

MEMORANDUM

TO: Timothy J. Baroody, City Manager

FROM: Chuck Johnston, Director, Community Planning & Building Department **RE:** Cowan East LLC requests the initiation of an amendment to the 2015

Comprehensive Plan Future Land Use Map and text and map for the northern portion of Sub-Planning Area 5B for 4 parcels (0.4 acres) that are currently designated on the as Commercial-Transitional/Office and 32 parcels (6 acres) that are currently designated as Medium Density Residential, all to be designated

as Commercial General.

DATE: 2018 April 16 (for the 2018 April 24 meeting)

ISSUE

Cowan East LLC is requesting the City Council to initiate the process to amend the Comprehensive Plan Future Land Use Map and associated text and map in Sub-Planning Area 5B for approximately 6.4 acres generally located between Spotsylvania Avenue and a Dominion Power utility easement, adjacent to the 1500 block of Jefferson Davis Highway.

RECOMMENDATION

Direct the Planning Commission to initiate a Comprehensive Plan amendment as described.

BACKGROUND

The process to amend the Comprehensive Plan is addressed in Section 72-22.2.D of the Unified Development Ordinance in the City Code, which refers to Virginia Code section 15.2-2229. Section 15.2-2229, Amendments, states:

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

Cowan East LLC purchased approximately 6.4 acres of land adjacent to the intersection of Spotsylvania Avenue and Jefferson Davis Highway in 2016. Approximately 5 acres of this area is zoned Residential-Mobile Home, RMH. About 3 of these acres is developed with the Fredericksburg (aka Embrey) Mobile Home Park and about 2 of these acres is within the Dominion Power Easement. Until recently, there were 28 mobile homes in this development at a density of about 9 units per acre (developed as the mobile home park). There are 17 lots of approximately 6,000 sq ft in this acreage that were plated in the mid-20th century for single family

homes that are buildable; there are additional small vestiges of lots or lots in the Dominion Power Easement that are unbuildable.

North of the mobile home park is approximately 0.4 acres of the owner's property that is in the Commercial-Office/Transitional Zoning District and is vacant; about 1/3 of this area is in the Dominion Power Easement. This area is divided into 4 lots, none of which are buildable for single family homes due to their size or location within the power easement.

South of the mobile home park is approximately 1 acre of the owner's property that is in the Residential R2 Zoning District and is vacant; about 1/3 of this area is also in the Dominion Power Easement. There are five buildable single family lots in this area and two lots that are not buildable because of the power easement.

Running through the owner's property is the right of way for Dandridge Street, which would be included in Comprehensive Plan amendments and covers an additional approximately 2/3 acre. The former right of way for Payne Street also runs through the property, but was vacated in 1964. The west edge of the property is formed by Spotsylvania Avenue, the south by an unbuilt extension of Brent Street, and the east edge is established by Rappahannock Avenue, in part, and the Dominion Power easement for the balance.

The mobile home park and vacant land south of the park, with a total area of about 6 acres, is designated on the Future Land Use Map as Medium Density Residential and the 0.4 acres to the north of the park is designated as Commercial-Transitional/Office. This area is roughly the northern one-third of Sub-Planning Area 5B. The Plan shows the total acreage of 5B as 30 acres, however the City GIS area measurement shows approximately 18 acres. The Plan states this area: has the potential to be redeveloped at a higher intensity. Potential uses include student housing as well as a mix of commercial and residential uses, as has occurred at Eagle Village. The basis of this level of development would be to provide much needed student housing and allow the College Heights neighborhood to recovery from excessive numbers of rental uses. Redevelopment plans would need to be designed to become a positive contribution to the neighborhood and help reestablish itself as an owner-occupied community.

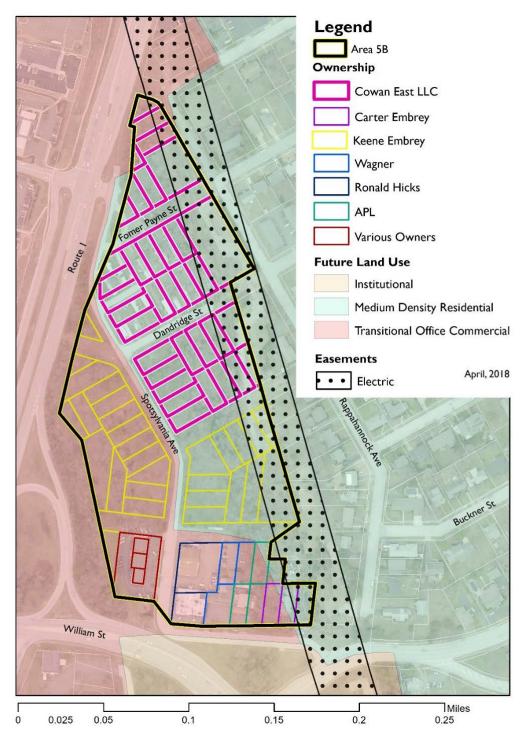
COMPREHENSIVE PLAN AMENDMENT

The applicant would like to rezone its property to the Highway Commercial Zoning District. To do so, the area should be designated as 'General Commercial' on the Future Land Use Map and the map (page 145) and text (page 147) for Sub-Planning Area 5B should be modified to specifically allow highway commercial uses. If Council directs the Planning Commission to prepare an amendment for public hearing, the proposed Comprehensive Plan amendment would address these changes. Attached is a letter from Silver Companies requesting the initiation of the amendment and preliminary plans for the commercial use of the property.

STATUS OF MOBILE HOME PARK

In response to the acquisition of the Mobile Home Park by Silver Companies, a special task force was created to provide intensive housing assistance and case management to assist with residents' relocations. This team has been working closely together conducting needs assessments for each household and guiding families towards appropriate services and housing. To ease residents' transitions, Silver Companies, offered some funds to pay for moving costs. The team partnered with the United Way to serve as a fiscal agent to facilitate these payments. To date, only two households have successfully relocated with most residents delaying their moves. Once residents receive a date for the park's closure, families will require more assistance from the task force. Also attached is a letter from Silver Companies that offers additional information about its plans for transition, as well as a staff memo on the interactions with the mobile park residents.

Sub-Area 5B - Current 'Future Land Use' Designation and Ownership



ATTACHMENTS

Initiating Resolution Letters from Silver Companies Staff Memo re mobile home park status Draft site plans



MOTION: SECOND:

April 24, 2018 Regular Meeting Resolution No. 18-

RE: Initiating an Amendment to the 2015 Comprehensive Plan to Change the

Future Land Use Designation of the Embrey Mobile Home Park, Sub Planning

Area 5B, from Residential or Mixed Use to Commercial.

ACTION: APPROVED: Ayes: 0; Nays: 0

The purpose of this resolution is to initiate an amendment to the 2015 Comprehensive Plan to change the description of the "Land Use Potential," of the Embrey Mobile Home Park, which is designated as Sub Planning Area 5B in Chapter 11. The potential uses currently identified include "student housing as well as a mix of commercial and residential uses, as has occurred at Eagle Village." However, the landowner, Cowan East, LLC, has questioned the suitability of the site for this character of development, "due to significant physical and environmental constraints," including the presence of a high voltage overhead power line and associated easement area, the proximity of commercial uses on the Route 1 By-pass corridor to the west of the site, and established office and commercial uses to the east of the site.

Under City Code §72-22.2 and Code of Virginia §15.2-2229, the governing body may direct the planning commission to prepare a comprehensive plan amendment, submit it to public hearing, and then submit it to the governing body for approval. The governing body holds its public hearing and acts on any proposed amendment within 90 days of the planning commission's recommendation.

Therefore, the City Council hereby directs the Planning Commission to study the suitability of Sub Planning Area 5B for its appropriate future land use potential, prepare any recommended amendment to the 2015 Comprehensive Plan, hold a public hearing on the proposed amendment, and make its recommendation within 60 days from the date of adoption of this resolution.

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

Clerk's Certificate

I, the undersigned, certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 17- duly adopted at a meeting of the City Council meeting held April 24, 2018 at which a quorum was present and voted.

Tonya B. Lacey, CMC Clerk of Council



MEMORANDUM

To: Timothy Baroody, City Manager, Charles Johnston, Director CP&B

From: Susanna Finn, Community Development Planner

Date: April 19, 2018

Re: Mobile Home Park Relocation Progress

April, 2018 Update

To date, only two households have successfully relocated, with most residents delaying their moves. Staff has remained in contact with the United Way since last year. They have been reimbursed by the Silver Companies for the relocation costs necessary to support the two households' moving expenses. It is expected that once residents receive a date for the park's closure, families will require more assistance from the task force.

Mobile Home Task Force:

In response to the acquisition of the Fredericksburg Mobile Home Park by the Silver Companies, which has indicated interest in redeveloping the property, a broad level resource fair was held at the mobile home park in October of 2016 to assist residents with their eventual relocation. A special task force was created to provide more intensive assistance and case management to help residents successfully relocate. This includes Dee Smith, Executive Director of the Central Virginia Housing Coalition, Bonnie Newcomb, the Senior Benefits Program Specialist from the Department of Social Services, and myself. This team has been working closely together through a dozen off site coordination meetings and onsite outreach efforts to best accommodate the varying schedules of the residents. The team conducted needs assessments for each household to guide families toward appropriate services and housing.

The taskforce held a Saturday event in the Park on September 23, during which 6 households came to speak with us. We were able to distribute applications for the income based housing communities, provide other resource information for food and eyeglass assistance, conduct home searches with two households directly calling landlords, and scheduled an appointment for one resident to complete a fast tracked disability as application.

To Date:

- o One household has successfully relocated to another rental unit within the City. We assisted by delivering applications and securing funds for a security deposit.
- One household has plans to move their trailer to a lot in Caroline County but are currently waiting on permits. Funds were given to the trailer moving company for the full cost of moving the trailer totaling \$3,800.
- With coordination, one additional household was placed at the top of the waiting list for Heritage Park, an income based apartment complex. They are expected to move in within a few weeks.
- Made contact with every household, knocking on every door and leaving several letter.

Many residents still require assistance as they are intimidated by the prospect of moving. Many of these individuals have not had to navigate the housing market in many years and are ill equipped to manage it on their own.

This inability to face the daunting task is fueled by rumors about delayed plans and landlord requests to renew leases. This combination of factors has weakened our working relationship with the households as they discredit our statements of urgency. With a formally announced park closure date, we will be able to better help residents plan their moves.

Financial Assistance

To facilitate relocation assistance, the taskforce reached out to the United Way. They were able to connect with The Silver Cos. to negotiate funds to support the residents moving efforts. This agreement was reached in March 2017, when The Silver Cos. offered \$100,000 to assist the 26 households, about \$3,800 each. This allowed the taskforce to have the flexibility to be able to assist the household with whatever their specific moving needs may be.

Next Steps:

A formal park closure date and schedule is needed to continue to assist residents with their moves.

The taskforce will continue to be available to offer funds for those who are ready to move and expect that once a date has been given many more will require our assistance.

The United Way continues to work to secure the funds required for each household's eventual relocation.



Established 1941

March 9, 2018

Charles R Johnston, Director
Planning and Building Services
715 Princess Anne Street
City of Fredericksburg, VA. 22401

Re: Request City Council or Planning Commission to initiate Comprehensive Plan Amendment

Dear Mr. Johnston:

This is to officially request that the City Council or Planning Commission initiate a Comprehensive Plan Amendment for the land area related to our application to rezone property generally referred to as the "Embrey Mobile Home" site and some immediately adjacent parcels. The attached generalized development plan (GDP) submitted in conjunction with our rezoning application, depicts the subject area of this Comp Plan amendment request.

The City Comprehensive Plan, page 147, defines the subject area as "Sub Planning Area SB", and notes that this northeast quadrant of the intersection of State Route 3 and US Route 1 By-Pass contains a variety of uses and the potential to be redeveloped at a "higher intensity" to include student housing as well as a mix of commercial and residential uses.

Our rezoning application seeks to rezone to CH Commercial the area primarily occupied by the trailer park, consisting of about 30 mobile homes and currently zoned Residential-Mobile Home (RMH). The rezoning would accommodate the "higher intensity" and commercial use part of the Sub Planning Area 5B language.

We believe that amending the Comp Plan designation to a more commercial use focus would acknowledge significant physical and environmental constraints of the subject area that render any sizeable student housing facility or residential use of the property unlikely and certainly less reasonable. Principal among site- specific constraints is the major (Dominion Energy) overhead power line and associated easement area that extends along the entire eastern side of the subject property.

For safety and proximity of high voltage power line reasons, this impediment should seriously limit any future residential focus for this area. Locating student housing in this area would incur similar challenges and potential conflicts, and the subject area is not an area identified by the University for future student housing.

Moreover, the immediate western side of the subject area adjoins closely the Route 1 By-Pass corridor, which is arguably more suited to commercial-adjacent versus residential-adjacent uses. Add to this that along Spotsylvania Avenue, from Old William Street to the existing mobile home park, there are a variety of commercial uses that have long operated within this commercially zoned area for decades-among the uses located here include an old warehouse used for many years as a bread and bakery retail goods shop, a window glass replacement facility, a professional office building, a veterinary clinic and a landscaping/plantings operation with extensive outdoor storage and supply areas.

The attached GDP identifies the proposed uses anticipated with our rezoning request. We believe the proposed uses will complement the variety of existing commercial uses located along Spotsylvania Avenue, and offer more conveniently located goods and services closer (including walking distance) to some neighborhoods in the area.

Thank you for your consideration.

Sincerely,

Jud Honaker, President

Cowan East, LLC

Managed by SH Advisors, Inc.



Tim Baroody, City Manager

City of Fredericksburg, Virginia

P O Box 7447

Fredericksburg, Va. 22404

RE: Cowan East, LLC Proposed plans for Embrey Mobile Home Park Property

Dear Tim,

This is to advise that Cowan East, LLC, owner of the mobile home property referenced above, remains committed to redevelop the subject property, in line with the recent application filed to rezone and to obtain a minor Comp Plan amendment for the property. The application and accompanying GDP calls for at least three development pad-sites for the land. At this stage we are working to finalize prospects and deal terms for these pad sites to include development of (1) a convenience store (with gasoline pumps), (2) a fast food restaurant, and (3) a commercial retail building for which a small grocery store has expressed interest.

Obviously, in order to re-develop the property, the existing mobile home park will need to be vacated. As we have done in several cases already, Cowan East, LLC will assist residents that need it with their relocation.

We have reviewed the legally required advance-notice to residents (by State Law) of the mobile home park, and we will adhere to these provisions along with regulations governing the removal of mobile homes.

At this stage we believe that within approximately 8 to 9 months after obtaining the necessary approvals and permits for the re-development project, we should be in a position to vacate the mobile home park (with proper notices to residents), to assist residents- in- need with relocation as possible, and to begin readying the site for the proposed commercial uses. This is the path we are currently pursuing as we continue to work to finalize contract terms with pad-site prospects to date.

Sincerely,

B. Judgor Honaker President

Cowan East, LLC

BOCA RATON OFFICES

1001 EAST TELECOM DRIVE, BOCA RATON, FL 33431 Ph: 561.981.5252 Fx: 561.981.5253 METRO WASHINGTON, D.C. OFFICES

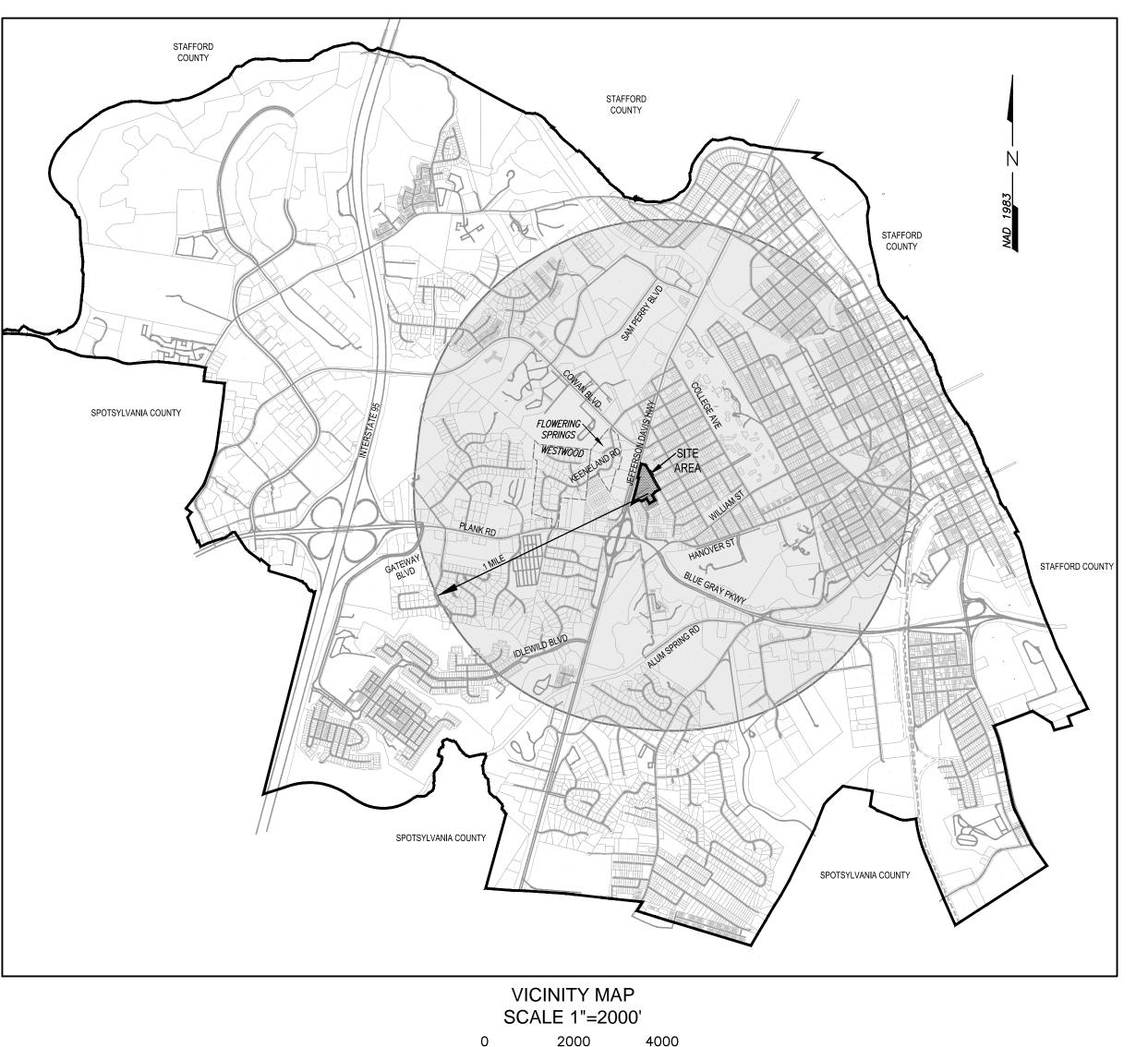
1201 CENTRAL PARK BLVD., FREDERICKSBURG, VA 22401 Ph: 540.786.1405 Fx: 540.786.1406



SHEET INDEX

SHEET	TITLE
SHEET 1	COVER SHEET
SHEET 2	EXISTING CONDITIONS
SHEET 3	REZONING EXHIBIT
SHEET 4	GENERAL DEVELOPMENT PLAN
SHEET 5	DRAINAGE & UTILITY PLAN

LEGEND				
EXISTING		PROPOSED		
8"W	WATER	8"W		
8"S	SEWER	8 " S		
	STORM			
	STORM STRUCTURE			
(\$)	SANITARY MANHOLE	\$		
\otimes	VALVE	\otimes		
••	FIRE HYDRANT	\odot		
	CLEAN OUT	coo		
	WATER METER	•		
	PROPERTY LINE/ RIGHT OF WAY			
	CONTOUR LINE			
	PAVEMENT HATCH			
	CONCRETE HATCH	4 4 4		
TC	TRAFFIC CONTROL BOX			
	SIGNAL POLE			



SITE INFORMATION:

7779-43-8079, 7779-43-9109, 7779-43-9388, 7779-43-9395, PARCEL GPIN: 7779-53-0256, 7779-53-0272, 7779-53-0320, 7779-53-0441, 7779-53-0525, 7779-53-0594, 7779-53-0641, 7779-53-0684, 7779-53-0752, 7779-53-0878, 7779-53-0893, 7779-53-1056, 7779-53-1083, 7779-53-1121, 7779-53-1310, 7779-53-1353, 7779-53-1435, 7779-53-1487, 7779-53-1536, 7779-53-1669, 7779-53-1718, 7779-53-2113, 7779-53-2155, 7779-53-2305,

> 7779-53-2347, 7779-53-2487, & 7779-53-3108 C-T, RM-H, & R-4

PROPOSED ZONING:

PRESENT USE: MOBILE HOME PARK & UNDEVELOPED

PROPOSED USE: COMERCIAL DEVELOPMENT PRIVATE TRASH COLLECTION TRASH COLLECTION: WATER: PUBLIC CONNECTION SEWER: PUBLIC CONNECTION

PUBLIC ROADS: **OPEN SPACE REQUIRED:** ALLOWABLE FLOOR AREA RATIO: 0.70

ALLOWABLE BUILDING HEIGHT:

MINIMUM YARD REQUIREMENTS: FRONT = 25 FEET SIDE = 15 FEET REAR = 20 FEET

PARCEL AREA: **OPEN SPACE: BUILDING AREA:** FLOOR AREA RATIO: **BUILDING HEIGHT:** PARKING REQUIRED: PARKING PROVIDED: LOADING REQUIRED: LOADING PROVIDED:

CURRENT ZONING:

COMMERCIAL RETAIL 2.16 AC 28.23% 22,000 SF 0.234 BUILDING HEIGHT: 1 SP/300 SF = 74 SPACES 100 SPACES 2 - 15'X25' SPACE 2 - 15'X25' SPACE

FAST FOOD 1.02 AC 24.51% 3,810 SF **BUILDING HEIGHT:** 1 SP/100 SF = 39 SPACES 55 SPACES 1 - 15'x25' SPACE

BUILDING HEIGHT: 1 SP/250 SF = 12 SPACES 16 SPACES 1 - 15'X25' SPACE 1 - 15'X25' SPACE 1 - 15'X25' SPACE

CONVENIENCE STORE

WITH FUELING

1.11 AC

24.66%

0.061

2,960 SF

1. CBPA IS AN OVERLAY DISTRICT FOR THE CITY OF FREDERICKSBURG AND THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RMA FEATURES AND DOES CONTAIN RPA FEATURES WITHIN THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT. THERE ARE NO PROPOSED IMPACTS TO WATERS OF THE U.S. OR WETLANDS.

2. THERE ARE NO KNOWN HISTORIC BUILDINGS OR ARCHEOLOGICAL FEATURES ON

3. THERE ARE NO KNOWN PLACES OF BURIAL ON SITE. 4. THIS PROPERTY LIES WITHIN FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.I.R.M. COMMUNITY PANEL NO. 510065 0036C DATED SEPTEMBER 19, 2007.

5. EXISTING TOPOGRAPHIC INFORMATION IS A COMPILATION OF AERIAL MAPPING PROVIDED BY McKENZIE SNYDER JUNE 2017

6. BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY PREPARED BY FAIRBANKS & FRANKLIN TITLED "PERIMETER BOUNDARY SURVEY ON VARIOUS PARCELS STANDING IN THE NAMES OF COWAN EAST, LLC" DATED 02-08-17. 7. WATERS OF THE US (WOUS) AND WETLANDS WERE FIELD DELINEATED BY EEE

CONSULTING, INC. MARCH 2017. 8. THE USE AND DEVELOPMENT OF THIS PROPERTY, AND ALL IMPROVEMENTS THEREON, ARE SUBJECT TO THE FINAL GENERAL DEVELOPMENT PLAN AS WELL AS TO THE GENERALLY APPLICABLE REGULATIONS SET FORTH IN UDO SECTION

9. REFER TO TRAFFIC STUDY FOR TRIP GENERATION VOLUMES.

Fairbanks & Franklin

> Civil Engineering Land Planning

1005 Mahone Street

(540) 899-3700

G

JONATHAN D. FAIRBANKS Lic. No. 035219

> 02-22-18 DESIGNED: JDF DRAWN JAC

CHECKED:

REVISIONS:

DOCUMENT NO. 1-1204

OF

PROJECT NARRATIVE:

THIS PROJECT ENTAILS THE DEVELOPMENT OF A COMMERCIAL CENTER ON THE EAST SIDE OF ROUTE 1 ON LAND THAT IS CURRENTLY OCCUPIED BY A MOBILE HOME PARK. THE LAND WITHIN THE DEVELOPMENT WILL BE REZONED TO COMMERCIAL HIGHWAY (C-H). SPOTSYLVANIA AVE WILL BE RELOCATED WITH THIS DEVELOPMENT. THE PROPOSED COMMERCIAL CENTER WILL INCLUDE A COMMERCIAL RETAIL BUILDING, FAST FOOD RESTAURANT, AND A CONVENIENCE STORE WITH FUELING FACILITY.

ENGINEER

DEVELOPER

SILVER COMPANIES 1201 CENTRAL PARK BOULEVARD FREDERICKSBURG, VIRGINIA 22401

SCALE IN FEET

PROPERTY OWNER

COWAN EAST, LLC

1201 CENTRAL PARK BOULEVARD

FREDERICKSBURG, VIRGINIA 22401

FAIRBANKS & FRANKLIN 1005 MAHONE STREET FREDERICKSBURG, VIRGINIA 22401

