

## Spotsylvania County Planning Commission

**DRAFT**

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

**MINUTES:** August 16, 2017

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

**Members Present:**

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

**Staff Present:**

Wanda Parrish, AICP, Director of Planning  
B. Leon Hughes, AICP, Assistant Director of Planning  
Alexandra Spaulding, Senior Assistant County Attorney  
Patrick White, Planner III  
Donna Mayfield, Office Technician  
Kimberly Pomatto, CZA, Planner III

---

**Announcements:** Ms. Parrish informed the Commission about the vote by the Board on the rezoning case, R17-0001 (convenience store with fuel sales), that it was denied and that the special use could not move forward.

### **Review & Approval of minutes:**

**Motion and vote:** Mr. Newhouse took a roll call vote to approve the minutes. The vote is as follows: Mr. Barnes, aye, Mr. Bullock, aye, Ms. Carter, aye, Mr. Medina, aye, Mr. Smith, aye, Mr. Thompson, aye and Chair, Mr. Newhouse, aye.

**Unfinished Business:** None

### **Public Hearing(s):**

### **Rezoning:**

**R17-0003 Gloria C. Bear and L. Eugene Bear (Barrington Subdivision) (Ordinance No. RO17-0003):** Request a rezoning of 197.774 acres from Rural (RU) to Planned Residential Rural 2 (PRR-2) with proffers to allow for 39 single family detached residential units. The property is located at 13210 Spotswood Furnace Road which is located on the northwest quadrant of the Spotswood Furnace Road (Route 620) and River Road (Route 618) intersection. The property is located outside of the Primary Development Boundary. The property is identified for Rural

Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 11-A-9. Courtland Voting District.

Ms. Pomatto presented the case. The property consists of one parcel identified as Tax Map #11-A-9, which is approximately 197 acres located on the northwest quadrant of the River Road and Spotswood Furnace Road intersection. The property is currently zoned Rural (RU) and is the remnant of a by-right subdivision known as Woodland Manor which is adjacent to the subject parcel. The remnant parcel has a by-right potential of only one lot and in order to increase the development potential a rezoning is necessary. The property lies adjacent to the south of The Estates of Chancellorsville, east of the Woodland Manor subdivision, west of a 496 tract of RU zoned property and north of a 100 tract of RU zoned property. This property is designated on the Future Land Use Map in the Comprehensive Plan as Rural Residential which promotes residential development to occur at a density of one unit per two acres or greater.

Mary Lee Carter said she didn't understand what Ms. Pomatto had said. Ms. Pomatto clarified her statement regarding the reason the property would need to be rezoned to develop it for a subdivision.

The applicants are the contract purchasers of the property and are requesting to rezone the entire 197 acre parcel from Rural (RU) to Planned Residential Rural 2 (PRR-2) with rural viewshed preservation. The proposal creates a total of 39 clustered single family detached lots with over 107 acres in preserved open space. The project's proposed density of one (1) unit per five (5) acres is consistent with the River Protection Overlay District requirements and less intense than what is permitted by the Rural Residential future land use designation.

The development will be accessed from River Road including a 100' right turn taper into the development. Public roads will be provided within the development and in accordance with VDOT's Secondary Street Acceptance Requirements (SSAR), a future connection is provided at the development's northern property line to the adjacent 496 acre tract of land. The lots range in size from 2 to 2.92 acres and each will be served by individual well and septic systems. Wetlands, the small whorled pogonia, and Civil War earthworks have all been identified on the property and are contained within the 107 acres of preserved open space. The project area set aside for open space exceeds the minimum amount required by both the PRR and River Overlay districts by more than nine (9) acres. In accordance with the PRR rural viewshed design standards, a scenic buffer is provided along the project's frontage on River Road. The buffer will ensure the preservation of the existing tree line protecting the viewshed along River Road. The scenic buffer is 100' in width exceeding the PRR district's minimum 75' buffer requirement.

The applicant provided a Fiscal Impact Analysis (FIA) which asserts the Barrington project will be built out within approximately seven (7) years with average home prices of \$675,000 and above. The applicant's FIA states Barrington is expected to generate approximately \$244,000 in

on site and off site revenue for the County. Staff completed a separate fiscal impact analysis utilizing the County's model with an assumed assessed value of \$557,083. The assumed value is based on the average assessed value of homes in the River Glen subdivision which is a comparable development and happens to also be a product of the Barrington applicants. Based on the assumed value of \$557,083, the County's model projects the Barrington development will generate \$105,918 in County tax revenue annually at the project's build out. While the County's model projects less revenue generation than the applicant's FIA, both analyses are trending positive.

The applicants have provided a proffer statement dated July 18, 2017 for the Planning Commission and Board of Supervisors' consideration. Staff evaluated the proffers according to the parameters established in VA Code Section 15.2-2303.4, consistency with Comprehensive Plan Levels of Service and identified projects within the County's FY 2018 – FY 2022 Capital Improvements Plan (CIP).

The applicant commits to develop the property in conformance with the Generalized Development Plan (GDP) last revised July 18, 2017. Minor modifications may be made in order to address engineering/design requirements to fulfill Federal, State and local requirements.

Staff is supportive of the language as proposed as this is an "onsite proffer" which addresses the impacts within the boundaries of the property to be developed.

The applicant commits the property shall be developed solely for single family detached residential use for no more than 39 lots as shown on the GDP. The property shall not be used for any other uses allowed in the PRR-2 District except for authorized accessory uses.

Staff is supportive of the language as proposed as this is an "onsite proffer" which addresses the impacts within the boundaries of the property to be developed.

The applicant will dedicate 30' of right of way along River Road and Spotswood Furnace Road as shown on the GDP.

Staff is supportive of the language as proposed as this is an "onsite proffer" which addresses the impacts associated with the additional vehicle trips generated by Barrington and is consistent with the County's Thoroughfare Plan. The right of way dedication is within the boundaries of the property to be developed.

The applicant will preserve in perpetuity over 107 acres of the property as open space which will be maintained by the homeowner's association.

The preservation of open space is consistent with Comprehensive Plan goals related to preservation natural and historic resources. Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed.

The applicant has committed to pay a total cash contribution of \$6,152.41 (\$161.91 per unit above and beyond the by-right unit) in order to mitigate the project’s impact on Public Safety and Parks and Recreation.

A cash contribution is an “offsite proffer” which is a proffer addressing an impact outside the boundaries of the property to be developed. The applicant may mitigate the development’s impacts on public facilities via a cash contribution if the facility meets the definition of “public facility” as defined in the Virginia Code and if the development impacts capacity and levels of service and if the development will receive a material benefit from the proffer made.

Barrington will generate additional demands on Public Safety. There is existing capacity at F&R Station 5 sufficient to accommodate the projected calls associated with this development. There is a Fire Training & Logistics Center identified in the CIP that will serve the County as a whole and for which a capacity need exists. In order to determine the impact of Barrington on Public Safety that is specifically attributable to the new residential development, staff calculated the County’s population inclusive of the projected Barrington population in order to determine the per capita costs associated with this public facility. The applicant has proffered to contribute \$46.22 per unit for public safety which is reasonable and legally acceptable based on staff’s analysis.

Additionally, Barrington will have an impact on Parks and Recreation facilities for which capacity needs exist as identified by Level of Service Standards in the Public Facilities Element of the Comprehensive Plan and for which there are capital projects identified in the CIP. These facilities include the Marshall Center Auditorium Upgrades, Ni River Park, Belmont - Passive Park, Livingston Community Center and the Patriot Park Playground. In order to determine the impact of Barrington on Parks and Recreation that is specifically attributable to the new residential development, staff calculated the County’s population inclusive of the projected Barrington population in order to determine the per capita costs associated with this public facility. Staff calculated the project’s expected impact based on current capacity of the Parks and Recreation facilities and the Level of Service Standards identified in the County’s Comprehensive Plan. The applicant has proffered to contribute \$115.69 per unit for Parks and Recreation which is reasonable and legally acceptable based on staff’s analysis.

The intersection is currently controlled by stop signs on Spotswood Furnace Road. River Road is uncontrolled. A Traffic Impact Analysis (TIA) was completed in 2017 for the Barrington project

by Ramey Kemp & Associates at the request of the County. Currently, the River Road & Spotswood Furnace Road intersection operates at a Level-of-Service (LOS) A in the AM and a LOS A in the PM. The development when fully built will generate 390 vehicle trips-per-day and the TIA also assumed 10 additional trips (490 vpd total) to account for the by-right development potential of the adjacent property to which a future connection is provided. The highest number of trips will occur during the PM peak hour. During this time approximately 45 trips would be generated by the development, 28 entering and 17 exiting. At build out, the intersection will operate at a LOS A in the AM and a LOS B in the PM peak period.

The Department of Motor Vehicles (DMV) records show that from 2013 to 2015 there have been a total of 5 reported collisions within 500 feet of the River Road and Spotswood Furnace Road intersection. A total of 5 collisions within this specified time period is a low number which does not meet thresholds for improvements or signalization of the intersection.

The impact of the Barrington project to the existing road network is minimal. The intersection and roadways at build out will continue to operate at acceptable levels of service. The County Traffic Engineer has reviewed the TIA and concurs with the applicant's engineer that no transportation improvements are warranted by the proposed development. While the analysis indicated no transportation improvements are required, the Barrington project will add vehicles to the local rural, two lane roadway network. The project includes a 100' right turn taper on River Road in order to provide safer turning movements into the development and allow through vehicles to freely continue along River Road. The 100' right turn taper is identified on the GDP.

Mr. Thompson asked if it was projecting 490 vehicles per day. Ms. Pomatto answered yes, and Barrington by itself would be 390. Mr. Thompson asked if that meant that each house would have 10 trips in and out each day. Ms. Pomatto answered yes, that that is the standard generation rate of a single family detached unit. Mr. Thompson asked who goes in and out of their house 10 times a day. He states he doesn't.

Ms. Pomatto discussed the following findings in favor:

A. The Barrington project is consistent with the Comprehensive Plan with respect to land use, transportation, public facilities and historic and natural resources goals and policies but for the level of service standards for Solid Waste Facilities as identified in Section III.B.iii.4 (See findings against item "A" below.)

B. The applicant has proffered cash contributions in order to mitigate capital facility impacts which are specifically attributable to the project and which are legally acceptable by the Board per the parameters established by VA Code Section 15.2-2303.4 as described in Section II.C.vi.

C. The Barrington project will provide a 100' right turn taper on River Road in order to provide safe turning movements into the development and allow passing traffic to freely continue along River Road.

D. Based on the County's model, the Barrington development will generate approximately \$106,000 in annual revenue at the build out.

The findings against are the following:

A. The Public Facilities Plan indicates a solid waste convenience site's population should be within five miles of the site. Barrington is approximately 6.5 miles away from both the Wilderness Convenience Center and the Chancellor Convenience Center which falls short of the County's standard.

B. Although the River Road and Spotswood Furnace Road intersection will continue to operate at an acceptable level of service at the project's build out, the development will produce an additional 490 vehicle trips per day that will impact the larger County road network.

C. Although there is currently existing school capacity, the development will impact County schools in the future by approximately 22 additional students.

D. Archaeological resources may exist on the property but, to date, no cultural resources study has been completed.

Regarding fire stations, Mr. Newhouse asked what the 1:12,000 was based on. Ms. Pomatto stated that was the fire stations per capita. And Station 5 is the new fire station that does have capacity to serve this development. Ms. Carter needed clarification on the Comprehensive Plan's level of service for the Parks and Rec facilities. Mr. Smith had concerns with traffic impacts and asked how they came up with their statistics. Ms. Pomatto stated the county's traffic engineer had a scoping session with the applicant to determine the parameters of the TIA. Mr. Thompson asked which intersection, Spotswood Furnace Road or River Road would be most impacted by the subdivision (traffic). Ms. Pomatto stated that the heaviest traffic is coming from the west and will impact River Road the most. Ms. Carter stated that the traffic level would be at a level of service A and B. Ms. Pomatto said that it would be a level A in the morning and a level B in the afternoon at the intersection of River Road and Spotswood Furnace Road (to clarify).

Ms. Pomatto stated that in conclusion, the Barrington development creates a 39 lot single family detached subdivision which is consistent with County goals and policies from a land use perspective and is expected to generate revenue for the County. The project design exceeds minimum requirements with respect to the preservation of open space and transportation with the installation of the right turn taper. The project's attributable impact on capital facilities is

mitigated by the applicants' proffered cash contribution which staff finds reasonable and acceptable. Based on the proposal's consistency with the Comprehensive Plan and the findings in favor noted above, staff recommends approval of the rezoning request with the proffered conditions dated July 18, 2017.

*Mr. Newhouse reviewed the public hearing procedures and opened the public hearing.*

Speaking for the Applicant was Charlie Payne from Hirschler Fleischer. Mr. Payne stated the following: project to include 39 units, incorporate by right to the east as required in TIA, levels of service is low; A or B, Comprehensive Plan goal is a C. Distribution of traffic from sight, per the TIA 40%, including to and from the east on River Rd., to and from the south on Spotswood Furnace Rd, and to and from the west on River Rd. Scoping done with county staff approval. Mr. Payne recapped the statistics that Ms. Pomatto had stated earlier in regards to the Comprehensive Plan and this application far exceeding the goals of said Plan. Property owners have owned this property for over 100 years. The developer is local and hires local workers. The land has been timbered at least twice in the past. There are Civil War earthworks that will be preserved, as well as, wetlands, open space and 100 foot scenic buffer. There is to be a right turn taper into the subdivision. The applicant is contemplating at Site Plan, a left turn lane into subdivision that isn't proffered. Mr. Newhouse asked if the left turn lane would be in the existing right of way. Mr. Payne stated that it would be.

Ms. Nancy Cole of 13603 McLane Place, Fredericksburg, asked if she could have her neighbors time to speak, as he was supposed to come speak, but hadn't been able to. Mr. Newhouse stated that would be ok. Ms. Cole had a hand out that she stated was transferal of development rights from the landowner to another subdivision, Woodland Manor subdivision, in 2015. She stated that Barrington Subdivision would be a tax burden, would increase traffic and safety concerns, would cause crowding and be a nuisance. She added that Barrington ignores the county's Land Use Planning and Zoning ordinances and will damage the environment. She's concerned about the long term protection for Civil War earthworks and that there are empty lots in comparable subdivisions and that would mean there would be empty lots in Barrington. She stated that River Glen South had been cited and fined by the DEQ because they had disregarded the wetlands. She asked that the application be denied.

Mr. Thompson asked about the transferal of development rights from 2015. Ms. Pomatto stated that transferal may not be the correct term. That it had originally been a larger tract of land and that 9 lots had been created for Woodland Manor and that this application was the remnant piece. Ms. Parrish addressed the hand out that was being called the transferal of development rights by Ms. Cole. She stated that it is not a transferal of development rights, but instead it's the county's standard consent and dedication for all subdivision plats. She stated that this County doesn't

have a transfer of development rights program, so in order for Barrington to move forward, the rezoning would have to be approved.

Mr. Robert Barr of 7934 River Road, Fredericksburg spoke. He lives across from Barrington Subdivision. He believes the traffic impact is probably not a reality. He states traffic is bad on River Road and needs to be addressed by the County. He doesn't feel that the new subdivision would impact River Road. He's more concerned about construction traffic impact and the debris that is left behind by work vehicles and crews. He's not for or against the subdivision.

Applicant,

Mr. Payne stated there would be improvements to transportation, citing the right turn and the contemplated left turn lanes. Traffic developments will be safe. DEQ violation wasn't for this developer. The proposed use is consistent with the Comprehensive Plan. Rezoning on remainder of property in accordance with Comprehensive Plan but in a less dense way at 5 units to an acre vs. the 2 units to an acre stated in the plan while preserving more open space.

*Mr. Newhouse closed the public hearing.*

Mr. Thompson stated that he is struggling with this project. He's concerned with what the traffic impact will be on River Road. He was hoping to hear the main traffic would come off of Spotswood Furnace Road regardless of what happened with the Sheetz store at the end of Spotswood Furnace Road. He has a problem with adding any more traffic to River Road.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to deny the approval for rezoning. Ms. Carter had a discussion after the motion was made she was supportive of the project noting concern the project would generate additional traffic on River Road. The vote was approved 4-3.

**Worksession(s):**

### **Solar Ordinance**

Currently, a Solar Energy Facility would only be allowed via Special Use Permit within the I-2 zoning district due to the use meeting the definition of a Public utility, heavy.

Mr. White described the proposed amendment which separates Solar Energy Facilities into their own defined land use, allows them to be permitted via Special Use Permit in the A-2 and A-3 zoning districts, and sets minimum standards.



Mr. Newhouse asked if the power lines would be through an easement and if that would still mean they are disjointed. Mr. White said they would be disjointed as they would be noncontiguous or non-abutting but under the same control.

Mr. Thompson showed concern that there would be an issue with solar equipment 'failing' or being abandoned and becoming less popular. Mr. White states to his knowledge that isn't the case but believes them to be increasing in popularity. The developer would be held accountable for decommissioning unused equipment.

Mr. Newhouse asked if the energy is stored in batteries. Mr. White states that isn't necessarily the case. There's usually an inverter that gets it to the power lines with carries it to the purchaser of the power. Mr. Newhouse asked if there would be any hazardous materials. Mr. White states none that he's aware of but that would be a part of the decommissioning plan. The ordinance is written so that any cleaning of panels would be done with biodegradable products. Mr. Newhouse asked if a solar development would be held to the same standard as any other development. Mr. White said it would.

Mr. Smith asked if the buffers would be included in a case by case basis. Mr. White said yes.

Mr. Barnes has concerns with some of the language, especially the term noncontiguous. He suggests that more restrictive language be used.

Mr. Newhouse asked if Mr. White needed a motion to move forward on the advertising. Mr. White stated he did need that motion. Mr. Barnes asked if the motion would be for moving forward with advertising or for getting it prepared and looking at the language before we advertise it. Mr. Newhouse stated he would like to look at it before it gets advertise. Mr. Barnes said he would also. Ms. Parrish stated that no motion was needed. Mr. White suggested striking the noncontiguous clause that was causing concern. Ms. Parrish stated that if that was removed, separate Special Use Permits could then be submitted for noncontiguous sites. Mr. Barnes liked that stating that depending on where the site is there might be some special conditions on it.

Staff recommends that the Planning Commission initiate the ordinance amendment.

**Motion and vote:** Mr. Barnes made a motion, seconded by Mr. Thompson Based upon the public necessity, convenience, the general welfare, good zoning practices, and compliance with the Virginia Code, that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23 amending and adding provisions related to Ordinance 23-173-Solar Energy Facilities, specifically Division 23-2.1.4 Definitions, Division 23-4.5.7 Special Uses Standards of Review, Division 23-6.3.3 Special Uses in the Agricultural 2 (A-2) zoning district, and Division 23-6.4.3 Special Uses in the Agricultural 3 (A-3) zoning district removing the noncontiguous wording. The motion passed. The vote was 7-0.

**New Business:** None

**Public Comment:** None

Ms. Carter asked what the new proffer paper that she was given means. Ms. Spaulding advised that it was the first public hearing with the new proffer law and the paper was just for Ms. Carter to reference.

The meeting adjourned at 8:17 p.m. on a motion by Mr. Smith, seconded by Mr. Thompson. The vote was 7-0.

Donna Mayfield

August 16, 2017