An 1891 plat shows 64 lots highlighted in the area of the proposed Mary's Landing development. A group called the Fredericksburg Neighborhoods Coalition is questioning that as the basis for the project's 'by-right' status. (Photo by Joey LoMonaco)

‘Lots’ of contention as residents, developers and city staff weigh in on Mary’s Landing project

by Joey LoMonaco | Jun 21, 2024 | , Fredericksburg, Housing

The two architectural renderings displayed on easels at the Dorothy Hart Community Center Thursday night represented different eras and visions.

On the left side of the room, a developer’s drawing depicted the layout for Mary’s Landing, a proposed 63-townhome development planned for mostly-vacant lots between Hunter and Germania Streets along Fall Hill Avenue in downtown Fredericksburg.

Opposite it, an enlarged copy of an 1891 plat from the Fredericksburg Development Company offered a glimpse into how many of the city’s neighborhoods were originally

defined. A portion, highlighted in yellow, contained 64 minuscule rectangular lots on the proposed Mary's Landing site.

The nearly 100 residents who attended Thursday's Canal Quarter Neighborhood Association meeting sat on rows of black folding chairs between the two images, struggling to reconcile them.

There was a similar divide between the two parties who spoke. At one table sat Fredericksburg-based developers Lee Garrison, Mark Doherty, Dan Webb and Chad Webb, who formed Mary's Landing, LLC for the project and acquired the 3.86 acres Jan. 1.

Representatives from the Fredericksburg Neighborhoods Coalition, which opposed the project, sat at another table.

Fredericksburg Planning Director Chuck Johnston and Senior Development Director Marne Sherman also attended the meeting, which loosely adhered to a town hall format, with opening statements followed by questions and answers from the audience.

Garrison, who noted that he lives a few blocks away from the project on Charles Street, said that he and his fellow developers have been addressing community comments on the project that arose during a Feb. 1 neighborhood meeting as well as feedback from city staff.

Updates to the plan since then include a tot lot (playground), a dog park and "pocket parks" with benches and trees, Garrison said. Developers have met on-site with the city arborists in an effort to preserve specimen trees.

"We're not going to be able to save all of them, but we're going to save the maximum amount we can," he said.

Garrison said developers resubmitted site plans on May 14 and received comments from city staff on June 18. Developers don't have completed architectural plans yet, he explained, because until the revised site plan is approved, "we don't know who is going to be building."

Matt Kelly, a former city councilor who has formed a group called Inform Fredericksburg, said his concerns with the project have to do with the "by-right" process by which the development is being allowed to move forward.

Kelly explained that the city's Creative Maker District, where the project is located, allows for eight units per acre and that exceeding that density would require a special-use permit (SUP). With 63 units, Mary's Landing equates to a density of approximately 16 units per acre.

"They're claiming it's by-right because of an 1891 plat around the hospital," Kelly said. "There is a lot of questioning going on about whether that's a viable way of whether it should be administrative.

"If there's ambiguity, why would the city not err on the side of community involvement in a full SUP process?"

When it was his turn to take the microphone, Johnston admitted that the city's stance is "a very difficult thing to understand, but it's also a simple thing to understand."

"These lots exist today," he said. "These property owners [developers] have legal rights. They could come in today and get a legal building permit for 63 single-family houses on those existing lots…

“This is not a staff decision. This is a legal decision, a legal precedent that says that platted lots of record have a legal right to existence. Perhaps there could be a difference of opinion.”
That would prove something of an understatement.
Questions submitted by the audience, which skewed older but also included a sizable number of millennials, ran the gamut from concerns about general growth to traffic to the lack of hearings on the project, which was last discussed publicly during a Jan. 23 City Council work session.
One question asked whether proof exists that any homes in the Creative Maker District were constructed based on the 1891 plat. Garrison explained that, as part of the process with the city, developers commissioned a Phase 1A/1B archeological study, which confirmed homes stood on several lots prior to the construction of the parking lot for the former Mary Washington Hospital.
Another inquired why the Creative Maker District zoning needs to be followed where construction materials are concerned — for example, no vinyl siding — but not density.

Nearly 100 people attended the Canal Quarter Neighborhood Association meeting on Tuesday night, a majority of them opposed to the Mary’s Landing project. (submitted photo)

In a rare moment of levity, one gentleman prefaced his comments by crooning a few bars of Frank Sinatra’s “That’s Life.”
But one hangup reverberated most: how and why a document drawn up during the country’s Progressive Era supersedes modern residential zoning regulations.
In response, Sherman produced a copy of a Q&A memo published by the city in April.
“We keep rehashing the same point, so I’m just going to read it to you — No. 8,” she said. “As a regulatory matter, a recorded lot is buildable — that is, each recorded lot may be developed individually with any by-right use permitted by applicable zoning. In the case of Mary’s Landing, the landowner has 64 buildable lots with a number of by-right options, including attached or detached units.”
At that point, an audience member interjected, setting off a tense exchange: “But you are moving the lot lines? Isn’t that a new lot?”
Responded Sherman: “They started with 64 and they’re ending with 64.”

“Just because the number doesn’t change doesn’t mean the lots don’t move,” countered the audience member. “I get that it’s the same total, but it’s a major change to the approach.”
“We disagree, and that’s OK,” Sherman said.