ITEM #5A

MEMORANDUM

TO: Timothy J. Baroody, City Manager
FROM: James Newman, Zoning Administrator
DATE: May 5, 2020 (for the May 12, 2020 Council meeting)
RE: **Eufloria,SUP2020-02** requests a special use permit to operate a retail sales establishment at 915/917 Lafayette Boulevard (GPIN 7779-91-5882), at the corner of Lafayette Boulevard and Willis Street.

ISSUE

Should the City Council approve the proposed special use permit for retail sales?

RECOMMENDATION

Approval subject to the following conditions:

1. Hours of operation shall be limited from 9AM to 9PM Monday through Sunday.
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.
3. A site plan must be approved within 90 days of approval of this Special Use Permit
4. The Special Use Permit is limited to Unit D.

GENERAL BACKGROUND

Annie Pates, doing business as Eufloria Fredericksburg, wishes to operate a retail sales establishment at 915 Lafayette Boulevard, Suite D. The business is a flower shop and is currently located at 526 Wolfe Street. This parcel is 7,840 sq. ft. in size. The existing building is 3,778 sq. ft. and was built in 1919. The proposed area for the use, described as Unit/Suite D, is approximately 1,200 sq. ft. in area. The property is zoned Commercial Office-Transitional (CT).

Adjacent uses include parking for the National Battlefield Visitors Center, three single family residences, and a medical office.

The business will be owner-operated. Approximately six parking spots are available on site, with additional space on-street. The applicant has requested hours of operation being 9AM-5PM Monday through Friday, with 11AM-3PM on Saturday, and 11AM-2PM on Sunday. As the use of *retail sales establishment* would run with the property, a proposed condition would permit retail sales from 9AM-9PM Monday through Sunday. This will aid the reuse of the property should Eufloria outgrow this space and a new user become interested in moving in.

The applicant states that there will be two employees (herself and a delivery driver). The business is primarily delivery based, with three to four delivery trips a day. Additional temporary employees may be hired during seasons of peak demand.

PLANNING COMMISSION MEETING – MARCH 11, 2020

The Planning Commission held a public hearing for this item at its meeting on March 11, 2020. The Commissioners asked about the space used for the proposed use, and recommended a condition that the use be limited to the 2,000 sq. ft. of space the use will occupy, rather than permitting the use to apply to the entire property. This would allow for a reduction in need for parking and reduce other impacts. The Commission also recommends a condition that would limit the use of retail sales to a florist and gift shop. The intent is to prohibit potentially objectionable uses from occupying the space.

The Planning Commission **recommended approval** (6-0-1 abstained) subject to five conditions:

1. Hours of operation shall be limited from 9AM to 9PM Monday through Sunday.
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.
3. A site plan must be approved prior to issuance of the Certificate of Zoning Use.
4. The Special Use Permit is limited to 2,000 sq ft, within the space being used for retail sales
5. The use shall be limited to a floral and gift shop.

There was no public comment at the meeting nor has the Planning Division received any.

CONDITIONS

The recommended conditions differ from the Planning Commission motion:

1. Hours of operation shall be limited from 9AM to 9PM Monday through Sunday.
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.
3. A site plan must be approved ~~prior to issuance of the Certificate of Zoning Use~~ *within 90 days of approval of this Special Use Permit.*
4. The Special Use Permit is limited to Unit D.
5. ~~The use shall be limited to a floral and gift shop.~~

Site Plan Condition

Before the Planning Commission public hearing, representatives for the applicant made a series of changes to the site. Bamboo screening located between the property and 507 Willis Street was cut down. The ground behind the building was leveled, with some fill on an adjacent vacant parcel to create additional room for parking, and the existing parking area was expanded. These changes were done without any required permits, including a land disturbance permit and a site plan. These permits are required to ensure that work being carried out is done in a manner that conforms to the requirements of City Code.

At the time the Planning Commission recommended approval, condition 3 as proposed was reasonable and staff supported. Due to the ongoing state of emergency, the desire to assist businesses during uncertain times, and the need to balance the requirements of City Code with the needs of a small business, Condition 3 has been modified. Rather than require a site plan be approved before issuance of a Certificate of Zoning Use, a site plan will need to be approved within 90 days of Council approval of the Special Use Permit.

Use Condition

The Planning Commission also had a fifth condition that would limit the use of retail sales to a florist and gift shop. After consulting with the City Attorney, this proposed condition is not proportional to the impact. The proposed retail space is relatively small. It is located across Willis Street from the National Military Park parking lot. The UDO does not distinguish retail sales uses based on inventory offered for sale at this level of detail (as opposed to distinctions for grocery stores vs. convenience stores or gas stations, for example). Conditions are designed to deal with external impacts arising from zoning decisions: parking, traffic, noise, light. The UDO does not identify a difference in external impact between the sale of clothes, the sale of guns, or other retail items. Parking requirements are the same as other retail types and are met. Traffic to the site (both pedestrian and auto) and lighting from the store are dealt with via limits on the hours of operation. Therefore, the proposed conditions in the draft resolution do not include this item.

SPECIAL USE PERMIT ANALYSIS

Special Use Permits apply to the property indefinitely per Virginia Code, regardless of ownership. They are evaluated according to the criteria contained in the UDO, Section 72-22.6, as follows:

(1) The proposed special use at a specified location shall be:

(a) In harmony with the adopted Comprehensive Plan;

The property lies within Land Use Planning Area 7: Downtown. The future land use map in the Comprehensive Plan designates this property as Transitional/Office. This category provides for "*The areas between residential and commercial districts are transitional spaces. This Commercial-Transitional/Office category provides for limited retail uses and small scale offices, with appropriate landscaping and screening, to provide a transition between quiet residential areas and more intense commercial districts.*"

The relevant Opportunities listed for Land Use Planning Area 7 include (on page 11(7)-1):

- Protect the historic aspects of the downtown business district, through careful adaptive reuse of existing buildings and appropriate new construction on infill sites.

- Support redevelopment that respects historic structures, but without dictating architectural style or limiting creativity.

- Continue revitalization of the key corridors of Princess Anne Street, Kenmore Avenue, William Street, and Lafayette Boulevard.

- Work with Main Street Fredericksburg to develop an appropriate mix of businesses that keep down- town a viable urban center.

- Ensure persons with disabilities are included in the downtown environment by evaluating the accessibility of buildings and infrastructure. Encourage downtown property owners to improve accessibility to shops, restaurants, offices, and other commercial facilities so everyone can visit all parts of the community.

- Evaluate the area between Lafayette Boulevard and Hazel Run, adjacent to the National Park, for possible preservation or appropriate redevelopment.

(b) In harmony with the purpose and intent of the zoning district regulations;

The purpose of the Commercial-Transitional (CT) Zoning District is "*to provide for the location of predominantly nonresidential commercial uses in a low-intensity manner such that they can be employed as transitional land uses between residential neighborhoods and higher-intensity uses.*"

The use of a retail sales establishment in this space fits this definition well. It is a low intensity, nonresidential use. It is adjacent to medical office, a parking lot, and three residential structures.

(c) In harmony with the existing uses or planned uses of neighboring properties.

The proposed retail use is located along a block face in the Princess Anne Corridor that is made up of a mix of commercial structures and residences. One residential structure is located away from the rear of the property, one is adjacent to the side of the property, and a third is located on the opposite side of Lafayette Boulevard. The use is not noise intensive, nor will it produce fumes, bright lights, or other nuisance factors, and there are existing businesses operating in the structure.

In considering an application for a Special Use Permit, the City Council shall consider potential adverse impacts including:

1. **Traffic or parking congestion;**

   The site is situated on and has access from Princess Anne Street, which is a minor arterial street. On street parking is available on both Lafayette Boulevard and Willis Street, with on-site parking accessed from Willis Street.

2. **Noise, lights, dust, odor, fumes, vibration, and other factors which adversely affect the natural environment;**

   No excessive noise, odor, fumes, or vibration are associated with the proposed use, a flower shop. The size of the use would be limited to the particular suite to be occupied by the

applicant, and the hours of operation listed in Condition 1 would limit the business to operate from 9am-9pm.

3. **Discouragement of economic development activities that may provide desirable employment or enlarge the tax base;**
   The use constitutes economic development.

4. **Undue density of population or intensity of use in relation to the community facilities existing or available;**
   There are sufficient public utilities to serve the site.

5. **Reduction in the availability of affordable housing in the neighborhood;**
   Not applicable, this Special Use application is for a commercial use in an existing building.

6. **Impact on school population and facilities;**
   Not applicable, this Special Use application is for a commercial use in an existing building.

7. **Destruction of or encroachment upon conservation or historic districts;**
   Not applicable.

8. **Conformity with federal, state and local laws, as demonstrated and certified by the applicant; and**
   The applicant states they have conformed to all federal, state, and local laws.

9. **Massing and scale of the project.**
   The business will operate within the existing building, no expansion is proposed as part of this Special Use Permit.

CONCLUSION

This application meets the criteria required for approval. The Planning Commission and Staff recommended approval of this Special Use Permit, subject to conditions that vary as previously discussed.

ATTACHMENTS:

1. Resolution
2. Application
3. Planning Commission Meeting minutes of March 11, 2020 (Draft/Partial)

MOTION:

SECOND:

May 12, 2020
Regular Meeting
Resolution 20-__

RE: **Granting a special use permit for Eufloria, a retail sales establishment at 915 Lafayette Blvd., Unit D**

ACTION: **APPROVED: AYES: 0; NAYS: 0**

Sandra C. Glancy has applied to the City Council for a special use permit for a florist shop named Eufloria at 915 Lafayette Blvd., Unit D. The subject property is in the Commercial-Transitional (CT) zoning district. Florist shops are classified as retail sales establishments, which are permitted in the CT district only by special use permit. The applicant seeks this SUP as part of her plans to relocate her existing florist shop to this property.

City Council, after notice and a public hearing, has considered the application in light of its conformity with the City's Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped, and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring, or community land or structures, or impair their economic, social, or environmental value.

Therefore, the City Council hereby resolves that:

- City Council grants to Sandra C. Glancy a special use permit for a retail sales establishment at 915 Lafayette Blvd., Unit D, in accordance with her application dated February 4, 2020, and in accordance with the following conditions:

    - The hours of operation for this special use shall be limited to 9:00 a.m. to 9:00 p.m. Monday through Sunday

    - The use shall commence within 24 months of the date of adoption of this resolution and is permitted only so long as it continues and is not discontinued for more than 24 months.

    - A site plan must be approved within 90 days of approval of this Special Use Permit.

<u>Votes</u>:
Ayes:
Nays:
Absent from Vote:
Absent from Meeting:

****

Clerk's Certificate

I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-__, adopted at a meeting of the City Council held May 12, 2020, at which a quorum was present and voted.

_____

Tonya B. Lacey, MMC
Clerk of Council

RECEIVED
FEB 04 2020
CITY OF FREDERICKSBURG
PLANNING SERVICES DIVISION

Application #SUP: 2020-02
Date: 2.4.20
Fee/Check#: CK 7052 $900

$300.00 for an Individual Single-Family Lot; or
$750.00 + $150.00 per Acre for All Others

APPLICATION
SPECIAL USE PERMIT

APPLICANT NAME: SANDRA GLANCY / MARK BRAZWELL

MAILING ADDRESS: 526 Wolfe St. Fredericksburg, Va. 22401

TELEPHONE: 540-920-8166 E-MAIL: paulsyoungatheart@gmail.com
MARKBRAZWELL@GMAIL.COM

THE UNDERSIGNED HEREBY APPLIES FOR A SPECIAL USE FOR: ~~Flor~~
Retail Sales

THE SUBJECT PROPERTY IS DESCRIBED AS FOLLOWS:

Property Location 915 Lafayette Blvd. - Unit D

Property Owned By Mark Oliver Brazwell

Owner's Mailing Address 1252 Oakland Drive, King George, Va.

Proposed Use of Property (*be specific*) ~~Kung~~ Retail Sales - Flower

HOURS OF OPERATION Tues-Fri 9:30-5:30pm
Sat 11-3
Sun-11-3
Mon - Closed

NUMBER OF EMPLOYEES 1

Anticipated Number of Patrons or Clients

Description of the development's impact on neighboring and adjacent properties (please submit a complete and accurate description on a separate sheet of paper):

1. Compliance with Comprehensive Plan:
2. In harmony with the purpose and intent of the zoning district regulations:
3. In harmony with the existing uses or planned use of the neighboring properties:
4. Traffic Impact:

Special Use Permit Request
(Application Continued)

RECEIVED
FEB 04 2020
CITY OF FREDERICKSBURG
PLANNING SERVICES DIVISION

I do hereby make oath or affirmation that to the best of my knowledge, the foregoing information contained in this application is true.

Sandra C Glancy — Jan. 29, 2020

Signature of Applicant — Date

PRINT NAME OF APPLICANT Sandra C Glancy

The above oath or affirmation was signed before me and witnessed by me this 29th day of January, 2020 in the ~~County /~~ City of Fredericksburg in the state of Virginia.

Notary Signature

Notary Registration # 348982 Commission Expires May 31, 2020

CATHRYN A. ECKLES NOTARY PUBLIC MY COMMISSION NUMBER 348982 COMMONWEALTH OF VIRGINIA

JAN 29, 2020

Signature of Owner — Date

PRINT NAME OF OWNER MARK OLIVER BRAZWELL

The above oath or affirmation was signed before me and witnessed by me this 29th day of January, 2020 in the ~~County /~~ City of Fredericksburg in th state of Virginia.

Notary Signature

Notary Registration #
348982

Commission expires:
May 31, 2020

CATHRYN A. ECKLES NOTARY PUBLIC MY COMMISSION NUMBER 348982 COMMONWEALTH OF VIRGINIA

OWNERSHIP

Applicant is (Circle One):

Property Owner Agent of Owner (Lessee) Property Purchaser Other

If 'Other', describe: _____

Source of Property Title / Instrument #:
Sky River Monark, LLC - 180002106

If Property is owned by a Limited Liability Corporation (LLC):

1. Attach a "Certificate of Fact of Existence" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the LLC (add additional sheets if needed):

Mark Brazwell - owner

BRAZWELL, MARK O. SOLE OWNER
IF NEEDED CONTACT @ (757) 995-4414

OR

If Property is owned by a Corporation (Inc.):

1. Attach a "Certificate of Good Standing" from the State Corporation Commission; and
2. List the names and titles with authority to sign on behalf of the corporation (add additional sheets if needed):

Feb. 3, 2020

No member of the City Council or the Planning Commission or any member of their immediate household or family owns or has any financial interest in such property or has any financial interest in the outcome of the decision. However my father is James Pates, a member of the Planning Commission, will recuse himself.

I, Cathryn Eckles, a Notary Public in and for the State of Virginia do hereby certify that Anne Pates and Sandra Glancy, appeared before me and acknowledged the same.

Cathryn Eckles
#348982
May 31, 2020

CATHRYN A. ECKLES
NOTARY PUBLIC
MY COMMISSION EXPIRES
COMMONWEALTH OF VIRGINIA

Annie Pates
Annie Pates
Signature

Sandra Glancy
Sandra Glancy
Signature

T A X R E C E I P T - Y E A R 2 0 2 0 - 1st H A Ticket #:00066510001 @@

CITY OF FREDERICKSBURG
BRENDA A. WOOD, TREASURER

P. O. BOX 267
FREDERICKSBURG VA 22404-0267

Date : 12/16/2019
Register: ACH/TR
Trans. #: 70053
Dept # : RE202001
ACCT# : 1912

2020 REAL ESTATE TAX
LTS 58 59 & 60 BL 128-G-L7779-91-5882
Acres: .18
915 917 LAFAYETTE BLVD
Land: 235200 Imp: 379400

SKY RIVER MONARK LLC
1252 OAKLAND DR
KING GEORGE VA
22485

Previous Balance	$	344.20
Principal Being Paid	$	344.20
Penalty	$	.00
Interest	$	.00
Amount Paid	$	344.20
*Balance Due as of 12/16/2019	$	.00

Check# ACH $ 344.20

Pd by DirDp ACH $ 344.20

ANY BALANCE DUE DOES NOT INCLUDE PENALTY AND INTEREST. (DUPLICATE)

Mark Brazwell

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

Office of the Clerk

August 14, 2018

MARK OLIVER BRAZWELL
1252 OAKLAND DR
KING GEORGER, VA 22485

RECEIPT

RE: Sky River Monark LLC

ID: S7702824

DCN: 18-08-14-6398

Dear Customer:

This is your receipt for $100.00 to cover the fee(s) for filing articles of organization for a limited liability company with this office.

The effective date of the filing is August 14, 2018.

If you have any questions, please call (804) 371-9733 or toll-free in Virginia, (866) 722-2551.

Sincerely,

Joel H. Peck

Joel H. Peck
Clerk of the Commission

RECEIPTLC
LLNCD
CISECOM

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 14, 2018

The State Corporation Commission has found the accompanying articles submitted on behalf of

Sky River Monark LLC

to comply with the requirements of law, and confirms payment of all required fees. Therefore, it is ORDERED that this

CERTIFICATE OF ORGANIZATION

be issued and admitted to record with the articles of organization in the Office of the Clerk of the Commission, effective August 14, 2018.

STATE CORPORATION COMMISSION

By Mark C. Christie

Mark C. Christie
Commissioner

DLLCACPT
CISECOM
18-08-14-6398

SCC eFile

ARTICLES OF ORGANIZATION
OF
SKY RIVER MONARK LLC

The undersigned, pursuant to Chapter 12 of Title 13.1 of the Code of Virginia, states as follows:

1. The name of the limited liability company is Sky River Monark LLC.

2. The purpose for which the limited liability company is formed is to engage in any lawful business, purpose or activity for which a limited liability company may be formed under the Virginia Limited Liability Company Act.

3. The name of the limited liability company's initial registered agent is Mark Oliver Brazwell. The initial registered agent is an individual who is a resident of Virginia and a member or manager of the limited liability company.

4. The address of the limited liability company's initial registered office, which is identical to the business office of the initial registered agent, is 1252 Oakland Dr, King Georger, VA 22485. The initial registered office is located in King George County, Virginia.

5. The address of the limited liability company's principal office where the records of the limited liability company are to be kept is 1252 Oakland Dr, King George, VA 22485.

ORGANIZER:

/s/ Mark Oliver Brazwell Date: August 14, 2018
Mark Oliver Brazwell

VIRGINIA LAND RECORD COVER SHEET
FORM A – COVER SHEET CONTENT

INSTRUMENT 180002106
RECORDED IN THE CLERK'S OFFICE OF
FREDERICKSBURG CITY CIRCUIT COURT ON
September 28, 2018 AT 11:28 AM
$615.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: $307.50 LOCAL: $307.50
JEFF SMALL , CLERK
RECORDED BY: LBP

(Area Above Reserved For Deed Stamp Only)

Instrument Date: 9/28/2018
Instrument Type: DBS
Number of Parcels: 2 **Number of Pages:** 2
[X] City [ ] County
FREDERICKSBURG

TAX EXEMPT? **VIRGINIA/FEDERAL LAW**
[ ] Grantor:
[ ] Grantee:
Consideration: $600,000.00
Existing Debt: $0.00
Actual Value/Assumed: $614,600.00
PRIOR INSTRUMENT UNDER § 58.1-803(D):
Original Principal: $0.00
Fair Market Value Increase: $0.00

Original Book Number: **Original Page Number:** **Original Instrument Number:**

Prior Recording At: [X] City [ ] County
FREDERICKSBURG **Percentage In This Jurisdiction:** 100%

BUSINESS / NAME
1 [X] Grantor: ALADDIN SERVICES COMPANY LLC
[ ] Grantor:
1 [X] Grantee: SKY RIVER MONARK LLC
[ ] Grantee:

GRANTEE ADDRESS
Name: SKY RIVER MONARK LLC
Address: 1252 OAKLAND DRIVE
City: KING GEORGE **State:** VA **Zip Code:** 22485
Book Number: **Page Number:** **Instrument Number:** 080001543
Parcel Identification Number (PIN): 7779 91 5882 **Tax Map Number:** NA
Short Property Description: PARCEL 1

Current Property Address: 915/917 LAFAYETTE BLVD
City: FREDERICKSBURG **State:** VA **Zip Code:** 22401
Instrument Prepared By: GORDON B GAY **Recording Paid By:** GORDON B. GAY
Recording Returned To: GORDON B GAY
Address: 25 BUTLER ROAD
City: FALMOUTH **State:** VA **Zip Code:** 22405

§§ 17.1-223, 17.1-227.1, 17.1-249

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Consideration: $600,000.00 GPin#7779-91-5882 File: 7067
Grantee's address: 1252 Oakland Drive, King George, VA. 22485
Prepared by Gordon B. Gay VSB#07692
Underwritten by Fidelity National Title Insurance Company Assessed: $614,600.00

DEED

THIS DEED, made and entered into this 26th day of September, 2018, by and between **ALADDIN SERVICES COMPANY, LLC**, a Virginia Limited Liability Company, GRANTOR, and **SKY RIVER MONARK, LLC**, a Virginia Limited Liability Company, GRANTEE, as follows:

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant, bargain, sell, and convey with General Warranty and English covenants of title unto the Grantee, in fee simple, the following described real estate, to-wit:

ALL of those certain lots or parcels of land with improvements thereon known as Parcels 1 and 2 fronting 75 feet on the north side of Lafayette Boulevard in the City of Fredericksburg, Virginia and more particularly described as follows:

PARCEL 1:

THAT certain parcel of real estate, together with all buildings and appurtenances situate, lying and being on the east side of Willis Street in the City of Fredericksburg, and described as follows: Beginning at a point on the east side of Willis Street 60 feet North of Lafayette Boulevard; thence northwardly along Willis Street 45 feet; thence eastwardly and parallel with said Boulevard 75 feet; thence southwardly and parallel with Willis Street 45 feet; thence westwardly and parallel with said Boulevard 75 feet to the point of beginning. The said real estate being the rear part of Lots 58, 59 and 60 in Block 29 on plat of the Fredericksburg Development Company.

PARCEL 2:

That certain parcel of real estate, together with all buildings and appurtenances situate, lying and being in the City of Fredericksburg on the north corner formed by the intersection of Lafayette Boulevard and Willis Street, fronting 75 feet on the north side of Lafayette Boulevard and extending back northwardly between parallel lines 70 feet, more or less, being that portion of Lots Nos. 58, 59 and 60 in Block 29 on the aforesaid map remaining after conveyance of the 45 feet

GORDON B. GAY
Attorney at Law
25 Butler Road
Falmouth, VA 22405
(540) 373-5666
Fax (540) 373-7089

PUBLIC NOTIFICATION REQUIREMENTS

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

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

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

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

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

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

APPLICANT to mail this notice <u>by certified return receipt mail</u> to adjoining and abutting property owners between 21 and 14 days prior to the scheduled hearing.

Dear Property Owner:

You are hereby notified of the following public hearing to be held by the City of Fredericksburg Planning Commission on the issues described below.

PUBLIC MEETING DATE: March 11, 2020

AT
7:30 PM, CITY HALL
715 PRINCESS ANNE STREET
COUNCIL CHAMBERS (LOWER LEVEL)
FREDERICKSBURG, VA 22401

ISSUE DESCRIPTION: Special Use Application
Retail Sales/Florist
1 to 2 Employees - off street parking provided
Majority of Business is delivery

PROPERTY ADDRESS: 915 Lafayette Blvd. Suite D, Fredericksburg, Va 22401

GPIN NUMBER: 7779-91-5882

As a citizen and party of interest, you are invited to attend the meeting and express your views concerning the above issue. If you have questions regarding the request, you can reach me at 540-219-6624.

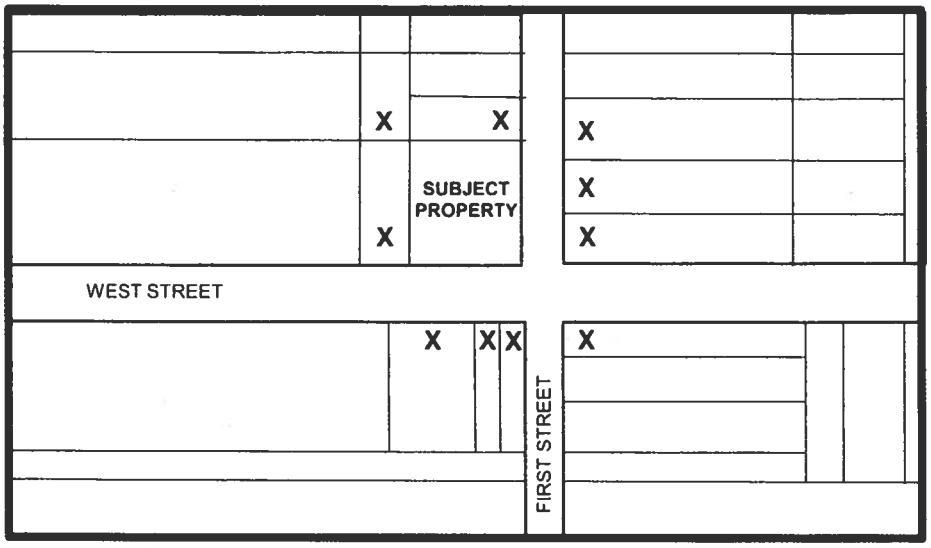
Sincerely,

Sandra C Glancy
Applicant signature

Sandra C Glancy
Applicant printed name

EXAMPLE DIAGRAM OF ADJOINING PROPERTY OWNERS

X = Property owners to be notified



PROPERTY OWNERS LIST

915 Lafayette Blvd
Fredericksburg, Va. 22401 7779-91-5882

SUBJECT ADDRESS **GPIN #**

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

Adjoining Property Owner's Name and Mailing Address

Property Address	1000 Lafayette Blvd.	X
Owner Name	Peter & Robin Brannon	**GPIN NUMBER**
Mailing Address	1000 Lafayette Blvd.	7779-91-5661
City, State, Zip	Fredericksburg, Va 22401	

Property Address	912 Lafayette Blvd.	
Owner Name	CVIM Properties LLC	**GPIN NUMBER**
Mailing Address	912 Lafayette Blvd	~~7779-91-6686~~
City, State, Zip	Fsburg 22401	

Property Address	507 Willis	
Owner Name	LOP Senavank	**GPIN NUMBER**
Mailing Address	507 Willis St.	7779-91-5961
City, State, Zip	Fredericksburg, Va 22401	

Property Address	505 Willis	
Owner Name	LOP Senavank	**GPIN NUMBER**
Mailing Address	Same as above	7779-91-5878
City, State, Zip		

Property Address	910 Lafayette Blvd	
Owner Name	Hoffman 910 LLC	**GPIN NUMBER**
Mailing Address	910 Lafayette Blvd	7779-91-7638
City, State, Zip	Fsburg 22401	

Property Address	1001 Lafayette Blvd	
Owner Name	4 Sof America	**GPIN NUMBER**
Mailing Address	120 Chatham Ln.	7779-91-4773
City, State, Zip	Fsburg 22401	

Property Address	911 Lafayette Blvd	
Owner Name	Howard, Alan & Gail	**GPIN NUMBER**
Mailing Address	17 Tally Ho Dr	7779-91-6825
City, State, Zip	Fsburg 22405	

Property Address	504 Willis St	**GPIN NUMBER**
Owner Name	US of America	7779.91.4739
Mailing Address	120 Chatham Ln	
City, State, Zip	Fsburg 22401	

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

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

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

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

ATTACH ADDITIONAL SHEETS IF NECESSARY

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

Rezoning # _____
Special Use/Exception # SUP 2020 -

CERTIFICATION OF NOTICE

TO: Zoning Administrator
715 Princess Anne Street
Fredericksburg, VA 22401

At least five days or prior to the public hearing, the applicant shall supply the Zoning Administrator with the following notice documents:

1. A copy of the notice sent
2. A list of the names of those persons to whom notice has been given
3. Copies of the post office receipts for certified or registered mail.
4. A certification statement that notice has been sent by certified or registered mail to those to whom notice is required to be given.

The applicant shall use the records and maps maintained in the City's office of real estate or GIS to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of the UDO.

The undersigned hereby certifies that the notice to adjoining property owners (copy attached), as required, was sent to the attached list of property owners concerning the following issue on (DATE) ~~Mar 11, 2020~~ Feb 19, 2020 SG

PROPERTY ADDRESS: 915 D Lafayette Blvd. Fred. Va 22401
ISSUE DESCRIPTION: Special Use Permit

Sandra C Glancy
Applicant Signature

Sandra C Glancy
Applicant Printed Name

540-219-6624
Telephone Number

Feb 20, 2020
Date

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

Eufloria:

In late 2018, after months of not working with plants or flowers in a professional capacity - not full-time, or even regularly, and with very little money, hardly any resources, and no help, I took the biggest risk of my life. Everyone in my life said, Yes, sounds great, good luck. Knowing that no one believed in me but me, I took the leap. It might be a small leap to some - a baby crawl for most, but for me, it was a giant leap. Because for me, I had no choice. Living without plants and flowers around me all day every day was one thing, but knowing how infectious my enthusiasm for what I did was, and the profoundly life-changing impact it had had in my life- I knew that, whether it took one year, five years, ten years... I would gain support from my community, because as much as I want to help people, I have learned that they are ready and willing to help me just as much, and even more.

I have watched over the last year as one customer at a time came into Eufloria, and fell in love. Even customers of mine who said their apartments or homes were overflowing with plants, they still come in to see me, to ask questions, to chat, to look at what I have newly stocked, and pass along the joy that receiving a live plant or fresh flowers can provide to their friends and families. After some unexpected and miraculous help arrived at my doorstep one day, I was given the opportunity to expand my small business - which was at the time, able, but just barely, to keep the doors open with no capital, no cushion, and a tiny, out of the way location. We found the space on Lafayette Boulevard and instantly fell in love with it. It is the perfect location for a flower shop, and with the recent efforts to

"beautify" the area, what better way to mutually benefit my business and my local community? Nothing is prettier or lovelier to look at than flowers and plants, and nothing could do more to bring beauty, tranquility and togetherness to this little corner of town.

At this moment, I have one part-time employee, but in the coming months and years, hope to bring another florist and artist to the area, and hopefully teach all the things I have learned to someone younger, who shares the enthusiasm I do for my work. If there is one thing I know, it is the amazing benefits to the soul that this work has on just about anyone. My plans for the future are to spread this "plant and flower love" to as many people around me as possible - in any way that I can.

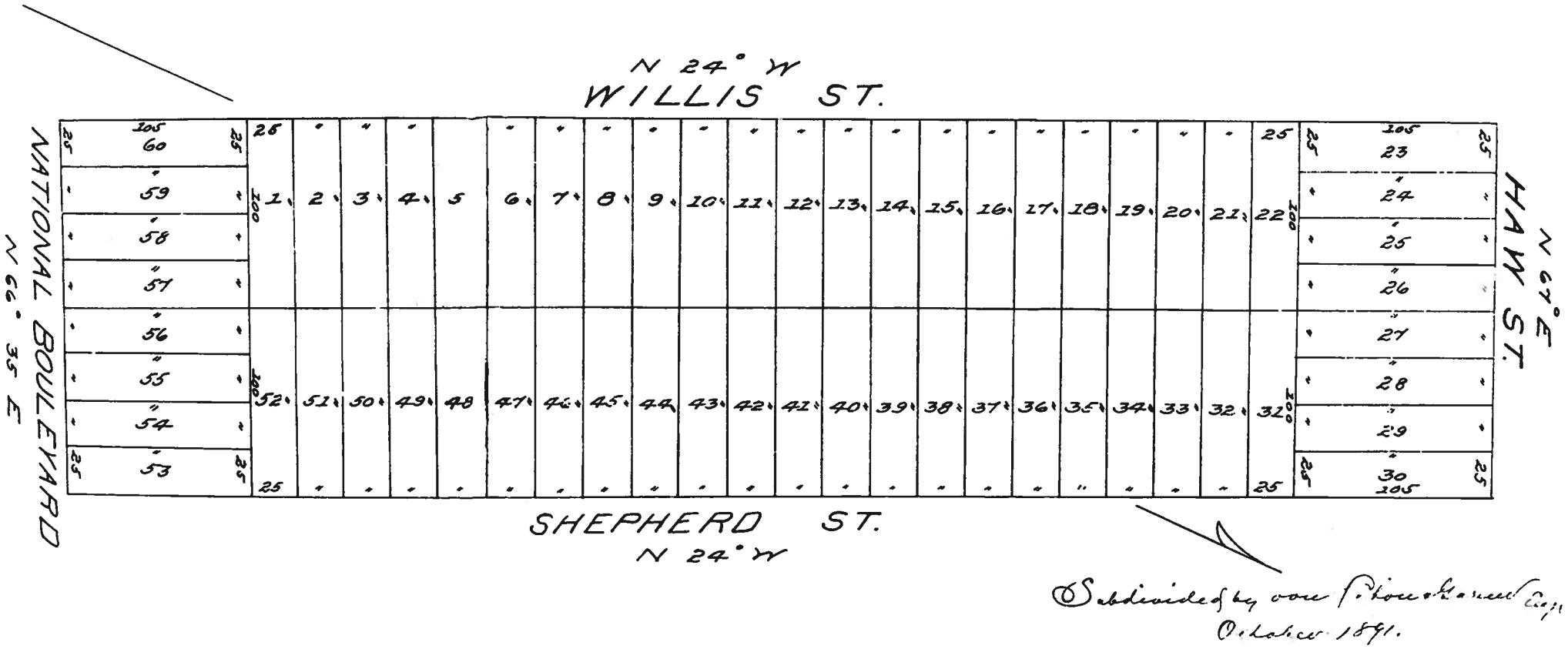
Euflora Florist

#6 - Hours of Operation

T - 9:30Am - 5:30pm
W - 9:30Am - 5:30pm
T - 9:30Am - 5:30pm
F 9:30Am - 5:30pm
Sat 11am - 3pm 5:30pm
Sun - 11Am - 2pm
M - Closed

Number of employees - 1 - owner - as needed
designers - 1 - drivers - owner + 1
volunteer - 2 days a year 2 designers
+ 2 drivers - deliveries + tips on
average 4 - 6
customers visits occasional 2 - 3
no negative impacts on neighborhood

BLOCK Nº 29



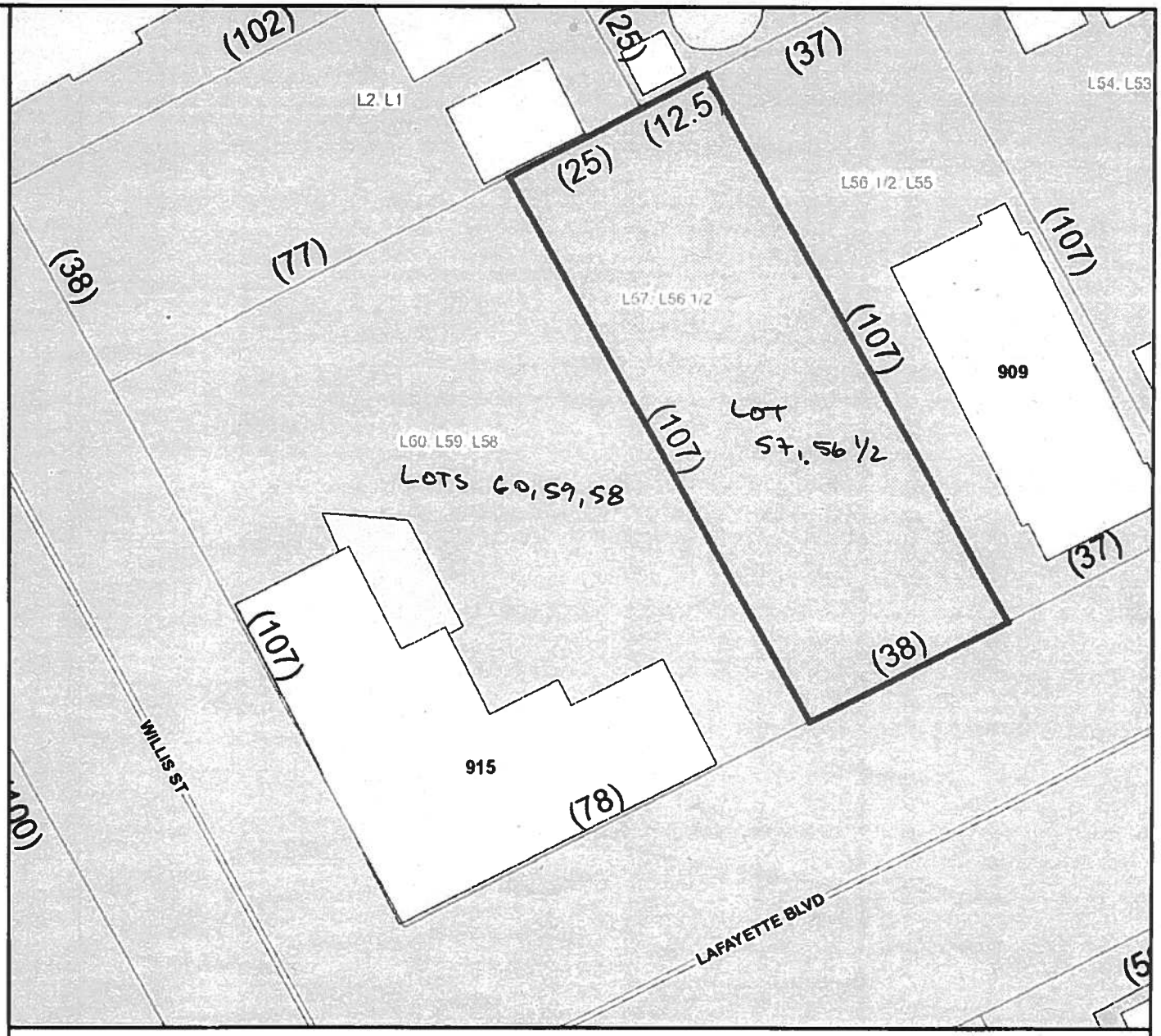
Subdivided by Pacific Improvement Co.
October 1891.

Legend

- City Boundary
- WVS_Centerlines Back (12,000)
  - Interstate
  - US Highway
  - VA Primary
  - Others
- WVS_Centerlines Back (12,000)
  - Interstate
  - US Highway
  - VA Primary
  - Others
- Parcels
- Addresses
- Lot Labels
- Structures
  - Building
  - Canopy
  - Courtyard
  - Deck/Porch
  - Foundation
  - Patio
  - Pool (Above Ground)
  - Pool (Below Ground)
  - Propane Tank
  - Ruin
  - Silo
  - Tank

Feet

0 10 20 30 40



Title:

Date: 1/30/2020

DISCLAIMER All information depicted on this map shall be treated as confidential information and shall only be used for the sole purpose for which it was provided. Anyother use of this map, or the information included thereon, is strictly prohibited. The data shown on this map is for information purposes only and shall not be relied upon for the specific location of map features. The City of Fredericksburg makes no representation or warranty as to the accuracy of the map, or the information shown thereon. This map may not be copied or otherwise made available to any other party in paper or electronic format without written consentfrom the City of Fredericksburg.

DRAFT / PARTIAL

CITY OF FREDERICKSBURG
PLANNING COMMISSION
MINUTES
March 11, 2020
7:30 p.m.
715 Princess Anne Street
Council Chambers

You may view and listen to the meeting in its entirety by going to the Planning Commission page on the City's website:
https://amsva.wistia.com/medias/771goz3nrn

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

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

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

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

2. PLEDGE OF ALLEGIANCE

3. DETERMINATION OF A QUORUM
All seven members were present.

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

5. APPROVAL OF MINUTES
November 13, 2019 Work Session
Mr. Hornung moved for approval of the minutes as submitted. Mr. Gantt seconded.
Motion passed 7-0

February 26, 2020 Regular Meeting
Mr. Pates moved for approval of the minutes with his edits as submitted by email on March 9, 2020. Mr. Slominski seconded.
Motion passed 7-0.

6. DECLARATION OF CONFLICT OF INTEREST

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

7. PUBLIC HEARING

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

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

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

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

Chairman Rodriguez opened the public hearing.

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

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

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

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Discussion ensued regarding adding a condition limiting the use to a floral business only. . Mr. Hornung was concerned about the proximity to the Battlefield Visitor Center. Mr. Johnston noted that the City Attorney has indicated that there are legal issues in trying to limit the particular type of retail sales without identifying some unique circumstances. Mr. Craig also noted that the issues with certain types of signage would be subject to design guidelines. Chairman Rodriguez was also concerned with the amount of traffic in this area. Mr. Johnston noted that limiting the allowable square footage for retail sales would inherently limit the type and size of retail sales.

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

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

Mr. Slominski noted he agreed with Mr. Hornung on limiting the potential retail sales. Chairman Rodriguez asked staff to be sure to notify the Commission of the City Attorney's determination on limiting the potential retail sales.
Motion passed 6-0-1 (Mr. Pates recused).

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

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

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

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

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

Mr. Durham questioned if there is a public use in the future in the CMD, would that property be removed from the CMD and make it part of a prose district. Mr. Craig said Planning aimed to establish additional zoning districts that would handle public uses specifically.

Mr. Pates questioned why the Commission was considering CMD without the TDR component since it was supposed to be such a central part of the CMD and how does this encourage historic

preservation. Mr. Craig said that TDR is an important part of the strategy to incentivize historic preservation in this corridor but that these ordinances put the legal framework in place to permit the evolution of use in this corridor and getting the form based code in place now is critical. The current ordinance changes work stand alone and have provisions that protect historic preservation. Mr. Craig noted that defining character structures makes sure the historical properties are not deemed non-conforming.

Mr. Pates questioned the proposed T-4M areas with residential and that these changes would open them to other development as well. Mr. Craig said these proposals to not apply to any R2, R4, or R8 zoning district properties. Further discussion ensued regarding the potential development. Mr. Pates said this would have a significant impact on residential properties in the CMD. Mr. Craig noted the level of use between LI (Light Industrial) and HI (Heavy Industrial) is vastly different, the impact is minimal, and the form based code on top of that requires that buildings are a certain shape and size and how they will be used.

Chairman Rodriguez asked about the boundaries of the CMD and why it doesn't go to the Canal. Mr. Craig noted that it currently goes to Fauquier Street and showed how it pertains to the Canal. Mr. Durham noted once the Area 7 plan is accepted, it will fully define the CMD. Mr. Craig agreed and clarified that the zoning district is established and then the properties are rezoned.

Chairman Rodriguez opened the public hearing.

Lynn Goodall, (illegible) Fall Hill Avenue. She spoke for the Canal Quarter Neighborhood Association (Association) and that it feels the Princess Anne Corridor needs to be focused on. The Association believes the attempt to rezone open areas has not been thought through and there should be more consideration given to green space, historic preservation reuse, accessibility for the aging, and canal enhancements. The Association agrees with Mr. Pates that TDR should be a part of this plan and they do not support spot zoning. The Association believes that only the zoning for the Princess Anne Corridor should be acted on until and when the 2300 building and all associated properties are sold.

Adam Lynch, Friends of the Rappahannock (FOR), 3219 Fall Hill Avenue. FOR voiced concern with the CMD as they feel the plan is a step back from a river friendly region as there should be more walkable areas and steerage of growth away from sprawling car dependent landscapes. Compact walkable development preserves green space, reduces water quality impacts and carbon footprints of new development. FOR believes the CMD downzones most of the area which entrenches low density housing, misses an opportunity to build more sustainable development, and will deter compact river-friendly development.

Paul Ireland, no address given. Questioned the use of an automotive property at 2705 Wellford and how this rezoning affects it. Mr. Craig noted that under the proposed changes automotive use will be a special use so the existing building configuration would become grandfathered and amendments to it would be permitted by special use permit.

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

No action was taken.

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

INCOMPLETE

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

8. GENERAL PUBLIC COMMENT

There were _____ public speakers.

9. OTHER BUSINESS

A. Planning Commissioner Comments

B. Planning Director Comments

8. ADJOURNMENT

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

Next meeting is March 25, 2020.

_____

Rene Rodriguez, Chairman

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