



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

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

<https://amsva.wistia.com/medias/771goz3nm>

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

**MEMBERS**

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

**CITY STAFF**

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

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

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

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

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

Chairman Rodriguez opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chairman Rodriguez opened the public hearing.

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

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

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

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

No action was taken.

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

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

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

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

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

(Mr. Pates left the meeting)

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

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

Chairman Rodriguez opened the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

## **8. GENERAL PUBLIC COMMENT**

There were no public speakers.

## **9. OTHER BUSINESS**

### **A. Planning Commissioner Comments**

None.

### **B. Planning Director Comments**

Mr. Johnston updated the Commissioners on the following:

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

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

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

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

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

## **8. ADJOURNMENT**

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

Next meeting is March 25, 2020.

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**Rene Rodriguez, Chairman**