

## Spotsylvania County Planning Commission **DRAFT**

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

**MINUTES:** May17, 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, CZA, Planner II  
Jacob Pastwik, AICP, Planner III  
Rick Roberson, Deputy Zoning Administrator

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**Announcements:** There were no announcements.

**Review & Approval of minutes:**

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Bullock to approve the minutes of May 3, 2017. The motion passed 7-0.

**Unfinished Business:** None

**Public Hearing(s):**

*Mr. Newhouse opened the public hearing.*

**Rezoning(s):**

**R16-0007 Gramm & Bethard, LLC and Fields Investments, LLC (Safford Auto) (Ordinance No. RO16-0007):** Request a rezoning of 3.3469 acres from Residential 1 (R-1) to Commercial 3 (C-3) with proffers to allow for a general purpose commercial and a commercial off-street parking lot for new car inventory as a special use on 2.8774 acres via a concurrent Special Use application (SUP16-0010). The current plan is to use the property to operate Commuter Express, Inc., a van-pool and van rental business. The properties are located at 10823 and 10827 Courthouse Road which are located along the south side of Courthouse Road (Route

208), approximately 1,145 feet east of the intersection of Hood Drive (Route 636) and Courthouse Road (Route 208). The property is located within the Primary Development Boundary. The property is identified for Commercial development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 23A-2-9, 23A-2-9A, 23A-2-10, 23A-2-11, 23-A-139. Battlefield voting district.

Ms. Pomatto presented the case. Gramm & Bethard, LLC (Safford Auto) and Fields Investments, LLC are co-applicants requesting to rezone a total of 3.3 acres consisting of five (5) separate parcels from Residential 1 (R-1) to Commercial 3 (C-3). The rezoning (and companion special use permit SUP16-0010) will allow Safford Auto to operate a commercial off-street parking lot for the purpose of storing new vehicle inventory on 2.8 acres (after right of way dedication). Safford Auto's businesses include Safford Kia, Safford Chrysler Jeep Dodge, and Safford Fiat which are all currently located in Spotsylvania County on Route 1 and Lafayette Boulevard. Until recently, Safford's overflow new vehicle inventory was stored on leased property off of Industrial Drive; however the property is no longer available and Safford has utilized temporary facilities while these applications have been in process. The rezoning will also allow Fields Investments, LLC to construct an office building in order to operate a vanpool business on .48 acres (after right of way dedication). The van pool business is Commuter Express, Inc. which currently operates in Spotsylvania County including approximately 70 vans that shuttle several hundred commuters to Washington DC and other areas each day. All of the vans except for four (4) extra back up vans remain parked at the VDOT commuter lots when not in use. The business has three (3) employees and most customers pay the monthly fare by mail, online or direct deposit which significantly limits the amount of customer traffic to and from the office.

The property is located on the south side of Courthouse Road (Route 208), approximately 1,145 feet east of the intersection of Hood Drive. The property is mostly vacant but for one single family dwelling currently used as residential rental property. Immediately surrounding the property are commercial uses including the SPCA, S&K Home Remodeling office, Pro-Build lumber yard, offices and the Gulf Gas station. The property is surrounded by Commercial 2 and 3 (C-2 and C-3) zoning except for a vacant 13 acre tract of land with a split zoning of Residential 1 (R-1) and Commercial 3 (C-3) to the south. The property is designated on the Future Land Use Map within the Comprehensive Plan as Commercial. The proposal is an investment and redevelopment of an unused or underused site which is targeted for higher intensity commercial. The business investment and redevelopment along with transportation improvements, which will be discussed in detail below, are consistent with the goals and objectives for commercial development within the Primary Development Boundary as identified in the Comprehensive Plan. (For a complete Comprehensive Plan Analysis, please refer to Appendix A.)

The Generalized Development Plan (GDP) identifies two points of access from Courthouse Road to the two proposed developments. The Fields Investments LLC development includes a one-story, 3,540 square foot office building, with 23 parking spaces and an interparcel connection to the adjacent office site to the east (also owned by Fields Investments, LLC). Currently the existing office site, adjacent to the Gulf Station, only has one point of access which is through the Gulf Station site. The proposal provides a second point of access to the existing office and accessibility to additional parking if needed. The Safford Auto development includes a

completely fenced and gated parking lot consisting of 346 parking spaces. The fencing visible from Courthouse Road will be constructed of a decorative aluminum and the remainder of the fence will be chain link. No interparcel connections are provided from the proposed parking lot in order to accommodate the specific need for a completely secured parking lot for new vehicle inventory storage. A stub is provided on the proposed office site to the proposed parking lot and the applicant has proffered a future connection to the vacant property to the south upon future redevelopment in order to accomplish interparcel connectivity among the commercial properties. A ten (10) foot landscaped street buffer is provided along the frontage of the office development and a twenty (20) foot landscaped street buffer is provided along the frontage of parking lot. Additionally, the applicant has provided evergreen plantings within the aluminum fence line along the frontage of the parking lot development and extending 50' back along each property line in order to further limit the visual impact of the parking lot from Courthouse Road. The applicant has provided the required transitional screening along the rear of the property; however along the property line adjacent to the SPCA and the contractor's office, the applicant is requesting a waiver to the transitional screening requirement. The applicant has provided letters from the affected property owners indicating they are in favor of waiving the transitional screening, and given their acquiescence and the existing intensity of the adjacent development staff has identified no concerns with the waiver request. The applicant is also requesting a waiver to the interior parking lot landscaping requirement as this would limit the amount of available for vehicle storage. Staff has no concerns with the waiver to the interior parking lot landscaping requirement as the view sheds from Courthouse Road will be limited with the enhanced street buffer.

The office development is expected to generate 68 vehicle trips per day and the parking lot for new vehicle inventory storage is expected to generate 35 vehicle trips per day. The parking lot will only be accessed by Safford Auto employees retrieving cars from the property when necessary. No delivery truck and tractor trailer traffic will visit the vehicle storage lot. All vehicle deliveries will occur at the associated dealership then the individual vehicles will be driven to the storage lot until needed for sales. A traffic impact analysis was completed for both projects combined and separately. Both studies indicated that no right turn lanes were required for either entrance. Typically, both VDOT and the County would not be supportive of two new access points on a major thoroughfare particularly when they are proposed in such close proximity to each other and other existing access points on Courthouse Road. However, the needs of this proposal are unique in that 1) Safford Auto must have access to Courthouse Road yet be a completely secured site and 2) the proposed office site's only option, if no direct access to Courthouse Road was permitted, is to access through the existing office and Gulf Station site which is heavily congested and often times blocked by the Gulf Station patron's parked vehicles. In order to address the specific needs of the two developments, the applicant proposes the two separate access points, along with the construction of sidewalk and a 400' turn lane section which will connect an intermittent right turn lane which currently runs along Courthouse Road. Both the County and VDOT agree the public safety benefits of the continued right turn lane and sidewalk in this area outweigh the benefits that may result from a shared access point. Additionally the applicants have proffered to dedicate 15' of right of way along Courthouse Road.

In accordance with County Policy, the applicant sent a notification mailing to all property

owners within a 1,000' radius of the property informing them of the proposed rezoning and special use permit and directed any questions or concerns to the Planning Department. To date, staff has not received any citizen input related to this case.

Ms. Pomatto discussed the key findings in favor:

- The proposal is consistent with the County's land use vision for the area and is an investment and redevelopment of an underused site targeted for higher intensity commercial use.
- The redevelopment will result in an increase in real property tax revenue and an increase in tax revenue of the proposed business uses.
- The proposal includes an enhanced evergreen buffer along the frontage of parking lot development which will reduce the visual impact along Courthouse Road.
- The proposal includes the construction of a 400' section of a right turn lane which will connect a currently intermittent right turn lane along Courthouse Road providing a significant public safety benefit to the community.
- The proposed interparcel connection from the proposed office site to the existing office site addresses the limited and problematic access for the existing office site.

Ms. Pomatto discussed the key findings in opposition:

- A large vehicle storage lot accommodating 346 spaces is out of character with the surrounding commercial development.
- A vehicle storage lot is not the highest and best use for the property as it translates to tax revenue. For example, a brick and mortar office development would generate more tax revenue than a parking lot.

She discussed that she has received letters from the adjacent property owners that they are in agreement with the waiver of transitional screening.

Mr. Newhouse inquired what type of stormwater management is proposed.

Ms. Pomatto stated that they are proposing geoweb system.

Mr. Medina inquired if we have surfaces like she described already in the county.

Ms. Pomatto stated that she would defer to the applicant.

**Applicant**, David Richardson, Engineer for the developer: He stated that this proposal makes it easier for the applicant to gain quick access to inventory due to its central location to the dealership. He stated that with the addition of Mr. Fields property, this proposal closes the gap and creates an all commercial corridor. He briefly discussed Mr. Fields van pool business and how it's grown from one commuter van to 75. He discussed that as far as the porous pavement, there would be a recorded BMP on record at the Courthouse. He advised that they have used similar stormwater management systems at CMC Rebar and the old Sennett building and they have both worked very well. He stated that they use dustless stone. Mr. Richardson said the porous pavement example that he would recommend is the Steak & Shake at Massaponax. He

stated that it has been installed for five years now and has worked well.

**Motion and vote:** Mr. Bullock made a motion, seconded by Ms. Carter to approve the rezoning with proffers and including the recommended additional language to the Generalized Development Proffer included in the proffered conditions dated May 1, 2017. The motion passed 7-0.

**Special Use(s):**

**SUP16-0010 Gramm & Bethard, LLC (Safford Auto):** Requests special use approval to allow commercial off-street parking for new car inventory as a principal use on 2.8774 acres of property. This request is a companion request to Rezoning case R16-0007. The property is located at 10823 Courthouse Road which is located along the south side of Courthouse Road (Route 208), approximately 1,145 feet east of the intersection of Hood Drive (Route 636) and Courthouse Road (Route 208). The property is located within the Primary Development Boundary. The property is identified for Commercial development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 23A-2-10, 23A-2-11, 23-A-139. Battlefield voting district.

*Mr. Newhouse opened the public hearing.*

Ms. Pomatto presented the case. The special use permit application SUP16-0010 Gramm & Bethard, LLC is the companion case to rezoning R16-0007 Gramm & Bethard, LLC and Fields Investments, LLC to allow Safford Auto to operate a commercial off-street parking lot for the purpose of storing new vehicle inventory on 2.8 acres (after right of way dedication). Safford Auto's dealerships include Safford Kia, Safford Chrysler Jeep Dodge, and Safford Fiat which are all currently located in Spotsylvania County off of Route 1 and Lafayette Boulevard. Until recently, Safford's overflow new vehicle inventory was stored on leased property off of Industrial Drive; however the property is no longer available and Safford has utilized temporary facilities while these applications have been in process.

The proposed parking lot will be utilized by all of the Safford dealerships the overflow new vehicle inventory. The parking lot for new vehicle inventory storage is expected to generate 35 vehicle trips per day. The parking lot will only be accessed by Safford Auto employees retrieving cars from the property when necessary. No delivery truck and tractor trailer traffic will visit the vehicle storage lot. All vehicle deliveries will occur at the associated dealership then the individual vehicles will be driven to the storage lot until needed for sales.

The property is located on the south side of Courthouse Road (Route 208), approximately 1,145 feet east of the intersection of Hood Drive. The property is mostly vacant but for one single family dwelling currently used as residential rental property. Immediately surrounding the property are commercial uses including the SPCA, S&K Home Remodeling office, Pro-Build lumber yard, offices and the Gulf Gas station. The property is surrounded by Commercial 2 and 3 (C-2 and C-3) zoning except for a vacant 13 acre tract of land with a split zoning of Residential 1 (R-1) and Commercial 3 (C-3). The property is designated on the Future Land Use Map within the Comprehensive Plan as Commercial. The proposal is an investment and redevelopment of an

unused or underused site which is targeted for higher intensity commercial. The business investment and redevelopment, along with transportation improvements which will be discussed in detail below, are consistent with the goals and objectives for commercial development within the Primary Development Boundary as identified in the Comprehensive Plan. (For a complete Comprehensive Plan Analysis, please refer to Appendix A.)

The Generalized Development Plan (GDP) identifies the two developments included with the rezoning case including the subject parking lot and an office building. Two points of access are proposed with the developments. The Safford Auto development includes a completely fenced and gated parking lot consisting of 346 parking spaces. The fencing visible from Courthouse Road will be constructed of a decorative aluminum and the remainder of the fence will be chain link. No interparcel connections are provided from the proposed parking lot in order to accommodate the specific need for a completely secured parking lot for new vehicle inventory storage. A stub is provided on the proposed office site to the proposed parking lot and the applicant has proffered as part of the rezoning a future connection to the vacant property to the south upon future redevelopment in order to accomplish interparcel connectivity among the commercial properties. A twenty (20) foot landscaped street buffer is provided along the frontage of parking lot. Additionally, the applicant has provided evergreen plantings within the aluminum fence line along the frontage of the parking lot development and extending 50' back along each property line in order to further limit the visual impact of the parking lot from Courthouse Road. The applicant has provided the required transitional screening along the rear of the property; however along the property line adjacent to the SPCA and the contractor's office, the applicant is requesting a waiver to the transitional screening requirement. The applicant has provided letters from the affected property owners indicating they are in favor of waiving the transitional screening, and given their acquiescence and the existing intensity of the adjacent development staff has identified no concerns with the waiver request. The applicant is also requesting a waiver to the interior parking lot landscaping requirement as this would limit the amount of available for vehicle storage. Staff has no concerns with the waiver to the interior parking lot landscaping requirement as the view sheds from Courthouse Road will be limited with the enhanced street buffer.

A traffic impact analysis was completed and no right turn lanes are required. In order to address the specific needs of the two developments, the applicant proposes the two separate access points, along with the construction of sidewalk and a 400' turn lane section which will connect an intermittent right turn lane which currently runs along Courthouse Road. Both the County and VDOT agree the public safety benefits of the continued right turn lane and sidewalk in this area outweigh the benefits that may result from a shared access point. Additionally the applicants have proffered to dedicate 15' of right of way along Courthouse Road as part of the rezoning.

Ms. Pomatto discussed the following findings:

In Favor:

- The proposal is consistent with the County's land use vision for the area and is an investment and redevelopment of an underused site targeted for higher intensity commercial use.

- The redevelopment will result in an increase in real property tax revenue and an increase in tax revenue of the proposed business uses.
- The proposal includes an enhanced evergreen buffer along the frontage of parking lot development which will reduce the visual impact along Courthouse Road.

Against:

- A large vehicle storage lot accommodating 346 spaces is out of character with the surrounding commercial development.
- A vehicle storage lot is not the highest and best use for the property as it translates to tax revenue. For example, a brick and mortar office development would generate more tax revenue than a parking lot.

The proposal is consistent with the surrounding development and the goals and objectives of the Comprehensive Plan for commercial development within the Primary Development Boundary. Please note, in order to allow the off-street parking lot for the new vehicle inventory the companion rezoning (R16-0007) must be approved in addition to the special use permit. Based on staff's analysis and the key findings in favor, staff recommends approval of the special use permit with the following conditions:

1. Development of the off-street parking lot for new vehicle inventory storage shall be in compliance with the Generalized Development Plan titled, "Generalized Development Plan Safford Auto – Fields Investments Properties Rezoning and Special Use" last revised March 23, 2017 and prepared by W W Webb & Associates, PLLC.
2. If not already constructed as part of development on tax parcels #23A-2-9 and/or #23A-2-9A, all transportation improvements identified on the GDP shall be included on the site plan for the off-street parking lot for the new vehicle inventory development and constructed within twelve months of site plan approval.
3. The off-street parking lot for the new vehicle storage shall not be used as a sales lot.

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Bullock made a motion, seconded by Ms. Carter to approve the special use permit with recommended conditions. The motion passed 7-0.

**SUP17-0002 WEJCF, LLC (Anderson Propane Services, Inc.):** Requests special use permit approval to allow four 30,000-gallon, above ground, propane fuel storage tanks on 1.2945 acres of Commercial 2 (C-2) zoned property. The property is located at 3200 Beulah Salisbury Drive (Route 700), which is located along the south side of Beulah Salisbury Drive (Route 700), approximately 1,348 feet east of the intersection of Tidewater Trail (Route 2) and Beulah Salisbury Drive (Route 700). The property is located within the Primary Development Boundary. The property is identified for Employment Center development on the Future Land Use Map of

the Comprehensive Plan. Tax parcel 25-A-8R. Lee Hill voting district.

*Mr. Newhouse opened the public hearing.*

Ms. Pomatto presented the case. The applicant, Anderson Propane Services, currently operates a propane distribution operation within the City of Fredericksburg, off of Beulah Salisbury Drive. The subject property is 1.295 acres zoned Commercial 2 (C-2) and is located on the south side of Beulah Salisbury Drive immediately across the street from the applicant's current operation. The property is located within the Primary Development Boundary in an area designated for Employment Center land uses as depicted on the Future Land Use Map. In order to have above ground propane storage tanks in the Commercial 2 (C-2) zoning district, a special use permit must be approved. This area has a long history of oil and propane storage and currently the adjacent property owners/operators include Lincoln Terminal and Quarles Petroleum. The applicant wishes to expand the business' storage capacity by installing four (4) 30,000 gallon (or two (2) 60,000 gallon) above ground propane tanks. The purpose of the additional storage is to purchase propane in bulk at a lower cost during the non-peak season and have the capacity to store on site. There are no plans to resell or operate a terminal facility at the site; therefore there is no additional traffic generated by the proposal.

The Generalized Development Plan (GDP) shows a completely fenced area with four (4) 30,000 gallon above ground propane storage tanks centrally located on the site. As previously noted, the applicant may opt, depending on certain factors including cost and tank availability, to construct two (2) 60,000 gallon tanks instead. For purposes of the GDP the four (4) 30,000 gallon tanks are illustrated as they take up more physical space on the site. The access from Beulah Salisbury Drive will be gated and accessed electronically by Anderson distribution trucks. A secondary access is provided to the adjacent Deep Run Office Park; however the secondary access is for emergency use only. Only Fire Rescue and Emergency Management Services will utilize the secondary access if needed.

There are safety concerns related to a pressurized gas operation with large storage tanks within 2/10ths of a mile of residences and in closer proximity to other businesses (100-200 feet from the site) and other flammable storage operations nearby, including potential explosion, projectile, heat, gas leak or smoke zone, chain reaction and vandalism. Anderson Propane Services has a safety plan in place which is in compliance with all Federal and State standards (Applicant's Safety Plan attached). The proposed propane storage tanks will be constructed, operated and maintained according to the requirements of the National Fire Protection Association (NFPA) 58 Liquefied Petroleum Gas Code as referenced in the Virginia Statewide Fire Prevention Code. The site will be remotely monitored 24/7 including closed circuit surveillance and have limited automated gate access. Additionally, a second point of access for emergency vehicle accessibility to the site is provided to the west from the office complex. There are currently 3 fire hydrants less than 400' feet of the proposed site and fire flow rates were recently measured by the Utilities Department and confirmed adequate flow exists for fire suppression. The Spotsylvania Fire, Rescue, and Emergency Management Department has reviewed the application and recommended a condition as part of the special use to require an emergency plan in order to ensure the safety of the proposed facility and surrounding area in the event of an incident.



Given the proximity of the subject parcel to the City of Fredericksburg and that Beulah Salisbury Drive serves as a portion of the City/County line, staff requested the City of Fredericksburg provide comment on the subject request. The City's singular concern revolved around the current condition of the Tidewater Trail and Beulah Salisbury Drive intersection. Existing issues primarily include limited turning radii to allow tractor trailer trucks to turn on to Beulah Salisbury Drive or Tidewater Trail without crossing over into opposing lanes. It is important to note again, the current proposal will not generate additional traffic. The additional storage tanks will simply allow for additional storage to take advantage of discounted pricing during the off season. Based on the applicant's daily truck logs, this site is expected to generate 16 vehicle trips per day. Since the staff report was written, Ms. Pomatto has discussed the proposal with VDOT and they have confirmed that there are safety funds that can be used to increase the turning radii.

Mr. Newhouse inquired if this was received in writing.

Ms. Pomatto stated that this is based on a phone conversation with Sean Nelson. She stated that it is important to note that this proposal is not making the intersection worse; the proposal is solely for storage.

Ms. Pomatto discussed the following findings:

In Favor:

- The proposal results in business investment in the County and complements the County's industrial and commercial growth and tax base diversification goals.
- The applicant will work with the Spotsylvania Fire, Rescue, and Emergency Management Department in order to create an emergency plan to ensure the safety of the proposed facility and surrounding area in the event of an incident.
- The proposal is not expected to adversely impact the nearby road network with additional traffic generation.

Against:

- There are safety concerns related to a pressurized gas operation with large storage tanks within 2/10ths of a mile of residences and in closer proximity to other businesses (100-200 feet from the site) and other flammable storage operations nearby, including potential explosion, projectile, heat, gas leak or smoke zone, chain reaction and vandalism.

While there are clearly safety concerns related to pressurized gas storage, the applicant's operation is under direct scrutiny of Federal and State safety mandates. The applicant's safety plan includes 24/7 remote monitoring of the site and will also include a coordinated emergency plan with Spotsylvania Fire, Rescue, and Emergency Management Department. The proposal is in an area already operating as a hub for oil and propane storage in the County and will provide a business investment within the County with no expected adverse impacts to the road network. Based on staff's analysis and findings in favor noted above, staff recommends approval with the conditions listed below:

1. The property shall be developed in conformance with the Generalized Development Plan (GDP) titled, "Generalized Development Plan Anderson Propane Tank Storage Special Use" last revised April 19, 2017 prepared by W W Webb & Associates, PLLC to install either four (4) 30,000 gallon or two (2) 60,000 gallon above ground propane storage tanks on the subject property.
2. The Applicant shall coordinate with the Spotsylvania Fire, Rescue, and Emergency Management Department to provide an emergency plan for the facility. The emergency plan must be completed and approved by the Spotsylvania Fire, Rescue, and Emergency Management Department prior to site plan approval.
3. The second point of access on the west side of the site connecting to the Deep Run Office Park as shown on the GDP shall be utilized for emergency services only.

Applicant, Mark Anderson, Anderson Propane: He gave a history of the site and that they are a small family owned company. The proposed tanks will allow them to increase their purchasing power and compete with the larger national companies. They will allow them to take advantage of seasonal pricing and ensure better pricing for consumers. He stated that they employ 45 people and they all have a proactive safety attitude. Mr. Anderson briefly discussed how technology has changed in the business and that they follow all NFPA58 standards. The single biggest change in the industry is the safety release valves. He stated that he is happy and proud to be a part of this community and asked for their favorable recommendation to the Board of Supervisors.

Ms. Carter inquired how long Anderson Propane has been located there.

Mr. Anderson stated that they have been there since the late 70s.

Ms. Carter inquired if there have been any auto accidents.

Mr. Anderson stated there have been none.

Ms. Carter inquired if the site is manned 24/7?

Mr. Anderson stated that the facility is monitored 24/7 remotely.

Ms. Carter inquired if the savings would be passed onto the consumer.

Mr. Anderson stated that they could possibly but it allows them to be competitive in the market up against the national retailers.

Ms. Carter inquired about the safety funds and asked Kimberly to explain.

Ms. Pomatto stated in a conversation she had with Sean Nelson at VDOT, he mentioned that there are safety funds available for the county to use and that they just need the authorization from the county. Mr. Hughes has been in contact with them as has County Administration and they have given VDOT the green light.

Mr. Medina inquired if the City and the County have a mutual safety plan in place.

Mr. Anderson stated that it did not come up as a requirement in TRC.

Mr. Richardson stated that he and Brent Elam from Utilities went out to the furthest fire hydrant to do a hydro static test to check the water capacity and it far exceeds standards in the event of a fire. He stated that it registered at 1700 gpm and only needed 1200 gpm.

Ms. Carter inquired if the site is inspected by the Feds?

Mr. Anderson stated that they are inspected by the locality but built to federal standards.

Ms. Carter inquired who from the County does the inspections.

Mr. Anderson stated that the Building department does inspection for construction and the fire department does annual inspections.

Mr. Thompson inquired what the present storage capacity is.

Mr. Anderson stated that it is 60,000 and this would be increasing the storage to 120,000.

*Speaking in favor or opposition:*

David Richardson, He stated that he works in the adjacent office park from the proposal and is a county resident. He stated that he has spoken to the landlord of his office building and other tenants and they are fine with the proposal.

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Thompson to approve the special use permit with recommended conditions. She added that she would like a written statement from VDOT that the safety funds are available for the improvement of the turning radii. The motion passed 7-0.

**Amendment:**

**CA17-0004: Spotsylvania County Planning Commission, Ordinance No. 23-170:** Proposed amendments to the Code of the County of Spotsylvania ("Code"), Chapter 23, Article 9- Enforcement as follows:

Amendments to Chapter 23, Article 9- Substantively no deviations from current Zoning Enforcement practices have been proposed as part of this proposal. Legal clarifications have been added to 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 (a), Zoning Administration and Enforcement functions have been clarified to include designees of the Zoning Administrator. In Sec. 23-9.1.1, Enforcement responsibilities (d), prohibition of Building Permit issuance has been replaced by prohibition of Zoning Permit issuance 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 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.

*Mr. Newhouse opened the public hearing.*

Mr. Pastwik presented the case. Amendments to Chapter 23, Article 9- Substantively no deviations from current Zoning Enforcement practices have been proposed as part of this amendment proposal. Legal clarifications have been added to 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 (a), Zoning Administration and Enforcement functions have been clarified to include designees of the Zoning Administrator. 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 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.

Staff recommends that the Planning Commission approve CA17-0004: Ordinance No 23-170-Enforcement.

Ms. Carter inquired if Mr. Roberson from the Zoning Department had any input.

He advised that this is simply a clean-up of the ordinance. It takes much of the ambiguity out of the language.

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

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

amendment. The motion passed 7-0.

**Amendment:**

**CA17-0005: Spotsylvania County Planning Commission, Ordinance No. 23-171:** Proposed amendments to the Code of the County of Spotsylvania (“Code”), Chapter 23- Zoning, Article 5, Division 9- Off-Street Parking, Division 10- Off-Street Loading, Division 11- Off-Street Stacking, as follows:

**Chapter 23, Article 5: Division 9- Off-Street Parking**

Sec. 23-5.9.1- Applicability. This clarifies reference to “P district” to specifically identify the zoning districts including Planned Development Commercial (PDC) and Planned Development Housing (PDH). 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. This 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. The 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 located elsewhere in the Code address stacking. Lighting requirements in Sec. 23-5.9.2(j) have also been proposed for removal as misplaced and unnecessary, letting Sec. 23-5.12- Outdoor Lighting address outdoor lighting. The proposal would expand allowable lighting hours in the newly assigned (j) to include up to an hour prior to opening and following closing in consideration of employees and deliveries. Lastly, with the support of the Zoning office, Subsection (r) pertaining to onsite parking upon residential lots of 20,000 sq. ft. or less is proposed to be removed from the Section.

Sec. 23-5.9.3- Minimum Required Parking Spaces. Amendments are 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 specifically assigned 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. 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; Shopping Center. An increase in parking is proposed for Place of Worship. The change results from recent amendments to the Mixed Use Zoning District ordinance for 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 of 1 space per 3 seats in the principal place of worship or one space per 200 sq. ft. gross floor area ("gfa"), whichever is greater, replacing 1 space per 4 seats in the principle place of worship or one space per 200 sq. ft. gfa designed for a use other than services whichever is greater. As proposed, minimum parking standards for eating establishment, carry out/ fast food have also increased slightly from 1 space per 100 sq ft gfa to 1.25 spaces per 100 sq ft gfa. 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. The proposal relocates Minimum Required Parking Spaces Table Notes 1, 2, 3 and 4 within the table, with a clarification to Note 3 (formerly Note 4). 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 6. Note 6 would have required 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 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 6 is reduction of added project scrutiny during review.

Sec. 23-5.9.4- Parking Geometrics Standards. This 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.

### **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). 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 located in Sec. 23-6.28.6- Parking. Sec. 23-5.10.1 was last updated in 1995.

Sec. 23-5.10.2- General provisions. For consistency with ongoing Code update efforts the proposal adds capitalization when County Codes, 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.

### **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. This 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 there.

*Mr. Newhouse opened the public hearing.*

Mr. Pastwik presented the case. He stated that the common amendments are the following:

- Clarify vague references such as “the board” or “the design standards”;
- Correct Planning Director references to apply to Zoning Administrator;
- Capitalization referencing County permits, forms, position titles for consistency with ongoing cleanup effort;
- Update code to reflect related amendments approved elsewhere;
- Renumber, alphabetize for formatting.

In Division 9 – Off-Street Parking:

- Sec. 23-5.9.1, Applicability- clarify “P district” reference and update zoning references acknowledging Mixed Use (MU) modifications;

- Sec. 23-5.9.2, General provisions- remove stacking space dimensions and parking lot lighting requirements as misplaced in (i) and (j);
- Expand parking lot lighting hours by an hour prior to business open and after close;
- Remove complicated parking area requirements for residential subdivisions in Sec. 23-5.9.2(r);

Subsection 23-5.0.3(r) includes the following amendments:

- After review, Subsection 23-5.9.2(r) proposed to be removed from the ordinance;
- Parking Subsection (r) was added to the Zoning Ordinance in 2007 to address overcrowding;
- Overcrowding complaints received by the Zoning Enforcement staff have declined since the real estate crash of 2007 and 2008;
- The ordinance addresses a possible symptom of overcrowding;
- Subsection (r) is very restrictive in limiting the usable area of an owner's property for parking;
- The Zoning office does not believe Subsection (r) has been cited in cases of overcrowding since its adoption in 2007;
- As a result, the Subsection has not had value as initially intended;
- Subsection (r) could have use as an enforcement tool if the County were to receive a complaint about a lot filled with vehicles in the front yard of a home;
- Subsection (r) could result in the unintended consequence of driving excess parked vehicles into the cul-de-sac and street side parking which could generate other travel way complaints;
- The County is without the authority to pass an ordinance regulating parking on secondary roads unless further authority is granted by the General Assembly.
- The County does not have the authority to enforce either parking or inoperative vehicles on them;
- Subsection (r) for onsite parking would require specific complaints in order to investigate and generate enforcement actions;
- Constant monitoring and enforcement of residential lots under 20,000 square feet throughout the County is otherwise impractical considering limited enforcement resources;
- Amendment will not remove protections against inoperable vehicles or untagged vehicles on lots located elsewhere in Sec. 12-20, Sec. 12-21 Motor Vehicles and Traffic.

#### Division 9 – Off-Street Parking Amendments

- Add minimum parking standards for a number of unique existing or newly added uses where no standard presently exists;
- Amend (reduce, alter, or increase) minimum parking requirements as proposed;
- Revise, relocate, remove parking spaces table notes as proposed;
- Sec. 23-5.9.4, Parking Geometrics Standards- relocated geometrics standards from Design Standards Manual Article 5.
- Sec. 23-5.10.1, Applicability- clarify and update zoning references acknowledging Mixed Use (MU) modifications;
- Sec. 23-5.10.2, General provisions- remove lighting requirements in (g) identified as misplaced and unnecessary;



- Add life, health, safety amendment to avoid conflict between loading spaces and traffic circulation;
- Sec. 23-5.10.4, Off-street loading- Add Industrial/ Flex to Industry Type I,II, III requirements and Public Schools with Private Schools.

Mr. Pastwik also discussed Fire Lanes:

- State Code and the Spotsylvania County Design Standards Manual set up the framework for required fire lanes.
- Building fronts with main public access points are the favored locations for fire lane placements;
- Building or shopping center sides and rears often have minimal points of access if any, and rear doors are typically reserved for private access or locked;
- Convenience of access for life, health, and safety outweighs convenience of access for loading and unloading, customer pick-ups;
- County FIREM staff point to fire hose access as well as height limitations with ladders if need be.
- In FIREM's experience, many private shopping centers prefer fire lanes across their frontages to prevent vehicle loading and stacking across their frontage;
- Simply, shifting loading areas away from the immediate building front avoids front door blockage or chaos;
- Many private developments do not want to devote resources to "policing" their front doors and the County lacks resources to monitor each and every site to assure loading areas along building fronts would flow properly.

In reviewing Division 11 – Off-Street Stacking:

- Sec. 23-5.11.2, General provisions, remove lighting requirements in (7) identified as misplaced and unnecessary;
- Add life, health, safety amendment to avoid conflict between loading spaces and traffic circulation;
- Sec. 23-5.11.3, Minimum required space, amend carwash stacking requirement to apply to all principle carwash facilities;
- Add specific stacking requirement for fuel pumps and private/ public schools;
- Relocate "all other uses" standard to table.

Staff recommends that the Planning Commission approve CA17-0005: Ordinance No 23-171-Off Street Parking, Stacking, and Loading.

Mr. Smith inquired if the County has the authority to adopt the roads to allow traffic enforcement.

Mr. Barnes stated that the homeowners that live on that private road have to agree and petition the Board of Supervisors.

Ms. Parrish stated that the road must meet VDOT standards to be accepted into the state system. She stated that she believes the section of the ordinance that Mr. Smith is referring to does not fall into land use, rather law enforcement.

Mr. Roberson discussed industrial parks and that the parking enforcement issues stops at the right of way in industrial zoned properties.

Ms. Spaulding stated that she cannot speak off hand about parking enforcement issue on secondary roads and/or private roads. She stated that she would have to do some research.

Mr. Barnes inquired about the fire lane across the full frontage of buildings.

Mr. Pastwik stated that this comment comes from Fire Admin/Safety as part of the technical review committee

Mr. Newhouse stated that he has concerns about on street stacking, for example, at the Starbucks at Harrison Crossing.

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

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

Mr. Newhouse thanked staff for their hard work.

**Worksession(s):**

**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 8:30 p.m.

Commission Secretary

Date approved