



**CITY OF FREDERICKSBURG  
CITY COUNCIL AND PLANNING COMMISSION  
JOINT MINUTES  
June 10, 2020  
7:30 p.m.  
ELECTRONIC MEETING**

**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/ysdl3fc4ek>

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

**MEMBERS**

Mary Katherine Greenlaw, Mayor  
William Withers Jr., Vice Mayor  
Kerry Devine  
Timothy Duffy  
Charlie Frye  
Jason Graham  
Matt Kelly  
Rene Rodriguez, Chairman  
Steve Slominski, Vice-Chairman  
David Durham  
Kenneth Gantt  
Chris Hornung  
Tom O'Toole (absent)  
Jim Pates

**CITY STAFF**

Timothy J. Baroody, City Manager  
Kathleen Dooley, City Attorney  
Tonya Lacey, Clerk of Council  
  
Chuck Johnston, Director,  
Planning and Building Dept.  
James Newman, Zoning Administrator  
Marne Sherman, Development Administrator  
Erik Nelson, Transportation Administrator  
Cathy Eckles, Administrative Assistant

**ALSO PRESENT**

Angela Freeman, City Economic  
Development  
Curry Roberts, Fredericksburg Regional  
Alliance  
Bill Monteleone, Applicant  
Maggie McDonald, Applicant's Attorney  
Charlie Payne, Applicant's Attorney

## **1. CALL TO ORDER**

This meeting was held electronically by “Go to Meeting” application, pursuant to City Council Ord. 20-05, An Ordinance to Address Continuity of City Government during the Pendency of a Pandemic Disaster.

Members of the public were invited to access this meeting by public access television Cox Channel 84, Verizon Channel 42, online at [www.regionalwebtv.com/fredcc](http://www.regionalwebtv.com/fredcc), or Facebook live at [www.facebook.com/FXBGgov](http://www.facebook.com/FXBGgov).

Mayor Greenlaw called the meeting to order at 7:30 p.m. and explained electronic meeting procedures.

## **2. PLEDGE OF ALLEGIANCE**

## **3. DETERMINATION OF A QUORUM**

All City Council members were present, Tom O’Toole was absent from Planning Commission.

## **4. APPROVAL OF AGENDA**

Mr. Gantt moved for approval of the agenda as submitted. Mr. Durham seconded.

**Motion passed 6-0**

## **5. DECLARATION OF CONFLICT OF INTEREST**

No conflicts were declared.

## **6. PUBLIC HEARING**

A. **GreenChip Inc.** requests a Special Use Permit to operate a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District.  
SUP2020-03

B. **GreenChip Inc.** requests four Special Exceptions to permit development of a recycling center within an existing building at 10 Harkness Boulevard/GPIN 7778-78-5342, which is in the General Industrial (I2) Zoning District.

The applicant seeks exceptions to the following Code Sections:

- 72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.
  - The subject parcel contains 3.85 acres.
- 72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.
  - The proposed recycling center is 30 feet from the closest residential zoning district.
- 72-41.4.E.3, requiring no part of a recycling center other than a free standing office be located within 50 feet of a lot line.
  - The proposed recycling center is 30 feet from a lot line.
- 72-41.4.E.9, requiring a recycling center within 500 feet of a property in a residential zoning district not be in operation between the hours of 7PM-7AM.
  - The proposed operating hours of the recycling center would be continuous with truck delivery limited to 7AM-7PM.

SE2020-01

Mr. Johnston noted that comments from the public will be read into the minutes and comments may be received up until 4:30 p.m. on June 17, 2020 for Planning Commission and 4:30 p.m. on June 23, 2020 for City Council. No vote on this matter will be held until June 17, 2020 for the Planning Commission and June 23, 2020 for the City Council.

Mr. Johnston acknowledged that the current recycling regulations will need refinement and this particular project requires a special use permit and special exceptions based on the current ordinance in place.

Mr. Newman reviewed the staff report along with a power point presentation (Att. 1).

Mr. Payne introduced Will Duncanson, Bowman Consulting Group, engineer for the Applicant; Bill Monteleone, President and Owner of GreenChip, Inc., Applicant; Maggie Macdonald, Applicant's attorney. Mr. Payne reviewed the GreenChip, Inc. power point presentation (Att. 2) containing background and summary information about GreenChip, Inc. and the current proposal.

Mr. Johnston recognized Angela Freeman, City Economic Development, and Curry Roberts, Fredericksburg Regional Alliance, both of whom facilitated bringing GreenChip, Inc. to the City.

Mr. Durham asked about the designation of the Applicant as a recycling center, which has created some issues and requires the special use and special exceptions. He discussed the TES facility in Spotsylvania County and what it provides. Mr. Durham recommended that, while the City's ordinance does not have an applicable land use designation, staff should look to the language in the Governor's press release regarding the TES facility as IT lifecycles services for use in reviewing for potential new land use category. He further noted that if a new category is defined, it would be appropriate to make this use a permitted use, so that the applicant, does not have to take any further entitlement actions. Mr. Johnston stated he would work with the City Attorney as text changes moves forward to achieve this goal.

Mr. Pates asked what communication has been had with the National Park Service. Mr. Johnston stated that the City received written comments Kirsten Talken-Spaulling, Superintendent, Fredericksburg and Spotsylvania National Battlefield Park (Att. 3).

Mr. Pates asked if Planning staff had any response to the memo. Mr. Johnston noted that the buffer will not be removed and will continue to be maintained. Use of Cedar Lane is a larger, ongoing issue outside of the control of the Applicant and will need to be discussed with the Economic Development staff as coordinated with the National Park. Mr. Johnston is not sure what the legal history is of this access and research will need to be done as this is applicable to all businesses and homes near the National Park.

Ms. Devine reiterated that the buffer definitely needs to be kept and maintained. She asked about the 24 hours of operation and why that is necessary, and how much trash is produced at this recycling center. Mr. Monteleone stated that while traditional hours and especially all incoming and outgoing trips will be handled during the normal operating hours of 7 a.m. to 7 p.m., there are instances where additional work time is necessary for special projects, seasonal work, and maintenance. Mr. Monteleone addressed the issue of trash stating that the amount of trash produced would definitely be less than any other warehouse type business. GreenChip, Inc. produces very little by-product. He further explained the types of base commodities they will

produce and how they are disposed of. The majority of GreenChip's trash is reclaimed and reused, not put into landfills. Ms. Devine asked specifically about the plastic trash components, which is a hard market to reuse. Mr. Monteleone says that GreenChip's plastic components have stronger end markets than household plastics and has had no problem recycling the plastics.

Mr. Graham questioned Applicant regarding GreenChip's security practices. Mr. Monteleone explained the process to wipe, shred, and dismantle all information. Data security is the pinnacle objective of their business. He stated numerous examples of the industry standards they adhere to resulting in the highest certification records and Department of Defense compliance. He further explained their standard operating procedures, processes, and audits that are all performed to ensure the highest data security.

Mr. Withers questioned if all companies adhere to these standards. Mr. Monteleone stated that not all, the certifications would need to be checked. Mr. Withers then questioned what may happen if the business is sold and there was no requirement for them to adhere to these data security practices. Mr. Newman stated that the sixth condition of the Special Exceptions is that within six months of the commencement of the use, the operator shall obtain and maintain best industry standards for responsible recycling so this will also pertain to any subsequent owners of the recycling center.

Mr. Kelly asked staff to explain with regard to the special exceptions, what was the original rationale of the recycling ordinance. Mr. Johnston noted that at that time it was probably addressing household recycling, nothing of the nature of this application existed then. The business of recycling has now become incredibly diverse and regulated and City ordinances has not kept up with it. Many of the current restrictions make sense with other recycling uses, but not in this instance. This should not be a one-size fits all ordinance. Mr. Johnston noted that the original ordinance was also probably intended for more large scale industrial recycling activities. Mr. Kelly stated he just wants to understand the reasoning behind the rules and regulations set in place in the first place. Mr. Kelly further noted his concerns with the National Park Service being affected by this proposal and he wants to be aware and participate in any changes to the rules and regulations for the Industrial Park. Mr. Kelly clarified that what will be happening is that the City will be expanding and diversifying the classifications in addition to reviewing the current regulations. Mr. Johnston agreed and stated that existing categories would be used and modified.

Ms. Devine asked about Standard No. 4 of the 13 UDO Use Standards for Recycling Centers where it states that recyclable materials stored outdoors shall not exceed 20 feet but then Standard No. 5 states that outdoor storage areas shall be surrounded by a fence at least eight feet high. She wants to know which height is going to be observed as an eight foot high fence will not screen a 20 foot high pile of recyclable materials. Mr. Johnston noted that it is not appropriate to go beyond eight feet and GreenChip has agreed to maintain the eight feet requirement. Mr. Johnston noted that he believes Standard 4 and 5 were written at two different times and this is another instance of what needs to be clarified in the revised ordinance. Ms. Devine requested that Special Exception Condition No. 5 have wording added "no more than eight feet high". Mr. Johnston agreed.

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

Mr. Durham asked Applicant to expand on the instream of products to the facility and how it will affect the economic impact. Mr. Monteleone explained that the materials will come from all over, but primarily the East Coast. Mr. Durham asked if there are middlemen that collect the products and GreenChip purchases from them and then other times from corporate providers and, more specifically, is there any part of the business that looks for regional contracts. Mr. Monteleone said they work regionally with the area and collecting materials from middlemen is not a large part of the business. GreenChip even takes materials from the public keeping items from the local landfills.

Mayor Greenlaw asked Ms. Freeman and Mr. Curry to expound on the benefits GreenChip will bring to the City. Ms. Freeman stated that this proposal with GreenChip shows economic development as a partnership with the City and they will be a good corporate citizen of the City. The instream of products will bring in new dollars to the City adding to the economic benefit. Mr. Curry explained that the Fredericksburg Regional Alliance is a public/private partnership, regional economic development organization that works with all five jurisdictions that make up the planning district. Primarily half of their work is inward attraction of business to the region. Regarding the recruitment of GreenChip to the region, the FRA has previously worked with four other companies like GreenChip. The protocol with the state economic development agency has it presenting FRA with leads so it can look across the region to find the best solution for what the company is looking for.

Mr. Johnston noted that although the Special Use Permit and the Special Exception were discussed jointly, the vote will be on each item separately at the June 17, 2020 for the Planning Commission and June 23, 2020 for the City Council.

**C. The City of Fredericksburg** proposes amendments to the Unified Development Ordinance, §72-59 Signage, to allow for:

- additional building signage for multi-story buildings of three or more stories in the Commercial (C) and Planned Development (PD) Districts,
- increase the proportion of signage permitted per building side in the C, Industrial, and PD Districts,
- differentiate building signage standards for non-residential and mixed-use buildings vs. residential buildings in the C and PD Districts, and
- update the freestanding sign standards in all PD Districts.

UDOTA 2020-05

Ms. Sherman reviewed the staff report.

Mr. Withers questioned non-residential mixed-use building percentages increasing from 200 to 250 square feet or 25 percent of the total building signage allowed, whichever is greater and does that rationale have to do with the height of the building. Ms. Sherman said that request came from several community business leaders to increase it because they found it particularly restrictive on larger (big box) buildings. Therefore, the increase was for 250 square feet or 25 percent of the total building signage allowed, whichever is greater, to compensate for this and give more flexibility. In addition there was an increase in percentage allowed for taller buildings.

Mr. Kelly asked how much these proposed amendments have been circulated with the local sign community. Ms. Sherman said she circulated it to three sign companies and four private business landowners. One sign company and one landowner endorsed the amendments. One sign

company had some editorial comments which were incorporated into the draft. No other comments received.

Ms. Sherman stated she had one public comment from Ralph Priebe, Tulip Salon & Spa (Att. 4),

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

**D. The City of Fredericksburg** proposes amendments to Chapter 3 of the Comprehensive Plan, to support the submittal of five transportation funding requests to VDOT. Tables 3-2 and 3-3 will be updated and consolidated into a single table of City Street Projects. The five projects include:

- construction of Gateway Blvd.,
- intersection improvements at U.S. Route 1/Augustine Ave.
- intersection improvements at U.S. Route 1/State Route 3 and Spotsylvania Avenue,
- a bicycle-pedestrian route on the west side of U.S. Route 1 from Idlewild Boulevard to the VCR Trail, and
- an interjurisdictional project for sidewalks and transit improvements on Lafayette Boulevard.

CPA 2020-01

Mr. Nelson reviewed the staff report.

Mr. Durham noted that several changes to the Comprehensive Plan pertaining to the Small Area Plan 7 Downtown have transportation projects mentioned and wants to know if there is a mention of a transportation item that is now or potentially subject to future requests for funding, will those items be reviewed again next year with a new evaluation. Mr. Nelson said he hadn't planned to, but agrees that it might be worthy of routinely reviewing this when the Commissioners review the Capital Fund Improvements. Mr. Durham stated he feels the excellent work the Planning staff does to make recommendations to amend the Comprehensive Plan, which includes references to transportation issues would be problematic if those mentions become 'orphans'.

Mr. Nelson stated he received no public comments.

Mayor Greenlaw stated that since there were no further public comments received she was closing the public hearing and noting that public comments can still be received by the Planning Commission through 4:30 p.m. on June 17, 2020, and by the City Council through 4:30 p.m. on June 23, 2020.

## **7. GENERAL PUBLIC COMMENT**

None.

## **8. OTHER BUSINESS**

None.

**8. ADJOURNMENT**

There being no further items to be discussed, the Joint City Council / Planning Commission meeting adjourned at 8:58 p.m.

Next meeting is June 17, 2020.

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**Rene Rodriguez, Chairman**

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