

## **Spotsylvania County Planning Commission      DRAFT**

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

**MINUTES:**                      July 18, 2018

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

**Members Present:**              Richard Thompson              Courtland  
                                 Michael Medina                  Salem  
                                 Howard Smith                  Livingston  
                                 Mary Lee Carter              Lee Hill  
                                 Gregg Newhouse              Chancellor

**Members Absent:**              Jennifer Maddox              Berkeley  
                                 C. Travis Bullock              Battlefield

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

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**Announcements:** Ms. Parrish informed the Commission that at the next meeting we will only have a comprehensive plan worksession. She also advised of a community meeting scheduled for tomorrow evening.

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

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of June 20, 2018. The motion passed 5-0.

**Unfinished Business:** None

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

### **Rezoning(s):**

**R17-0011 The Islamic Center of Fredricksburg (Chris Hornung) (Ordinance No. R17-0011):** Requests a rezoning of approximately 9.62 acres from Rural (RU) to Planned Development Housing (PDH-2) with proffers for a 19 lot subdivision of single-family detached units at a density of 1.98 units per acre. The property is located along the north side of Old Plank Road (Route 610), at the intersection of Old Plank Road and Andora Drive (Route 626). This property is located within the Primary Development Boundary. The property is in an area designed as a Low Density Residential on the Future Land Use Map of the Comprehensive Plan.

Tax parcels 21-20-1, 21-20-2, 21-20-3 and addressed as 7309 Old Plank Road, 7305 Old Plank Road and 7301 Old Plank Road. Chancellor voting district.

Mr. Hughes provided a recap of why the meeting was continued.

He stated that the applicant is requesting to rezone the 9.62 acres from Rural (RU) to Planned Development Housing 2 (PDH-2). The proposal is for the development of 19 lot single-family detached residential neighborhood with 2.97 acres preserved as open space, which is slightly more than the required thirty percent of open space required in the PDH-2 zoning district. The proposed density of 1.98 units per acre is consistent with the Low Density Residential future land use designation and is well suited to the surrounding residential land uses.

The Generalized Development Plan (GDP) depicts the nineteen (19) lots fronting on subdivision streets with one access from Old Plank Road. The subdivision streets terminate in a cul-de-sac at the northern end of the project and a second cul-de-sac that extends east towards Andora Drive. The required open space for the project is around the perimeter of the lots which includes an existing ten (10) foot conservation easement that is adjacent to the lots of Ashleigh Park. In addition to the open space, the GDP depicts a 5-five foot wide sidewalk along the frontages of Old Plank Road and Andora Drive and sidewalks on the interior streets of the project. The lots range in size from 10,000 square feet to 12,000 square feet. Lastly, the GDP depicts the proffered right-of-way dedication along Andora Drive and Old Plank Road that will accommodate future road improvements.

Mr. Hughes stated that since the previous hearing, the applicant conducted an analysis of the intersection of the roundabout and the finding was that it would bring the level of service to a minimum of LOS B.

Mr. Hughes discussed the following findings:

In Favor:

1. The proposed project is appropriately located in the Primary Development Boundary of the County and is generally consistent with the Future Land Use goals identified in the Comprehensive Plan.
2. The applicant has proffered cash contributions of \$161.25 per unit to mitigate impacts on capital facilities which are specifically attributable to the project and are legally acceptable by the Board in accordance with VA Code Section 15.2-2303.4.
3. The applicant has proffered the dedication of right-of-way in fee simple along Old Plank Road and Andora Drive to facilitate future road improvements.
4. The project as proposed provides 2.9 acres of open space around the perimeter of the project with an existing ten foot conservation easement along the Ashleigh Park subdivision. This exceeds the required open space amount by one percent.
5. The proposed project is consistent with the existing development pattern of single-family homes of the surrounding neighborhoods.
6. The project will have minimum impacts on County Public facilities.

Against:

1. Based on the assessed value of comparable residential units, the County's model projects the project will have a negative impact on capital facilities.
2. No evidence has been provided to verify the presence or lack thereof of significant historic resources located on the site.
3. The project generates additional vehicle trips to the network that currently operates below acceptable levels of service during peak hour traffic.

As discussed, the project does have several finding against approval, most notable the additional trips onto the road network that is currently operating below acceptable levels of service. However, the applicant is offering right of way dedication that will assist with any future road improvements; the proposal is consistent with County's Land Use and Comprehensive Plan goals and policies and the project design exceeds minimum requirements for the preservation of open space. The proposal is also consistent with the existing development patterns in the area. The residential project is appropriately sited within the Primary Development Boundary. The applicant has also proffered per unit cash contributions in accordance with the Code of VA to help mitigate impacts on public facilities that are reasonable and acceptable. Therefore, based on the proposal's consistency with the Comprehensive Plan and the findings in favor, staff recommends approval of R17-0011.

Mr. Newhouse inquired about the current level of service and whether the improvements that are proposed bring the score to a B. He inquired if the county's traffic engineer is in support.

Mr. Hughes stated yes.

Mr. Medina inquired whether Mr. Hughes could think of another project who's road improvements jumped so significantly.

Mr. Hughes stated that he could only think of the Smith Station Road improvements at Courthouse Road.

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

Applicant: Chris Hornung representing Samer Shalaby: He discussed the road improvements and the fact that they are going from an F to an A or B. The delay is being reduced from 330 ft to 100 ft.

Mr. Newhouse inquired if Mr. Hornung's analysis includes the roundabout.

Mr. Hornung stated yes.

*Speaking in favor or opposition: None*

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Mr. Newhouse made a motion, seconded by Ms. Carter to approve the rezoning with proffers. The motion passed 4-1, with Mr. Thompson voting no.

Mr. Newhouse stated that the level of service increase is much needed in this area.

**Rezoning(s):**

**R16-0009 Palmers Creek, LLC and Massaponax Land Company, L.L.C. (Ordinance No. RO16-0009):** Request a rezoning of approximately 25.13 acres from Commercial 3 (C-3) and Rural (RU) to Mixed Use 5 (MU-5) with proffers to allow for a maximum of 400 multi-family units and a maximum of 40,000 square feet of commercial uses known as Palmers Creek. The property is located on the west side of Jefferson Davis Highway (Route 1) approximately one mile south of the Spotsylvania Parkway (Route 628) and Jefferson Davis Highway (Route 1) 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 parcels 49-A-112, 49-A-114 and 49-A-114A(portion). Lee Hill Voting District.

Ms. Carter stated that she would recuse herself from the hearing due to a conflict of interest.

Ms. Pomatto presented the case. The property is located on the west side of Jefferson Davis Highway (Route 1) approximately one mile south of the Spotsylvania Parkway (Route 628) and Jefferson Davis Highway (Route 1) intersection. The property subject to the rezoning request totals approximately 25 acres is comprised of two separate tax parcels and includes a small land swap (via a proposed boundary line adjustment) with an adjacent property to the west and north. Approximately 21 acres of the property is currently zoned Commercial 3 which was rezoned from Agriculture in 1981 and approximately four (4) acres is currently zoned Rural (RU). The 4 acre Rural zoned area is the portion of property which will be land swapped with the adjacent property owner to the north. The land swap will set the stage for future development the north with the proposed development.

The applicant's request is to rezone approximately 25 acres from Commercial 3 (C-3) and Rural (RU) to Mixed Use 5 (MU-5) to allow for 400 multifamily residential units and up to 40,000 square feet of commercial uses. The Mixed Use 5 sub-district is the highest intensity mixed use sub-district which allows for retail, office and residential uses in a variety of building types. The proposal is located within the Primary Development Boundary and will be served by public water and sewer. Land within the boundary is intended to develop with higher residential densities and more intensive non-residential uses than outside of the boundary. The project location has a Mixed Use land designation as per the Future Land Use Element of the Comprehensive Plan. The Mixed Use designation encompasses a variety of uses, including traditional neighborhoods, higher density residential, non-traditional residential, commercial uses light industrial and educational facilities. The applicant's proposal considering proposed use and density is consistent with the Mixed Use land use designation envisioned for this area.

The proposed development will include two access points from Jefferson Davis Highway located on the northern and southern end of the project. The northern entrance will be a public road and will serve as the main entrance to the development and ultimately provide access to the adjacent

property to the north for future development. The frontage of the property, approximately four (4) acres, will be developed for commercial use. The proposed buildings will be one-story and constructed in conformance with the elevations provided by the applicant.

A private access road will extend from the main entrance to the southern property line to accommodate a future vehicular connection as property develops to the south. The access road runs between the commercial development in the front and the multifamily residential development on the rear portion of the property. The multifamily residential units will be contained within four (4) buildings between four (4) and five (5) stories in height. The five (5) story building will be constructed on the furthest rear portion of the property where the property slopes down. The four (4) story buildings will be located central on the property along with the community's clubhouse and pool. The visual impact and scale of the four (4) and five (5) story buildings will appear consistent due to the slope. The multifamily buildings and clubhouse will be constructed in conformance with the elevations provided by the applicant.

Consistent with Mixed Use development standards, sidewalks are provided along the internal streets providing pedestrian connections between the residential and commercial components of the development. In lieu of a sidewalk along the property's Jefferson Davis Highway frontage, the developer will provide a 10' shared used asphalt trail which will accommodate both pedestrians and bikes. The sidewalk and trail infrastructure throughout the site will provide future connectivity offsite to nearby mixed use development areas and a planned commuter lot north of the property near Commonwealth Drive which is scheduled to be open the summer of 2021. The trail will accommodate pedestrians and bikes and is consistent with the existing bike and pedestrian infrastructure in the area. Also identified on the GDP are three potential locations for a bus shelter. The construction and proposed locations of the bus shelter are proffered by the applicant and meet the design requirements of the Fredericksburg Regional Transit. Therefore the bus shelter will be in place and ready to serve if/when the FRED route is extended to the development. In the meantime, the bus shelter may potentially serve the development for school bus passengers. Stormwater management for the development will be finalized through the site plan process; however a stormwater management pond is identified on the GDP and the applicant intends to incorporate the facility as a community feature by extending an asphalt or concrete trail which connects to the internal sidewalks. Wetlands and RPA areas are located on the property but will be protected and preserved within the five (5) acres of open space proffered by the applicant and identified on the GDP. The open space provided is double the minimum required by the Mixed Use ordinance and will provide the community green space for passive recreation. Also identified on the GDP is a typical streetscape for the areas between proposed buildings and sidewalks. The applicant's proffers provide greater detail related to number/type/size of plantings used to create the streetscape enhancements.

Ms. Pomatto discussed the following findings in favor:

- A. The proposal is generally consistent with the Mixed Use land designation goals and policies as identified in the Comprehensive Plan and provides the density and intensity of development which is intended for land within the Primary Development Boundary.

- B.** The development creates multiple opportunities for interparcel connections with adjacent properties. The proposed northern access is designed as a public road which will also provide access to the adjacent property to the north with future development.
- C.** 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.
- D.** Both the County's and the applicant's fiscal impact analysis predict the development will generate positive revenue for the County at full build out.

Ms. Pomatto discussed the following findings against:

- A.** The property is currently zoned to allow commercial development. The proposal allows for residential uses on the property and reduces the commercial potential with no commitment to a minimum commercial square footage amount or phasing.
- B.** The Palmers Creek development will generate additional students and further impact capacity at Spotsylvania Middle School and Massaponax High School which are currently over capacity.

Based on the proposal's consistency with the Comprehensive Plan and the findings in favor presented, staff recommends approval of the rezoning request with the proffered conditions dated June 4, 2018.