

Spotsylvania County Planning Commission

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

MINUTES: May 3, 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
Kimberly Pomatto, AICP, Planner II

Announcements: Ms. Parrish stated that there are quite a few hearings scheduled for the next meeting.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of April 5, 2017. The motion passed 7-0.

Unfinished Business: None

Public Hearing(s):

Mr. Newhouse opened the public hearing.

Rezoning: R17-0002 Branham Mechanical LLC (Ordinance No. RO17-0002): Requests a rezoning of .48 acres from Residential 2 (R-2) to Commercial 1 (C-1) with proffers to allow for a contractor's office and shop. The property is located at 8818 Courthouse Road which is located along the west side of Courthouse Road (Route 208), approximately 1,340 feet north of the intersection of Massaponnax Church Road (Route 608) and Courthouse Road (Route 208). The property is located within the Primary Development Boundary. The property is identified for Institutional development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 47-A-72. Berkeley voting district.

Ms. Pomatto presented the case. The applicant, Branham Mechanical LLC, is a commercial

HVAC contractor business operation which is owned and operated by Rodney T. Branham. Mr. Branham purchased the property located at 8818 Courthouse Road, which is locally known as the old Forestry Building next to the Marshall Center and immediately across Courthouse Road from Spotsylvania Middle School. The Virginia Department of Forestry occupied the property as an outpost, as a permitted use (public facility), from 1989 through September of 2015. The property is zoned Residential 2 (R-2) and the applicant requests to rezone to Commercial 1 (C-1) in order to operate a contractors office and shop. The business operation includes five employees, four of which are issued work vehicles and on most work days dispatched to their job sites from home. While supplies will be shipped to the property 2-3 times per week via delivery trucks (no tractor trailers), there will be no customer traffic as this is a commercial HVAC operation. The property is designated on the Future Land Use Map within the Comprehensive Plan as Institutional but is surrounded by the Mixed Use designation. The Institutional designation is reflective of the former use; therefore, it is most appropriate to consider the project within a mixed-use land use context particularly given that the existing surrounding development consists of County facilities, varying commercial businesses and single family detached and attached residential. As per the Comprehensive Plan the mixed land use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential; commercial uses; light industrial; educational facilities; recreation facilities, and compatible public and other civic facilities (institutional type uses). The Branham Mechanical proposal is consistent with the mixed use land use designation envisioned for the larger area albeit it somewhat lacks in meeting all of the design aspirations as outlined in the mixed use district.

Currently the .48 acre site includes a 2,341 square foot building, gravel parking area and three points of access two of which are located on American Legion Drive and one on Courthouse Road. The contractor office use is expected to generate 11 vehicle trips per day. As part of this proposal, the applicant has agreed to close the access on American Legion Drive closest to Courthouse Road and upgrade the existing access on Courthouse Road to meet the VDOT low volume commercial entrance standards. These improvements address entrance spacing and design concerns raised by both VDOT and the County's traffic engineer. Both improvements are specifically addressed within the proffer statement.

Consistent with similar rezoning applications which include developed sites, staff recommended the site be brought up to current standards as required within the County Code and Design Standards Manual. In this case, staff recommended a landscaped street buffer be installed in addition to a paved parking area in order to meet the dustless surface Code requirement. The applicant intends to complete interior renovations to the building to accommodate the use and has proffered to install a landscaped street buffer within 30 days of Certificate of Occupancy issuance. With respect to the paved parking area, the applicant has proffered the parking lot will be paved upon a change of use on the parcel which results in an increased number of vehicle trips to and from the site. While this is certainly a worthy compromise offered by the applicant, staff must point out there is no guarantee or expected timeline for the site to be completely brought up to County standards with the language as proposed.

In accordance with County policy, the applicant sent notification letters to all property owners within a 1,000 foot radius prior to submission of their application. The

notification letter included details of the proposal and referred all interested parties to the Planning Department. To date, staff has not been contacted by anyone with respect to this proposal.

The findings in favor are:

- The proposal is an adaptive reuse of a currently vacant building in a commercial corridor which will increase tax revenue with no expected negative impacts to adjoining properties.
- The Courthouse Road streetscape will be enhanced with the installation of the landscaped street buffer.
- VDOT and County Access Management concerns will be addressed with the elimination of one of the access points on American Legion Drive and the entrance improvements on Courthouse Road.

The findings against are:

- The proposal falls short in meeting all of the design aspirations as outlined in the mixed use district.
- There is no guaranteed timeline for the site to be completely brought up to County standards with respect to the paved parking area.

Staff notes the proposal falls short in meeting the County's design standards with respect to a paved parking lot. However, the proposal's investment and adaptive reuse of a currently vacant building in addition to the increase in tax revenue, entrance improvements along Courthouse Road and the streetscape enhancement outweighs the lack of a paved parking lot. The Branham Mechanical proposal is consistent with the mixed use land use designation envisioned for the larger area and is not expected to adversely impact adjoining properties. Based on the key findings and analysis contained in this report, staff recommends approval of the request with the proffered conditions dated April 5, 2017.

Mr. Newhouse inquired if there would be any outside equipment storage.

Ms. Pomatto stated that there would not be any storage outside. Deliveries would occur 2-3 times per week by truck, not tractor trailer.

Mr. Bullock inquired why one entrance would be closing.

Ms. Pomatto stated that it is too close to Courthouse Road and doesn't meet VDOT's entrance spacing requirement.

Mr. Bullock inquired who would be monitoring the paving.

Ms. Pomatto stated that the Zoning office would do so. As long as the use remains a HVAC business, 11 trips per day, the parking lot would remain gravel. If they were to lease to another business or if the property is sold and the use changes, the parking lot would be required to be paved.

Ms. Carter stated that she is concerned about landscaping along the frontage and visibility for those who would be pulling out onto Courthouse Road.

Mr. Smith inquired if the applicant would be doing background checks on their employees due to the close proximity to the school.

Mr. Branham stated yes. He stated that all materials would be stored inside and the dumpster would be to the rear and fenced.

Mr. Barnes agreed with Ms. Carter about the site distance with mature landscape and stated that he would like to see low lying shrubbery installed.

Speaking in favor or opposition: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Barnes made a motion, seconded by Ms. Smith to approve the rezoning. The motion passed 7-0.

Worksession(s):

In the last few weeks, Planning has received two inquiries from businesses interested in establishing large scale solar facilities in Spotsylvania County. This is a growing trend in Virginia and nationally. Currently, the Zoning Ordinance does not specifically define solar facilities as a use. They fall under the definition of "Public utility, heavy" as an electrical generating plant/facility. Public utility, heavy uses require Industrial 2 (I-2) zoning and a Special Use permit.

While solar farms are facilities that generate electricity, their appearance and impacts are not typical of traditional electrical generation facilities. Many jurisdictions are developing separate definitions for this use and permitting via special use approval in agricultural areas. The use typically requires a large acreage and they are often sited on former farm properties or timbered land. Enabling the use in agricultural zones eliminates the conflict created by zoning land in a rural area to industrial and also allows the property to revert to agricultural permitted uses when the solar facility ceases operation and is disassembled.

Staff is seeking Planning Commission input on whether to develop a Solar Ordinance. Ms. Parrish stated that this is still very much under review and we also need to gather input from citizens.

Mr. Newhouse inquired whether there is any info on the impacts to the road network of heavy traffic during construction

Ms. Parrish stated that VDOT may have this information and she could check with them.

Mr. Newhouse stated that he would be interested in that data because many of our rural roads are not the best maintained and are substandard.

Mr. Barnes stated that he has a lot of reservations about permitting these byright. He believes it should be a special use permit request.

Mr. Newhouse inquired about the timeline of this moving forward.

Ms. Parrish stated that she doesn't believe she would bring it back for at least 60 days. She stated that she needs to draft the ordinance and allow enough time for research and County Attorney review. Mr. Newhouse stated that staff is very wise to get ahead of this.

There was discussion about tax incentives.

Ms. Carter inquired what the benefit would be to her.

Ms. Parrish stated that the benefits would be to the electrical network, it's another power source with perhaps lower rates.

Mr. Medina inquired as part of this, do we need to look at distribution.

Ms. Parrish stated that the location that would be chosen would have easy access to the grid and they will have already worked with REC or Dominion.

Mr. Medina stated that if they are working with the power companies, he believes the price break would be given to them and not the consumer.

Mr. Barnes stated that there are only a few parcels that are 1000+ acres that could have this use.

New Business: None

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.

Paulette Mann

Commission Secretary

May 17, 2017

Date approved