

Spotsylvania County Planning Commission

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

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

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