

***DRAFT DENIAL***

At a meeting of the Spotsylvania County Board of Supervisors held January 8, 2019 on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed \_\_\_\_\_, the Board adopted the following resolution:

**RESOLUTION NO. 2018-**

**Denial**

**Special Use Permit SUP18-0007**

**B-Farms Development, LLC (Franklin's Crossing Assisted Living Facility)**

**WHEREAS**, B-Farms Development, LLC (Franklin's Crossing Assisted Living Facility) requests special use permit approval to allow an Assisted Living Facility ("ALF") on a Residential-2 (R-2) zoned property. The property is located at the end of River Meadows Way, approximately 220 feet NW of the intersection of River Meadows Way and Terra Springs Drive. The property is approximately 10 acres in size and is not currently addressed. The property is located inside of the Primary Development Boundary. The property is identified for Mixed Use development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 25-A-14C. Lee Hill Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends denial as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on September 5, 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 with conditions, with a vote of 5-2; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on October 9, 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 Board of Supervisors postponed the vote on the subject case to allow additional time for the applicant to resolve citizen concerns on October 9, 2018, to October 23, 2018; and

**WHEREAS**, the Spotsylvania County Board of Supervisors postponed the vote on the subject case to allow additional time for the applicant to resolve citizen concerns on October 23, 2018, to January 8, 2019; and

**WHEREAS**, the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application does not sufficiently satisfy the following standards:

4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use – An estimated 239 calls for emergency service, or “incidents”, are expected from the proposed ALF annually. Each incident may be responded to by more than one emergency vehicle. Emergency responders attempting to reach the facility will traverse the River Heights neighborhood. River Heights is bisected by a private street called Evan Drive which provides access to approximately 190 mobile homes in the neighborhood. Emergency responders will likely exceed speed limits through the residential neighborhood to the facility and they will likely exceed the posted speed limit exiting the facility as well. Emergency responders could be called at any time of day or night, during peak traffic hours, during school pick-up or drop-off times, etc. It is foreseeable that the urgency of emergency responders driving to and from the facility will conflict with otherwise predictable traffic speeds and household behavior patterns common to an established neighborhood. Therefore, a safety risk is created upon the residents of River Heights if the proposed use is approved. A secondary gated access point allowing an alternate path for emergency responders poses similar concerns on the neighborhood of River Meadows.
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities – The location of the proposed use is at the back end of an existing and established neighborhood with one primary point of access, formerly River Meadows Way, presently Evan Drive. An estimated 239 incidents are expected from the proposed ALF annually and every incident may be responded to by more than one emergency responder. Emergency responders will likely be dispatched first from the nearest station, Fire and Rescue Station 5, which has an estimated drive time to the proposed facility of 8 minutes. The next closest station is Fire and Rescue Station 4, with a travel time just under 11 minutes. Responders could be slowed along their path through the neighborhood of River Heights by children playing, parked cars reducing travel width or visibility, other vehicular movements deriving from any of 190 existing households, etc. When seconds matter as they do for County residents living in such a facility as proposed, requiring an emergency responder to travel to and from a facility through a neighborhood street exemplifies an inappropriate location for a proposed use.
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard – An estimated 239 calls for emergency service, or “incidents”, are expected from the proposed ALF annually. Each incident may be responded to by more than one emergency vehicle. Emergency responders attempting to reach the facility will traverse the River Heights neighborhood which contains approximately 190 homes. Vehicles driven by emergency responders, whether public or private, will likely exceed the posted speed limits. The proposed use introduces potentially hazardous scenarios due to its location and access. One example would include a scenario which will predictably, and frequently occur: an emergency responder could find their path to the facility restricted or constrained by parked vehicles, vehicles backing out of their driveway, children playing, etc. which is a hazard to the residents given the increased speed and size of emergency response vehicles. If speed is safely reduced,

that equates to lost time in reaching the destination, whether the facility or a hospital, and providing likely valuable medical treatment.

**WHEREAS**, the general welfare and good zoning practice are served by denial of the application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby deny SUP18-0007 B-Farms Development, LLC (Franklin's Crossing Assisted Living Facility).

(SEAL)

A COPY TESTE: \_\_\_\_\_

Aimee Mann

Deputy Clerk to the Board of Supervisors

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_