

## **Spotsylvania County Planning Commission      DRAFT**

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

**MINUTES:** August 15, 2018

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

**Members Present:**

Richard Thompson	Courtland
Howard Smith	Livingston
Mary Lee Carter	Lee Hill
Gregg Newhouse	Chancellor
Jennifer Maddox	Berkeley
C. Travis Bullock	Battlefield

**Members Absent:** Michael Medina      Salem

**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  
Patrick White, Planner III  
Jacob Pastwik, AICP, Planner III

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**Announcements:** There were no announcements.

**Review & Approval of minutes:**

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of July 18, 2018. The motion passed 6-0.

**Unfinished Business:** None

**Case(s) to be vote:**

**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.

The applicant requests 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.

During the public hearing, the Planning Commission had questions about the proposed intersection improvements on Route 1. VDOT Fredericksburg Assistant Residency Administrator, Kyle Bates, provided a brief video demonstrating a Continuous Green-T intersection to the Planning Commission prior to the vote. He discussed that the Route 1 Corridor has been designated as a corridor of statewide significance and VDOT wants as few lights as possible to keep people moving. VDOT has been looking at alternative types of intersections and the continuous green-t intersection is what is proposed for this case.

Mr. Thompson inquired if there would be any stoplights at this intersection and whether there are others in the state.

Mr. Bates stated no lights will be placed at this intersection and that there are others in Virginia.

Mr. Smith inquired whether this type of intersection is safer than a signal.

Mr. Bates stated yes.

Mr. Smith inquired how many of these types of intersections there are in the state.

Mr. Bates stated that he would have to inquire and get back to him on the number.

Ms. Maddox inquired whether the intersection would be studied and if it was determined that there were a lot of traffic accidents, a light would potentially be placed at this location.

Mr. Bates stated that they are always studying the intersections and if it was determined that a light was necessary, it would be prioritized based on a safety need and a light would be placed. He also stated that there would be a lot of press releases about this intersection, information would be available on VDOT's website to educate people on how to navigate the proposed movement.

There was discussion about whether there would be concrete channels or only striping to guide people.

Mr. Bates and Ms. Pomatto demonstrated a slide showing that the channels would be concrete and where the striping would be placed.

There was discussion about the money that the applicant had said they would set aside for a light if it becomes warranted.

Ms. Pomatto reminded the Commission that they cannot proffer a signal if it's not warranted but the applicant could speak to whether or not there are funds to be set aside.

Applicant, Sherman Patrick: He briefly discussed the case and stated that the funds would be held in escrow.

Mr. Smith inquired how many vehicles per day will be coming out of Palmers Creek.

Ms. Pomatto stated that 2,271 trips to include commercial traffic as well.

Mr. Smith inquired if there is only one entrance/exit.

Ms. Pomatto stated that there are two points of access and discussed those movements.

Mr. Newhouse reminded the Commissioners that the public hearing had already been held and closed.

**Motion and vote:** Mr. Newhouse made a motion, seconded by Ms. Maddox to approve the rezoning with proffers. The motion passed 5-1, with Mr. Smith voting no.

### **Special Use(s):**

**SUP18-0006 Shirley P. Joseph (Columbia Gas of Virginia, Inc.):** Requests special use permit approval to allow a public utility, light on Rural (RU) zoned property. Approval of the special use permit will allow the installation of a PIG insertion facility on a portion of TM# 4-10-6 (.32 acres). The property is located at 15213 Spotswood Furnace Road, which is located on the west side of Spotswood Furnace Road (Route 620) approximately .85 miles north of the Spotswood Furnace Road (Route 620) and Elys Ford Road (Route 610) intersection. The property is located outside the Primary Development Boundary. The property is identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 4-10-6. Chancellor Voting District.

Ms. Pomatto presented the case. The applicant, Columbia Gas of Virginia, Inc., is requesting special use permit approval for a Public Utility, Light, in order to install a Pipeline Inspection Gauge (PIG) Insertion Facility on a residential lot located at 15213 Spotswood Furnace Road. A PIG Insertion Facility, also known as a "PIG Launcher," is essentially an empty aboveground pipeline access port. A Pipeline Inspection Gauge (PIG) is inserted into the pipeline port and travels through the gas mains in order to clean, inspect, maintain and provide data for maintenance purposes to Columbia Gas. Once operational, the described PIG operations are performed once a year and the facility will be inspected once every two (2) months; therefore the traffic impact is minimal. The total lot area is 5.16 acres with an exclusive easement on a portion of the property, totaling .32 acres, in order to accommodate the proposed use. The subject property is an ideal location for Columbia Gas as it is currently vacant and located immediately adjacent to the existing gas line main. The property is surrounded on all three sides by existing

residential properties all approximately 5 acres in size with the closest residence approximately 435' away. Primary access to the PIG site will be a VDOT approved paved entrance from Spotswood Furnace Road with a 10' gravel access road along the gas easement to the facility. The facility will be setback from the right of way approximately 625' and be completely secured with a 6' chain link fence which is screened with forest green slats on all sides of the fenced area. The access gate will include a security locking system to be accessed by Columbia Gas employees only. The fenced area is approximately 7,500 square feet of gravel with the piping and access ports being approximately 4 feet aboveground. The aboveground pipes will be completely screened by the proposed fencing.

Ms. Pomatto discussed the following findings:

In Favor:

- The proposal is consistent and compatible with the development district and land use designation as per the Comprehensive Plan.
- Visual impacts have been mitigated with the proposed landscaping and screened fencing surrounding the facility.
- The proposal provides a necessary piece of public infrastructure which will enhance efficiency and safety to serve the County population.

The proposed use provides a critical piece of infrastructure serving populations throughout the utility service network, and the visual impacts of the facility will be limited given the setback, existing vegetation and proposed landscaping. Staff recommends that the Planning Commission recommend approval of the Special Use Permit to allow the public utility, light, on Rural (RU) zoned property:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "WEST PIG INSERTION FACILITY SPECIAL USE PERMIT 15213 SPOTSWOOD FURNACE ROAD" dated April 13, 2018 and last revised June 4, 2018.
2. The facility shall be completely fenced and all fencing shall be six (6) feet in height and screened with forest green slats as detailed on the GDP.
3. Landscaping shall be provided around the facility, as detailed on the GDP, in order to screen the facility to the extent possible from the public right of way and neighboring properties.
4. The facility shall not be lit.

Ms. Pomatto stated that the applicant is present and has nothing to add to staff's presentation but is available for questions and is in agreement with the recommended conditions.

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

*Speaking in favor or opposition: None*

*Mr. Newhouse closed the public hearing.*

Mr. Newhouse inquired about the locked gate and how Fire/Rescue would access the property should they need to do so.

Ms. Pomatto stated that Fire/Rescue would be given the code.

**Motion and vote:** Mr. Newhouse made a motion, seconded by Mr. Smith to approve the Special Use with staff's proposed conditions. The motion passed 6-0.

**Discussion Item(s):**

**CA18-0005, Authorization to Advertise Subdivision Ordinance Amendments**

Ms. Parrish explained that the amendments to the Subdivision Ordinance are required for compliance with the Chesapeake Bay Act. The additions include notes required by the Chesapeake Bay Act related to limitations on development in the Resource Protection Area (RPA), that plats served by on-site sewage systems shall depict primary and 100% reserve drainfields, and that on-site sewage systems require pump out every five (5) years.

**Motion and vote:** Mr. Newhouse stated that based on public necessity, convenience, the general welfare, good subdivision practices, and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 20 amending and adding provisions related to subdivision approval procedures to ensure compliance with the Chesapeake Bay Act. The motion was seconded by Ms. Carter and passed 6-0.

**Worksession(s):**

**Comprehensive Plan Work Session – Future Land Use & The Primary Development Boundary**

Ms. Parrish stated that staff will be reviewing the current Future Land Use Map and land use categories with the Planning Commission and be seeking feedback on the Land Use chapter in general. Specific topics of discussion will include:

- Build out of the Primary Development Boundary (PDB)
- Transition areas within the PDB in areas difficult to serve with public water and sewer in the near term
- Property owner requests for amendments to the FLUM and/or PDB
- Changes to the land use categories
- Specific Mixed Land Use and Employment Center designated areas

Mr. White explained that the FLUM is a component of the Comprehensive Plan and provides a long range vision of the County's future development. In every rezoning or special use case, a determination is made regarding whether or not the proposed zoning designation or special use is compatible with the future land use designation of a property.

Future land use designations are organized based on their estimated density. Mixed Use areas are intended to provide retail, employment, entertainment, and housing opportunities. High Density Residential are areas intended to provide denser housing development greater than four units an acre.

There was discussion as whether these types of development are typically water and sewer or well and septic.

Employment Center areas primarily for industrial and office uses. Employment Center areas also accommodate supporting commercial. Institutional are presently described as for county facilities, schools, parks, golf courses, churches, and hospitals. Commercial areas are for retail, service, eating establishments and office uses. Low Density Residential is for single-family housing at an overall density up to four units per acre. Rural areas consist of farms, forestland, large lot residential, and cluster development at a maximum of 1 unit per 2 acres. Agricultural/Forestal land is just that and open space are areas owned by the County, Commonwealth, Federal owners, or areas intended to be preserved in perpetuity. Staff demonstrated multiple slides showing the percentage breakdown of each land use designation.

Staff then discussed the methodology used to determine what remains developable in the Primary Development Boundary. The Primary Development Boundary makes up about 17 percent of the County and approximately one-third of the PDB remains available for development based on the current model.

Staff Proposes:

- To establish a 'transitional PDB designation' and map the area difficult to serve with that new designation.
- To remove selected parcels north of Route 3 identified as very challenging to serve from the PDB.
- To evaluate and recommend property owner requested expansions of the PDB on a case-by-case basis within this Comprehensive Plan review window. If the expansion is possible, a recommended FLU change may accompany the expansion recommendation.

Several maps were shown and staff informed the Commission that the Utilities department has informed us that some of the parcels within the PDB will be difficult to serve.

Mr. Pastwik stated that the Economic Development Office has identified a number of larger tracts in the Jackson Gateway and Thornburg areas that may serve industries interests. The Jackson Gateway included a great deal of undeveloped land. The Board of Supervisors recently approved a Corridor Enhancement study along Route 1. The Southpoint area is developing as mixed use development with apartments, commercial and visibility from I-95. There was discussion about Tricord's request to change land use from Commercial to Mixed Use near Thornton Rolling Road and questioned whether it makes sense.

Staff discussed the following observations:

- There are a significant number of undeveloped parcels in the PDB with Mixed Use and Employment Center designations (75%)

- The Employment Center designation is broadly defined.
- Mixed Use lacks density limitations
- Mixed use designation offers support for a wide range of uses and development proposals; tend to be flexible.
- Mixed use areas are diverse physically and geographically separated but then to lack specific vision as to intended build out.

Mr. Pastwik stated that there are really two approaches here. Set policies which broadly affect all parcels with these designations or develop special area plans for these areas. For example, encourage heavier industrial users to areas where similar land users already exist or would fit, such as along rail corridors, collector or arterial roadways, within X miles of interstate access, etc.

The following should be considered:

- To add more specificity to the Employment Center land use category by adding goals or policies that better guide the locations of commercial, office, and industrial uses.
- To add new language describing how the Mixed use areas are envisioned to develop:
- Density maximums or goals
  - The mixed use area are created from the tapestry of uses within the district
  - Identification of core areas within mixed use districts to help direct development density and transitions.
  - Other zoning districts than MU are compatible within these districts.

Mr. Smith inquired whether changing the land use designation would affect property value.

Ms. Parrish stated that she would need to check with the assessment office.

Ms. Parrish inquired whether we should leave things as is or would the Commission like to see the new policies discussed during the worksession.

Mr. Newhouse stated that policies concern him and prefers guidelines. He stated that the worksession has been very interesting and he appreciates staff's work on this.

Mr. Smith agreed.

There was discussion about the Primary Development Boundary from ten years ago and where we are now.

There was discussion about the redevelopment along Hudgins Road.

There was discussion about development proposal around Barley Woods at Five Mile Road and that they have been forwarded to the Utilities department for consideration.

Ms. Carter stated that big industry will not come here unless we have the transportation network to support it. She stated that the biggest focus should be transportation.

Mr. Newhouse agreed and stated that we need to have higher paying jobs and determine how we want to grow in the future.

Ms. Parrish stated that she has taken away from the worksession that we want strategies instead of policies and that without objection, staff will begin work on employment centers, mixed-use, and the Primary Development Boundary. She also stated that the Board of Supervisors expressed interest in working directly on transportation and that a worksession is planned at their first meeting in October.

Ms. Parrish stated that Mr. Pastwik has been working on the appendices required by the Code of Virginia.

Mr. Newhouse inquired if staff knows how well the Ches Bay Act is performing.

Ms. Parrish stated that Mr. Richard Street would be the person to ask.

Finally, staff stated that they've been working on Public Facilities and have reached out to those departments for their feedback and input.

**New Business - None**

**Public Comment:**

Nancy McNamara, Livingston District: She raised concerns about erosion and water runoff as well as the decommissioning of the property that would become a wasteland in the future.

Davide Hammond, Livingston District: He stressed that the SCC has abdicated to Spotsylvania County to set conditions on the proposal. He raised concerns about the aquifer and cadmium and stated that the decisions will fall on Spotsylvania County Officials.

Moya Doss, Livingston District: She displayed a brief powerpoint of another solar facility that caused severe flooding 2 weeks after their ribbon cutting. She stated that it could be much worse here should that happen because of our red clay. She also showed slides of the very small holly trees that are slow growing and would take many years to hide the visual impacts of the solar farm.

Sean Fogarty, Livingston District: He also showed many slides of erosion issues as a result of a solar farm.



Dan Kulig, Livingston District: He suggested that sPower be permitted to only develop 400 acres at a time if approved. He has serious concerns about grading, erosion, and runoff. He discussed that the performance bond should be for the total amount of the development and separate from decommissioning plan.

Irv Boyles, Livingston District: He stated that he has three masters degrees and is a graduate of MIT and is happy to serve on an advisory committee should one be created. He suggested that an emergency action plan be put into place to protect our citizens.

Mike Mikoloso, Livingston District: He stated that Culpeper has recommended denial of a solar farm and suggested that Spotsylvania join the efforts that they are making in hiring a consultant to see how these solar farms affect property values. He suggested that Jack Frazier be contacted.

Kevin McCarthy, Livingston District: He stated that the citizens know more today than they did six months ago. This type of development is a taxpayer subsidy. He quoted many publications documenting this fact. He asked if the Board and citizens of this county want to be remembered for ten square miles of a toxic junkyard.

Vivian Stanley, Livingston District: She discussed a television commercial about a woman who had throat cancer from smoking. She stated that cigarettes contain cadmium, the same thing that will be in the 100,000 lbs. of metal in the solar monster that is proposed. It will go into our air, soil and water.

Michael O'Bier, Livingston District: He stated that everything he's read shows documentation that the grass doesn't take on these solar farms. There are constant falsehoods associated with them. He stated that no one cares about the citizen's safety and welfare and that a Board member came out to his property, got out of his truck looked around for a minute, got back into his truck and left. He stated that he's never been a tax burden on this county with the exception of the education he received from Spotsylvania High School.

Bill McGrath, Livingston District: He stated that it doesn't seem like any citizen in this county will get any benefit from this proposal. He suggested that they build a much smaller facility and preserve the character of the county. There seems to be nothing in it for us.

Mr. Tuck, Livingston District: He agreed that a cost benefit study should be done with Culpeper County.

### **Adjournment:**

**Motion and vote:** Ms. Carter made a motion, seconded by Mr. Thompson to adjourn. The motion passed 6-0.

The meeting adjourned at approximately 9:20 p.m.

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Paulette Mann

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Date