



County of Spotsylvania
Department of Planning
Staff Report

Rezoning # R18-0008 (RO18-0008)
(Salem Voting District)

Planning Commission
May 15, 2019

Staff Recommendation: Approval with proffers dated March 11, 2019

Project: R18-0008 (RO18-0008) Winding Creek

Owner/Applicant: Carlton D. Flippo & Donna L. Curtis/
ATFD, LLC

Request: The applicant requests a rezoning of approximately 16.21 acres from Residential 1 (R-1) to Planned Development Housing 16 (PDH-16) with proffers to allow for 22 age-restricted single family detached units, 18 age-restricted single family attached units and 215 age-restricted multifamily units in the project known as Winding Creek.

Tax Map Parcel(s): 35-A-8 and 35-A-9

Location: The property is located at 10300 and 10316 Courthouse Road which is on the north side of Courthouse Road (Route 208) approximately 1,788 feet west of the Courthouse Road (Route 208) and Leavells Road (Route 639) intersection and approximately 2,200 feet east of the intersection of Courthouse Road (Route 208) and Breckenridge Drive (Route 2325).

Zoning Overlay: Highway Corridor Overlay District

Future Land Use Designation: Low Density Residential

Historic Resources: The property is located within areas associated with the Chancellorsville Battlefield.

Date Application Deemed Complete: May 24, 2018

Community Meeting:

A community meeting was held on February 22, 2018 to discuss the proposed rezoning. Concerns raised at the meeting primarily related to increased traffic generated by the development and the potential impacts on property values.

Figure 1: Zoning Map

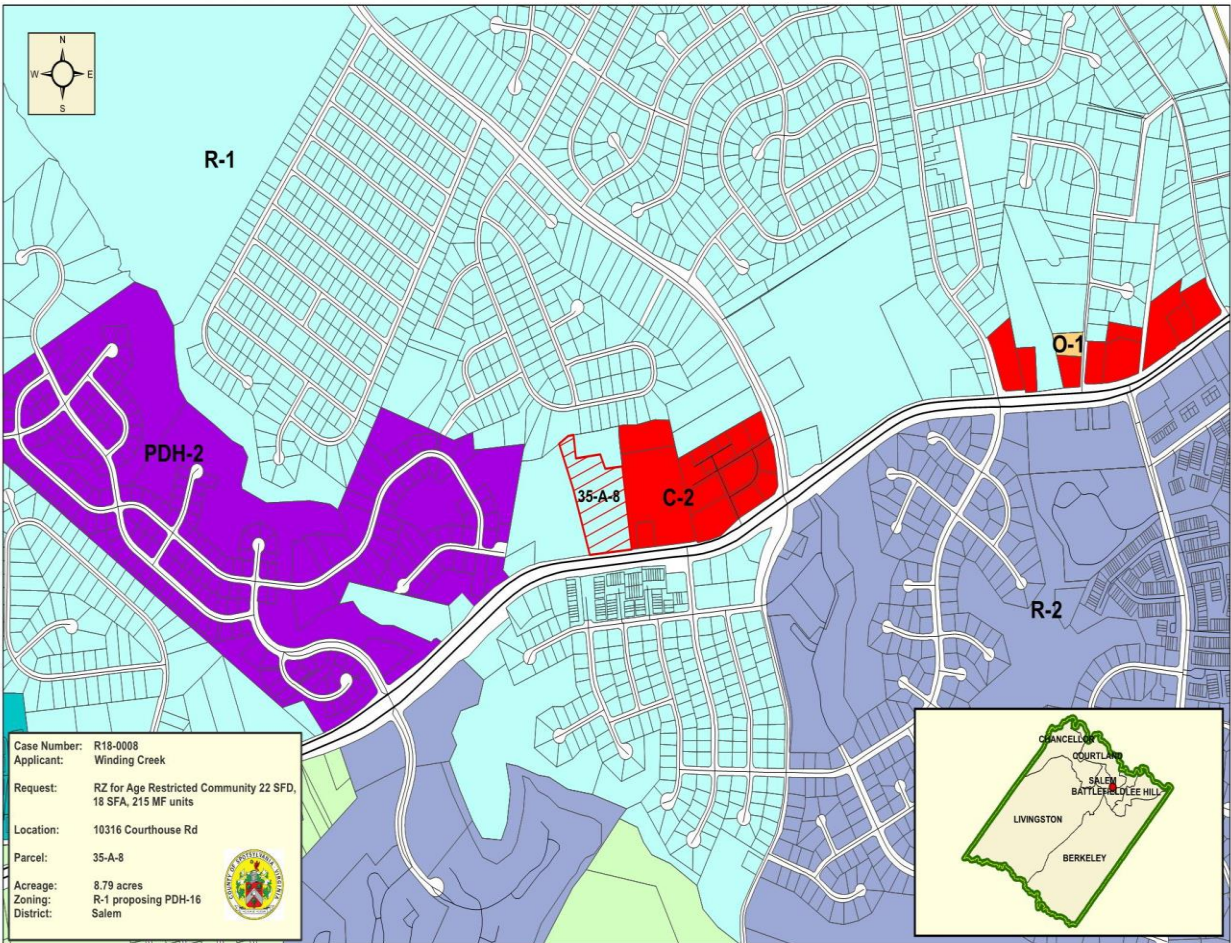


Figure 2: Aerial Map (2017)



I. The Site

The properties subject to the rezoning request are located at 10300 and 10316 Courthouse Road which is directly adjacent to the Giant Hilltop Shopping Center. The properties combined total approximately 16 acres and both are currently zoned Residential 1 (R-1). The total by right development potential for the properties under the existing zoning is 9 single family detached lots. The properties include two existing residential dwellings and one mobile home on predominately cleared land with some existing tree vegetation along the north, east, west perimeter property lines and the southeast corner. Bordering the properties to the north is the Cambridge subdivision, to the east is the Giant store and Hilltop Shopping Center, to the south is Courthouse Road and the Mill Garden Townhomes and to the west is the Breckenridge subdivision (Please see Page 2, Figure 2: Aerial Map). The properties are located within the County's Primary Development Boundary which includes areas intended to develop with higher residential densities and more intensive non-residential uses than outside of the boundary. The properties are both designated on the Comprehensive Plan's Future Land Use Map for Low Density Residential development which supports single family attached and detached residences typical in a suburban area with an overall density as high as four units per acre. The development pattern in the immediate area

Commercial and Low Density Residential land use designations. The future land use designations in this area are generally reflective of existing zoning and the commercial node in the immediate area.

II. Project Proposal

The applicant is the contract purchaser of the property and requests to rezone 16 acres from Residential 1 (R-1) to Planned Development Housing District 16 (PDH-16). The proposal includes the removal of the mobile home and one of the existing residential dwellings which is located closest to Courthouse Road. The residential dwelling located on the rear portion of the property is to remain on a two (2) acre parcel and the remainder of the property is to be developed. The proposed development is known as Winding Creek and will include 22 age-restricted single family detached units, 18 age-restricted single family attached (villa style) units and 215 age-restricted multifamily units contained within four 4-story buildings. With a total of 255 units, the proposed project density for Winding Creek is 16 units per acre. Considering the adjacent commercial development, the Comprehensive Plan would be supportive of either a residential or commercial type development in this location. While the proposed development exceeds the Low Density Residential standard of 4 units per acre, the proposal incorporates a higher density adjacent to the existing commercial development and creates a transition to the Breckenridge development. See details below on how the transition is accomplished by the physical development below in Section A, Generalized Development Plan.

- A. Generalized Development Plan (GDP)** – The Winding Creek development consists of four 4-story buildings housing a total of 215 age-restricted multifamily units along the eastern portion of the site adjacent to the Hilltop/Giant Shopping Center. The western portion of the site consists of 18 age-restricted villas and 22 age-restricted detached units. The eastern and western portions of the site are separated by an access road which extends north from Courthouse Road. The Courthouse Road access will be a right in/right out entrance design. An existing acceleration lane from the Hilltop/Giant’s western access point will be extended to the Winding Creek entrance to create a right turn lane into the development. An option for a second point of access is shown with an interparcel connection to the Giant site, which will allow Winding Creek traffic to access the traffic signal at Mill Garden Drive. At this time, authority to create the interparcel connection to the Giant site is not finalized. Should the applicant be unable to acquire access through the Giant site, the applicant will defer to the Alternative Access Plan, identified on sheet 4 of the GDP which provides only a right in right out access on Courthouse Road and also extends the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection. The improvement would extend the existing left turn storage lane from 150’ to 250’ and the existing taper from 135’ to 200’. Consistent with Code requirements a 5’ sidewalk is provided along the frontage of the project. Additionally, an enhanced landscaped street buffer including plantings and decorative fencing exceeding minimum Code requirements is provided along the project site frontage and extends internally along the main access road. The proposed detached units are on the perimeter of the development adjacent to the Breckenridge subdivision. During the community meeting concerns were raised related to the proposed density of the development and potential connections to the Breckenridge development. The layout intentionally utilizes the proposed detached units as a transition to attached and multifamily components of the

development. Additionally, the applicant is providing a 50' buffer between the proposed detached units and the Breckenridge detached dwellings which consists of a 5' landscaped berm. Further, no connection is proposed from the Winding Creek development to the Breckenridge community. Private streets will be provided within the development and maintained by the home owner's association. The development will connect to public water and sewer and all storm water management will be contained and treated on site with the engineering details to be finalized during the site plan review process.

B. Fiscal Impact Analysis – Winding Creek will be a market rate project identified by the applicant's narrative with an average unit sales price of between \$350,000 and \$425,000 per single family detached unit, and between \$275,000 and \$325,000 per single family attached villa. The multifamily units will be a mix of for sale condominium and for rent apartment units with the average sales price for the condominium units between \$300,000 and \$350,000. The applicant provided a Fiscal Impact Analysis (FIA) based on estimated assessed values which asserts Winding Creek will generate a total real property tax revenue of \$433,804 annually and an estimated personal property tax of \$222,908 annually at full build out. Staff completed a separate analysis utilizing the County's model with an assumed average assessed value of both the single family detached and single family attached of \$220,098. The County model projects a positive fiscal impact of \$145,709.

C. Proffer Statement Summary – The applicant has provided a proffer statement dated March 11, 2019 for the Planning Commission and Board of Supervisors' consideration. Staff evaluated the proffers according to the parameters established in VA Code Section 15.2-2303.4, consistency with Comprehensive Plan Levels of Service and identified projects within the County's FY 2019 – FY 2023 Capital Improvements Plan (CIP). Below is an itemized list of the submitted proffers including a summary and staff's analysis in italics.

1. General Development – The applicant commits to develop the property in conformance with the Generalized Development Plan (GDP) last revised February 22, 2019. Minor modifications may be made in order to address engineering/design requirements to fulfill Federal, State, and local requirements.

Staff is supportive of the language as proposed as this is an "onsite proffer" which addresses the impacts within the boundaries of the property to be developed.

2. Use – The applicant commits the property shall be developed for no more than 22 age-restricted single family detached homes, 18 age-restricted single family attached villas and four 4-story multifamily buildings containing a total of 215 age-restricted units. Further the property shall not be developed for any secondary uses allowed under the PDH-16 District.

Staff is supportive of the language as proposed as this is an "onsite proffer" which addresses the impacts within the boundaries of the property to be developed. The prohibition of any Secondary uses permitted in the PDH District will require a proffer amendment for any commercial development to occur on the site.

- 3. Age-Restricted Covenants** – The applicant commits the units constructed on the property will be age restricted and qualify as “housing for older persons” in accordance with the Code of Virginia. The applicant will encumber the property with restrictive covenants that define the qualification for initial and subsequent occupancy of the units, which will be that at least one person in the household must be 55 years or older. Additionally, a covenant shall prohibit any resident 18 years or younger from residing in any unit for a period of time exceeding 30 days within a six (6) month period unless that person is physically or mentally disabled and the child of an age-restricted occupant.

Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed. The proffered age restriction limits the project’s impacts to transportation and school facilities.

- 4.Covenants** – The applicant will encumber the property with a declaration of conditions and covenants, restrictions and easements and establish a homeowner’s association. The homeowner’s association will be responsible for the maintenance of all fencing, landscaping, on-site amenities, storm water management facilities and common areas.

Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed.

- 5.Transportation** – The applicant commits to dedicate right of way along Courthouse Road as identified on the GDP. Further, the applicant identifies two access options defining the preferred option which is Option #1 and shown on sheet 3 of the GDP. Option #1 includes a right in/right out entrance design on Courthouse Road with a vehicular connection to the Hilltop/Giant parcel which allows eastbound traffic to access the signalized intersection at Mill Garden Drive and Courthouse Road. Option #2 is the alternative, which provides only a right in/right out entrance on Courthouse road in which eastbound traffic will initially head west to the light at Breckenridge Drive and make a U-turn at the light to head east on Courthouse Road as shown on sheet 4 of the GDP. Option #2 will only be utilized if access to the Hilltop/Giant parcel cannot be obtained prior to development of the project. Should Option #2 (alternative access) be utilized, then the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection will be extended to provide a total of 250’ of storage and 200’ of taper.

Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed. The TIS conducted by the applicant indicates that the Option 2 will not have a negative impact on the transportation network.

- 6.Open Space** – Approximately 7.56 acres of the property will be retained as open space for storm water management facilities and preservation of certain natural areas. All open space will be owned and maintained by the homeowner’s association.

The minimum required amount of open space for the PDH-16 District is 45% of the project gross acreage which in the case would be 7.21 acres. The applicant is providing slightly more than the required amount with 7.56 acres of open space thereby preserving existing vegetation and natural buffers to the adjacent residential developments to the north and west. The retention of open space is consistent with Comprehensive Plan goals related to preservative of natural and historic resources. Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed.

7. Cash Proffers and Escalation/De-Escalation Clause – The applicant has committed to pay a total cash contribution of \$25,323.00 (\$102.94 per unit above by right) in order to mitigate the project’s impact on Public Safety and Parks and Recreation. Additionally, the cash proffer will be adjusted annually to reflect any increase or decrease for the preceding year in the Consumer Price Index.

A cash contribution is an “offsite proffer” which is a proffer addressing an impact outside the boundaries of the property to be developed. The applicant may mitigate the development’s impacts on public facilities via a cash contribution if the facility meets the definition of “public facility” as defined in the Virginia Code and if the development impacts capacity and levels of service and if the development will receive a material benefit from the proffer made.

The Winding Creek project will generate additional demands on Public Safety and there is a capacity shortage at F&R Station 4 which will serve this development. A Fire Training & Logistics Center is identified in the CIP that will serve the County as a whole and for which a capacity need exists. In order to determine the impact of the Winding Creek project, staff calculated the County’s population inclusive of the projected project population in order to determine the per capita costs associated with the Fire Training & Logistics Center project. The applicant has proffered to contribute \$48.29 per capita for public safety which is reasonable and legally acceptable based on staff’s analysis.

Additionally, the Winding Creek project will have an impact on Parks and Recreation facilities for which capacity needs exist as identified by Level of Service Standards in the Public Facilities Element of the Comprehensive Plan and for which there are capital projects identified in the CIP. These facilities include the Marshall Center Auditorium Upgrades, Ni River Park, Belmont - Passive Park and the Livingston Community Center. In order to determine the impact of the Winding Creek project on Parks and Recreation that is specifically attributable to the new residential development, staff calculated the County’s population inclusive of the projected population in order to determine the per capita costs associated with this public facility. Staff calculated the project’s expected impact based on current capacity of the Parks and Recreation facilities and the Level of Service Standards identified in the County’s Comprehensive Plan. The applicant has proffered to contribute \$54.65 per capita for Parks and Recreation which is reasonable and legally acceptable based on staff’s analysis.

III. Staff Analysis

- A. Transportation Analysis** –The Courthouse Road access will be a right in/right out entrance design. An existing acceleration lane from the Hilltop Giant’s western access point will be extended to the Winding Creek entrance to create a right turn lane into the development. A second point of access is proposed with an interparcel connection to the Giant site, which will allow Winding Creek traffic to access the traffic signal at Mill Garden Drive. At this time, authority to create the interparcel connection to the Giant site is not finalized. Should the applicant be unable to acquire access through the Giant site, the applicant will defer to the Alternative Access Plan, identified on sheet 4 of the GDP which provides only a right in right out access on Courthouse Road and also extends the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection. The improvement would extend the existing left turn storage lane from 150’ to 250’ and the existing taper from 135’ to 200’. Currently Courthouse Road carries 28,000 vehicles-per-day and operates at a Level of Service C. Concerns raised by the community primarily focused on safety at the Brittany Commons Blvd./Breckenridge intersection and the number of crashes. The intersection currently operates at a Level of Service “C” in the AM Peak Period and “B” in the PM Peak Period. Data obtained from the Spotsylvania County’s Sheriff’s Office notes during a two-year period from 2017-2018 there was a total of 26 crashes, of the total number of crashes, (14) involved property damage and the other (13) crashes involved personal injury and property damage.

The development will generate approximately 1,059 daily trips with 59 additional AM peak hour trips and 73 PM peak hour trips. The applicant conducted a Traffic Impact study that included an analysis of the impact Winding Creek will have on the intersection of Courthouse Road (Route 208) and Breckenridge Drive (Route 2325). The analysis indicates the intersection will function at acceptable levels of service with the extension of the westbound left turn lane at the intersection. With or without a connection to Millgarden Drive this intersection will continue to operate at an overall LoS C. The extension of the westbound left turn lane and taper is needed at the intersection of Brittany Commons/Breckenridge Drive in order for that intersection to properly handle the additional traffic from the proposed development without a connection to Millgarden Drive.

- B. Comprehensive Plan** – Below is a summary of the Winding Creek’s impact on each component of the Comprehensive Plan. A complete Comprehensive Plan Analysis can be found in Appendix A.

- 1. Land Use** – The Winding Creek proposal is within an area of the County designated for low density residential and directly adjacent to commercial development on Courthouse Road (Route 208). A low density residential land use designation typically includes single family detached and attached housing typical in a suburban area with densities as high as four units per acre. The adjacent development, Breckenridge is zoned Planned Development Housing 2 (PDH-2) which is reflective of a low density residential development with a density of two (2) units per acre. The applicant’s proposal is a total of 255 units (22 detached, 18 attached and 215 multifamily) with a

total project density of 16 units per acre. Considering the adjacent commercial development, the Comprehensive Plan Land Use Element would be supportive of either a residential or commercial type development in this location as land use designations are not intended to be parcel specific. While the proposed development exceeds the Low Density Residential standard of 4 units per acre, the proposal incorporates the higher density more intense use adjacent to the existing commercial development and creates a transition to the Breckenridge development. The four 4-story multifamily buildings, which are the most intense component of the proposal, are located directly adjacent to the existing commercial development. From that point the Winding Creek development scales down the intensity to the attached villas placed centrally within the development and further scales down the intensity to the detached units adjacent to the Breckenridge subdivision. The Winding Creek detached lots are less than half the size of the Breckenridge detached lots; however, there is only one Breckenridge residential lot that is directly adjacent to the proposed Winding Creek as it is located on the end of a cul-de-sac (Litchfield Drive). The remaining adjacent Breckenridge property is open space. With that in mind, a 50' wide buffer is provided between the proposed Winding Creek detached lots and the one Breckenridge lot including a 5' landscaped berm. While the proposed density exceeds the 4 units per acre contemplated for the Low Density Residential designation, staff is supportive of the proposal based on the scaled intensity of the layout which creates an appropriate transition between the existing commercial and the existing residential developments.

2. Transportation – At build-out the Winding Creek development is expected to generate 59 additional vehicle trips during the AM Peak and 73 vehicle trips during the PM Peak Per Day (VPD) and will not negatively impact the existing level of service.

3. Public Facilities

- a) **Public Schools** – The Winding Creek development will be age-restricted with no expected impacts to public schools. Therefore, consistent with Code of Virginia, Sec. 15.2-2303.4, the applicant has not provided a cash contribution to offset the impact of their development on public schools.
- b) **Fire, Rescue, and Emergency Services (FREM)** – The Winding Creek development is projected to generate 21 FREM calls annually based on a per capita calculation for calls for service and will be served by F&R Station 4, which is located three and a half (3.5) miles from the project. F&R Station 4 maximum call capacity is 2,500 and the FY2017 call volume was 4,001, indicating it is currently over capacity per the Comprehensive Plan's goal of a maximum call capacity of 2,500 per station. For purposes of the Public Facilities Plan, the primary Level of Service indicator is response time which is driven by station location, equipment availability, and staffing levels. While the Level of Service goal is to achieve a 1:11,000 ratio of stations per capita, the County's current ratio is 1: 12,000. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has proffered a cash contribution to offset the impact of their development on a County-wide facility for Fire, Rescue, and Emergency Services. Please refer to Section II.C.7 for a complete summary and

analysis of the proffered cash contribution. Please refer to Appendix B-Approved Development Analysis to see the cumulative impact to Fire, Rescue and Emergency Services based on the per capita calculation for the entire project. The Fire Chief has provided some data on calls for service to age restricted apartment communities in Spotsylvania County and notes that an average of calls from 5 similar communities produce 0.73 calls per unit which potentially could total 157 calls annually. apartment units have the potential for a higher call volume. He notes that the apartment facilities generally have older residents that may live alone which could contribute to a higher number of calls.

- c) **Sheriff** – For purposes of the Public Facilities Plan, the Level of Service indicator is to maintain a 1: 1,500 ratio of Deputies per capita. The County’s current ratio is 1:1,138 of Deputies per capita which exceeds the Level of Service standard. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on the Sheriff’s Office nor is a facility planned.
- d) **Solid Waste Collection & Disposal** –The Public Facilities Plan indicates a convenience site’s population should be within five (5) miles of the site. The Winding Creek development is approximately three (3) miles away from the Chancellor Convenience Center consistent with this requirement. The Livingston Landfill has capacity to remain open until approximately 2083-2085 and is projected to accommodate additional residential development based on population projections. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on Solid Waste Collection. Solid Waste Collection & Disposal does not meet the definition of “public facility” as defined in the Virginia Code and would therefore be deemed “unreasonable” for the applicant to provide any mitigation.
- e) **Water and Sewer Facilities** – The Winding Creek development is located within the Primary Development Boundary and will be served by public water and sewer with existing connections in close proximity to the site.
- f) **Library Facilities** – For purposes of the Public Facilities Plan, the Level of Service standard for library facilities is 0.3 square foot per capita which equates to a total of 39,603 square feet. The County’s total gross square footage of library facility floor space is 41,800 square feet which exceeds the Level of Service standard. Library facilities should be within a 10-15-minute drive within the Primary Development Boundary. The Winding Creek development is an approximate eight (8) minute drive (3.9 miles) from the Central Rappahannock Regional Library and an approximate 15minute drive (6.3 miles) from the satellite library within the Spotsylvania Town Centre, both of which fall within the acceptable range. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on Libraries. Library facilities do not meet the definition of “public facility” as defined in the Virginia Code and

would therefore be deemed “unreasonable” for the applicant to provide any mitigation.

- g) Parks and Recreation Facilities** – The Public Facilities Plan sets out a Level of Service standard for parks, open space and recreation facilities per capita. Currently the County is not meeting the identified ratio standards for 11 out of 13 recreation services including multi-purpose fields, tennis courts, playgrounds, horseshoes, community centers, swimming pools, indoor recreation centers, trails, passive recreation space, golf and public meeting space. The projected population for the Winding Creek development will have an impact on these facilities. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has proffered a cash contribution to offset the impact of their development on Parks and Recreation Facilities. Please refer to Section II.C.6 for the complete summary and analysis of the cash contribution.

4. Historic Resources – The Winding Creek development is not expected to have any negative impacts on significant natural, historic, and cultural resources. While the site falls within the Chancellorsville Battlefield area (DHR ID 088-5180) the site has been previously cleared and disturbed and the surrounding development patterns have significantly altered the historic context of the area.

5. Natural Resources – The Planned Development Housing District 16 (PDH-16) zoning district requires a minimum 45% (7.21 acres) open space of gross area and the project proposal exceeds this with 47.18% (7.56 acres) open space identified on the GDP. There are resource protection areas and wetlands onsite which are predominately contained within the open space but for a small portion of RPA which runs along the rear portion lots 26, 27, 28 and 29. The majority of the open space areas are reserved for buffering and passive recreation opportunities.

IV. Findings

In Favor:

- A.** The Winding Creek proposal is generally consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County being a family friendly community. The proposal comports with this idea by providing a mix of units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability.
- B.** The proposal is consistent with the intent of the Primary Development Boundary and provides appropriate transition from the neighborhood commercial development by having the more intense multi-family adjacent to the commercial and the attached units between the detached and the detached adjacent to the existing single family detached neighborhoods to the west. In addition to the transition between uses, the location is close to the neighborhood services which will allow an opportunity for some of the new residents to walk to obtain goods and services reducing vehicle trips.

- C. The proposal limits impact on the surrounding area with the layout that provides a vegetative transition between uses along Courthouse Road (Route 208). In addition to utilizing existing natural buffers and providing a landscaped berm adjacent to several lots in Breckenridge. The proposal also includes landscaping and decorative fencing along Courthouse Road creating an aesthetically enhanced development compatible with existing land uses.
- D. 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.
- E. The County model projects a positive fiscal impact of \$145,709.
- F. The proposal will not decrease the Levels of Service on the transportation network at full buildout.

Against:

- A. The absence of an agreement to allow access to the Hilltop/Giant Shopping center will require the traffic from Winding Creek to use a u-turning movement to go west on Courthouse Road (Route 208). Although the Traffic Impact Study notes this movement with the improvements to the turning lane will operate at an acceptable level of service it should be noted that staff supports the interparcel connection to Hilltop/Giant.
- B. The Fire Chief provided data based on 2018 calls for service to similar age restricted apartment communities and the data indicates that age restricted apartments have a higher call volume. He noted this may be attributable to the fact that the apartment residents generally live alone and are older than the residents of age restricted single family detached and attached units.
- C. Although this is an age restricted community the proposed density of 16 units per acre exceeds the Low Density Residential guideline noted for the area on the Future Land Use Map.

V. Conclusions & Recommendations

The Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes housing for citizens that are age 55 and above that are more likely to have special interest and needs that are particular to this population. The Winding Creek project complements this goal by providing a mix of housing types with a mix of price points. This will provide citizens of the County the possibility of staying in the County as they mature and have a need for housing options that are designed to be adaptive and accommodating for citizens as they progress through life stages.

When reviewing this proposal for consistency with the Comprehensive Plan, the project density as presented with 16 units per acre is well above the 4 units per acre established as a goal for the low

density residential land use designation. When considering the impact of an age restricted project, it is noted the level of impact upon school facilities is reduced due to the lack of school aged children impacting school enrollment and capacity. It is also noted that age restricted communities typically have less impact on the transportation network as most of the trips generated do not occur during the AM or PM peak travel times. However, the apartment component of this proposal may have a negative impact on Emergency Services. Data from 2018 of Spotsylvania County using an average of calls for service to existing age restricted apartment style communities, indicates the project could have approximately 157 calls for service to the apartments. The added density and mix of housing types, will create additional demands on Emergency Services.

It should also be noted that this proposal is consistent with the intent of the Primary Development Boundary as described in the Comprehensive Plan of having denser and more intense development within the Primary Development Boundary. The immediate area includes a mix of intense commercial and low density residential uses. The proposal complements the nearby commercial development and offers a transition between the more intense commercial uses and the less intense residential communities. The Winding Creek proposal generally “steps down” land use intensity fairly well, transitioning from Multi-Family- Age Restricted (commercial type building) adjacent to the Hilltop Shopping Center, to single family attached, and then single family detached as the project approaches existing low density residential subdivisions. As noted in the Comprehensive Plan analysis. This location adjacent to neighborhood commercial uses will create opportunity for reduced vehicle trips as some residents may take advantage of the walkability of the location.

The proposed design maintains slightly more open space than required by code and maintains vegetative buffers around the perimeter of the site that includes the installation of a landscaped berm where the project is closest to existing residences.

Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of RO18-0008 with the proffers dated March 11, 2019.

Spotsylvania County Government

Appendix A

Comprehensive Plan Analysis

APPENDIX A

Guiding Principles and Policies A. Spotsylvania County is a “business friendly” community and local job creation is a priority. Proposed is an age restricted mixed residential project.

As a residential project the proposal is business friendly in the sense it helps support design firms, tradesmen, laborers and suppliers throughout the design and construction phase. The applicant supplied fiscal impact analysis projects direct and indirect construction related impacts. An equivalent 177 direct and 120 indirect jobs are expected for construction of this project. Inevitably the residents of this 255-unit project will result in positive economic spin-off effects upon local business in the area.

Guiding Principles and Policies B. Spotsylvania County is fiscally sustainable. Guiding Principles and Policies B.2. Development projects seeking increased residential density and/or non-residential intensity should address impacts that are specifically attributable to the proposed development. Guiding Principles and Policies B.2.b. Active adult communities, with their diminished impact on County services, should be supported.

The applicant provided fiscal impact analysis suggests this project will offset its costs to the County after build out resulting in projected net revenues of \$659,362. As an age-restricted project, projected expenditures for public services are lower than traditional housing due to lack of school age children and associated cost. As a result, age restricted projects have expected lower public service demands and tend to be fiscally positive. The mixed residential project proposed consists of exclusively age-restricted multi-family, single family attached and single family detached units complementary of Policy B.2.b. The County utilizes a conservative fiscal impact model to separately analyze and help verify projected fiscal impacts submitted by applicants. Staff completed a separate analysis utilizing the County’s model with an assumed average assessed value of both the single family detached and single family attached of \$220,098. The County model projects a positive fiscal impact of \$145,709.

Guiding Principles and Policies B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the county. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4. This is an exclusively age restricted project so no school impacts are expected. Consistent with applicable level of service impact potential resulting from the proposed unit count above by right potential (9 single family detached units), concerning proffers only public safety, public parks, and transportation impacts are considered.

Guiding Principles and Policies B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Sidewalks are required for this project as per Spotsylvania County Design Standards Manual (Article 5). As depicted in the Generalized Development Plan, sidewalk infrastructure will be developed along internal roads providing an interconnected pedestrian friendly network about the project area with convenient connections to recreational amenities onsite and nearby commercial development for access to

goods and services. Frontage improvements along Courthouse Road will also include the development of sidewalks.

Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination.

Staff checked the site using the Virginia Department of Historic Resources Virginia Cultural Resource Information System (V-CRIS) and identifies Courthouse Road and surroundings as associated with Chancellorsville Battlefield as per DHR ID 088-5180. This includes the project area. As noted by the applicant, the site has been cleared and farmed in the past. Staff notes extensive development about the project periphery (lost historic context). The site has been field-walked and there is no evidence of historical resources being located on the property. Staff concurs with the preliminary findings and does not believe additional study of the site is warranted.

Considering significant natural resources staff notes the site has been previously cleared, disturbed, farmed, and is now generally maintained presently as a mowed grass lot. This site is in a well-developed area. Staff checked the Virginia Department of Conservation and Recreation's Natural Heritage Data Explorer (NHDE). No significant resources were noted as having potential onsite based on the NHDE predictive model. The Massaponax Creek Corridor (Stream Conservation Units- identify stream reaches that contain aquatic natural heritage resources, including upstream and downstream buffer and tributaries associated with these reaches.) and nearby woodlands (Small Whorled Pogonia) embedded within the Breckenridge neighborhood are the nearest locations for resources in that system. The U.S. Fish and Wildlife Service Information for Planning and Consultation (IPAC) identify potential impacts to the Northern Long-eared bat (threatened species) and Yellow Lance (threatened species) in this area. The Yellow Lance is an aquatic mussel. A number of Migratory Birds of conservation concern have been identified by the IPaC system based on probability of presence models. Identified species include: Bald Eagle, Blue-winged Warbler, Prairie Warbler, Red-Headed Woodpecker, Wood Thrush. The IPaC system does not necessarily recognize that the species identified are present or will be impacted by a particular project. Rather, findings are based on a predictive "probability of presence" model related to the project site within a 10 km grid cell that overlap the project area. Given extensive clearing onsite, staff does not expect detrimental impacts to the species identified given the amount of urbanization in proximity to the site. Staff notes no predicted habitat for Tier I or Tier II species, bald eagle nests in proximity to the project location after consulting the Virginia Fish and Wildlife Information Service. The nearest Threatened and Endangered Waters (Aquatic species) corridor extends along the Ni River, well south of this project area.

Guiding Principles and Policies C. Spotsylvania County is a family friendly community.

Guiding Principles and Policies C.1. The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities. Guiding Principles and Policies C.2. The County should support mixed use communities with varied housing types, civic buildings, shops, and active and passive recreation opportunities. The Proposal complements goals to provide a mix of units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability. A mix of age restricted housing types are proposed as

infill development in close proximity to established low density residential (SFD), townhomes, commercial (retail, office, services) developments.

Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID). This rezoning request is not expected to negatively impact any sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality.

The majority of this site has been cleared prior however the project GDP graphic notes tree preservation efforts along the northern and western sides of the project area, including but not limited to complementing screening efforts to adjacent property, forested wetlands and RPA. Properties to the north and west will generally see an undisturbed tree line and enhanced perimeter buffering (to the west) to supplement the existing tree line depicted within the proposed tree line. Some existing tree loss will result from the creation of a potential stormwater management location and clearing for a sanitary sewer line extension to the north as depicted in the GDP. Staff believes tree preservation and supplemental plantings and buffering's around the project perimeter in relation to existing lower density development is positive, considering transitional screening is based on uses and by County Design Standards Manual, new single family detached units could be constructed with no transitional screening to adjacent SFD residential lots. Additional supplemental plantings will include street buffer plantings along Courthouse Road, internal street network, and a tree line adjacent to Hilltop Shopping Plaza.

Land Use:

Future Land Use Map Designation. This project is consistent with the intent of the Primary Development Boundary. The Land use designations considering the Future Land Use Map in the immediate area include a mix of commercial and low density residential. The commercial land use designation is reflective of the commercial character and existing development associated with the Hilltop Shopping Center adjacent to the north, with frontage along Courthouse Road (Rt. 208). The commercial land use area consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses. The low density residential designation is reflective of existing single family detached developments in the surrounding areas including the Hills of Breckenridge and Cambridge Subdivision. The project area itself has a low density residential land use designation considerate of the surrounding lower intensity neighborhoods in proximity to the site. The low density residential land use category is described as single family attached and detached residences typical in a suburban area. The overall density can be as high as four units per acre, but lower densities are also appropriate. The project density proposed is well above the 4 units per acre established for the low density residential land use designation as nearly 16 units per acre (15.9 DU/ACR) are proposed. The project is not consistent with residential density envisioned considering land use designations in the area.

Staff acknowledges as per the Comprehensive Plan Future Land Use Element, "The map is not intended to be parcel specific, but rather provides a flexible guide for the County's desired future

development pattern.” Staff observes there is presently an abrupt line between commercial land use designation and low density residential. Staff believes a project that can physically “step down” and transition between existing commercial and the existing adjacent residential would be more favorable from a planning and design perspective than simply establishing low density residential immediately adjacent to an existing commercial shopping center. Staff believes the Winding Creek proposal generally “steps down” land use intensity fairly well, transitioning from Multi-Family-Age Restricted (commercial type building) adjacent to the Hilltop Shopping Center, to single family attached, and then single family detached as the project approaches existing low density residential subdivisions.

The Future Land Use Element is clear that “new development that is in accordance with the Future Land Use Map should ensure appropriate siting and transitions to existing development that may differ from the identified land use on the Map in order to minimize negative impacts on existing development”, and “each application should be evaluated within the context of its surrounding existing and proposed development, as well as the timing of the infrastructure necessary to support the development.” On balance the rezoning request appears to transition well between commercial and low density land uses but the proposed density is well above the residential land use designations in and around this project. As an age restricted project the level of impact upon public facilities is reduced due to a resulting lack of school aged children impacting school enrollment and capacity. In this sense, the added density will not be as impactful as a similar not age restricted project. However, demands on fire and rescue, public parks, transportation are remaining factors to consider.

Land Use Policies Applicable to All Land Uses 1. Rezoning proposals should address impacts that are specifically attributable to the development. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4.

Land Use Policies Applicable to All Land Uses 3. Wherever possible, existing trees and tree buffers should be preserved rather than replacing mature vegetation with new plantings. The majority of this site has been cleared prior however the project GDP graphic notes tree preservation efforts along the northern and western sides of the project area, including but not limited to complementing screening efforts to adjacent property, forested wetlands and RPA. Properties to the north and west will generally see an undisturbed tree line and enhanced perimeter buffering (to the west) to supplement the existing tree line depicted within the proposed tree line. Some existing tree loss will result from the creation of a potential stormwater management location and clearing for a sanitary sewer line extension to the north as depicted in the GDP. Staff believes tree preservation and supplemental plantings and buffering around the project perimeter in relation to existing lower density development is positive, considering transitional screening is based on uses and by County Design Standards Manual, new single family detached units could be constructed with no transitional screening to adjacent SFD residential lots. Additional supplemental plantings will include street buffer plantings along Courthouse Road, internal street network, and a tree line adjacent to Hilltop Shopping Plaza.

Land Use Policies Applicable to All Land Uses 6. Encourage consideration of disabled and elderly citizens in the design and implementation of both new development and

redevelopment. Proposed is an age restricted community aimed at active adults. This is not an assisted living or nursing home proposal. As per project proffer, all units constructed on the property shall be age restricted and qualify as housing for older persons... The project will also allow occupancy by physically or mentally disabled individuals 18 years or older who is a child of an age-restricted occupant. This project is accommodating and complementary of this land use policy. ADA compliance will be part of the building plans review.

Land Use Policies Applicable to All Land Uses 8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties. The Future Land Use Element is clear that “new development that is in accordance with the Future Land Use Map should ensure appropriate siting and transitions to existing development that may differ from the identified land use on the Map in order to minimize negative impacts on existing development”, and “each application should be evaluated within the context of its surrounding existing and proposed development, as well as the timing of the infrastructure necessary to support the development.” On balance the rezoning request appears to transition well between commercial and low density land uses but the proposed density is well above the residential land use designations in and around this project. Staff believes tree preservation and supplemental plantings and buffering around the project perimeter in relation to existing lower density development is positive, considering transitional screening is based on uses and by County Design Standards Manual, new single family detached units could be constructed with no transitional screening to adjacent SFD residential lots. As an age restricted project the level of impact upon public facilities is reduced due to a resulting lack of school aged children impacting school enrollment and capacity. In this sense, the added density will not be as impactful as a similar not age restricted project. However, demands on fire and rescue, public parks, transportation are remaining factors to consider.

Residential Land Use Policies 1. Residential subdivisions should provide interparcel connections to adjoining undeveloped properties and connect to developments at existing interparcel access points, where possible, to help improve the connectivity of the transportation network. Promotion of multiple access points is favorable and helps distribute traffic as opposed to single point traffic loads in one location resulting in added vehicle stacking and choke points. A present the applicant proposes a right-in, right-out connection at Courthouse Road along the project frontage, and an interparcel connection to the adjacent Hilltop Shopping Plaza that provides internal road linkages to nearby commercial, Leavells Road, three additional access points along Courthouse Road including and a full access lighted intersection at Millgarden Drive. From a Comprehensive Plan standpoint this is the only favorable option and is dependent upon an agreement with the adjacent Hilltop Shopping Plaza needed to grant the necessary connection. The no connection to Hilltop Shopping Plaza scenario depicted on Sheet 4 of the Generalized Development Plan (noted as “Alternative Access Plan”) is not favorable. The resulting project includes a right-in, right-out only access to the site that forces a “loop around” traffic movement to a U-turn at Courthouse Road and Breckenridge Drive intended to go north on Courthouse Road.

Residential Land Use Policies 2. Residential uses within the Primary Development Boundary should provide inter- and intra-development pedestrian paths to link adjoining subdivisions and form a cohesive residential area and alternative transportation and recreational

opportunities. Sidewalks are required for this project as per Spotsylvania County Design Standards Manual (Article 5). As depicted in the Generalized Development Plan, sidewalk infrastructure will be developed along internal roads providing an interconnected pedestrian friendly network about the project area with convenient connections to recreational amenities onsite and nearby commercial development for access to goods and services. Frontage improvements along Courthouse Road will also include the development of sidewalks.

Residential Land Use Policies 3. Residential infill development should maintain the neighborhood character established by the existing subdivisions. On balance the rezoning request appears to transition well between commercial and low density land uses but the proposed density is well above the residential land use designations in and around this project. Staff believes tree preservation and supplemental plantings and buffering around the project perimeter in relation to existing lower density development is positive, considering transitional screening is based on uses and by County Design Standards Manual, new single family detached units could be constructed with no transitional screening to adjacent SFD residential lots.

Residential Land Use Policies 8. Promote the provision of a diverse housing mix by encouraging a range of housing sizes and types that meet the needs of citizens at all income levels throughout all stages of life. The Proposal complements goal to provide a mix of units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability.

Transportation:

Transportation Policy 1, Strategy 1. Achieve no less than a “D” Peak Hour Level of Service on 90% of County secondary roads within the Primary Development Boundary as shown in the Thoroughfare Plan. In the Primary Settlement District, levels of service are lower to encourage development and redevelopment to densities and intensities that maximize use of the existing infrastructure. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network. As per the County Transportation Engineer, the Winding Creek Development Courthouse Road access will be a right in/right out entrance design. An existing acceleration lane from the Hilltop Giant’s western access point will be extended to the Winding Creek entrance to create a right turn lane into the development. A second point of access is proposed with an inter-parcel connection to the Giant site, that will allow Winding Creek traffic to access the traffic signal at Mill Garden Drive. At this time, authority to create the inter-parcel connection to the Giant site is not finalized. Should the applicant be unable to acquire access through the Giant site, the applicant will defer to the Alternative Access Plan, identified on sheet 4 of the GDP which provides only a right in right out access on Courthouse Road and also extends the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection. The improvement would extend the existing left turn storage lane from 150’ to 250’ and the existing taper from 135’ to 200’. Currently Courthouse Road carries 33,800 vehicles-per-day and operates at a Level of Service C. Concerns raised by the community primarily focused on safety at the Brittany Commons Blvd./Breckenridge intersection and the number of crashes. The intersection currently operates at a Level of Service C in the a.m. peak hour and Level of Service B in the p.m. peak hour. There were a total of 19 reported crashes over a five (5) year period from 2013 – 2017. *The*

majority (14) were rear end crashes. The others (5) were angle crashes. The development will generate approximately 1,059 daily trips with 59 additional AM peak hour trips and 73 PM peak hour trips. The table below compares level-of-service for three intersections under existing, background (no-build), option 1 (connection with Giant) and option 2 (no connection with Giant) conditions. All operate within the standards established in the Comprehensive Plan.



As supported by the Comprehensive Plan goals to seek interparcel connection and alternative access points, the Transportation engineer also believes the preferred alternative would include access through and to the Giant parcel at Hilltop Plaza.

Transportation Policy #2, Strategy #1. Protect the transportation network from future congestion by: (a) encouraging joint-use access points for multiple developments; (b) ensuring connections within and between developments that offer alternative routing for traffic, but does not encourage cut-through traffic. Promotion of multiple access points is favorable and helps distribute traffic as opposed to single point traffic loads in one location resulting in added vehicle stacking and choke points. A present the applicant proposes a right-in, right-out connection at Courthouse Road along the project frontage, and an interparcel connection to the adjacent Hilltop Shopping Plaza that provides internal road linkages to nearby commercial, Leavells Road, three additional access points along Courthouse Road including and a full access lighted intersection at Millgarden Drive. From a Comprehensive Plan standpoint this is the only favorable option and is dependent upon an agreement with the adjacent Hilltop Shopping Plaza needed to grant the necessary connection. The no connection to Hilltop Shopping Plaza scenario depicted on Sheet 4 of the Generalized Development Plan (noted as “Alternative Access Plan”) is not favorable. The resulting project includes a right-in, right-out only access to the site that forces a “loop around” traffic movement to a U-turn at Courthouse Road and Breckenridge Drive intended to go north on Courthouse Road.

Transportation Policy 2, Strategy 5. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network. Sidewalks are required for this project as per Spotsylvania County Design Standards Manual (Article 5). As depicted in the Generalized Development Plan, sidewalk infrastructure will be developed along internal roads providing an interconnected pedestrian friendly network about the project area with convenient connections to recreational amenities onsite and nearby commercial development for access to goods and services. Frontage improvements along Courthouse Road will also include the development of sidewalks.

FRED bus transit- Line S1 serves the immediate area with stops at Hilltop Plaza Way (Stop #255), Hilltop Plaza at Giant Food (Stop # 25) nearby.

Historic Resources:

Historic Resources Policy 1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy 1, Strategy 2. Support the preservation of resources with local, state, or national significance. Staff checked the site using the Virginia Department of Historic Resources Virginia Cultural Resource Information System (V-CRIS) and identifies Courthouse Road and surroundings as associated with Chancellorsville Battlefield as per DHR ID 088-5180. This includes the project area. As noted by the applicant, the site has been cleared and farmed in the past. Staff notes extensive development about the project periphery (lost historic context). The site has been field-walked and there is no evidence of historical resources being located on the property. Staff concurs with the preliminary findings and does not believe additional study of the site is warranted.

Natural Resources:

Natural Resources Policy 1. Balance the protection of environmental resources and natural wildlife habitats with development. Natural Resources Policy 1, Strategy 1. The County should support the mitigation of impacts upon unique and/ or endangered resources including rare species and their habitats. This rezoning request is not expected to negatively impact any sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality.

Considering significant natural resources staff notes the site has been previously cleared, disturbed, farmed, and is now generally maintained presently as a mowed grass lot. This site is in a well-developed area. Staff checked the Virginia Department of Conservation and Recreation's Natural Heritage Data Explorer (NHDE). No significant resources were noted as having potential onsite based on the NHDE predictive model. The Massaponax Creek Corridor (Stream Conservation Units- identify stream reaches that contain aquatic natural heritage resources, including upstream and downstream buffer and tributaries associated with these reaches.) and nearby woodlands (Small Whorled Pogonia) embedded within the Breckenridge neighborhood are the nearest locations for resources in that system. The U.S. Fish and Wildlife Service Information for Planning and Consultation (IPAC) identify potential impacts to the Northern Long-eared bat (threatened species) and Yellow Lance (threatened species) in this area. The Yellow Lance is an aquatic mussel. A number of Migratory Birds of conservation concern have been identified by the IPaC system based on probability of presence models. Identified species include: Bald Eagle, Blue-winged Warbler, Prairie Warbler, Red-Headed Woodpecker, Wood Thrush. The IPaC system does not necessarily recognize that the species identified are present or will be impacted by a particular project. Rather, findings are based on a predictive "probability of presence" model related to the project site within a 10 km grid cell that overlap the project area. Given extensive clearing onsite, staff does not expect detrimental impacts to the species identified given the amount of urbanization in proximity to the site. Staff notes no predicted habitat for Tier I or Tier II species, bald eagle nests in proximity to the project location after consulting the Virginia Fish and Wildlife

Information Service. The nearest Threatened and Endangered Waters (Aquatic species) corridor extends along the Ni River, well south of this project area.

Natural Resources Policy 1, Strategy 3. Encourage land development practices, which minimize impervious cover to promote groundwater recharge, and/ or tree preservation.

The majority of this site has been cleared prior however the project GDP graphic notes tree preservation efforts along the northern and western sides of the project area, including but not limited to complementing screening efforts to adjacent property, forested wetlands and RPA. Properties to the north and west will generally see an undisturbed tree line and enhanced perimeter buffering (to the west) to supplement the existing tree line depicted within the proposed tree line. Some existing tree loss will result from the creation of a potential stormwater management location and clearing for a sanitary sewer line extension to the north as depicted in the GDP. Staff believes tree preservation and supplemental plantings and buffering's around the project perimeter in relation to existing lower density development is positive, considering transitional screening is based on uses and by County Design Standards Manual, new single family detached units could be constructed with no transitional screening to adjacent SFD residential lots. Additional supplemental plantings will include street buffer plantings along Courthouse Road, internal street network, and a tree line adjacent to Hilltop Shopping Plaza. The project meets and exceeds minimum open space requirements by providing 47.18% open space (45% required per proposed PDH-16 zoning as per County Code Sect. Sec. 23-6.12.4.4. A).

Spotsylvania County Government

Appendix B

Future Development Analysis