

## Spotsylvania County Planning Commission

**DRAFT**

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

**MINUTES:** December 6, 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

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**Announcements:** There were no announcements.

**Review & Approval of minutes:**

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

**Unfinished Business:**

Vote - Rezoning: R17-0008 John X. Lucente (Terry Industrial Park) (Ordinance No. RO17-0008): Request a rezoning of 1.9998 acres from Rural (RU) to Industrial 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 Jefferson 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. White updated the Commission on the case. The applicant requests a rezoning of 1.9998 acres from Rural (RU) to Industrial 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 Jefferson 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.

Since the hearing, the applicant has amended their proffer statement to exclude 26 additional uses (28 total) and has also proffered that tractor trailer traffic is prohibited to and from the property during 7-8 AM and 2-3 PM, M-F when schools within one mile are open. Massaponax High School is the only County school within one mile.

Staff recommends approval with Proffers dated November 20, 2017.

**Motion and vote:** Mr. Barnes made a motion, seconded by Mr. Smith to approve the rezoning with proffers dated November 20, 2017. The motion passed 7-0.

Ms. Carter thanked the applicant for their amendment regarding truck traffic during peak hours of the high school. She stated that this should be used as a model in the school zone.

**Public Hearing(s):**

**R17-0006 Timber W.F. Gronau, M. Clay Dickinson and Braver, L.L.C. (Spring Arbor II, HHHunt Corporation) (Ordinance No. RO17-0006):** Request a rezoning of approximately 3.99 acres from Residential 1 (R-1) to Commercial 2 (C-2) with proffers to allow for a memory care/assisted living facility and up to an 8,000 square foot multi-tenant commercial use pad site. The property is located at 1804 Bragg Road and 5300 River Road, which is located at the southwest corner of the River Road (Route 618) and Bragg Road (Route 639) intersection. The property is located within the Primary Development Boundary. The property is identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 13-A-73 and 13-A-74. Courtland Voting District.

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

Ms. Pomatto presented the case. The property owners (Timber W.F. Gronau, M. Clay Dickinson and Braver, L.L.C.) and applicant (HHHunt) request to rezone the property from Residential (R-1) to Commercial 2 (C-2) to allow for a 30,000 square foot memory care/assisted living facility and an up to 8,000 square foot retail/commercial multi-tenant pad site. The existing 100 bed Spring Arbor memory care facility is currently 96% occupied. The applicant indicates there is a strong market demand for memory care/assisted living units in this area. In fact, in 2014 a proffer amendment was approved to increase the number of beds in the existing facility from 90 to 100 in response to market demands at that time. With the proposed facility an additional 48 beds will be added to the inventory.

Access to the site will be provided by a right in/right out with a right turn taper on Bragg Road which will safely keep turning vehicles out of the flow of traffic. A second point of access will be via an internal connection to Spring Arbor Lane within the existing Spring Arbor

development which has a full access (left/right turn) on River Road. The proposed entrance and improvements for the development meet VDOT standards. From Bragg Road, an access drive will extend into the property and essentially divide the site in half to accommodate the memory care facility on one side and the multi-tenant building on the other. An internal access road, running parallel to Bragg Road will connect to the existing Spring Arbor Lane. A landscaped street buffer will be provided along both Bragg Road and River Road with internal landscaping within the site and along both sides of the access road. Sidewalks from within the site will extend to connect to the existing sidewalk on Bragg Road and connect to the internal sidewalk network within the Spring Arbor development. Potential underground storm water detention facilities are identified on the GDP; however those details will be finalized during the site plan process.

The proposed development will generate approximately 410 trips a day with between 60 to 65 trips during the peak hour periods (AM and PM). The peak period Level of Service (LOS) on Bragg Road is a "B" between River Road and Plank Road. The existing LOS for River Road is "F"; however VDOT recently made safety improvements on River Road to improve visibility and reduce the potential for crashes. Additionally, River Road is wider in this location between Spring Arbor Drive and Bragg Road. While some traffic generated from this development will utilize the Spring Arbor connection, the majority of traffic, approximately 80%, will access the site from Bragg Road. The existing Spring Arbor development at the time of rezoning was anticipated to generate 720 trips per day that were mitigated with new road improvements which included an east bound right and west bound left turn lane on River Road. It is important to note, the west bound left turn lane was not required by the original Spring Arbor development but instead a proffered improvement by the applicant. Given that the current commercial proposal is limited to a multi-tenant building and a maximum of 8,000 square feet the new traffic generated can be accommodated with the existing improvements and the proposed right turn taper on Bragg Road. The levels of service for both Bragg Road and River Road will not be degraded with the additional traffic from this development.

The project area and surroundings are documented by the Virginia Department of Historic Resources as land associated with the Salem Church Battlefield and River Road is designated as a Scenic Byway. The site and surroundings have been previously cleared and disturbed therefore any historic context or character has been altered.

The applicant conducted a community meeting on April 20, 2017. At that meeting, citizens raised concerns related to the existing traffic and the impact the proposed development will have on traffic. Additionally, citizens were concerned with the unknown user of the commercial pad site and its potential impacts on traffic and the surrounding area. As noted, the project will generate approximately 410 vehicle trips per day which will not warrant transportation improvements or degrade the LOS for Bragg Road. The applicant is proposing a limited access

on Bragg Road including a right in/right out with a right turn taper to safely move turning vehicles out of the flow of traffic. With respect to the commercial user, since the community meeting the applicant has worked with staff to address those concerns. The applicant has proffered conditions which limit the permitted uses that may occupy the site and further limit the pad site to a multi-tenant building no more than 8,000 square feet. With the applicant's proffered conditions on uses and size, one could expect to see a multitenant building with potentially several different uses. A freestanding restaurant or convenience store would not be permitted based on the applicant's proffered conditions, which are further outlined below. Staff originally shared the concerns of the citizens with respect to the appropriateness of intense commercial uses in this location but with the applicant's proposed multi-tenant building and limited uses those concerns have been minimized. The commercial multi-tenant building will provide local commercial/retail uses to serve the residents of the assisted living facility and the nearby neighborhoods some without having to drive.

Ms. Pomatto discussed the following finding:

**In Favor:**

- A. While the commercial component of the project is not consistent with the Low Density Residential land use designation, single-family residential development would not be favorable on this site due to the size and shape of the parcel and the proximity to the busy intersection of Bragg and River Road.
- B. Given the adjacent existing Spring Arbor facility and the adjacent church to the south, the site is "bookended" by uses that create an appropriate location for the commercial proposal along with the memory care/assisted living facility.
- C. The applicant has proffered limited uses and design criteria for the multi-tenant building as well as the memory care/assisted living facility to ensure the developed site will be compatible with the surrounding area with respect to scale and intensity.
- D. The proposed development will result in an increase in real property tax revenue and an increase in tax revenue of the proposed business uses.

**Against:**

- A. The project is located within the Low Density Residential land use designation and the commercial component of the project does not align with the Low Density Residential goals and policies.
- B. While the applicant has proffered limited uses and design criteria for the multi-tenant building, there is still a level of uncertainty related to the commercial component.
- C. Although the south end of Bragg Road has begun to transition with more intense commercial uses and it is reasonable to expect that the north end will transition. To date

the north end is developing with less intensity and the uses are more compatible with the existing residential development. The introduction of speculative commercial has the potential to accelerate the commercial transition of the north end of Bragg Road with the introduction of more intense commercial uses.

Although the proposal is not completely consistent with the Low Density Residential land use designation, it is consistent with the existing surrounding uses and development patterns. The applicant has limited the commercial impact and intensity with proffered conditions and design commitments and the memory care/assisted living facility is simply an expansion of the existing facility. With that and the findings in favor outlined above, staff recommends approval of the request with the Proffer Statement dated November 14, 2017.

Mr. Thompson inquired about the 400 vehicles per day and how staff came to that conclusion if the user of the commercial piece has not been identified.

Ms. Pomatto stated that it is based on size and the use being multi-tenant in the ITE Code calculation.

Mr. Thompson confirmed that this would be a right in, right out development.

Ms. Pomatto stated yes, it would. There is an internal connection to the already developed Spring Arbor.

Applicant, Charlie Payne, representing the applicant: He presented a PowerPoint detailing the case. He advised that this area has a shortage of assisted living and that the current facility is at 96% capacity. He discussed that the corner piece is an attractive location and ideal for a small professional office.

Mr. Medina inquired what made the applicant decide that that is the best use for the property, why not build a larger assisted living facility.

Mr. Payne stated that they felt that a Commercial 2 use would be the highest and best use of the property.

*Speaking in favor or opposition:* None

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the rezoning with proffers dated November 14, 2017. The motion passed 7-0.

**CPA17-0004 – Comprehensive Plan Consistency Review (Library)**

Under § 15.2-2232 of the Code of Virginia, a local Planning Commission is required to review proposed public facilities and ensure that projects are *substantially in accord* (consistent) with the locality's Comprehensive Plan. The Central Rappahannock Regional Library (CRRL) has been offered space at the Spotsylvania Towne Center for a library branch across from the Sheriff's Substation. The Board of Supervisors reviewed the proposal on November 9th and asked that staff seek Planning Commission review to determine whether the proposal is consistent with the Comprehensive Plan.

The Public Facilities chapter of the Comprehensive Plan addresses libraries. The goal of the library system is to provide County citizens convenient access to high-quality library services. The following are location objectives:

- The selection of sites for library facilities should take into consideration geographic obstacles to transportation. All buildings should be on or near heavily traveled roads, or in or near shopping areas and be clearly visible to traffic.
- Provide new facilities to adequately and equitably serve all areas of the County. Schedule library land acquisition and/or construction to respond to both current unmet demand and new growth when it occurs.
- Provide locations for libraries that are within a 10 to 15-minute drive within the Primary Development boundary and within a 15 to 30-minute drive outside of the Primary Development Boundary.
- Sites should be located along main travel corridors with consideration of minimizing users' drive time. The site should be chosen to support the mission of providing library material and services to the greatest number of people.
- An alternative to construction of new facilities is to establish new libraries in leased commercial spaces such as shopping centers. In Fredericksburg and other locations, public libraries serve as anchor stores and can draw one to two thousand patrons a day. Branches could be located within the proposed mixed-use development areas proposed on the County's Future Land Use Map.

The proposed branch location within a retail center in the Primary Development, along transportation routes (including FRED service) meets each of the location criteria noted above. The location also advances the goal of providing additional opportunities for computer and internet access to a broader segment of County citizens.

Staff recommends that the Planning Commission find the proposed library site inside the Spotsylvania Towne Center substantially in accord with the Comprehensive Plan.

Mr. Newhouse inquired if all of the infrastructure is already in place.

Ms. Parrish stated that she believes so but would refer that question to the Director of the library, Martha Hutsell.

Ms. Hutsell stated that she believes that most of the fiber optic connectivity is there and they have staff that would handle that detail.

There was discussion regarding the location within the mall and whether they chose the spot or Cafaro chose the location.

Ms. Hutsell stated that they were given three location choices and they chose this one after seeing the other two options. The entrance that is nearby is the second busiest entrance within the mall.

Ms. Carter expressed her concern about this location and wonders if it would be a replacement for the location that has been needed in the Massaponax area and has been included on the CIP.

Ms. Hutsell stated that this location is not a replacement for that location. Cafaro contacted County Administration and offered this spot rent free. County Administration contacted that library and asked us to look into this.

The Commission inquired if there are still costs associated with this location.

Ms. Hutsell stated yes, that there is accost for the employees however they are offering the space rent free for a value of \$75,000.

Ms. Carter stated that there is already a bookstore at the mall.

Ms. Hutsell stated that they won't serve the same people. The library may look at partnering with the bookstore on some events. They hope to provide a safe place for teens that may be dropped off at the mall.

Mr. Medina inquired about what would happen if it becomes overcrowded.

Ms. Hutsell stated that they would have to adhere to fire code capacity. This location will take a lot of heat off the Salem Church location.

Mr. Thompson stated that he has had dealings with the Cafaro Company and they don't always stick to their promises. He stated that he would like to see that the library have a locked in lease and would hate to see them have to move.

Mr. Smith stated that he happened to be the sheriff when they negotiated the satellite sheriff's office at the mall and that was ten or eleven years ago and they've held their word.

There was discussion that this library location may drive people to the mall to spend money.

Mr. Barnes inquired if a study has been done to determine how much relief this location would provide to Salem Church.

Ms. Hutsell stated that no study has been done. She stated that the mall does provide a lot of signage and they hope to take advantage of that. They will also be open later on Friday, Saturday, and Sunday.

Mr. Barnes stated that this seems to be a trend in libraries, using vacant buildings or locating in storefronts. He stated that there are many in the Massaponax area. He stated that he would like to see the lease details ironed out.

Ms. Carter encouraged Ms. Hutsell to do a study for the Massaponax area and to be sure to include all of the approved development there as well as Lee's Parke.

Ms. Hutsell stated that they found out on Monday that they have been voted a four star library and is the only one in Virginia with that rating.

Ms. Carter reiterated that she doesn't want the Massaponax citizens overlooked for a library.

**Motion and vote:** Mr. Barnes made a motion, seconded by Mr. Smith, finding the proposed library site inside the Spotsylvania Towne Center substantially in accord with the Comprehensive Plan. The motion passed 4-3, with Ms. Carter, Mr. Thompson, and Mr. Bullock voting no.

### **Renewable Energy Comprehensive Plan Amendment**

Ms. Parrish advised that at the November 15th Planning Commission, the Commission authorized public hearings to consider amendments to the Comprehensive Plan related to renewable energy. The purpose of the amendments is to enhance the Comprehensive Plan with language that specifically addresses such uses as Solar Energy Facilities so that the Planning Commission has specific policies to refer to when conducting their Comprehensive Plan consistency review for future Solar Energy Facility applications. There was discussion about the general and subjective nature of the proposed policies in the Natural Resources and Historic Resources chapters. After the meeting, staff reviewed the Plan and found that those proposed policies are not critical to meeting the objects and, therefore, staff is recommending that the Planning Commission authorize public hearings that consider amendments only to Chapter 1: Introduction and Vision and Chapter 2: Land Use.

Staff recommends that the Planning Commission authorize public hearings for the revised version of the proposed amendment to the Comprehensive Plan.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Medina to authorize a public hearing for renewable energy comprehensive plan amendment. The motion passed 7-0.

### **New Business:**

Ms. Parrish advised the Commission that there are no items scheduled for the December 20, 2017 meeting and that the first meeting of the New Year can also be canceled since the new Board member will not meet until January 9, 2017 to make their appointment.

The Commission members all agreed to cancel both of those meetings.



**Public Comment:** None

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

The meeting adjourned at 8:00 p.m.

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Paulette Mann

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Date