees around his business park property. The property was the cleanest operation she had ever seen and she was very impressed by his dedication to creating an environmentally friendly operation.

Cary Leach, 16 Fairfax Circle, owns approximately 16 acres in Industrial Park across from M&M Auto Parts. He said he served on the City's Planning Commission and the Industrial Development Authority. Mr. Leach stated M&M Auto Parts is a fabulous neighbor and runs a wonderful operation. M&M Auto Parts was encouraged to come to the City ten years ago; encouraged to expand five years ago; and will be able to operate more efficiently with this latest expansion. None of his businesses have any objections to M&M Auto Parts' plans as they know the operation will be run efficiently and environmentally safe. Mr. Leach discussed the possibility of a data center in this location and why it just wouldn't work. This project is perfect for the site and the City should realize this is the best case scenario. The land has been trying to be sold for over ten years with no takers and he encourages the City to approve this project.

Chairman Gantt closed the public hearing.

Mr. Rodriguez motioned to approve SUP2019-02 for outdoor storage associated with a recycling facility near the intersection of Belman Road and Tyler Street. Mr. O'Toole seconded. Mr. Johnston asked if the approval was with the four recommendations staff presented in the staff report. Mr. Rodriguez asked for the recommendations to be restated. Mr. Johnston did so. Mr. O'Toole stated that

was the motion he seconded. Mr. Slominski stated he believes this is a great project however he is not a fan of the statement saying the City should get out of the way if the City wants to be a nice city to work with. The Commissioners represent the citizens of the City and want to be sure they are always acting in the citizen's best interests. The Commission is pro-business but the Commissioners do not appreciate comments stating the Commissioners sometimes get in the way while they are doing due process. Chairman Gantt agrees with Mr. Slominski. Mr. Pates would like to hear back from staff as to why they are recommending delay until after the economic study is done.

Bill Freehling, Director of Tourism and Business Development, stated that the Technautics property of 30 developable acres, in a City of 10.4 square miles, is one of the largest green field development sites the City has. The City wants to be deliberate in the analysis of the potential for the property to be sure this is the highest and best use for the property. There are potential higher intensity businesses, which would yield more in tax revenue. Mr. Johnston augmented Mr. Freehling's comments that there is one other adjacent use not mentioned by Mr. Payne, Braehead Farm. What happens to this tract will impact the 28 acre Braehead Farm site when it eventually does develop.

Mr. Rodriguez asked if staff had received any comments from any adjoining property owners. Mr. Newman stated no public comments had been received.

Mr. Durham asked Mr. Freehling for clarification on the analysis that's been done to find prospects for this site in conjunction with the current owner and whether the City has engaged in any cooperative prospecting. Mr. Freehling stated that the City has had a dozen or more conversations with Mr. Schwartz over the past four years, mostly through the Fredericksburg Regional Alliance (FRA). During his five years with the City, the City has responded to 20+ inquiries for information from the FRA from different prospects looking for industrial sites. There have been a half dozen site tours of the property but none have materialized. Mr. Freehling stated that when the FRA comes to the City with a prospect needing 20-30 acres of industrial land, this is the only property the City has.

Mr. Durham asked what zoning district allows data centers. Mr. Freehling stated it is allowed in other districts as a special use, but only I-2 allows data centers by-right with stipulations on the water cooling system. Mr. Durham asked about the impacts to M&M Auto Parts' business if they are not able to do this expansion. Charles (Rick) Morrow, owner of M&M Auto Parts, explained that the number of vehicles they process has increased and the types of cars they are purchasing are more late-model cars. When buying late model cars, you have to get as much as you can from that vehicle to make it worth the buy. All the body panels stay with the car. Many different models of cars are on the road so when you get a potential sale, there is not a stack of cars that all have the same parts, it has to be specific, possibly even a specific year for the model. Therefore, the impact to the business of not being able to store the cars for an extended period of time would mean they would have to diminish the volume of work they do which would mean less revenue and some job losses. Mr. Durham stated his line of conversation was to illuminate the true use of the property and how these parts would be used and at what frequency to better understand the nature of the facility's use. Mr. Morrow stated 90% of their business is wholesale selling to body shops, etc. to repair cars for someone else.

Chairman Gantt asked for a vote on the motion made by Mr. Rodriguez to approve SUP2019-02 along with staff recommendations.

The motion passed 5-2 (Gantt and Pates nay.)

7. OLD BUSINESS

Discussion of Planning Commission Bylaw Changes regarding the Status of Land Use Planning Annual Report and the annual review of the City's proposed Capital Improvements Plan.

Mr. Pates suggested that due to the lateness of the hour, this discussion be tabled until the next Commission meeting.

8. NEW BUSINESS

A. Transmission of the Annual Report None.

9. GENERAL PUBLIC COMMENT

None.

10. OTHER BUSINESS

A. Planning Commissioner Comments

Chairman Gantt asked the Commission to save September 12, 2019 for the fall social.

Mr. Durham reviewed his handout regarding solar power installations in commercial, residential, and governmental development and redevelopment projects. Mr. Craig stated that the Comprehensive Plan discusses the Clean & Green Committee as having responsibility for evaluating existing sustainability policies and recommendations. Mr. Craig suggested that staff take the time to marry up Mr. Durham's request with the Clean and Green Committee, work with the Committee, and then return a recommendation. Mr. Durham agreed with that plan as this is clearly a land use question but also an area for Clean & Green and other departments within the City that would have interest in this matter. This matter covers not only land use policy and the UDO, but the SOLSMART criteria also pertain to other departments.

Mr. Johnston stated that the City encourages solar development with the Property Assessed Clean Energy (PACE) ordinance. This legislation was adopted by the City as part of the baseball stadium process. PACE provides an opportunity to finance environmental enhancements to development activities. Mr. Durham agreed this is helpful but just wants to reiterate how important it will be for the City to get the SOLSMART designation. SOLSMART works with FRA to prospect for businesses as they will want to locate in a locality that has policies that allow them to do these types of projects. However, beyond the development and redevelopment aspects, Mr. Durham is also interested in what the City itself is thinking about, i.e., how to use its rooftops, how to work with City schools, etc.

Mr. Johnston reviewed a data center information meeting on August 12, 2019 where one of the elements discussed was the use of solar power to augment their power demands.

B. Planning Director Comments

Mr. Johnston reviewed items from the August 13 Council meeting stating that the Douglas Street vacation was withdrawn; the right-of-way shift of Alum Spring Road was approved; and archeological text amendments were initiated. He reminded that the Area 1 and Area 2 charrette will be October 21-24, 2019, along with other public meetings to discuss the areas. The plan is to move forward with Area 5 (College Heights), Area 8 (Mayfield), and Area 10 (Lafayette Corridor) next spring.

Mr. Rodriguez stated that he wants to be sure the Commission and staff don't lose sight of discussing the City's parking situation and is requesting a work session for further discussion. Mr. Johnston suggested a work session be held at the September 11 Commission meeting, which was agreed to by the Commissioners.

11. ADJOURNMENT

There being no further items to be discussed, the Planning Commission adjourned at 11:32.

Kenneth Gantt, Chairman

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