



County of Spotsylvania
Department of Planning
Staff Report
Rezoning # R19-0002 (RO19-0002)
(Livingston Voting District)

Board of Supervisors
July 9, 2019

Planning Commission
Recommendation: Approval with proffers dated May 14, 2019

Staff Recommendation: Approval with proffers dated May 14, 2019

Project: Cutler Rezoning

Owner/Applicant: William and Laura Cutler

Request: The applicant requests a rezoning of approximately 30.81 acres from Agricultural 3 (A-3) to Planned Residential Rural 2 (PRR-2) with proffers to allow for a 3 lot subdivision.

Tax Map Parcel(s): 43-4-1

Location: The property is located at 7841 Panier Road on the south side of Post Oak Road.

Zoning Overlay: None

Future Land Use
Designation: Rural Residential

Historic Resources: None

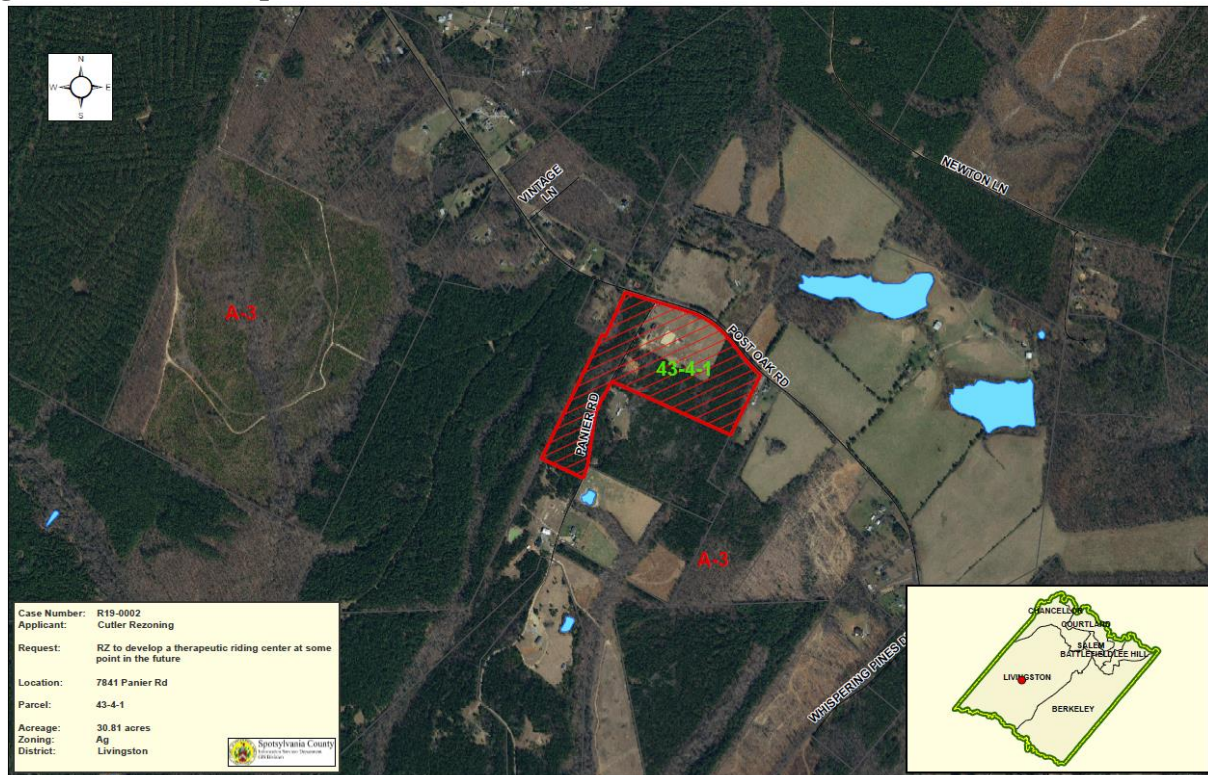
Date Application Deemed
Complete: February 7, 2019

Community Meeting: The applicant sent notices to nearby property owners informing them of the application.

Figure 1: Zoning Map



Figure 2: Aerial Map (2017)



I. The Site and the Project Proposal

The property is part of a division of land known as the Fischer Tract. The Fischer Tract was multiple parcels totaling 1,194 acres that was divided in 2003 under Exempt provisions in place at the time. There were 29 lots created ranging in size up to 117 acres. Creation of those lots in 2003 exhausted division rights for all of the property contained within the original 1,194 acres. Mr. Cutler approached the County wanting to do a family division to create lots for his two children, one of which will work at the therapeutic equestrian center he is also working to establish. This use is by-right both under the existing zoning and is permitted in the Planned Residential Rural (PRR) zoning district. A rezoning to PRR is the only option under the Code for the Cutler's to create two lots for their children. The end result is much the same as if they were able to do family divisions. The lots are proposed to be two acres each. One would access from Panier Road and the other likely from Post Oak Road due to its distance from Panier Rd. In PRR, there is a Rural Preservation Area requirement, which is met by the remainder parcel containing the equestrian center and existing home site. The sites for the future lots are wooded and will be developed consistent with the Rural View Shed Preservation design of the PRR district, which requires a 75 foot building setback from the right of way and maintenance of a tree buffer to Post Oak Road.

	Units	Residents	Students	Daily Vehicle Trips
By Right	1	3.04	0.57	10
New Lots	2	6.08	1.14	20

Proffer Statement Summary – The applicant has provided a proffer statement dated May 14, 2019 for the Planning Commission and Board of Supervisors' consideration. Below is an itemized list of the submitted proffers including a summary and staff's analysis in italics.

Land Use – The applicant commits the property shall be developed for no more than 3 single family detached homes and that the subdivision shall be consistent with the proffered exhibit showing two 2-acre lots at the north end of the property.

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.

II. Staff Analysis

A. Comprehensive Plan –

1. Land Use – The Cutler Rezoning proposal is within an area of the County designated for rural residential development at a residential density of one unit per two acres or greater. The proposal would result in a density of one unit per ten acres.

2. Transportation – The Cutler Rezoning is expected to generate 20 additional daily vehicle trips and will have a negligible impact the existing level of service of Post Oak Road, which operates at a LOS B.

3. Public Facilities

- a) **Public Schools** – The property is served by Livingston Elementary, Post Oak Middle, and Spotsylvania High schools, all of which have capacity.
- b) **Fire, Rescue, and Emergency Services (FREM)** – The development is projected to generate 0.83 FREM calls annually based on a per capita calculation for calls for service and will be served by F&R Station 2, which is located approximately ten miles from the project. F&R Station 2 maximum call capacity is 2,500 and the FY2018 call volume was 826, indicating it currently has capacity.
- 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.
- 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 Cutler property is just under five (5) miles away from the Livingston Landfill 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.
- e) **Water and Sewer Facilities** – The Cutler property is located outside the Primary Development Boundary and will be served by private water and septic.
- 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 40,271 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.
- 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. Chewning Park is located just west of the Cutler property on Post Oak Road. The projected population for the Cutler project will have a negligible impact on these facilities.

4. Historic Resources – There are no known historic resources that would be affected by this project.

5. Natural Resources – The Planned Residential Rural 2 (PRR-2) zoning district requires a minimum 20% (6 acres) rural preservation area and the project proposal exceeds this with 86% (26 acres) rural preservation area. There are no RPAs or other environmentally sensitive areas on the property.

III. Findings

In Favor:

- A.** The Cutler Rezoning proposal is consistent with the Comprehensive Plan.
- B.** An additional two lots will have a negligible impact on County facilities and services.

Against:

- A.** The rezoning increases residential growth, although only by 2 units, outside the Primary Development Boundary where growth is encouraged.

IV. Conclusions & Recommendations

The proposed rezoning is consistent with the Comprehensive Plan. The request would allow the subdivision of two lots on the 30-acre parcel. The proposal meets and exceeds the requirement of the Planned Residential Rural District by providing a Rural Preservation area of 86% when 20% is required and through the Rural View Shed Preservation design approach which will limit changes to the view shed along Post Oak Road when the two new lots are developed. The impacts on public facilities and services associated with two lots are negligible.

Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of R19-0002 with the proffers dated May 14, 2019.

Spotsylvania County Government

Appendix A

Future Development Analysis

		Residential Projects with Future Buildout																		
Voting District	CP Dev_Dist	Date Approved	Project Name	Enabled Residential Units				Unbuilt Residential Units				Future Anticipated Residents, Students and Fire & Rescue Calls					Elementary School	Middle School	High School	F&R Station
				SFD	SFA	MF	AR	SFD	SFA	MF	AR	Residents	Elem.	Middle	High	F&R Calls				
Livingston	RD		Fawn Lake	Byright and pre-2002 subdivisions				474	0	0	0	1441	122	62	87	196	Brock Rd	Ni River	Riverbend	7
Chancellor	RD		Estates of Chancellorsville*					44	0	0	0	134	11	6	8	18	Chancellor	Ni River	Riverbend	5
Chancellor	RD		Estates of Elys Ford*					231	0	0	0	702	60	30	42	95	Chancellor	Ni River	Riverbend	5
Chancellor	RD/PSD		Saw Hill*					31	0	0	0	94	8	4	6	13	Wilderness	Ni River	Riverbend	5
Berkeley	RD	1/16/2008	Estates of Buckingham*					42	0	0	0	128	11	5	8	17	Berkeley	Post Oak	Spotsylvania	3
Livingston	RD	2/20/2013	Whitehall*					60	0	0	0	182	15	8	11	25	Brock Rd	Ni River	Riverbend	7
Battlefield	PSD	10/2/2013	The Estates at Kingswood*					20	0	0	0	61	5	3	4	8	Battlefield	Chancellor	Chancellor	4
Salem	PSD	10/21/2015	Breckenridge Farms*					39	0	0	0	119	10	5	7	16	Courthouse	Freedom	Courtland	1
Courtland	PSD	1/12/2016	Avalon Woods*					98	0	0	0	298	25	13	18	40	Salem	Chancellor	Chancellor	6
Berkeley	RD	4/22/2009	Anna Vista Sec 2*					10	0	0	0	30	3	1	2	4	Livingston	Post Oak	Spotsylvania	2
Berkeley	RD	3/14/2016	Pennington Estates*					9	0	0	0	27	2	1	2	4	Courtland	Spotsylvania	Courtland	1
Livingston	RD	8/13/2002	Pamunkey Point	47	0	0	0	18	0	0	0	55	5	2	3	7	Livingston	Post Oak	Spotsylvania	9
Battlefield/Lee Hill	PSD	11/26/2002	Lee's Parke	1437	0	0	795	344	0	0	133	1244	89	45	63	169	Parkside	Spotsylvania	Massaponax	4
Livingston	RD	2/25/2003	Sunrise Bay	89	0	0	0	33	0	0	0	100	9	4	6	14	Livingston	Post Oak	Spotsylvania	9
Courtland	PSD	11/9/2004	Regency at Chancellorsville	0	0	0	294	0	0	0	91	136	0	0	0	18	-	-	-	5
Courtland	RD	12/14/2004	Glenhaven/River Glen	74	0	0	0	25	0	0	0	76	6	3	5	10	Chancellor	Chancellor	Riverbend	5
Courtland	PSD	11/14/2006	Reserve at C'ville (Crossing at C'ville)	122	0	0	0	63	0	0	0	192	16	8	12	26	Chancellor	Chancellor	Riverbend	5
Lee Hill	PSD	7/14/2009	Mallard Landing	0	150	0	0	0	79	0	0	190	24	10	11	26	Cedar Forest	Thornburg	Massaponax	11
Battlefield	PSD	12/8/2009	Summerfield	83	44	0	0	40	10	0	0	146	13	7	9	20	Spotswood	Battlefield	Chancellor	4
Livingston	PSD	4/12/2011	Keswick	150	90	240	184	150	90	236	184	1299	135	63	74	176	RE Lee	Spotsylvania	Spotsylvania	1
Berkeley	PSD	10/11/2011	Ni Village	0	164	773	0	0	164	773	0	1547	107	57	63	210	Riverview	Spotsylvania	Massaponax	8
Lee Hill	PSD	2/14/2012	Lakeside	0	100	0	0	0	14	0	0	34	4	2	2	5	Spotswood	Battlefield	Massaponax	4
Lee Hill	PSD	8/14/2012	Brooks	0	4	0	0	0	2	0	0	5	1	0	0	1	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	10/9/2012	Estates at Terry's Run	10	0	0	0	10	0	0	0	30	3	1	2	4	Livingston	Post Oak	Spotsylvania	9
Berkeley/Livingston	PSD	7/9/2013	Spotsylvania Cthse Village	395	205	900	50	292	165	755	50	2485	181	95	135	338	RE Lee	Spotsylvania	Spotsy/Courtla	1
Berkeley	PSD	8/13/2013	Crossroads Station Apt	0	0	610	0	0	0	610	0	909	45	29	31	123	Cedar Forest	Thornburg	Massaponax	11
Lee Hill	PSD	9/10/2013	New Post	219	104	102	0	219	87	0	0	875	83	40	53	119	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	9/24/2013	Fortune's Landing	49	0	0	0	40	0	0	0	122	10	5	7	17	Wilderness	Ni River	Spotsylvania	5
Courtland	PSD	1/14/2014	Villas at Harrison Crossing (Barley Woods)	0	0	0	130	0	0	0	107	159	0	0	0	22	-	-	-	6
Lee Hill	PSD	1/28/2014	Heritage Woods	697	180	183	0	697	180	183	0	2825	248	123	163	384	Parkside	Spotsylvania	Court/Mass	1/4/8
Berkeley	PSD	6/24/2014	Ni River Comm. Church/Courtland Park	89	0	0	0	81	0	0	0	246	21	11	15	33	Courtland	Spotsylvania	Courtland	1
Battlefield	PSD	6/24/2014	Southpoint Landing	0	0	830	0	0	0	550	0	820	40	26	28	111	Parkside	Battlefield	Massaponax	4
Chancellor	RD	9/9/2014	Legends of Chancellorsville	218	0	0	0	218	0	0	0	663	56	28	40	90	Brock Rd/Chan.	Ni River	Riverbend	5
Lee Hill	PSD	12/9/2014	Wheatland	0	98	0	0	0	93	0	0	224	29	12	14	30	Lee Hill	Thornburg	Massaponax	11
Chancellor	PSD	12/9/2014	Thorburn Estates	59	0	0	0	59	0	0	0	179	15	8	11	24	Wilderness	Freedom	Riverbend	10
Lee Hill	PSD	6/23/2015	Jackson Village	0	596	1289	385	0	596	1149	385	3722	267	131	145	506	Parkside	Spotsylvania	Massaponax	4
Courtland	PSD	11/12/2015	Retreat at C'ville	0	0	0	192	0	0	0	191	285	0	0	0	39	-	-	-	5
Berkeley	PSD	12/8/2015	Alexander's Crossing	518	971	888	230	518	971	888	230	5581	497	234	281	758	Riverview	Thornburg	Massaponax	11
Berkeley	RD/PSD	1/26/2016	Plantation Woods	132	0	0	0	132	0	0	0	401	34	17	24	55	Courtland	Spotsylvania	Massaponax	1
Livingston	RD	5/24/2016	Goodwin Cove	35	0	0	0	35	0	0	0	106	9	5	6	14	Livingston	Post Oak	Spotsylvania	9
Berkeley	PSD	3/14/2017	Cedar Forest	29	0	0	0	29	0	0	0	88	7	4	5	12	Cedar Forest	Thornburg	Massaponax	11
Berkeley	PSD	3/14/2017	Summit Crossing Estates	70	0	0	0	70	0	0	0	213	18	9	13	29	Riverview	Thornburg	Massaponax	11
Courtland	RD	9/12/2017	Barrington	39	0	0	0	39	0	0	0	119	10	5	7	16	Chancellor	Chancellor	Riverbend	5
Battlefield	PSD	12/12/2017	Afton	29	0	0	0	29	0	0	0	88	7	4	5	12	Spotswood	Battlefield	Massaponax	4
Battlefield	PSD	6/12/2018	Roseland	0	14	0	0	0	14	0	0	34	4	2	2	5	Spotswood	Battlefield	Massaponax	4
Chancellor	PSD	8/14/2018	Ashleigh Ridge Subdivision	19	0	0	0	19	0	0	0	58	5	2	3	8	Wilderness	Freedom	Riverbend	5
Courtland	PSD	8/14/2018	The Villas at Salem Church	0	0	0	45	0	0	0	45	67	0	0	0	9	-	-	-	6
Lee Hill	PSD	9/9/2018	Palmer's Creek	0	0	400	0	0	0	400	0	596	29	19	20	81	Parkside	Spotsylvania	Massaponax	8
		11/15/2018	Regency Crossing	0	21	0	0	0	21	0	0	51	6	3	3	7	Harrison Road	Chancellor	Riverbend	6
*By-right subdivisions				TOTALS				4218	2486	5544	1416	29,184	2307	1152	1457	3965				
Total unbuilt residential units								13,664												

KEY: SFD = Single Family Detached; SF = Single Family Attached; MF = Multi- Family (apartments); AR = Age Restricted Units (any type)

Unbuilt units updated 11/2/2018
Projects added 11/15/2018

Notes: Does not include new by-right subdivisions of fewer than 10 lots, family divisions, or annual divisions
Does not include existing by-right lots outside of subdivisions

Generation Rates	SFD	SFA	MF	
Persons Per Unit	3.04	2.41	1.49	
Students Per Unit			MF Mkt	MF TC
Elementary	0.2577	0.3072	0.073	0.291
Middle	0.1307	0.1286	0.047	0.134
High	0.1832	0.1453	0.051	0.139
Fire and Rescue	0.136 calls per capita			

TC = Tax Credit
Mkt = Market Rate