



**CITY OF FREDERICKSBURG  
PLANNING COMMISSION MINUTES  
June 17, 2020  
7:30 p.m.  
ELECTRONIC MEETING / COUNCIL CHAMBERS, CITY HALL**

**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/lhna8qc4wq>

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

**MEMBERS**

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

**ALSO PRESENT**

Bill Monteleone, GreenChip Applicant (electronic)  
Maggie McDonald, GreenChip Attorney (electronic)  
Charlie Payne, GreenChip Attorney (electronic)  
Terry Coley, ADU Applicant (electronic)  
Jeh Hicks, Jarrell Properties Representative (live)

**CITY STAFF**

Chuck Johnston, Director, (live)  
Planning and Building Dept.  
Mike Craig, Senior Planner (live)  
James Newman, Zoning Administrator (live)  
Marne Sherman, Development Administrator (electronic)  
Erik Nelson, Transportation Administrator (live)  
Cathy Eckles, Administrative Assistant (live)  
Angela Freeman, City Economic Development (live)

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**1. CALL TO ORDER**

This meeting was held live and 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 attend in person with social distancing practices and masks required or 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](https://www.facebook.com/FXBGgov).

Chairman Rodriguez called the meeting to order at 7:31 p.m. and explained electronic meeting procedures.

## **2. PLEDGE OF ALLEGIANCE**

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

All members were present.

## **4. APPROVAL OF AGENDA**

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

**Motion passed 7-0**

## **5. APPROVAL OF MINUTES**

March 11, 2020

June 10, 2020

Mr. Hornung motioned to approve the minutes as submitted. Mr. Gantt seconded.

**Motion passed 7-0**

## **6. DECLARATION OF CONFLICT OF INTEREST**

Mr. Gantt stated he had a conflict with 7A, Special Exception request regarding an Accessory Dwelling Unit at 1306 Graham Drive.

## **7. PUBLIC HEARING**

**A. Terry Coley** requests a Special Exception from City Code §72-42.5, Table of Common Accessory Uses, for an 'Accessory Dwelling Unit' (ADU) at 1306 Graham Drive. SE2020-02

Mr. Newman reviewed the staff report with a power point presentation (Att. 1). Three public comments were received opposing the Special Exception. Mr. Newman reiterated that the public comment period would remain open until 4:30 June 24, 2020, with a vote scheduled for that date.

Mr. Hornung clarified that what defines an ADU is the addition of a cooking range. Mr. Newman agreed and noted that it is the addition of a 220W outlet (which supports ranges and larger refrigerators) that has been considered the indicator of a full kitchen.

Mr. Pates does not feel this Special Exception has any special circumstances that warrants going against or out of conformance with an ordinance. He does not feel this is special enough to go against the ordinances and a Special Exception should only be granted in rare circumstances. Mr. Pates further stated that too many Special Exceptions are being recommended for approval by staff and questioned why staff felt this should be recommended for approval. Mr. Newman stated that while there was nothing special about the property per se, the use is unusual and therefore valid for a Special Exception. Mr. Durham stated that he feels the staff report provides an extensive and valid analysis as to why the Special Exception should be recommended for approval.

Chairman Rodriguez discussed two previous situations, where accessory dwelling units (ADU) were approved, where staff used a case by case interpretation. Discussion ensued regarding the circumstances surrounding those two matters and the differences between those exceptions and the current proposal. Further discussion ensued regarding the current definition of family, and conformance with the Comprehensive Plan where the neighborhood quality is enhanced and affected by providing additional living space.

Applicant, Terry Coley, was available by telephone and stated that she had previously had renters but her decision to remodel her basement and apply for the Special Exception was based on her mother moving into the home and having her own independent living space. She wants to be in compliance and permitted to allow her mother to reside with her but independently. Ms. Coley stated her concern with the opposing views possibly being based on race. Chairman Rodriguez noted that the Commissioners do not discriminate and are not provided any demographic information.

Chairman Rodriguez opened the public hearing and Mr. Newman read in the three public comment letters received from the following, all opposing the Special Exception request:

Joanne M. James, First Service Residential, Managing Agent for Village of Idlewild HOA, (Att. 2);  
Theron P. Keller, 1108 Winchester Street (Att. 3); and  
Teri Hedrick, 1201 Ashford Circle (Att. 4).

In addition, the following members of the public spoke:

Laura Reed, 1307 Graham Drive, spoke in opposition of the request and stated that she feels the addition of an oven to the basement apartment just makes it a more attractive rental. Ms. Reed stated the notification letters were not received within the 14 days required. Additionally, the public notice was posted in the right-of-way and was blocked from view by parked cars.

Debra Jean Zbrzezny, 1403 Graham Drive, spoke in opposition of the request and also was unhappy with the public notice posting being barely visible. Ms. Zbrzezny is also concerned with the excessive amount of cars around the property due to the rentals happening and she had been informed by HOA when she was buying that this wouldn't happen.

Bryan Stelmok, 1117 Wright Court, spoke in opposition of the request and doesn't feel this is right for the neighborhood. The neighborhood is scaled and set for amenities for 750 units; by adding renters to the units it could potentially double the amount of people using the amenities. Mr. Stelmok believes that the definition of family is inadequate to prevent this unit from becoming a standalone unit and the HOA restrictions are set in place for a reason. He believes the City should not be overriding and granting a Special Exception to the restrictions. Mr. Stelmok further discussed fire and safety due to the addition of a second kitchen and whether the ingress/egress issue has been met. Mr. Stelmok believes that further restrictions should be added if this matter is recommended for approval in that the owner must live in the property and that inspections should be conducted by the City.

Chairman Rodriguez closed the public hearing.

Mr. Durham questioned the legal differences between leasing and subleasing. Mr. Newman stated that in terms of land use regulations, none. Mr. Newman also said that the City regulations and Home Owners Association rules operate independently. Mr. Craig confirmed that the ownership of the property is not considered by the City in their determination of land use regulations.

Mr. Pates agreed with Mr. Newman that the covenants of an HOA are totally separate from any zoning regulations. He asked about the differentiation between an ADU and a duplex. Mr. Craig stated that a duplex is two separate families where an ADU only allows one family as is defined in the Code. Recommending approval of this exception request will not change intensity of the use of this property. Mr. Craig noted that an ADU is a secondary use of the property, not equal size to the primary use of the property.

Mr. Hornung asked if building officials have looked into fire separation issues with the ADU. Mr. Newman said there are building code requirements and that the home will be inspected prior to final approval.

Mr. O'Toole still disagrees with the need for a Special Exception as to why the mother needs a separate area to cook. Ms. Coley stated that the basement is all one level, her mother wants to live independently and be able to live and cook on her own, while still being close enough to be helped if necessary. Ms. Coley stated it would be different if she lived in a rambler style home, but the request for the Special Exception allows her mother to have that type of living.

Chairman Rodriguez asked about the notification issue mentioned and if that affects the Commissioners from taking action during the meeting. Mr. Newman stated that this matter is recommended to be left open and voted on at the Commissioner's June 24, 2020 meeting. Mr. Newman noted that he will move the public notice hearing sign to a more prominent location.

Mr. Hornung asked if the HOA was notified by the adjoining property owner's letters. Mr. Newman stated the HOA were not sent a certified notice. Ms. Coley stated that she notified the HOA of her Special Exception request by email back in April, but she did not notify them specifically about this public hearing.

There being no further discussion, Chairman Rodriguez held this matter open until the June 24, 2020 meeting.

**B. JFH - Fredericksburg II, LLC** requests amendments to the Comprehensive Plan for sub-planning area 5B and the Future Land Use Map to permit a commercial office park on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. CPA2020-02

**C. JFH – Fredericksburg II, LLC** requests:

- a. A rezoning from Residential Mobile Home (R-MH), Residential 4 (R-4), and Commercial/Transitional-Office to Commercial Highway (C-H) with proffered conditions for 50 Geographic Parcel Identification Numbers (GPINs) generally located on the eastern side of the intersection of U.S. Route 1 and Spotsylvania Avenue between Rappahannock Avenue to the east, U.S. Route 1 to the west, and the Brent Street right-of-way to the south. RZ2020-03
- b. A determination that the vacation of a portion of the Spotsylvania Avenue and Dandridge Street rights-of-way and the rededication of new public right-of-way for a realigned Spotsylvania Avenue is in conformance with the Comprehensive Plan. VAC2020-01

Mr. Craig reviewed the staff report for Items 7B and 7C with a power point presentation (Att. 5) and noted that separate votes will be considered for both items at the June 24, 2020 meeting.

Mr. Durham noted that the City should consider zoning that would permit University housing type developments along Route 1 due to University students occupying neighboring areas. Mr. Durham further stated that the GDP is referred to as the governing document, but feels the GDP doesn't indicate how the applicant will maintain portions of the property not covered by elements of the development, specifically the portion not to be built out, the realignment of Spotsylvania Avenue, the RPA, and within the power line easement. Mr. Durham expressed concerns about the impacts of the Brent Street trail on existing tree canopy. Mr. Craig stated staff would look into the impact of the Brent Street trail and will have applicant respond to Mr. Durham's concerns about the GDP.

Mr. Pates stated his concerns about the tree canopy and believes the City should give serious consideration to a tree canopy ordinance as complete decimation of tree canopy is harmful to the City's environment and wildlife.

The Applicant, JFH Fredericksburg II, LLC, represented by its Director of Community Relations, Jeh Hicks, was present and spoke about the history of the project. The Applicant noted that the amenities and particulars of this project are governed by Dominion Power in this area, but the Applicant is willing to work with the City on the unmentioned areas in the GDP. The Applicant is mindful of the concerns about the tree canopy and of the 1.09 acres of woods in the RPA, 1.0 acres of it will not be disturbed. The Applicant noted that other areas will have replacement trees added along the trails, islands, and street borders.

Mr. Durham stated that the GDP should be in agreement with the Applicant's plan as discussed. Mr. Pates asked if it was possible to add in details on the GDP or proffers to ensure maximum tree canopy coverage Applicant is able to do. Mr. Craig recommended that the Applicant add indications to the GDP showing

the addition of tree canopy to the project, specifically where street trees, perimeter landscaping strips, the buffer area, and foundation plantings will be added. Applicant agreed to this addition to the GDP.

Chairman Rodriguez opened the public hearing and Mr. Craig read in the seven public comments received from the following:

Meredith Beckett, President, College Heights Civic Association (Att. 6);

Daniel Finn, 1514 Stafford Avenue (Att. 7);

Matt Haney, 1425 Brent Street (Att. 8);

Thomas Fines, 1300 Rappahannock Avenue (Att. 9);

E-mail Exchange (Atts. 10, 11 and 12)

- Timothy Duffy, 1217 Brent Street;
- Meredith Beckett, 1401 Brent Street; and
- Susan Nelson-Sargeant, 812 Daniel Street.

In addition, the following members of the public spoke:

Dennis Lister, 1108 Rappahannock Avenue, spoke in favor of the project but expressed concerns about the Brent Street trail and proposed an alternate direction for the trail.

Meredith Beckett, 1401 Brent Street, spoke in favor of the project but against the proposed trails. She would like to keep the tree canopy but eliminate the Brent Street trail connection. If the Brent Street trail is not eliminated she proposed that it be diverted through the Dominion Power easement

Katherine Piper, 1018 Rappahannock Avenue, expressed concerns about the Brent Street trail.

Chairman Rodriguez noted that public comments will be received until June 24, 2020.

Mr. Hicks commented regarding the questions on the trails and stated the trails are not required but added to enhance. He agrees that the Payne Street connection is a better alternative and will consider the proposed alternatives. He noted that the proposed renaming of Spotsylvania Avenue for a long-time College Heights resident is a unique issue. He observed that there is a Spotsylvania Avenue in Spotsylvania County Lee's Hill area, so the Applicant can definitely consider renaming.

Chairman Rodriguez asked if the trails are a specific requirement of this project. Mr. Craig stated no and that staff would consider these comments and get back to the Commissioners about the trails.

Regarding the proposed right of way vacation, Mr. Hornung asked if the Commissioners can make recommendations to Council regarding payment for the abandonment of right of way as he believes it is punitive in this instance given the extent of street improvements the applicant is proposing to make. Mr. Craig noted that this could be added in as a bullet once the Commissioners make a determination if the street vacation is in conformance with the Comprehensive Plan.

Mr. Durham noted the right-of-ways are unused and unimproved by the City and vacation of them makes sense.

Mr. Pates asked why staff wants two connections to the trails. Mr. Craig said that staff will consider and evaluate this issue with an additional analysis at the next meeting.

## **8. OLD BUSINESS**

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. Newman reviewed the staff report with one update regarding lead soldering and employee protection protocols.

Mr. Pates asked about the National Park Service comment and the City's response, specifically regarding the buffer. This was discussed on page 3 of the June 10, 2020 minutes. Discussion ensued regarding Cedar Lane, the appropriate land use category, and that all deliveries will only use the Battlefield Industrial Park roads. Mr. Durham noted it is important for the community to understand that in his opinion the term recycling center doesn't describe this project.

Mr. Hornung motioned to recommend approval of SUP2020-03 as submitted. Mr. Slominski seconded.  
**Motion passed 7-0.**

Mr. Hornung motioned to recommend approval of SE2020-01 as submitted. Mr. Gantt seconded.  
**Motion passed 7-0.**

**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 noted that no further public comments have been received and no changes have been made to the draft ordinance.

Mr. Hornung asked if pole-mounted signs were still permitted in the draft and questioned why the City was reverting back to allow pole-mounted signs. Ms. Sherman noted that it was originally drafted to remove the monument sign standard in the PD-C to provide more flexibility, but the Commissioners can remove that recommendation. Mr. Hornung noted that he is opposed to this type of signage and sees no need for it in the PD-C, but questioned the other Commissioners. Mr. Pates and Mr. Slominski said they are also not in favor of pole signage and believe there should be less signage in the City. Discussion ensued

regarding possibly withdrawing the pole-mounted sign recommendation or doing further research on it. Mr. Gantt is concerned if the ordinance is too prescriptive and limits some businesses.

Mr. Durham asked if the ordinance could move forward with deleting amendment language regarding pole-mounted signage, and if any sign applications were currently being held pending the approval of this ordinance. Ms. Sherman noted that three sign applications by Wegmans and Walmart are currently pending. Mr. Pates asked if the Commissioners could amend the ordinance to deal with total signage only. He also asked current pole signs that have been abandoned and what could be done about it. Ms. Sherman stated that those are structures that are approved and building permits issued and when a business leaves they are required to remove their sign, but it does not state that the pole has to be removed. Mr. Johnston asked Mr. Pates for clarification as to what would he would like left in the ordinance. Mr. Pates stated he did not have the ordinance, but thought there were several issues covered in the proposed sign ordinance. Mr. Johnston clarified that Mr. Pates wants to just move forward with sign area standard changes, but not with the three story building signage change. Mr. Pates was unsure on that provision. Mr. Durham noted that the last item in the list of changes was to “Update the freestanding sign standards in all Planned Development Districts” and feels that is the issue Mr. Pates is questioning. Mr. Durham noted that Mr. Hornung’s desire to make a motion to not allow pole signs could address Mr. Pates’ concern.

Ms. Sherman clarified that currently monument signs are specific to individual parcels and their freestanding signs. In the PDC district there are allowances for larger signs, but do not have to be monument style. Ms. Sherman also addressed Mr. Pates’ questioning changing the existing regulations, there was one change to reduce the height of PD-C development project signs from 175 ft. maximum to 150 ft.

Mr. Hornung motioned to recommend approval of the draft ordinance, eliminating the inclusion of pole-mounted signs in the individual tenant mounted signage provisions. Mr. Durham seconded.

**Motion passed 7-0**

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 stated he had received no public comments and had no further changes.

Mr. Durham motioned to recommend approval as submitted. Mr. Hornung seconded.

**Motion passed 7-0**

## **9. GENERAL PUBLIC COMMENT**

None.

## **10. OTHER BUSINESS**

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

None.

**B. Planning Director Comments**

Mr. Johnston reminded the Commissioners there will be another in-person and electronic Planning Commission meeting next week, June 24, 2020, where the Commissioners will vote on the public hearing items heard tonight. In addition, on July 8, 2020, there will be another in-person and electronic Planning Commission meeting with business items, no public hearings.

Mr. Durham asked about when the height restrictions would be taken back up. Mr. Johnston noted that possibly with no August agenda, staff will be able to address this topic.

**8. ADJOURNMENT**

There being no further items to be discussed, the Planning Commission meeting adjourned at 10:10 p.m.

Next meeting is June 24, 2020.

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**Rene Rodriguez, Chairman**

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