

Spotsylvania County Planning Commission

DRAFT

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

MINUTES: February 21, 2018

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
Jennifer Maddox	Berkeley

Staff Present:

Wanda Parrish, AICP, Director of Planning
B. Leon Hughes, AICP, Assistant Director of Planning
Paulette Mann, Planning Commission Secretary
Alexandra Spaulding, Senior Assistant County Attorney

Announcements: Ms. Parrish reminded the Commission of the Community Meeting scheduled for tomorrow, February 22 at Salem Baptist Church.

Mr. Thompson inquired about the current zoning of the property and whether they could develop the property at its current zoning, by-right.

Ms. Parrish stated that it is zoned R-1 and it would allow for single-family lots but they are looking for increased density.

Review & Approval of minutes:

Mr. Newhouse advised that there was a minor correction of the draft minutes provided to each Commissioner.

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to approve the revised minutes of February 7, 2018. The motion passed 7-0.

Unfinished Business: None

Mr. Hughes presented the worksession. He explained that the MU worksession is intended to be flexible and market driven. He stated that first he will provide an overview of the Mixed Use Ordinance. Second is an update on projects that are approved with the MU classification and third, he will provide the Commission with staff's observations related to evaluating MU rezoning applications and site plans and finally to receive input and information from the Commission regarding the MU Ordinance. He stated that his presentation will be brief so that

most of our time is spent receiving input from the Commission.

The Mixed Use Ordinance was adopted September 25, 2012 with the purpose and intent to provide a flexible approach to development and to include infill and redevelopment, by allowing a variety of interrelated and compatible commercial, office, residential, civic, recreational, and entertainment uses in a pedestrian-oriented neighborhood setting based on, but not limited to the following principles:

1. The idea is that the street network creates good internal circulation and blends with the existing street network to preserve capacity with internal capture.
2. The scale and layout of the projects should allow and encourage pedestrian activity.
3. The reduced bulk standards should help form the development,
4. Encourages a mix of housing types with complementary commercial uses and
5. Encourages infill development at the appropriate scale and use. These are the principals we use when evaluating applications.

The district has 5 categories that range in intensity and as the numbers ascend the intensity increases.

In an effort to achieve a physical form that conforms with the purpose and intent of the district the ordinance has development standards that guide the physical make up of a project. Depending on the MU district this includes building types, lot area and width, setbacks, building heights, build to zones, & open space. In addition the ordinance sets out parking calculations for specific uses, street types, block length and uses and Special uses for each sub district.

Mr. Hughes discussed the Mixed-Use developments that have been submitted thus far.

- Spotsylvania Courthouse Village
- Crossroads Station
- New Post
- Southpoint Landing
- Jackson Village
- Alexander's Crossing

Mr. Thompson asked for clarification on these and stated that he felt the Commission had already designated these areas.

Ms. Parrish stated that the developments mentioned by Mr. Hughes are the ones with the designated MU zoning, not the MU designated areas of the Comprehensive Plan.

Mr. Hughes continues and explained that when the ordinance was adopted it was done so with the intent and understanding that this district would provide flexibility and allow the market to dictate the timing of the elements of the project. The approved cases all have provisions that allow the uses to move anywhere in the project with the appropriate MU classification. As staff has reviewed rezoning applications and begun to review site plans for approved MU projects, the following list represents items that we have observed that could be addressed with some tweaks to allow clarity to the development community and citizens as projects come forward. A couple

of these items cannot be addressed with amendments to the ordinance, as they are policy driven. I'll touch on each bullet briefly: There is limited detail in the GDP indicating what the completed project will look like. If portions of the project are sold to different entities there are no provisions that require that they have consistent design elements. Some projects appear to be seeking the MU classification because it allows more density because of the limited open space requirement. Should there be an acreage minimum for the MU district?

Ms. Carter inquired whether there are provisions in place that require that after building so many apartments/units, they have to build commercial before they can build additional dwelling units.

Mr. Hughes stated that is correct. There are triggers in place in the proffers that would alert staff.

Mr. Medina inquired if they are required to build the commercial and have it occupied or only the build.

Mr. Hughes stated the build is the only necessary requirement.

Mr. Hughes concluded by asking the Commission whether provisions should be added to the district to ensure infill developments are of the appropriate scale. Should additional information be added to the GDP and finally update the definitions in the district to make it clear and easier for engineers to design projects.

Mr. Smith inquired about the I-95 overpass and how that works between the two projects.

Mr. Hughes stated that there are triggers for both projects.

There was discussion about who would build.

Mr. Hughes stated that at the point when the triggers are met there will be enough money, the County would build.

Ms. Parrish explained that a \$1 million proffer was paid early in the process but both triggers remain. The road trigger is based on phasing of the development.

Ms. Carter raised concerns about one project moving more rapidly and the connection to the other.

Mr. Hughes stated that when that time comes, the other developer would dedicate the land for the roadway.

Mr. Thompson inquired if there are safety measures in place if built to a certain point and then the developer folds.

Mr. Hughes explained that there is always that risk and described the situation we were in when the economy turned and developers didn't pick up their site plans.

Mr. Thompson inquired about what would happen if the developer goes under.

Ms. Parrish reminded the Commission that proffers are recorded and run with the land. Proffer review is done at each application.

Mr. Smith inquired about the commercial trigger and whether they have to have an occupant for the commercial space prior to moving back to residential units.

Mr. Hughes stated that the developer only has to build the building. It does not have to be occupied.

Mr. Newhouse inquired whether staff would characterize Spotsylvania Village as a model.

Mr. Hughes stated that they have a clear vision of what they want to achieve.

Mr. Newhouse stated that he would agree. He added that he does have concerns about phasing and the timing of the commercial component. He stated that he would like to know the statistics on how many developers come back for an amended plan and/or zoning. He also took the time to mention landscaping design standards and the impacts of overgrown landscaping. He mentioned that he is a tall guy and often hits his head on low trees over walkways.

Mr. Medina inquired if a developer could ask for MU-1 and not have a bit of commercial in it.

Ms. Parrish stated yes.

Mr. Medina inquired if when doing a traffic impact analysis, developers have to take into consideration developments that have been approved but not yet built or developments that are under consideration but not yet voted.

Mr. Hughes stated yes. If we know about a proposed development, we will ask the applicant to consider those impacts. He stated that planning staff does not operate in a vacuum.

Ms. Parrish stated that there is a background growth rate in the model as well.

Mr. Thompson stated that he believes the MU-1 designation should be deleted. He stated that it is a misuse and abuse of development and should have some component of commercial.

Mr. Hughes stated that infill development would benefit the most from using MU-1.

Ms. Parrish stated that mixed use zoning gives the developers flexibility in design and how a project builds out. She stated that the mixed use ordinance does not require a lot of detail. Prior to July 2016 staff could discuss issues and concerns with applicants. Now with the proffer law limitations, it is difficult for staff to convey what would be appropriate for proffers. She stated that if the Commission feels like they would like to see more detail, staff could take a stab at writing draft requirements to bring forward for consideration.

Ms. Carter inquired where the county is with the 70/30 mix.

Ms. Parrish stated that she could provide at the next meeting.

Ms. Carter also inquired about the 2% growth rate.

Ms. Parrish stated that last year the growth rate was at 1.7%.

Mr. Thompson took a moment to thank Mr. Hughes for a very professional presentation.

Mr. Newhouse agreed.

Closed Meeting

At a meeting of the Spotsylvania County Planning Commission held on February 21, 2018, on a motion by Mr. Newhouse, seconded by Ms. Carter and passed 7-0, the Commission adopted the following resolution:

RESOLUTION NO. 2018-01

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Planning Commission desires to adjourn into Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically relating to Planning Commission policies and procedures; and

WHEREAS, pursuant to Va. Code §2.2-3711(A)(7) (1950, as amended), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Planning Commissioners do hereby authorize discussion of the aforestated matters.

At a meeting of the Spotsylvania County Planning Commission held on February 21, 2018, on a motion by Mr. Newhouse, seconded by Mr. Smith and passed unanimously by roll call vote, the Commission adopted the following resolution:

RESOLUTION NO. 2018-2

Return to Open Meeting

WHEREAS, the Spotsylvania County Planning Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Va. Code Ann. §2.2-3712(D) (1950, as amended), requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Planning Commission hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

New Business: None

Public Comment: None

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

The meeting adjourned at 8:45 p.m.

Paulette Mann

Date