

Spotsylvania County Planning Commission

DRAFT

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

MINUTES: July 5, 2017

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

Members Present:

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| C. Douglas Barnes | Berkeley |
| Gregg Newhouse | Chancellor |
| Richard Thompson | Courtland |
| Michael Medina | Salem |

Member Absent:

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| Howard Smith | Livingston |
| Mary Lee Carter | Lee Hill |
| C. Travis Bullock | Battlefield |

Staff Present:

Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
Sheila Weimer, Assistant County Attorney
B. Leon Hughes, AICP, Assistant Director of Planning
Patrick White, Planner III
Donna Mayfield, Office Technician
Dan Cole, Traffic Engineer

Announcements: Ms. Parrish informed the Commission about an upcoming community meeting.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Medina to approve the minutes of June 7, 2017. The motion passed 4-0.

Unfinished Business: None

Public Hearing(s):

Rezoning(s):

R17-0001 SH Development Company, LLC: An amendment to the zoning map rezoning 2.05 acres from Office 1 (O-1) to Commercial 2 (C-2), and rezoning 1.26 acres from Rural (RU) to Commercial 2 (C-2), with proffers to allow certain uses permitted in the C-2 zoning district. The proposed use is a convenience store with fuel dispensing service and is being requested via a concurrent Special Use application (SUP17-0001). The properties are an unaddressed property on Plank Rd., 12100 Spotswood Furnace Rd., 12224 Spotswood Furnace Rd. and 12228 Spotswood Furnace Rd., which are located on the northwest corner of the intersection of Plank Rd. and Spotswood Furnace Rd. The site is partially within the County's Highway Corridor

Overlay District. The Comprehensive Plan identifies the property as within the Primary Development Boundary and the Future Land Use Map identifies this area for Commercial Land Use and Employment Center Land Use. Tax Parcels 12B-A-3, 12B-3-A, 12B-A-6, and 12B-A-5. Courtland Voting District.

Mr. White presented the case. The applicant is requesting to rezone the subject properties to Commercial 2 (C-2). The applicant is also concurrently requesting Special Use approval to allow a fuel dispensing service which will accompany a proposed Sheetz convenience store.

The collective site lies at the NW corner of the intersection of Plank Road a.k.a. Route 3 and Spotswood Furnace Road. The property is located within the Primary Development Boundary (PDB) and the Reservoir Protection Overlay District and is partially within the Highway Corridor Overlay District (HCOD). The property lies diagonally across Spotswood Furnace Rd. from the existing Riverbend High School.

The applicant is requesting to rezone the property to C-2, which allows a considerable amount of uses, a few of which are restricted via the applicant's proposed proffers. These restricted uses are noted within the proffers Section II.A. The applicant has provided a Generalized Development Plan (GDP) showing the existing conditions, demolition plans, and proposed site improvements which will accommodate the companion Special Use Permit case's Fuel Dispensing Service and by-right convenience store. The development of the site is proffered to be in conformance with the GDP; however, the proffers are structured in a manner to allow the site to be redeveloped in the future so long as the future redevelopment is in accordance with the C-2 zoning district codes and use tables.

Multiple attendees of the community meeting noted concerns related to traffic and transportation. Route 3 moves approximately 35,000 vehicles per day and Spotswood Furnace has approximately 6,500 vehicles per day. It is estimated that the proposed convenience store and fuel dispensing service will generate 679 new trips a day and 1,232 "pass-by trips" or stops of convenience for an estimated total of 1,911 trips per day to the Sheetz if approved.

The intersection of Route 3 and Spotswood Furnace Rd. was routinely criticized during the applicant's community meeting. The applicant's conducted a Traffic Impact Analysis (TIA) which noted near failing conditions at the intersection of Route 3 and Spotswood Furnace Rd. The TIA was conducted by Ramey Kemp & Associates, Inc., dated May 30, 2017, and included with this packet. As part of a TIA, the conditions are studied so that a comparison can be made between the current conditions of traffic, a future scenario in which no improvements are made (called a No-Build scenario) and then one or more options which the Traffic Engineer is comparing in an effort to improve conditions. The TIA considered two additional scenarios in which there were three different south bound traffic lanes (instead of the current two southbound lanes). The analysis reported that the most efficient option was to install a third south bound lane and allow dual left bound turn lanes, and a right turn lane that also allows through movements across Route 3. This option was demonstrated to be better than designing the lanes to allow only one left bound lane, a through-left, and a dedicated right. The dual left option is projected to have shorter signal delays during the peak hours studied (which include the windows of 6:30-9:00AM, 1:30 to 4:00 PM, and 4:00-6:00). The additional mid-day peak analysis was conducted

due to feedback received during the community meeting noting that the PM peak hour traffic analysis would not adequately assess the school unloading during mid-day hours. In addition to a proposed interparcel connection of the subject site to the neighboring property to the west, the applicant has proffered reasonable improvements to mitigate impacts on the traffic network within the proximity of the site beyond those improvements required by code. These vehicular network improvements are documented within the Proffers and include:

1. A southbound thru-right lane beginning at the exit of the Property to Spotswood Furnace Road and continuing to the intersection with Route 3;
2. Modifications to the Route 3 median to allow for the proposed Spotswood Furnace Road southbound lane configuration (double left turn lanes, thru right turn lane);
3. a northbound left turn lane into the Property (this was designed so as not to allow westbound drivers to become confused at the intersection and attempt to continue through, rather than make the forced right onto Spotswood Furnace Rd., where the 6 lane improvement of Route 3 ends.)

Due to the proximity of the proposed rezoning, potential user, and the nearby Riverbend High School, pedestrian connectivity is also a significant matter for consideration. The applicant has proffered to provide:

1. a new pedestrian crosswalk of across Spotswood Furnace Road across from Riverbend High School as shown on the GDP, to include advanced warning/notification devices and signage subject to VDOT approval;
2. A pedestrian crosswalk across Spotswood Furnace Road at the intersection of Spotswood Furnace Road and Route 3.

County Planning staff, Spotsylvania School staff, and the applicant worked together with the additional cooperation of VDOT to achieve this combination of potential improvements. County staff must note however that the School staff's request to have an additional sidewalk on the east side of Spotswood Furnace Road was not met. The School staff's requests were otherwise accommodated.

Regardless of the proposed improvements to the Transportation network, it must be noted that delays are still expected at this intersection, particularly for eastbound lefts onto Spotswood Furnace Rd; northbound thrus on Spotswood Furnace Rd; and southbound lefts onto Route 3.

In addition to the transportation proffers noted above, the applicant has proffered to limit the future use of the land by proffering out the following uses:

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| 1) Amusement arcades; | 7) Hospital and nursing home; |
| 2) Billiard & pool hall; | 8) Hotels, motels; |
| 3) Contractor's offices and shops; | 9) Indoor athletic facilities; |
| 4) Repair service establishment; | 10) Places of worship; |
| 5) Funeral home; | 11) Repair service establishments; |
| 6) Furniture or carpet store; | 12) Theaters. |

In the future, if and when the site redevelops to a use different than the proposed, there remain 33 different permitted uses and 22 additional uses that could be requested via Special Use Permit.

The permitted uses can be generally summarized as light to medium density commercial in the form of offices, restaurants, and retail. The special uses available include uses generally compatible with the C-2 district, but requiring special consideration and conditioning to mitigate impacts; they include wholesale trade establishments, building material yards, vehicle sales establishments, etc.

The applicant has also proffered to extend a new sewer line from Chancellor Elementary School to the west (an approximate 500' run to the proposed Sheetz). Lastly, the applicant has proffered multiple lighting limitations which include auto-dimming of any LED signage, the prohibition of flashing or intermitted lights, and the prohibition of strobe, search, or laser lights (apart from any triggered via a security system); these proffers exceed the requirements of the current County's outdoor lighting standards.

Mr. White discussed the key findings of the case:

In Favor

- From a land use perspective, a commercial zoning is appropriate in this location given the Future Land Use designation of Commercial and Employment Center of the subject properties and within the surrounding area. Limited commercial uses may be found west of the site containing a small commercial center, the Harrison's Crossing retail center is approximately 1,400 feet east, and a large unimproved commercial site is located immediately south. Furthermore, the subject site is located at the intersection of an arterial and collector roadway, within the Primary Development Boundary and the Highway Corridor Overlay District.
- The Comprehensive Plan goals related to access management and pedestrian connections are met through the provision of an interparcel connection, frontage sidewalks, and proffered pedestrian connectivity to the Riverbend High School.
- The Spotsylvania School District staff noted their support of the new dual left and right-thru lane. Staff from the School District also reported that they would like an additional sidewalk on the east side of Spotswood Furnace Rd. Although the developer declined to propose this additional improvement they were agreeable to a new pedestrian crosswalk to connect the proposed rezoning area to the Riverbend High School.
- The applicant has proposed perimeter landscaping including 35' Transitional Screen 2's, 15' Street Buffer B's along Route 3, and 10' Street Buffer A's along Spotswood Furnace Rd. as depicted in the GDP in order to mitigate aesthetic impacts on neighbors and streets.
- Proposed proffers by the applicant include lighting restrictions beyond code requirements and limitations of the brightness of electronic readerboard signage (LED signs), although none are presently proposed in the GDP or architectural drawing documentation.

- The proposal includes design and architectural commitments within the proffers, although the proffered commitments are constructed to allow flexibility in site and building design upon the property's eventual redevelopment at an unknown future time. It is a near certainty that the immediate use of the land will be as a Sheetz convenience store and fueling station based on the concurrent application SUP17-0001.

Against

- The Comprehensive Plan goals related to transportation Levels of Service are not met due to the near failing conditions of the intersection of Route 3 and Spotswood Furnace Rd. The applicant has proposed a new southbound lane on Spotswood Furnace Rd. which will accommodate a new traffic pattern consisting of two left turn lanes onto Route 3 and a shared Right-thru lane in an effort to improve the intersection.
- The proffers do not limit the use to only a fuel dispensing service and convenience store; most of the C-2 zoning districts permitted uses remain options if and when the site redevelops. However some uses are proffered out and thereby restricted, including but not limited to arcades, pool halls, funeral homes, and hotels.

The Commercial 2 (C-2) rezoning request is appropriate based on the location of the site at the corner of an arterial roadway and collector roadway, within the Primary Development Boundary, within the HCOD, due to the Future Land Use Map's designation of Commercial and Employment Center, and lastly due to the general compliance of the request with the Comprehensive Plan.

It is the concurrent request for a Fuel Dispensing station combined with a convenience store, that warrant concern, largely due to the additional new trips causing additional strain on the existing intersection. Based on the Traffic Impact Statement, it is staff's analysis that the future use of the site as a convenience store and gas station will negatively affect the intersection during its busiest times due to the intersection serving a large traffic destination (Riverbend High School), and also serving as the western end of the 6-laning of Route 3. However, without the new southbound turn lane proposed by the applicant, the intersection degrades to an even worse condition in 2018. The intersection is better off with the project and its improvements proposed than it would be without the project and its coinciding improvements. The southbound turn lane will be provided by the applicant if they receive their rezoning and special use requests. If approved, the applicant is able to make the best use of their land, and the County receives intersection, transportation, and pedestrian improvements beneficial to the immediate area and the transportation system. If denied, the signal continues to degrade unless the County or VDOT initiate improvements such as additional lanes on Spotswood Furnace Rd. or expanding the 6-laning of Route 3 further west.

Staff recommends approval of the rezoning application and proffers as submitted based on the above and the Findings as noted within this report.

There was discussion about the traffic level of service and the AM peak being an E.

Mr. White directed them to page 5 and stated that the average distance between the build and no build scenario, it will improve in the AM and PM.

Mr. Newhouse stated that he is surprised by the results of the traffic study because the cars are always queued up in the morning.

Mr. White stated that the applicant's study shows 600 new trips per day and 1200 pass by trips. He stated that with convenience stores, those numbers tend to run high.

Mr. Newhouse inquired if staff is comfortable with the 2.5% growth rate.

Mr. White stated yes, as is VDOT.

Mr. Newhouse inquired about the current enrollment at Riverbend High School.

Mr. White stated that the current enrollment is 1919 and the capacity is 1995, so approximately 70 more students could fit into the school.

Mr. Medina stated that the Commission just approved development near Chancellorsville crossing and inquired if that traffic was taken into consideration with this study.

Mr. White stated that the traffic was part of the study.

Applicant, Chris Hornung Silver Companies, 1201 Central Park Blvd: He stated that they have been working with Sheetz for 7-8 years in looking for locations for them. He discussed the recently approved Sheetz location on Massaponax Church Road, Lafayette Blvd., and Mills Drive. He stated that they add \$250-\$300K in revenue to the county and provide jobs for 17 full-time and 11 part-time employees. After much success, they decided to move forward with this location on Route 3. He stated that they met with county staff and Riverbend staff. The one concern has been traffic and it has been a problem since the high school opened. He stated that in the morning there is a 15-30 peak and a 15-30 minutes peak in the PM. The school peak is different from the commuter peak. He discussed that the traffic study puts a lot of weight on new trips. He stated that the growth rate is flat and has actually declined. He stated that he feels that to be an aggressive growth rate. He stated that the intersection would only operate at an E/D for approximately 15 minutes. He stated that he is not aware of a single intersection that operates above a C within the county. He stated that what they build will function much better and the improvements that they've proffered to make will get you closer.

Mr. Newhouse opened the public hearing.

Speaking in favor or opposition:

Ed Coe, 9951 Talley Road: he stated that the county approached his mother some years ago and left her with 7/10th of an acre. She has paid taxes on this property for the last 15 years and would like to see this development occur.

Danny Pemberton, 6206 Plank Road: He stated that he is in favor of the proposal and lives 2 miles west of this development. Mr. Pemberton stated that waiting at gas stations has become a common occurrence so it will be good to have another place to get fuel. The added approximately \$277K in tax revenue will be great as will the sidewalks.

Dick Carmichael, 13112 Hickory Court: He stated that anything that can be done will be an

improvement. He stated that Sheetz are always clean, nice and the people are happy to be there.

John Carlson, 7011 Cedar Hollow: He stated that this area has been a disaster since the high school was built. He stated that he doesn't believe the applicant has adequately addressed the traffic concerns and it will get worse. He stated that this is an inappropriate neighbor to the high school and Royal Oaks. Noise and light pollution are of concern.

Mr. Hornung stated that they did their best to address the light pollution with the county's very progressive standards. They also went to great lengths to deal with noise by the vegetative buffers that they have proffered.

Mr. Newhouse closed the public hearing.

Mr. Barnes inquired if there are any current monies included in the CIP for this intersection.

Mr. Cole stated no.

Mr. Barnes inquired if this is in the 6 year plan with VDOT.

Mr. Cole stated no.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Barnes to approve the rezoning with proffers. The motion passed 4-0.

Special Use(s):

SUP17-0001 SH Development Company, LLC: Requests special use approval for a fuel dispensing service composed of six (6) islands providing 12 fueling stations in association with a 5,988 sq.ft. convenience store on a 2.88 acre portion of a 3.31 acre assemblage which is located on the northwest corner of the intersection Plank Rd. and Spotswood Furnace Rd., including an unaddressed property on Plank Rd., 12100 Spotswood Furnace Rd., 12224 Spotswood Furnace Rd. and 12228 Spotswood Furnace Rd. This request is a companion request to Rezoning case R17-0001. The site is partially within the County's Highway Corridor Overlay District. The Comprehensive Plan identifies the property as within the Primary Development Boundary and the Future Land Use Map identifies this area for Commercial Land Use and Employment Center Land Use. Tax Parcels 12B-A-3, 12B-3-A, 12B-A-6, and 12B-A-5. Courtland Voting District.

Mr. White presented the case. The subject application is for Special Use approval of a Fuel Dispensing Service consisting of 12 fuel pump stations under a 3,600 sq. ft. lit canopy. The fuel pumps will be accompanied by a 5,988 sq. ft. Sheetz convenience store with a small outdoor dining area. The locations of these as well as site design are depicted in the attached GDP. The design of the convenience store and gas station canopy are depicted in the attached Architectural Drawings. The proffers of the rezoning application R17-0001 propose to bind the development of this use to these two plans. The project is proposed in one phase.

The landscaping plan within the GDP includes transitional screening as required by the Design

Standards Manual with one modification to accommodate an existing utility easement; within this easement area the traditional 35' Transitional Screen 2 cannot be installed. In lieu of the standard plating materials within this 20' wide area, the applicant proposes multiple staggered rows of shrubs at minimum 4' install height. Additionally, the applicant has proposed a Street Buffer C along Route 3 and Street Buffer B along Spotswood Furnace Rd. with supplemental HCOD street trees as required by the DSM.

The proposal meets the intent of the Commercial Land Use designation, the development character within the Primary Development Boundary, and is generally consistent with the Comprehensive Plan.

Mr. White discussed the following findings:

1. From a zoning perspective, a fueling station and convenience store are appropriate uses within a Commercial 2 (C-2) zoning designation, given the Future Land Use designation of Commercial and Employment Center of the subject properties and within the surrounding area. Furthermore, the subject site is located at the intersection of an arterial and collector roadway, within the Primary Development Boundary and the Highway Corridor Overlay District.
2. The Comprehensive Plan goals related to access management and pedestrian connections are met through the provision of an interparcel connection, frontage sidewalks, and proffered pedestrian connectivity to the Riverbend High School.
3. The Comprehensive Plan goals related to transportation Levels of Service are not met due to the near failing conditions of the intersection of Route 3 and Spotswood Furnace Rd. The applicant has proposed a new southbound lane and new signal timing to improve the scenario as much as reasonably possible.
4. An opportunity exists for the county to condition the closure of the median opening immediately west of the intersection of Plank Rd. and Spotswood Furnace. Crash data indicates two accidents occurred in its proximity since 2010, however the closure of the median would be in accordance with the Route 3 Access Management Plan. The applicant did not propose to close the median due to its potential to create additional opposition by business owners who use the existing median opening. VDOT has not recommended nor opposed the median's closure during discussions with County staff.
5. The Spotsylvania School District noted their support of the new dual left and right-thru lane as well as VDOT. Representatives from the School District also reported that they would like an additional sidewalk on the east side of Spotswood Furnace Rd. Although the developer declined to propose this additional improvement they were agreeable to a new pedestrian crosswalk to connect the proposed rezoning area to the Riverbend High School.
6. The applicant has proposed perimeter landscaping including transitional screening and street buffering towards neighboring residential uses and streets in order to mitigate

aesthetic impacts.

7. Proposed proffers by the applicant include lighting restrictions beyond code requirements and limitations of the brightness of electronic readerboard signage (LED signs), although none are presently proposed in the GDP or architectural drawing documentation.
8. The proposal increases the commercial tax base of the county.
9. The proposal satisfies the Special Use Standards of Review.
10. The proposal is generally consistent with the Comprehensive Plan.

Staff recommends approval of the Special Use Permit with conditions.

Mr. Newhouse opened the public hearing.

Applicant, Chris Hornung, Silver Companies: He discussed that as part of the review, it was discussed that they should consider the crossover closure further west of their development based on a VDOT study, but feel that it does not affect their use and is not help to them and doesn't want to upset others whose development could be affected so they are not considering that. He asked the Commission for their favorable recommendation to the Board of Supervisors.

Speaking if favor or opposition:

Danny Pemberton, 6206 Plank Road: He stated that his previous comments extend to this case and that this development will be an added improvement to the county resulting in additional tax revenue.

Dick Carmichael, 13112 Hickory Court: He encouraged the Commission to vote in favor because Sheetz is a good and clean company.

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Barnes to approve the special use permit with the conditions as suggested by staff. The motion passed 4-0.

Discussion Item(s):

Strategic Plan Update

Ms. Parrish advised that she had a brief worksession with the Board of Supervisors regarding the Strategic Plan and Comprehensive Plan Update and the Board sees this as two separate processes although there is some overlap in the plans. In the end, it was decided that County Administration would be handling the Strategic Plan but staff will keep tabs on the progress for overlap and parallels to the Comprehensive Plan.

Ms. Parrish discussed the 6 chapters of the plan and the approach. She advised that worksessions will begin in August.

New Business: By consensus, the Commission canceled the July 19, 2017 meeting.

Public Comment: None

The meeting adjourned on a motion by Mr. Thompson, seconded by Mr. Barnes. The vote was 4-0.

Paulette L. Mann

Date