

Spotsylvania County Planning Commission **DRAFT**

Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

MINUTES: April 5, 2017

Call to Order: Mr. Newhouse called the meeting to order at 7:00 p.m.

Members Present:

Mary Lee Carter	Lee Hill
C. Douglas Barnes	Berkeley
Gregg Newhouse	Chancellor
Richard Thompson	Courtland
C. Travis Bullock	Battlefield
Howard Smith	Livingston
Michael Medina	Salem

Staff Present: Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
Alexandra Spaulding, Senior Assistant County Attorney
B. Leon Hughes, AICP, Assistant Director of Planning
Jacob Pastwik, AICP, Planner III

Announcements: Ms. Parrish stated that a community meeting notice is at each seat for a proposed rezoning for a memory care facility. She also advised that unless something is carried over from this evening, staff has nothing scheduled for the April 19, 2017 meeting and may consider canceling the meeting.

Review & Approval of minutes:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to approve the minutes of March 1, 2017. The motion passed 6-0-1, with Mr. Medina abstaining due to his absence from the meeting.

Unfinished Business: None

Review and approval of Preliminary Plat: (Lee Hill & Berkeley Districts)

P17-0001 Alexander's Crossing

Mr. Hughes explained that a Preliminary Plat for Alexander's Crossing was submitted, which requires that the Planning Commission review and approve or disapprove the plat within sixty (60) days of it being deemed complete. The applicant is proposing to subdivide seven (7) existing Mixed Use (MU-5) zoned parcels, totaling 138.4 acres, into three hundred eighty (380) lots including 266 single-family residential lots and 114 townhouse lots. The lots will be served by public water and sewer and will be accessed from Massaponax Church Road. The plat has been reviewed by the Technical Review Committee (TRC) in accordance with Section 20-4.1.4,

Required Preliminary Plat Information, and the applicant was present at the TRC meeting on March 9, 2017, where comments were provided on items that need to be addressed for the plat to receive approval. The applicant has acknowledged the needed changes but has not been able to make the necessary revisions within the 60 day time period. Therefore, staff recommends that the Planning Commission deny the preliminary plat as it is not in compliance with the requirements of Section 20-4.4.1 of the Subdivision Ordinance. A denial of the preliminary plat will require that the applicant address the comments of the TRC and resubmit the plat, resetting the 60 day clock. When the revised plat is submitted addressing the comments below, it will be reviewed and if it is in compliance with Section 20-4.4.1 it will be presented to the Planning Commission for approval.

Staff recommends denial of P17-0001 since the preliminary plat needs further amendments to meet the technical requirements of Section 20-4.4.1 of the Spotsylvania County Subdivision Ordinance.

Mr. Thompson inquired when the Commission approved the development.

Mr. Hughes stated that the rezoning was approved last year.

Motion and vote: Mr. Barnes made a motion, seconded by Ms. Carter to deny the preliminary plat. The motion passed 7-0.

Public Hearing(s):

CA17-0003 Spotsylvania County Planning Commission, Ordinance No. 23-169: An amendment to Chapter 23, Zoning, of the Code of the County of Spotsylvania, Article 8, Zoning Districts, to amend Non-Conforming Uses, Sec. 23-8.1.6 Alternative or enlargement of a nonconforming structure to allow the reconstruction of an existing electrical transmission line within an existing easement by adding:

- (f) Notwithstanding the restrictions set forth in (a) above, the reconstruction of an existing electrical transmission line may be undertaken if done in substantial conformance with the existing transmission line, structures and appurtenances. This exception permits the replacement, upgrade, and modernization of existing transmission lines and supporting structures and appurtenances. The replacement of appurtenances, includes, but is not limited to, the replacement of wooden structures with steel structures under this exception. The average height of the new structures in the County may vary from the height of the old structures by plus or minus fifteen percent (15%). The location of the new structures may vary from the existing locations by up to sixty (60) feet and the footprint of the new structures may vary so long as the new structures are located within existing easements. The location of any new structures and/or switch structures within the public rights-of-way shall be regulated by the County Administrator under the appropriate franchise regulations.

Mr. Newhouse opened the public hearing.

Ms. Parrish presented the case. The public hearing is to consider amendment of Spotsylvania County Code Chapter 23, Zoning, Article 8, Non-Conforming Uses, Sec. 23-8.1.6 *Alternative or enlargement of a nonconforming structure* to allow the reconstruction of an existing electrical transmission line within an existing easement. The proposed ordinance amendment is attached, as well as information on a pending Dominion Virginia Power project to rebuild a portion of the Four Rivers-Fredericksburg Transmission Line within an existing 200' wide easement through approximately 8.2 miles of eastern Spotsylvania County. If this code amendment is approved, the project will proceed administratively rather than requiring a Special Use. The easement and transmission line pre-date the adoption of zoning in Spotsylvania County and, therefore, are considered non-conforming. The rebuild will replace existing wooden structures carrying a 115kV line with metal structures carrying a 115kV line. The average height of the structures is four (4) feet taller than the existing structures. The transmission line traverses four jurisdictions. Hanover and Caroline counties have approved the project administratively. Fredericksburg is considering a similar zoning amendment to allow administrative approval.

Staff recommends approval of CA17-0003.

Ms. Carter mentioned the new Mine Road lines and how lovely the new trees that have been planted look.

Speaking in favor or opposition: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter Planning Commission approve the ordinance amendment with the following motion:

Based upon the public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23 amending and adding provisions allowing the reconstruction of an existing electrical transmission line within an existing easement.

The motion passed 7-0.

Discussion Items/Initiation Request

Zoning Update: Ordinance 23-171 – Off-Street Parking, Loading, and Stacking

Mr. Pastwik presented the proposed amendment. Sec. 23-5.9.1- Applicability, clarifies reference to “P district” to specifically identify applicable zoning districts including Planned Development Commercial (PDC) and Planned Development Housing (PDH). The PDC and PDH zoning districts were established for greater design flexibility resulting in potential deviations from the parking standards. Parking as a result is determined by the development mix proposed and approved as part of the development review process. The Mixed Use (MU) Zoning district has

also been added as reference in this Section, acknowledging off-street parking modifications provided in the Mixed Use Zoning District Sec. 23-6.28.6- Parking. Sec. 23-5.9.1 was last updated in 1995. The Mixed Use District was added to the Zoning ordinance in 2012 and includes parking modifications not generally available in other zoning districts. An update is necessary to reflect Code amendments since 1995 that impact the Off-Street Parking standards.

Sec. 23-5.9.2- General provisions, clarifies vague references made to unspecified boards and sources of standards and corrects enforcement responsibilities, replacing references to the Director of Planning with the Zoning Administrator. To be consistent with other Code sections the proposal adds capitalization when the County Codes, County Forms, County Permits, County position titles such as the Zoning Administrator, the Commonwealth are referenced. Stacking space dimensions requirements presently located in Sec. 23-5.9.2(i) is proposed to be removed as misplaced, letting Division 11- Off-Street Stacking address stacking. Lighting requirements in (j) have also been proposed for removal as misplaced and unnecessary, letting 23-5.12- Outdoor Lighting address outdoor lighting. As for limits on hours of parking lot lighting, the proposal would expand allowable lighting hours to include up to an hour prior to opening and following closing in consideration of employees and deliveries. An option that had been located in Note 3 of the minimum required parking table to reduce parking spaces by fifty (50) percent considering proximity to a public parking lot or shared parking via permission of owner for Places of Worship is proposed to be promoted to a general provision applicable to all required parking uses as draft provision (p). Lastly, with the support of the Zoning (including Zoning Enforcement) office, provision (r) is proposed to be removed from the Section. Staff believes provision (r) adds confusion and unnecessarily complicates residential parking and its enforcement.

Sec. 23-5.9.3- Minimum Required Parking Spaces, amendments intended to alphabetize identified uses for which minimum parking is specified. Standards are drafted for clarity of interpretation and consistency. The proposal adds complementary minimum parking standards for uses recently added to the zoning ordinance as well as a number of long established uses that had not previously had specified parking standards. Newly listed or long established uses for which specific minimum parking standards have been added include: Auction establishment; Bed and Breakfast I, II; Contractor's Office and Shops; Feed Mill; Appliance Store (added to Furniture or Carpet Store); Industrial/ Flex, Abattoir (added to Industry Types I, II, III); Brewery, Winery, Cidery, Distillery; Rooming/ Boarding House; Live Entertainment, Outdoor. Those recent additions have no parking standards specified presently as Sec. 23-5.9.3 was last updated in 2004. The proposal seeks to reduce minimum required parking standards where appropriate to reduce excessive parking areas and provide the opportunity to reduce development costs associated with parking. Specific instances where minimum parking standards are proposed to be reduced include: Furniture, Appliance or Carpet Store; Personal Service Establishment; Retail Sales Establishment (except Furniture, Appliance or Carpet Store); Shopping Center. Separately identified parking standards for eating establishment, and eating establishment, carry/out fast food are proposed to be combined to result in one average standard. The effect slightly increases minimum parking for eating establishments from 1 space per 100 sq ft gfa to 1.25 spaces per 100 sq ft gfa while slightly reducing the minimum from 1.5 sp per 200 sq ft gfa to 1.25 spaces per 100 sq ft gfa. An increase in parking is proposed for Place of Worship and Civic, Social or Fraternal Facilities. The change results from recent amendments to the Mixed Use ordinance

pertaining to Places of Worship, supported and approved by the Board of Supervisors on January 13, 2015 associated with Code Amendment Case #CA14-0005. The effect is a consistent standard. Parking standards for Private Schools remain constant; however the standard is proposed to also include Public Schools as they had not been specified with a minimum standard historically. The proposal relocates Minimum Required Parking Spaces Table Notes 1, 2 and 4 (becoming Note 3) within the table, with a clarification to Note 3 (formerly Note 4). Note 3 as described above is proposed for relocation to apply to all uses under Sect. 23-5.9.2 General Provisions. Note 5 established minimum parking standards for Greenhouses, commercial. The standard is proposed to be relocated into the minimum required parking table for Garden Centers, a term that replaced Greenhouses, commercial in a prior zoning update that occurred recently. To be consistent with the format of all other required minimum parking spaces, Garden center requirements are best located in the Table as proposed. Staff has proposed striking Note 7. Note 7 requires submission of a parking study in instances where parking exceeds the minimum requirements by specified percentages depending on the size of the development. The result leaves the decision to, and costs associated with exceeding the minimum parking standard up to the applicant/ developer having weighed the cost and benefit of added investment. Additionally, other project requirements that may require site area such as street buffer, transitional screening, stormwater management, internal and peripheral parking lot landscaping, building and sidewalks, open space, points of access and drive aisles, etc. act to rein in the extent to which many sites could be over-parked. The effect of the proposed removal of Note 7 is reduction of added project scrutiny during review.

Sec. 23-5.9.4- Parking Geometrics Standards, is a new Section within the Off-Street Parking Ordinance that establishes parking stall and access aisle standards for parking lots. Though the standards are new to appear in Article 9, Off-Street Parking, the standards themselves have been sourced directly from the Spotsylvania County Design Standards Manual, Article 5- Streets, Parking and Driveways. Staff proposes to relocate the standards to the Zoning ordinance and ultimately remove them from the Design Standards Manual with an update to that document in the future. In discussion with Planning, Zoning and Transportation staff it was felt parking dimensions standards are best relocated as proposed.

DRAFT Ordinance 23-171: Chapter 23, Article 5: Division 10- Off-Street Loading

Sec. 23-5.10.1- Applicability, for consistency with ongoing Code update efforts the proposal adds capitalization when County Codes are referenced. Proposed amendments also correct enforcement responsibilities by replacing reference to the Director of Planning with the Zoning Administrator. Proposed amendment enhances reference to “P district” to clarify and specifically identify applicable zoning districts that include Planned Development Commercial (PDC) and Planned Development Housing (PDH). As noted above in the summary of amendments provided pertaining to Division 9- Off Street Parking, the PDC and PDH zoning districts were established for greater design flexibility resulting in potential deviations from the parking standards. Parking as a result is determined by the development mix proposed and approved as part of the development review process. The Mixed Use (MU) Zoning district has also been added as reference in this Section, acknowledging off-street parking modifications provided in the Mixed Use Zoning District Sec. 23-6.28.6- Parking. Sec. 23-5.10.1 was last updated in 1995. The Mixed

Use District was added to the Zoning ordinance in 2012 and includes ability to make modifications not generally available in other zoning districts.

Sec. 23-5.10.2- General provisions, for consistency with ongoing Code update efforts the proposal adds capitalization when County Codes, County position titles such as the Zoning Administrator are referenced. Proposed amendments also correct enforcement responsibilities by replacing reference to the Director of Planning with the Zoning Administrator. Lighting requirements in (g) are proposed for removal as misplaced and unnecessary, letting 23-5.12- Outdoor Lighting address outdoor lighting. Staff proposes a life, health and safety amendment by adding (l) to avoid conflicts between the planning, design and function of loading spaces in relation to traffic circulation.

Sec. 23-5.10.4- Off Street Loading, The use Industrial/ Flex is proposed to be added to Loading Standards already in place for industry Types I, II, III. Loading space standards for Private Schools is proposed to be expanded to also apply to Public Schools.

DRAFT Ordinance 23-171: Chapter 23, Article 5: Division 11- Off-Street Stacking

Sec. 23-5.11.2- General provisions, for consistency with ongoing Code update efforts the proposal adds capitalization when County Codes, County position titles such as the Zoning Administrator are referenced. Proposed amendments also correct enforcement responsibilities by replacing reference to the Director of Planning with the Zoning Administrator. Lighting requirements in (7) are proposed for removal as misplaced and unnecessary, letting 23-5.12- Outdoor Lighting address outdoor lighting. Staff proposes a life, health and safety amendment by adding (8) to avoid conflicts between the planning, design and function of stacking spaces in relation to traffic circulation and public access to buildings.

Sec. 23-5.11.3- Minimum required space, proposal would amend carwash stacking space standard to apply to all principle use carwash facilities instead of just automated ones. New stacking space standards are proposed to be added for fuel pumps and private/ public schools. A standalone standard for “all other uses” has been incorporated into the Minimum required space table so that standards are consistently located.

Mr. Newhouse stated that he had some experience where available parking becomes premium and asked Mr. Pastwik about that.

Mr. Pastwik stated that he intends to have zoning staff present for the future public hearing and will address this within the staff report prior to the hearing.

Mr. Smith inquired what specifically was taken out of the language.

Mr. Pastwik stated that the front yard parking with gravel, asphalt, and concrete has been taken out.

Ms. Carter inquired why Mr. Smith asked the question.

Mr. Smith stated that when he was Sheriff, he would get many complaints about cars parking on the road in the VDOT right-of way and neighbors would call to complain.

Mr. Pastwik stated that he has heard those complaints and that the new language will hopefully give the opportunity to park on lot rather than the street.

Mr. Barnes stated that he would like the zoning staff here to give real examples of what they are seeing and dealing with in the field.

Mr. Pastwik agreed.

Mr. Newhouse also mentioned issues with stacking at fast food restaurants at Harrison Crossing.

Mr. Smith mentioned the fire lanes in front of buildings and why they need the whole frontage. He stated that there are a lot of elderly that could benefit for a designated front of store parking and would like to know if the state code requires the full frontage be a fire lane.

Ms. Carter thanked Mr. Smith for bringing this up and agrees that these areas should include signage that states it is for citizens who are 65 or older.

Mr. Pastwik stated that the Fire Marshal typically makes that comment during their technical review, but that he would investigate if it is a state code requirement.

Mr. Pastwik thanked the Commissioners for their comments and added that it will be posted to the web and sent out to the development community to solicit feedback prior to bringing this back for public hearing.

There was discussion regarding shared parking and Ms. Carter mentioned that Spotswood Baptist Church shares parking with Covenant Funeral Home.

Motion and vote: Mr. Barnes made a motion, seconded by Mr. Smith to approve the following motion:

Based upon the public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23 amending and adding provisions related to Article 5: Division 9- Off-Street Parking; Division 10- Off-Street Loading; Division 11- Off-Street Stacking.

The motion passed 7-0.

Zoning Update: Ordinance 23-170 – Enforcement

Mr. Pastwik presented the amendment for initiation. He discussed that these are amendments to Chapter 23, Article 9- Enforcement are proposed to strengthen the clarity of the ordinance as it relates to County Zoning Enforcement. Substantively no deviations from current Zoning

Enforcement practices have been proposed as part of this amendment proposal. Legal clarifications have been added to further enforce and accurately portray enforcement functions. To be consistent with other Code sections the draft also adds capitalizations where: County Code references have been made; County forms or County Permits are referenced; County position titles such as the Zoning Administrator are referenced. In Sec. 23-9.1.1, Enforcement responsibilities (d), reference to prohibition of Building Permit has been replaced by reference to prohibition of a Zoning Permit issuance in instances where a violation to the Zoning Ordinance has been issued has been corrected. Interpretation and enforcement of the Zoning Ordinance is the responsibility of the Zoning Administrator and/or his or her designees. Zoning therefore has responsibility over issuance of Zoning Permits, not Building Permits. The proposed amendment reflects this correction. Sec. 23-9.1.3- Injunctive relief and other civil remedies strikes reference to “attempted violations” being abated by injunction or other legal proceeding as an actual violation of the Zoning Ordinance needs to occur to warrant enforcement action.

Motion and vote: Mr. Barnes made a motion, seconded by Mr. Thompson to approve the following:

Based upon the public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23 amending and adding provisions related to Article 9- Enforcement (Ordinance 23-170).

The motion passed 7-0.

New Business:

Ms. Carter stated that two weeks ago during the Board meeting, there was a presentation regarding the setbacks for auto dealerships.

Ms. Parrish stated that based on concerns raised by Mr. Cebula, she went to the Board of Supervisors with a proposal regarding vehicle sales establishments.

She stated that they may want to set a minimum lot size for dealerships in C-3. If the property is above the minimum lot size they would apply for a zoning use permit. If below the minimum lot size, they would be required to apply for a Special Use. The board authorized staff to draft an ordinance amendment.

Ms. Parrish stated that Mr. Cebula has safety concerns about large trucks unloading cars onto Route 1 because they cannot fit on the site.

Ms. Carter inquired about existing dealerships and whether they would be grandfathered.

Ms. Parrish stated yes, they would.

April 19, 2017 meeting – Without objection, Mr. Newhouse canceled the April 19, 2017 meeting.

Public Comment: None

Adjournment:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to adjourn. The motion passed 7-0.

The meeting adjourned at about 7:47 p.m.

Commission Secretary

Date approved