

DRAFT APPROVAL

At a meeting of the Spotsylvania County Board of Supervisors held on September 11, 2018 on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinance:

AN ORDINANCE No. RO16-0009

To amend the zoning map to zone, approximately 23.13 acres, of the property known as Tax Parcel 49-A-112, 49-A-114 and 49-A-114A(portion) to Mixed Use 5 (MU-5).

PUBLIC HEARING: August 14, 2018

WHEREAS, Palmers Creek, LLC and Massaponax Land Company, L.L.C. 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; and

WHEREAS, staff has reviewed the subject application and recommends approval of the zoning as stated in the staff report and executive summary; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on August 15, 2018, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended approval of the project, with a vote of 5-1; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on September 11, 2018, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the general welfare and good zoning practice are served by approval of the rezoning application.

**NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS
HEREBY ORDAINS:**

§ 1. That the properties known as Tax Parcels 49-A-112, 49-A-114 and 49-A-114A(portion) currently zoned Commercial 3 (C-3) and Rural (RU) are rezoned to Mixed Use 5

(MU-5) subject to the proffered conditions dated June 4, 2018, attached hereto, which are incorporated herein and made a part hereof.

§ 2. The Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this rezoning is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the rezoning.

§ 3. This ordinance shall be in force and effect upon adoption.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____