



**CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES**

**November 13, 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/unnlh4pebr>

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

MEMBERS

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

CITY STAFF

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM

Five members were present and one member attended telephonically.

4. DECLARATION OF CONFLICT OF INTEREST

There were no conflicts of interest reported.

5. APPROVAL OF AGENDA

Mr. Hornung motioned for approval, Mr. Slominski seconded. Unanimous approval.

6. PUBLIC HEARING

A. The City of Fredericksburg proposes to amend:

- § 72-34 Overlay Districts, to adopt the Archaeological Preservation Overlay District for the purpose of identifying, evaluating, preserving, excavating and interpreting archaeological resources during the land development process; and
- The official zoning map to designate the Archaeological Preservation Overlay District over the entire City.

Ms. Schwartz reviewed the proposed amendments with a Power Point presentation. Ms. Schwartz recommended that the Commission permit public comment but continue the public hearing until the December 11 Planning Commission meeting to allow for a final legal review of the ordinance structure. Ms. Schwartz also reviewed the predictive model that shows the probability of identifying sites citywide.

Mr. Hornung asked for a summary of the archaeological excavation work done on the Riverfront Park. Ms. Schwartz said she could follow up with specific costs for the multiple phases of investigation conducted, but reviewed some general costs for archaeological work: survey of a single family lot is approximately \$5,000; an entire city block could be \$50,000 to \$100, 000, depending on the density of the resources.

Mr. Pates questioned the 5% fee on all applications. Ms. Schwartz explained this program was a public benefit and that although the fee applied to all applications, most archaeological work only applied to projects greater than 2,500 square feet and to land in the medium high to high probability areas. Mr. Pates questioned when a site may need to be avoided. Ms. Schwartz noted this is not a requirement, but requests may be made if minor changes can be made to a plan to potentially preserve a historic resource.

Mr. Hornung stated that this program encourages early identification of sites and incentivizes avoidance by requiring investigation of resources that will be destroyed. Once a site has been identified, the next step is Phase II, which costs more money. So early identification and potentially redesigning the site can save costs. Ms. Schwartz noted this is not a tool to prevent development but builds consideration of the archaeological resources into work being done in the City.

Mr. Pates questioned developments in the City where archaeological resources have been lost due to a lack of an ordinance. Ms. Schwartz noted the City doesn't know for sure what has been lost. Mr. Johnston said that previously development projects have been individually addressed by Council, and Council members wanted a more standardized, predictable approach.

Mr. Pates asked how the predictive model was created. Ms. Schwartz reviewed the citywide archaeological assessment and research that supported the creation of the model and map.

Mr. Pates questioned what other local ordinances were considered in the development of the City's ordinance. Ms. Schwartz stated that ordinances in Alexandria, Williamsburg, Prince William County, and Fauquier County, among many others across the country were studied. The Fredericksburg ordinance strikes a balance between many of the example ordinances, which are either comprehensive and require substantial funding, like Alexandria, or apply in very limited circumstances, like many of the countywide models.

Mr. Durham asked for confirmation that the predictive map is an evolving document and boundaries of regions will change administratively as properties develop. Ms. Schwartz confirmed and noted sites will be changed to low probability areas as they are studied and cleared.

Mr. Rodriguez requested that once a legal determination is received it be provided to the Commission.

Chairman Rodriguez opened the public hearing.

Anne Little, 726 William St., discussed the fiscal concerns. She said the City is rated one of the most expensive places to live and now the City wants to add another 5% fee.

No further speakers, Chairman Rodriguez closed the public hearing.

Mr. Hornung clarified that the 5% fee is on the permit application fee, not the tax rate. Chairman Rodriguez questioned what the 5% fee would have generated in the last year. Mr. Johnston stated the estimation is it will amount to about \$30,000 annually.

Mr. Durham asked staff to compare the estimated costs of the program vs. hiring a full-time archaeologist. Mr. Johnston stated the estimated fees generated of \$30,000 will probably cover a third of the estimated costs of \$100,000 annually and that a professional archaeologist, including benefits, would cost an additional \$100,000. Ms. Schwartz stated that it will take a few years to see whether the program merits a full-time archaeologist or just consultants.

Mr. Hornung clarified that this program is a public benefit for City residents and the additional 5% permit fee allows for funding to cover simple projects and for the City to respond to unexpected discoveries citywide.

Mr. Slominski stated that hiring a consultant on an as-needed basis would probably work better than having an archaeologist on staff due to the uncertainty of how much work will be needed.

Mr. O'Toole asked for further clarification on the homeowner process. Ms. Schwartz said that depending on the area in the City and the size of the project, most projects would not incur substantial costs for individual homeowners. Minor projects would potentially be monitored by a professional archaeologist to avoid impacts on sites.

Chairman Rodriguez noted this matter will be before the Commission again on December 11.

7. GENERAL PUBLIC COMMENT

None.

8. OTHER BUSINESS

A. Parking Advisory Committee – Recommendation for Commission member.

Discussion was had on the Council's request to have a Commission member on the Parking Advisory Committee. Mr. Hornung made a recommendation for the Council to appoint Chairman Rodriguez, Mr. O'Toole seconded.

Motion carried 4-0-1 (Durham abstained).

B. Calendar Change – Shift January 8, 2020 meeting to January 15, 2020.

Mr. Johnston requested a change for the first Commission meeting due to the holiday schedule. The Commission agreed.

C. Planning Commissioner Comments

Mr. Pates spoke on two items (1) his appreciation to the Commission on their denial to recommend the sale of the Mary Washington Lodge; and (2) on Area 7 and his belief that development around the train station has not been given adequate attention.

Discussion ensued by the Commissioners regarding the train station and Chairman Rodriguez appointed a Train Station Area Committee to consist of Mr. Pates, Mr. Hornung, and Mr. Durham.

D. Planning Director Comments

1. Area Plans, Update: 1 and 2: Process Update

Mr. Johnston reviewed the status of the various area plans. Mr. Durham questioned if staff has met with the American Canoe Association regarding river access. Mr. Johnston said not directly, but discussions have occurred with the Friends of the Rappahannock.

2. Bylaws

Mr. Johnston reviewed the proposed amendments to the Commission's Bylaws to clarify the Commission's review process for the City's annual Capital Improvement Budget. He asked the Commission to formally consider these at its December 11 meeting. Chairman Rodriguez questioned if other proposed amendments can be considered and specifically questioned Section 5-10 and whether after two remote attendances would a member only be allowed to listen but not participate. Mr. Johnston said yes other specific amendments could be considered if they were proposed in the current meeting. He also said Commission members taking part by telephone could fully participate. Mr. O'Toole questioned why only two remote attendances were allowed. Mr. Johnston stated that was the recommendation of the City Attorney. Mr. O'Toole questioned if there was a limit to how many meetings can be missed. Mr. Johnston will check council rules.

Mr. O'Toole motioned to formally consider the proposed Bylaw amendments, described by Mr. Johnston at the Commission's December 11 meeting. Mr. Slominski seconded. Mr. Durham asked if other amendments can be considered. Mr. Johnston stated a new notice and motion would be needed.

Motion carried 6-0.

3. 2019 Capital Improvements Plan (CIP)

Mr. Johnston noted that a representative from the City's budget staff will be present at the December 11 Commission meeting for discussion. Mr. O'Toole questioned whether two numbers on the FY2020 – FY2025 CIP under Public Works and Utilities were actually one and the same. Mr. Johnston said these are two separate pools of funds.

Mr. Johnston reviewed the November 10, 2019 Council meeting, specifically Council: (a) denied the Special Use Permit for M&M Auto; (b) approved a contract for Riverfront Park without a stage canopy or bathrooms; (c) approved the removal of the slave auction block to the custodianship of the Fredericksburg Area Museum; and (d) scheduled a vote on the Mary Washington Lodge for the November 26 Council meeting.

Mr. Johnston noted that the review schedule for the Veterans' Affairs clinic proposal has been published and is due December 20.

4. Infill Ordinance Update: Council Initiation

Mr. Johnston said Council agreed to initiate amendments to the Comprehensive Plan and the Unified Development Ordinance regarding infill development. Mr. Johnston reviewed the Power Point presentation given to Council at the November 10, 2019 Council meeting. He said this matter will come to the Commission in a public hearing and will need to be acted upon within sixty days (by the January 15, 2020 Commission meeting.)

Discussion ensued regarding oddly-shaped lots and setbacks. Mr. Johnston noted that these matters will be more specifically addressed with examples at the public hearing.

8. ADJOURNMENT

There being no further items to be discussed, the Planning Commission adjourned at 9:04 p.m.

Rene Rodriguez, Chairman

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