



**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, GreenChip Applicant
Maggie McDonald, GreenChip Attorney
Charlie Payne, GreenChip 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, or Facebook live at 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:

- o 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.
- o 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.
- o 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.
- o 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-Spaulding, 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 Improvement Program. 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.



Rene Rodriguez, Chairman

Greenchip Inc.
Special Use Permit & Special Exceptions
for a Recycling Center
SUP 2020-03, SE 2020-01

Fredericksburg

Overview

Issue— Recycling Center at 10 Harkness Boulevard. Zoned I2.

Recycling Center

Any facility in which used materials are separated and processed prior to shipment to others for reuse in the manufacture of new or reconstructed products.

- Requires a SUP in I2
- Subject to 13 use standards, applicant requests Special Exceptions from 4 standards

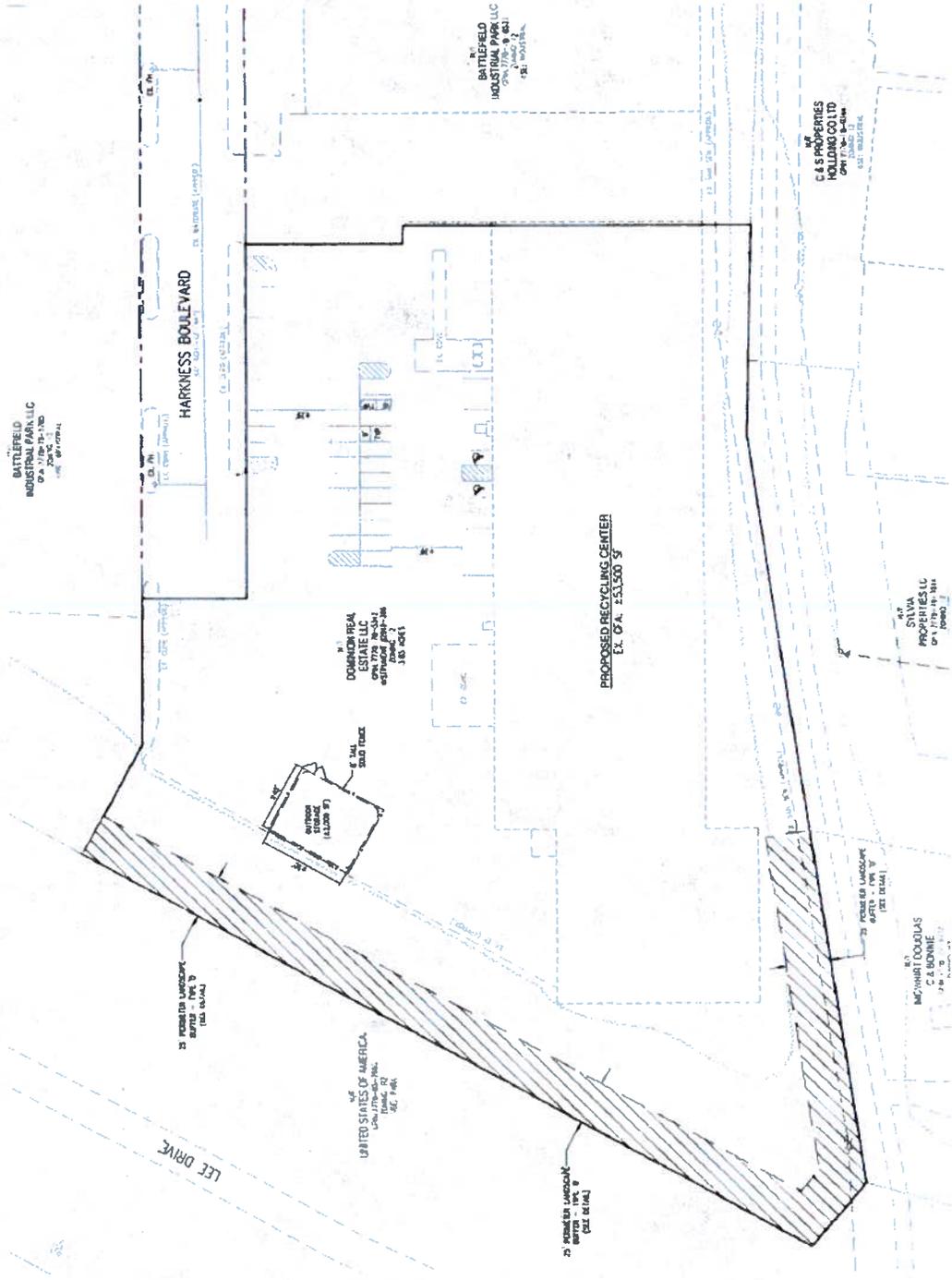
Recommendation: Approval

Location



10 Harkness Boulevard

General Development Plan



Greenchip Inc.

- Existing operations in New York City
- *“Electronic equipment recycling business”* per narrative
- Receive equipment; sort items; destroy hard drives, wipe data, break into components; material is recycled or sold to third-parties
- Narrative: *“Equipment is manually disassembled and component parts are segregated...some component parts loaded onto conveyor belts for sorting. Commodities are stored together...before being sent to downstream vendors for recycling”*.

Exception Requests

72-41.4.E.1, requiring a recycling center to be on a parcel with an area of at least 5 acres.

The parcel is 3.85 acres

72-41.4.E.2, requiring a recycling center to be at least 250 feet from any residential zoning district.

Structure is approximately 30 feet from property line adjacent to residential zone

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.

Structure is approximately 30 feet from property 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.

Applicant wishes to restrict deliveries to between 7am-7pm but allow work inside the structure outside of those hours.

Conditions for both SUP and SE

1. The use shall be developed in substantial accordance with the application dated February 12, 2020, including the General Development Plan;
2. The use shall be limited to the operation of a recycling center for electronic equipment disassembly, data wiping, assessment, refurbishment and recycling, with limited outdoor storage of baled commodities, as described in the application;
3. 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;
4. Deliveries shall be limited to the hours of 7:00 a.m. to 7:00 p.m.;
5. Outdoor storage shall be limited to a 2,000 square foot area as shown on the Generalized Development Plan.

Staff Recommendation

Approval subject to conditions

Planning Commission to vote on June 17th
Council to vote on June 23rd

Green Chip, Inc.

Special Use Proposal SUP2020-03

Special Exception Proposal SE2020-01

Company Background



- ▶ Green Chip, Inc.
 - ▶ Over 20 years experience in responsible IT recycling and waste diversion
 - ▶ Complete IT asset disposition provider, which includes end of life electronics recycling, data destruction, brand protection, and return investment on resale IT assets
 - ▶ What does this mean? Recycler of computers, laptops, printers, servers, and computer peripherals
 - ▶ Certifications include R2 (Responsible Recycling), ISO 14001, and OHSAS 18001
 - ▶ Microsoft Authorized Refurbisher and NAID Data Destruction Certified
 - ▶ Headquarters in New York City and includes a national network

Project Overview

- ▶ Property consists of one parcel totaling approximately 3.85 acres (GPIN 7778-78-5342)
- ▶ Located off of Harkness Boulevard in the Battlefield Industrial Park.
- ▶ Most surrounding properties and uses are similarly zoned I-2 (General Industrial)



Project Overview, continued

- ▶ Project includes repurposing existing and vacant 53,500 sq. ft. warehouse space for applicant's intended use (facility has been in place since 1988)
- ▶ Special Use Permit request is to allow for a recycling center within I-2 zoned district (light industrial use)
- ▶ Special Exception Permit request is to allow:
 - ▶ (i) a recycling center to operate within an existing building on a parcel less than five (5) acres;
 - ▶ (ii) allow a recycling center to operate within an existing building located within 250 of a residential district;
 - ▶ (iii) to allow a recycling center to operate within an existing building located within 50 feet of any lot line; and
 - ▶ (iv) allow a recycling center to operate exclusively indoors 24 hours.

Operations

- All receiving, recycling and reuse activities will occur inside the facility
- Temporary storage of baled plastic and metal commodities will be located outdoors within a screened 2,000 SF area.
- No odor or noise impacts
- 20 new full time employees are anticipated for year 1 and 45 by year 3
- Project will support the growing Information Technology (“IT”) industry in the region, including potential data center users
- Screening to include:
 - (i) fifty (50) feet of wooded buffer area between the parking lot and the adjoining National Park Service property line;
 - (ii) maintain the twenty-five foot (25 ') perimeter landscape buffer as depicted on the GDP; and
 - (iii) outdoor storage area will be screened an eight foot (8') tall solid fence

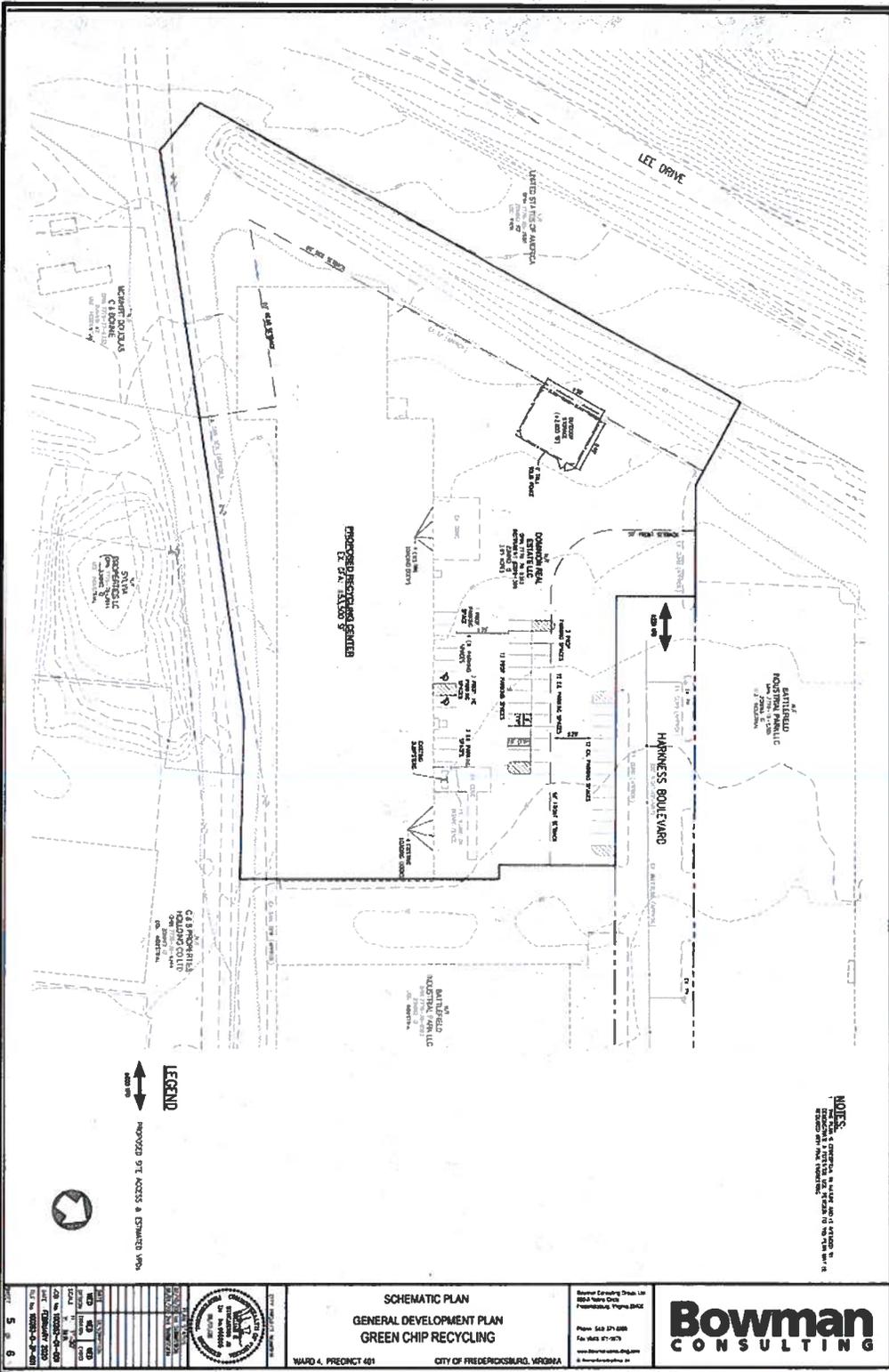
Operations

- ▶ 24 hour operations with deliveries only between 7:00 AM and 7:00 PM
- ▶ The Property is not within the 100 year flood plain and does not have any slopes in excess of twenty percent (20%) that would be disturbed by the Applicant's operations
- ▶ The site is further not located in a flood zone or in a river overlay district, and the site is not within any Chesapeake Bay Preservation Overlay District
- ▶ Proposed operations are anticipated to generate up to 65 AM peak hour trips and 65 PM peak hour trips. This assumes max activity for the proposed project (e.g. max number of employees and deliveries to and from the site).
- ▶ No hazardous waste materials will be processed on site. Green Chip only recycles used electronic equipment which is not considered hazardous waste under federal or state law.
- ▶ No adverse impacts to schools, parks, roads or public safety

Recommended Land Use

- ▶ The proposed use is in accordance with the Comprehensive Plan as project is within the Land Use Planning Area 9: Braehead/National Park with the sub-planning area encouraging industrial zoning
- ▶ The Proposed use is also consistent with the Comprehensive Plan objectives related to sustainability and business development, providing an opportunity to divert electronic equipment from landfills, and providing key support services to the growing tech industry in Fredericksburg and the region.
- ▶ Positive tax revenue generator with over \$8 million in projected gross sales and acquisition of over \$2 million in new equipment for the facility
- ▶ Governor Support for this industry-attracts data centers and new IT jobs
- ▶ Positive job creator (projected 45 in three years)
- ▶ Limited impacts to surrounding property owners
- ▶ Controlled access to site

GDP Overview

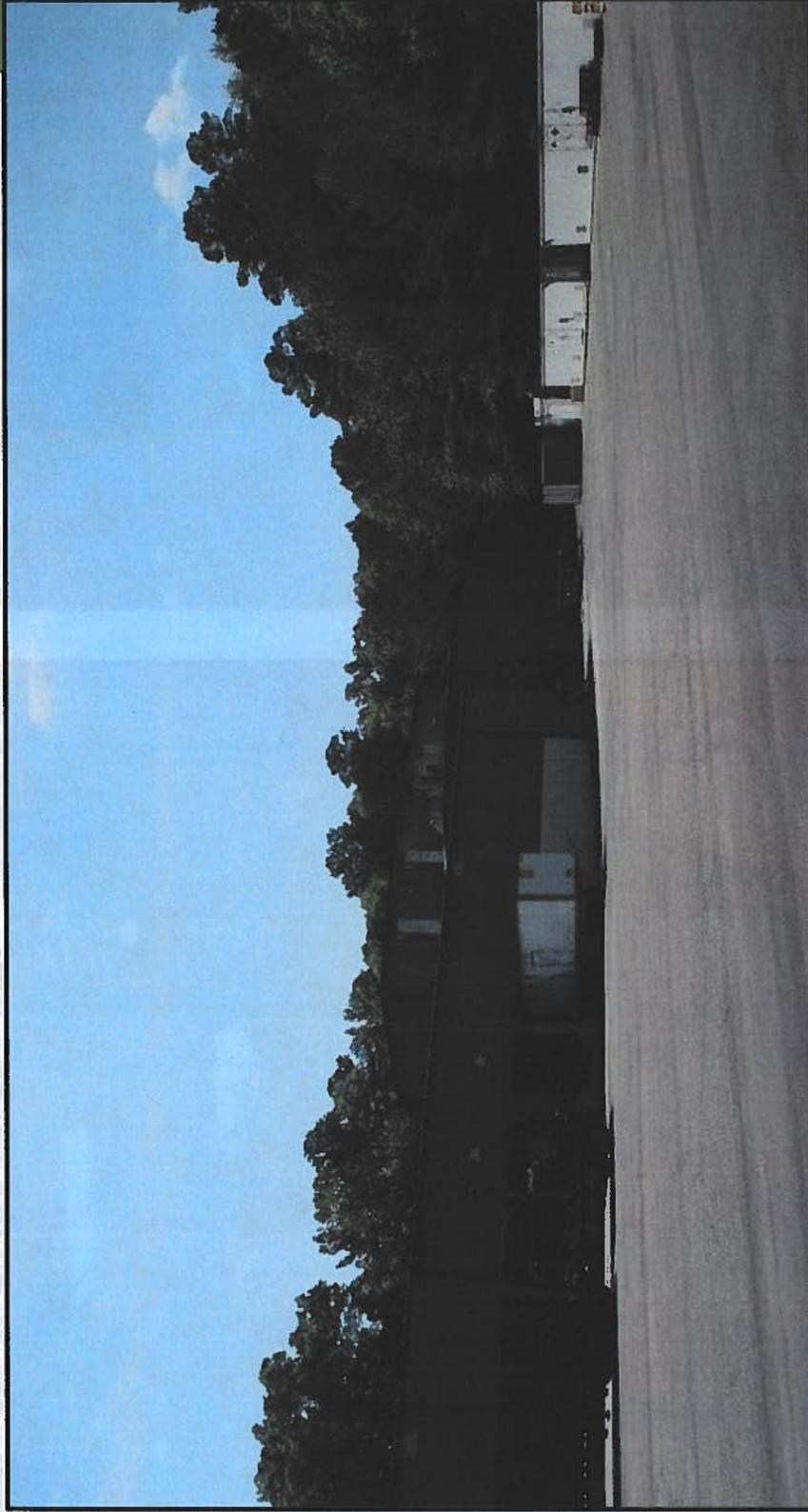


NOTES:
 1. THIS PLAN IS A SCHEMATIC PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.
 2. THE CITY OF FREDERICKSBURG, VIRGINIA, HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE CITY OF FREDERICKSBURG, VIRGINIA.

LEGEND
 ← → PROPOSED SITE ACCESS & EASEMENTS ONLY

	<p>SCHMATIC PLAN GENERAL DEVELOPMENT PLAN GREEN CHIP RECYCLING</p>	<p>Bowman Consulting Group, Inc. 1000 N. Main Street Fredericksburg, Virginia 22402</p> <p>Phone: 544 271-6000 Fax: 544 271-1975 www.bowmanconsulting.com</p>	<p>Bowman CONSULTING</p>
	<p>WARD 4, PRECINCT 101 CITY OF FREDERICKSBURG, VIRGINIA</p>	<p>DATE: 11/11/11 DRAWN BY: J. BROWN CHECKED BY: J. BROWN APPROVED BY: J. BROWN</p>	

Existing Facility (photos of prior operations)

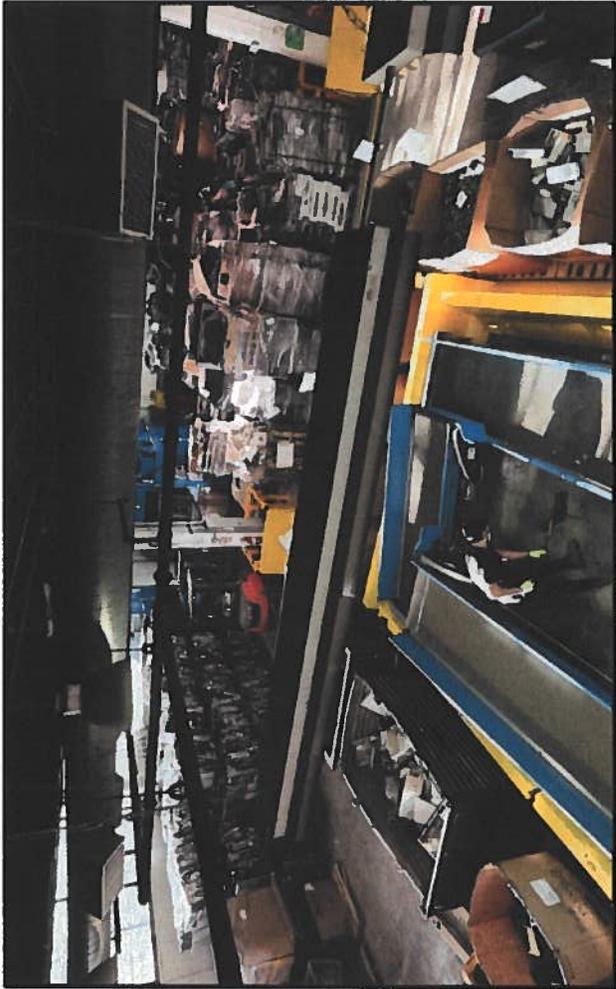


Existing Facility Continued

(photos of prior operations)



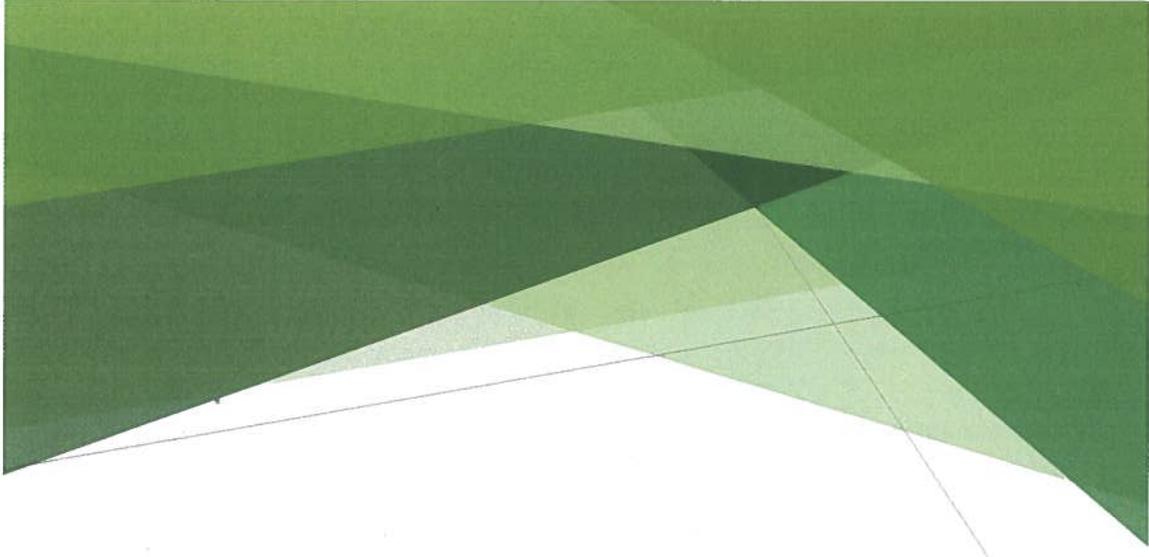
Green Chip New York Facilities



Green Chip New York Facilities



Questions?



Cathryn A. Eckles

ATT. 3

From: Charles R. Johnston
Sent: Thursday, June 11, 2020 11:56 AM
To: Cathryn A. Eckles
Subject: FW: FRSP MEMO: GreenChip SUP

FYI

Charles Johnston AICP CNU-A
Director
Community Planning & Building Department

City of Fredericksburg
715 Princess Anne Street
Fredericksburg, VA 22401
540-372-1180

From: Talken-Spaulding, Kirsten [mailto:Kirsten_Talken-Spaulding@nps.gov]
Sent: Wednesday, June 10, 2020 4:15 PM
To: Charles R. Johnston; James D. Newman; Marne E. Sherman; Michael J. Craig
Subject: [EXTERNAL] FRSP MEMO: GreenChip SUP

CORRESPONDENCE TRANSMITTED VIA ELECTRONIC MAIL

United States Department of the Interior

NATIONAL PARK SERVICE
Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

Memorandum

To: City of Fredericksburg, Community Planning & Building Department
From: Office of the Superintendent
Subject: Written comments regarding Green Chip SUP

Thank you for the opportunity to provide comments on the proposed SUP for Green Chip in the industrial park north of the Lee Drive district of the Fredericksburg and Spotsylvania National Military Park. We understand that due to the pandemic in-person meetings have been suspended and all feedback is being provided through written testimony. Please accept this emailed memorandum as such for the national park.

The vegetative screening around the building complex assists with keeping it out of the view shed for park visitors. We note that there is nothing in the proposal that calls for the removal of the screening so we only ask that the buffer be maintained. Also, we note that there are no proposed changes to the building that might change its visibility from the federal lands.

Use Standard #12 states that it is off of Rt. 3, meeting the direction that it be accessed from "a collector or arterial street." Commercial traffic is already prohibited on Lee Drive. We request that the dirt path commonly referred to as "Ceder Lane" be prohibited to commercial and larger-vehicle/truck traffic as well.

Finally, there are a number of special exceptions requested for this permit. Taking these requests case-by-case is critical and allowing an exception for this permittee must not be used as precedent for future requests. That being said, the National Park Service does not have any objection to the exceptions requested, following the recommendation of the city planning office.

As always, should there be questions or further consultation be desired, please do not hesitate to contact me.

Kirsten Talken-Spaulling
Superintendent

Fredericksburg and Spotsylvania National Military Park
120 Chatham Lane
Fredericksburg, VA 22405

(540) 693-3200 x1010

www.nps.gov/frsp

Preferred pronouns: she/her/hers

PLEASE NOTE: Email checked in the morning, mid-afternoon, and later in the day. If your message needs immediate attention, please call or text me directly.

Confidentiality Notice: *This E-mail may contain Privacy Act Data/Sensitive Data, which is intended only for the use of the individual to whom it is addressed. It may contain information that is privileged, confidential or otherwise protected from disclosure under applicable laws.*

