

Spotsylvania County Planning Commission

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

MINUTES: November 15, 2017

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

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

Staff Present: Wanda Parrish, AICP, Director of Planning
B. Leon Hughes, AICP, Assistant Director of Planning
Paulette Mann, Planning Commission Secretary
Kimberly Pomatto, CZA, Planner III
Alexandra Spaulding, Senior Assistant County Attorney
Patrick White, Planner III

Announcements: Ms. Parrish provided a brief update on cases that have recently been to the Board of Supervisors.

Review & Approval of minutes:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Smith to approve the minutes of October 18, 2017. The motion passed 7-0.

Unfinished Business: None

Review and approval of plat:

- **P17-0003 Villages at Courthouse Commons Preliminary Plat Amendment (Berkeley District)**

Ms. Pomatto presented the plat. A preliminary plat was originally approved for this project on May 20, 2015 for 60 single-family attached lots and 97 single-family detached lots for a total of 157 lots. Since that time, the owner/developer has amended the development plan to instead create 74 single-family attached lots and 100 single-family detached lots for a total of 174 lots. There is a net increase of 17 lots from what was originally approved.

This project is a result of the Courthouse Village Mixed Use rezoning case R13-0004. Public

roads will be throughout development in addition to private alleys serving as garage access for most of the detached lots and all of the attached lots. All lots will be served by public water and sewer.

The plat was reviewed by the Technical Review Committee and meets the Ordinance requirements for approval. Staff recommends approval of P17-0003 by adoption of the resolution.

Mr. Thompson inquired why they are proposing a change and questioned why they don't have to come back to the Commission for approval.

Ms. Pomatto stated that the applicant is in conformance with their rezoning.

Ms. Parrish explained that this is just one section in the overall development and they are increasing the lots in this section. The overall approved number of lots will remain the same.

Ms. Pomatto stated that another section would have fewer lots.

Mr. Barnes stated that he imagines it is market driven and that mixed-use provides flexibility.

At a meeting of the Spotsylvania County Planning Commission held November 15, 2017 on a motion by Mr. Barnes, seconded by Mr. Bullock and passed 6-1, the Commission approved the following resolution:

RESOLUTION

Approve Village at Courthouse Commons Preliminary Plat Amendment

WHEREAS, the applicant requests approval of the amended Preliminary Plat for 33.8 acres of Mixed Use 3 (MU-3) zoned land in order to construct 100 single-family detached homes and 74 single-family attached homes. Tax map number 48-A-5, Berkeley Voting District; and

WHEREAS, staff has reviewed the amended Preliminary Plat and recommends approval of the plat dated August 15, 2017 and last revised October 16, 2017; and

WHEREAS, the Planning Commission reviewed the amended Preliminary Plat on November 15, 2017 and a motion was made and seconded to recommend approval of the Plat with a vote of 6-1; and

WHEREAS, general welfare and good subdivision practice are served by approval of the Plat; and

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania County Planning Commission does hereby approve P17-0003 the Village at Courthouse Commons Preliminary Plat Amendment.

BE IT FINALLY ORDAINED that the Spotsylvania Planning Commission's approval does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Public Hearing(s):

SUP17-0004 Walton Virginia, LLC (Rappahannock Electric Cooperative): Requests special use permit approval on a portion, approximately 4.6750 acres, of tax parcel 36-A-46, to allow an electrical substation on Mixed Use 3 (MU-3) zoned property. The property is located on the west side of Massaponax Church Road (Route 608) approximately 1,540 feet south of the Hickory Hill Drive (Route 2155) and Massaponax Church Road (Route 608) intersection. The property is located within the Primary Development Boundary. The property is identified for Mixed Use development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 36-A-46. Berkeley Voting District.

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

Ms. Pomatto presented the case. The applicant, Rappahannock Electric Cooperative (REC), is requesting special use approval to construct and operate an electrical substation (public utility, light) on approximately 4.6 acres of Mixed Use 3 (MU-3) zoned property. The property is owned by Walton Virginia, LLC and REC is the contract purchaser of 2.7 acres of the total 33.5 acre tract of land. The 4.6 acres which is subject of the special use request includes the 2.7 acres REC intends to purchase and an additional 1.9 acres which Walton Virginia, LLC will continue to own but provide an easement for REC to utilize as a maintenance and access area for the substation. The property is primarily surrounded by residential and vacant land. The existing transmission lines run through the property and adjacent to the special use area which is why REC selected this specific location for the new substation in order to connect.

The subject property is part of a large scale mixed use rezoning approved in 2015 known as Alexander's Crossing. This portion of the project was identified on the approved Generalized Development Plan to be open space; however nothing as part of the approved rezoning prohibits this area to be developed for a substation and the proffered amount of open space will have to be met as the Alexander's Crossing project develops. As part of the rezoning, 60 feet of right of way along this portion of Massaponax Church Road is to be dedicated which the applicant has acknowledged on their GDP. A certain amount of vegetation will remain within the right of way until such point improvements are completed to Massaponax Church Road.

REC proposes to construct the electrical substation on 2.7 acres located along the property's frontage on Massaponax Church Road. REC intends to develop the site approximately 60 feet from the centerline of Massaponax Church Road preserving a limited amount of the existing vegetation along the frontage. Along the southern side of the property is an existing gravel drive and a minimum of 30 feet from the drive will be a tree save area preserving the existing trees and

vegetation thereby minimizing the visual impact from Massaponax Church Road. The site development immediately along the frontage will include the stormwater management areas including a detention pond and an evergreen screen along the perimeter substation fencing. Eight (8) foot barbed wire chain link fencing will surround the entire substation. The eastern and southern length of fence will include vinyl slats to provide a solid screen of the substation. A detail of the proposed evergreen landscaping intended to screen the visual impact of the substation from Massaponax Church Road is shown on sheet 3 of the Generalized Development Plan (GDP). The screening will include evergreen tree species with a minimum height of six (6) feet at planting and evergreen shrubs with a minimum height of four (4) feet at planting along the eastern side of the substation. The fenced area will include the electrical equipment, a utility shed and a 75' single lightening shield pole to be used solely for REC's internal communication. Due to the height of the communication pole it is exempt from requiring a special use permit. Access to the site will be via an existing gravel drive on Massaponax Church Road which will be widened to 18' and paved at the entrance as shown on the GDP.

The applicant conducted a community meeting on June 22, 2017 with seven (7) citizens in attendance. The primary concerns related to the visual impact of the project from Massaponax Church Road and neighboring residences in addition to safety, noise and environmental impacts. The applicant explained the Department of Environmental Quality (DEQ) heavily regulates these facilities and the noise will be a low hum but acknowledged it was still audible. As part of staff's review, staff shared the public's concerns with the visual impact of the project given the site's close proximity to Massaponax Church Road. The applicant responded with providing additional landscaping and vinyl slats within the fencing to address these concerns. Staff conducted a site visit and it appears the closest residence is approximately 330' away from the proposed substation. While the project will still have some visibility from Massaponax Church Road, it appears that between the tree save area and the proposed landscaping and fencing, the visual impact will be limited to the extent possible on this site.

Staff recommends that the Planning Commission finds the project substantially in accord with the Comprehensive Plan and recommends approval of the Special Use Permit to allow the construction and operation of an electric substation as a public utility, light on 4.750 acres in the MU-3 Zoning District

Mr. Newhouse asked for clarifications on the tree save.

Ms. Pomatto stated that they will be maintained by REC and that staff personnel would visit the site monthly. As far as enforcement, that is a zoning code enforcement issue.

Mr. Thompson suggested that they consider moving a little closer to the transmission line.

Applicant, Charlie Payne, representing the applicant: He briefly discussed the project and stated that the location of the substation was chosen to not affect the current neighbors but also not infringe on the future development that is planned.

Mr. Medina inquired what the current need is for power in that area.

Mr. Payne stated that it is for current needs, not just for Alexander's Crossing.

Sam Wilson, REC representative: He stated that currently 7,000 are served and there are 7,000 more coming (approved). He stated that they need to meet the demand and they know what's coming. This substation will also provide backup feeds to Spotsylvania Regional Hospital. Having these utilities in place helps the market.

Mr. Newhouse inquired if the stormwater pond will be fenced.

Mr. Wilson stated that there is no fence proposed but if the pond holds water, they will fence it.

Ms. Carter inquired if that was a guarantee.

Mr. Wilson stated that they would have to fence it for liability reasons alone.

Mr. Newhouse inquired if Walton dedicates the property, would it change the development.

Ms. Pomatto stated that it is in the open space shown as part of the development. As the project develops it will need to provide the open space elsewhere

Mr. Payne stated that they are not proposing to increase density.

Mr. Medina inquired about the timeframe of the project.

Mr. Payne stated that they are actively marketing this and plan to move forward quickly.

Mr. Wilson stated that they hope to have the project constructed within two years from SUP approval.

Speaking in favor or opposition: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Barnes made a motion, seconded by Ms. Carter to approve the special use permit with the following conditions:

1. The property shall be developed in conformance with the Generalized Development Plan (GDP) titled, "Special Use Application GDP, REC Substation, T.M. 36((A))46 (Part), Massaponax Road" dated April 16, 2017 and last revised October 17, 2017.
2. The existing tree save area as identified on the GDP shall be supplemented with evergreen infill to create appropriate screening from Massaponax Church Road. The evergreen infill plantings shall be a minimum of six (6) feet in height at planting and the number of plantings shall be determined during the site plan process

The motion passed 7-0.

R17-0007 Benchmark Road Investments, LLC (Afton) (Ordinance No. RO17-0007):

Request a rezoning of 18.8669 acres from Residential 1 (R-1) to Planned Development Housing 2 (PDH-2) with proffers to allow for 29 single family detached residential units. The properties consist of 4105, 4107, 4109 and 4113 Mine Rd., and 10726 Auburn Ln., which are located approximately 750 feet west of the intersection of Mine Rd. and Lansdowne Rd. The properties are located within the Primary Development Boundary. The properties are identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 24-A-92A, 36-A-113, 36-A-114, 36-A-115, and 24-5-2. Battlefield Voting District.

Mr. Newhouse opened the public hearing.

Mr. White presented the case. The applicant is requesting to rezone the entire 18.87 acre site from Residential 1 (R-1) to Planned Development Housing 2 (PDH-2) with proffers. The proposal creates a total of 29 single family detached lots with over 7.8 acres in open space. One of the lots is disconnected from the other 28 lots. The disconnected Lot 29 contains an existing home which the applicant intends to remodel and resale at a higher price point than those proposed in the Afton development. Lot 29 (the remnant) also has its own driveway which connects the existing home to Mine Rd. via a private road called Auburn Lane which is proposed to remain. In addition to providing access to Lot 29, Auburn Lane also provides access to two other homes. The lot layout and site improvements proposed are depicted within the Generalized Development Plan.

The development will be accessed from Mine Road. Two turn lanes are proposed to service the proposed neighborhood: a left turn lane consisting of a 100' storage lane along with a 100' taper, and a right turn lane consisting of a 100' storage with a 100' taper. Apart from Auburn Lane, which connects Lot 29 to Mine Rd., the two new roads within the new neighborhood labeled as Street A and Street B will be dedicated to VDOT. Street B is proposed by the applicant per VDOT's Secondary Street Acceptance Requirements (SSAR), and could accommodate future development of Tax Parcel 36-A-117. With the exception of Lot 29, these subdivision lots range in size from 6,886 sq.ft. to 12,538 sq. ft. There is no minimum lot size in the PDH-2 zoning district. Lot 29 is approximately 3.21 acres and will contain the existing two story home and private road Auburn Lane. Apart from the existing home on Lot 29, the new homes proposed in the Afton Subdivision will be serviced by County utilities and are expected to sell between \$300,000 – 400,000 and the average size is expected to be approximately 2,500 sq.ft. per the applicant's GDP Narrative.

The project area set aside for open space exceeds the minimum amount required by the PDH-2 zoning district. In accordance with those requirements 7.82 acres of open space are proposed, which is approximately 41% of the site exceeding the minimum 30% open space requirement by 2.16 acres.

Internal sidewalks, a frontage sidewalk, and a 20' Street Buffer B are proposed by the applicant. No transitional screens are required nor proposed for this development.

The Afton development creates a 28 lot single family detached subdivision and a disjointed

single family lot at the rear with its own access to Mine Rd. The project design exceeds minimum requirements with respect to the preservation of open space and transportation with the installation of the right turn taper. To the extent legally possible the applicant has proffered cash contributions to mitigate impacts on County parks and emergency services. Based on the proposal's general consistency with the Comprehensive Plan and the findings in favor noted above, staff recommends approval of the rezoning request with proffers dated October 18, 2017.

Mr. Newhouse inquired about the traffic levels of service of C & D.

Mr. White stated that with this development there would be no change to the level of service.

Mr. Newhouse also inquired about lot 29 and whether it would be a single family home.

Mr. White stated yes, that it is part of this rezoning and no secondary uses would be permitted. He stated that this is an unusual rezoning.

Mr. Bullock inquired why it is unusual.

Mr. White stated because of the disconnected lot 29.

Applicant, Charlie Payne, representing the applicant: Mr. Payne detailed the case and asked the Commission for their favorable recommendation.

Lee Garrison stated that the separate parcel, owned by someone else accesses Auburn Lane and VDOT required the connection. There will be no new access for future development to Mine Road permitted.

Ms. Carter inquired if there is only one entrance.

Mr. White stated yes.

Speaking in favor or oppositon: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Bullock made a motion, seconded by Ms. Carter to approve the rezoning with proffers. The motion passed 6-1, with Mr. Thompson voting no.

Rezoning: R17-0008 John X. Lucente (Terry Industrial Park) (Ordinance No. RO17-0008): Request a rezoning of 1.9998 acres from Rural (RU) to Industiral 2 (I-2) with proffers to allow certain uses permitted in the I-2 zoning district. The proposed use is a heavy equipment and specialized vehicle sale, rental and/or service establishment. The property is located at 8332 Jeffersion Davis Hwy. The property is located within the Highway Corridor Overlay District and the Primary Development Boundary. The property is identified for Employment Center development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 49B-1-5. Berkeley Voting District.

Mr. Newhouse opened the public hearing.

Mr. White presented the case. The proposed Generalized Development Plan (proffered by the applicant in Proffers dated September 27, 2017) depicts the development of a Heavy Equipment & Specialized Vehicle Sale, Rental and/or Service Establishment.

The GDP depicts 4,000 sq.ft. office building, 28 parking spaces for customers, an enclosed outdoor display / storage area for the vehicles, and associated site improvements such as sidewalks, transitional screens, and street buffers. There are no details on the development of the proposed office structure itself. There are no elevations or minimum architectural standards proffered. The applicant previously agreed to relocate the outdoor display area to the rear of the site and pull the building forward and has provided the minimum Street Buffer E along the frontage of the property. The GDP includes two potential future connections points to abutting properties to the north and south, connected via a proposed ingress and egress easement which can provide interparcel access to the propane sales (to the south) or future development of property to the north.

The GDP depicts a right turn lane into the property which consists of a 100' storage lane and a 200' deceleration taper. There are presently no curbs preventing a northbound left turn movement out of the property, nor a left turn into the property. The applicants are requesting an exemption to VDOT Access Management requirements due to the proximity of the proposed driveway in relation to the existing driveway servicing the property immediately south. The proposed ingress and egress easements to the neighboring property are an effort towards mitigating the exception request with VDOT.

The applicant has also agreed to provide a right-of-way dedication as depicted on the GDP.

The applicants request to rezone the property to I-2 would generally be compatible with the other uses in the immediate area, and the future land use designation of Employment Center. The site is proposed to be developed as a small office with outdoor storage of vehicles, the majority of which should have limited visibility due to the proposed screening and site design. A Transitional Screen 3 will be required along the property lot lines line adjacent to potential residential properties. A Street Buffer E, the county's densest street buffer requirement, is proposed on the property's frontage. The vehicles will be secured behind a fence on site and the fence will be composed of vinyl slats (not chain link) where visible from Route 1.

The proposed use should generate a small increase in trips on this road segment. The proposed use is estimated to generate 134 vehicles per day and this road segment of Route 1 is estimated to carry approximately 19,000 vehicles per day. Visibility from the location is clear in both directions, as documented on the sight line diagram within the GDP.

Lastly, the property will be connected to County water and sewer systems and will be required to use shielded lighting pursuant to recently passed dark sky compliant lighting requirements.

Mr. White discussed the following findings:

In Favor:

- A. The zoning designation of Industrial 2 is consistent with the employment center land use category in this area, is compatible with existing development patterns nearby, and is supportive of business expansion goals.
- B. The proposed rezoning will increase the non-residential tax base of the County.
- C. The proposed site is designed to limit the visibility of the outdoor display/storage area of the vehicles.

Against:

- A. The I-2 zoning district, while not allowing a large variety of additional uses, does have less stringent height, bulk, and Floor to Area Ratio requirements which make it more attractive than the I-1 zoning district. The I-2 district has a 10% open space requirement (vs. 15% for I-1), no side or rear setback requirements (compared to a 10' side and 20' rear requirement in I-1), a FAR increase from 1.0 to 1.5, and no height maximum (vs. 75 feet for I-1). While these benefits of the I-2 district may be valuable to the future redevelopment of this property, they are not necessary to accommodate the development of this property with the proposed GDP. The property could be developed as proposed with the I-1 zoning district.
- B. The lack of any architectural commitment and the HCOD exemption of industrially zoned properties introduces uncertainty regarding the aesthetic quality of the proposed office building. A Street Buffer E will separate the office from the roadway.

While staff acknowledges the concerns with industrial zoning adjacent to residentially zoned properties, the subject property fronts on Route 1 in close proximity to a number of Industrial like uses within a greater Employment Center designated area. The applicant has proposed adequate screening of the use from potential future residential uses which could be developed to the north and west of the site. For these reasons and those findings in favor noted above, staff recommends approval of the zoning request.

There was discussion about the need for I-2 versus I-1.

Mr. White stated that the applicant may have further details on the user of the property during their presentation.

Applicant, Charlie Payne, representing the applicant: He stated that they are in negotiations with a purchaser. They are asking for as much flexibility should they lose this potential occupant. The trips are based on a higher usage than they are anticipating.

Mr. Newhouse inquired if there would be vehicle sales out front.

Mr. Payne stated that the anticipated user should not generate trips greater than current use within the GDP.

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 continue the vote to the next meeting due to having additional concerns and questions. The motion passed 7-0.

Workession(s):

Renewable Energy Comprehensive Plan Amendment:

The Planning Commission will be required to conduct a review of any new Solar Energy Facility to test whether or not a proposed facility is substantially in accordance with the adopted Comprehensive Plan. That review would be in addition to the Special Use Permit review. The process would follow a similar process to what occurs each year when the Planning Commission reviews new items on the Capital Improvement Plan for consistency with the Comprehensive Plan (referred to as the 2232 review, in reference to Virginia Code 15.2-2232.)

This amendment adds language to four elements of the Comprehensive Plan to include policies applicable to Solar Energy Facilities and other generation of renewable energy. The amendments include changes to Chapters: 2 - Introduction and Vision, 3 - Land Use, 13 - Historic Resources and 14 - Natural Resources.

Staff recommends that the Planning Commission authorize public hearings to consider the attached amendments to the Comprehensive Plan.

Mr. Newhouse stated that this all seems very subjective.

Ms. Parrish explained that this is a policy. It's not structured like a code. She advised that we consult with the National Park Service and DHR. She added that this gives us negotiating power as we work through projects.

Mr. Barnes gave an example of the 800 mgh tower and the significant impact it had on the National Park Service. To mitigate those impacts, \$30K was contributed to the NPS.

Ms. Parrish stated that this is written broadly because the comprehensive plan is a guide.

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

New Business:

Mr. Thompson inquired where we are on reviewing the mixed use ordinance.

Ms. Parrish stated that she plans to schedule after the new year.

Mr. Medina inquired about off-site proffers and how the calculation works.

Ms. Parrish explained that they are based on a per capita basis for projects in the CIP.

Public Comment: None

Motion and vote: Mr. Thomspon made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at 8:45 p.m.

__ *Paulette Mann* __

Paulette Mann

__ December 6, 2017 __

Date