



County of Spotsylvania

Department of Planning

Staff Report

Rezoning # R18-0011
(Berkeley Voting District)

Planning Commission

August 7, 2019

Staff Recommendation: Approval with proffers dated December 19, 2018 and last revised July 19, 2019

Project: R18-0011 The Village at Courthouse Commons

Owner/Applicant: Spotsylvania Courthouse Village II, LLC

Request: The applicant requests the rezoning of approximately 3.99 acres from Agricultural 2 (A-2) to Mixed Use 3 (MU-3) with proffers for residential development consistent with the surrounding MU-3 zoned parcels. The proposal for residential development consists of both single-family attached and detached and may include and other residential use types permitted in MU-3, except apartments.

Tax Map Parcel(s): 49 (A) 90

Location: The property is located at the terminus of Courthouse Commons Boulevard (private), approximately 500 feet east of its intersection with Rosecrans Lane (private). The property is located within the Primary Development Boundary.

Zoning Overlay: None

Future Land Use Designation: The property is within the Mixed-Use future land use designation.

Historic Resources: None

Date Application Deemed Complete: January 21, 2019

Community Meeting: Adjacent property owner notifications in lieu of a community meeting were mailed on March 1, 2019.

Figure 1: Zoning Map

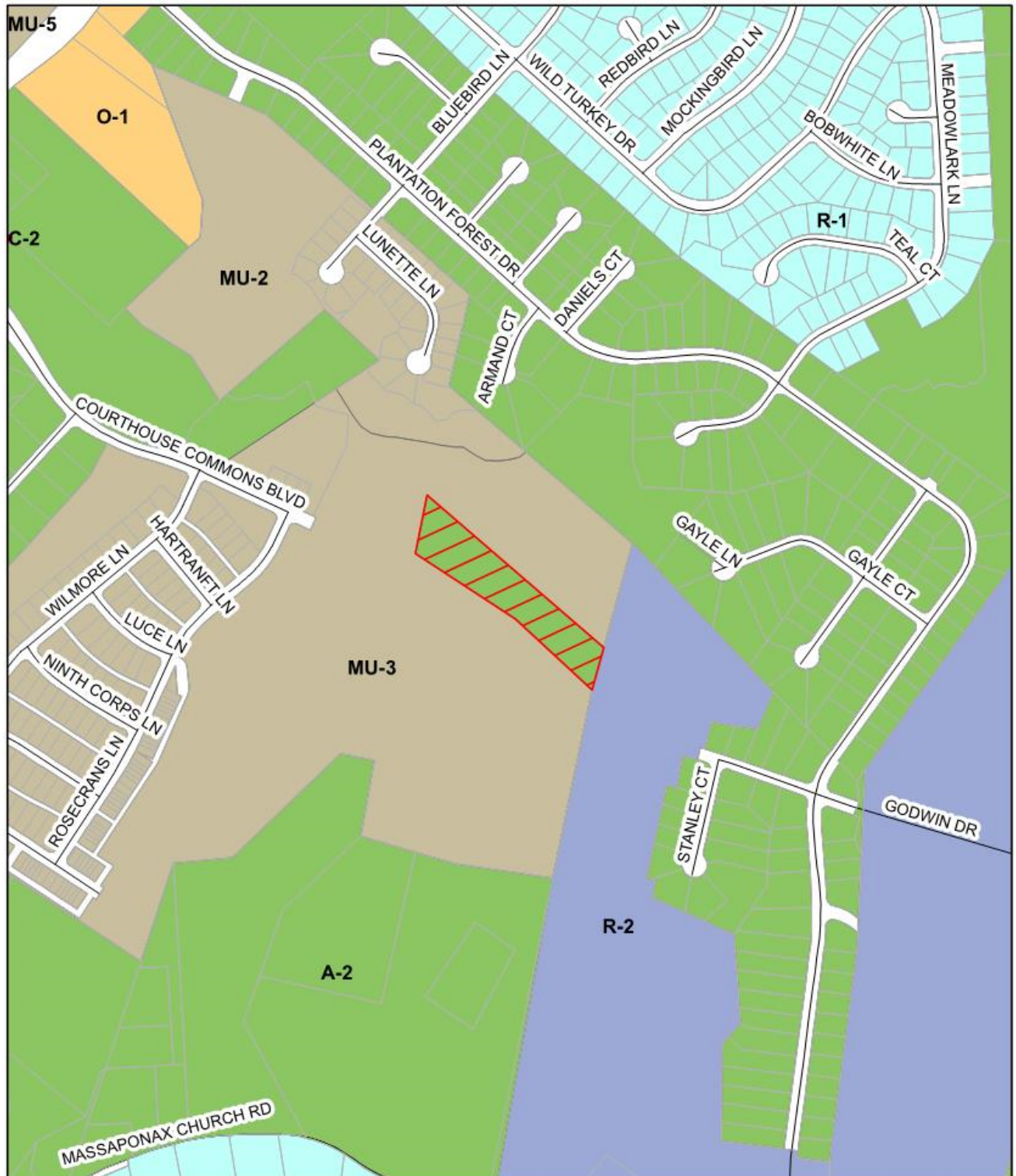


Figure 2: Aerial Map (2017)



I. The Site

The project site is a small wooded parcel, approximately 3.99 acres zoned Agricultural 2 (A-2) and is surrounded on three sides by Courthouse Commons Subdivision, zoned Mixed Use 3 (MU-3). Its fourth property line is shared with Plantation Forest, zoned R-2. At present, there is no means of access to the subject parcel. The parcel is located at the terminus of Courthouse Commons Boulevard (private), approximately 500 feet east of its intersection with Rosecrans Lane (Private). The applicant will create an access to the subject parcel by means of a private ingress/egress easement across the Applicant's other property in order to connect to the public right-of-way identified as Courthouse Commons Boulevard.

During the planning phases of Spotsylvania Courthouse Village (SPCV) the developer sought to obtain this approximately 3.99-acre parcel to consolidate with the R13-0004 rezoning. However, the property was held by a number of heirs and the developer needed additional time to acquire this tract of land. On August 20, 2018, the title to the subject property was transferred and conveyed to the applicant by a Special Commissioner's Deed.

II. Project Proposal

The applicant's request is to rezone approximately 3.99 acres from Agricultural 2 (A-2) to Mixed Use 3 (MU-3). Rezoning of this 3.99 acres will make the zoning of this parcel consistent with the surrounding zoning of Spotsylvania Courthouse Village. The subject property is located within the Primary Development Boundary and identified as Mixed Use on the Future Land Use Map of the Comprehensive Plan.

Development of the parcel will be a continuation of the development occurring in SPCV and consistent with the present construction of Courthouse Commons Subdivision. The addition of the subject parcel into this overall development will provide for ease in maintaining the consistency of the types of residential units included. Integration of the parcel into the Courthouse Commons overall plan for development will allow for a consistent layout.

As stated on the Generalized Development Plan this parcel will be developed in conformance with the Mixed Use 3 (MU-3) zoning district.

III. Proffer Statement Summary

The applicant has provided a proffer statement dated December and 19, 2018 (last revised July 19, 2019) for the Planning Commission and Board of Supervisors' consideration. Staff evaluated the proffers according to the parameters established in VA Code Section 15.22303.4, 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 July 19, 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 development shall include single family detached houses and single family attached houses and may also include additional residential unit types as permitted in the MU-3 zoning district except for apartments.

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.

3. **Architectural**- The applicant commits the units constructed on the property will maintain certain architectural treatments in regard to the building exterior, foundation, roof, windows and doors.

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 and ensures that this infill project resembles the surrounding development.

4. **Utilities** – The applicant commits that the property will not be served by a pump station.

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.

IV. Staff Analysis

- A. **Comprehensive Plan** – Please find below a summary of the Village at Courthouse Commons project’s impact on each component of the Comprehensive Plan.

1. **Land Use** – The Village at Courthouse Commons proposal is within an area of the County designated for Mixed Use development. A mixed-use land use designation consists of providing for a variety of land uses in a compact, walkable community with a denser development pattern. The subject parcel of this application is currently zoned A-2 and is not consistent with the future intent of the Comprehensive Plan. The requested zoning classification MU-3 is consistent with future intent of the Comprehensive Plan and the zoning of the adjacent parcels. Considering the land use patterns, zoning, and location, the Comprehensive Plan would be supportive of mixed-use type development in this location.

- B. **Transportation** –According to the proposed General Development Plan the project transportation network will provide private ingress/egress across the applicant’s other property to connect to the public right-of-way identified as Courthouse Commons

Boulevard. The projected number of daily trips generated is undetermined at this time and will be addressed during the site plan process.

C. Public Facilities -

- a) **Public Schools** – All school aged children residing in this subdivision attends Robert E. Lee Elementary School, Spotsylvania Middle School, and Courtland High School. The addition of the approximately 3.99-acre subject parcel is not intended to increase the total unit count but rather to create a more accommodating layout and mix of unit types. Therefore, the requested rezoning of the subject parcel and any buildout will not place additional burden on the schools, beyond what is currently anticipated by the development of Courthouse Commons Subdivision.
- b) **Fire, Rescue, and Emergency Services (FREM)** – The subject parcel is located less than one half mile from Spotsylvania County Fire and Rescue Station #1.
- c) **Solid Waste Collection & Disposal** – At the time of site development a description of the methods of solid waste and recycling storage, collection and disposal will be provided in the form of a Solid Waste and Recycling Statement.
- d) **Water and Sewer Facilities** – Water and sewer exist within Courthouse Commons Subdivision and shall be available by an extension to the subject parcel.
- e) **Library Facilities** – The subject parcel is located approximately 1.5 miles from the Central Rappahannock Regional Library Snow Branch.
- f) **Parks and Recreation Facilities** – The current development of Courthouse Commons Subdivision has incorporated a swimming pool, meeting facility, playground area, open space and interconnected walking areas to address the recreational needs of the community. These amenities will be available to the residents of the entire Courthouse Commons development.
- g) **Historic Resources** – The development is not expected to have any negative impacts on significant natural, historic, and cultural resources. There are no known natural, historic, and cultural resources associated with the project area.
- h) **Natural Resources** – There is no identified Resource Protection Area (RPA) associated with the subject parcel. The subject parcel does contain a small area of wetlands which surrounds an intermittent stream. The applicant's design for development of the subject parcel will be in compliance with County and State requirements for stormwater management and will be verified at the time of site development.

V. Findings

In Favor:

- A. The Village at Courthouse Commons proposed development is consistent with the Comprehensive Plan with respect to land use, public facilities and historic and natural resources goals and policies. The parcel that is the subject of this application is currently zoned Agricultural 2 (A-2) and is not consistent with the Comprehensive Plan. The requested zoning classification Mixed Use 3 (MU-3) would ensure that the subject parcel is consistent with the Comprehensive Plan and the zoning of the surrounding residential zoned parcels.

Against:

- A. No findings against this case have been identified.

VI. Conclusions & Recommendations

Based on the proposal's consistency with the Comprehensive Plan and the fact that if the parcel had been available when the surrounding parcels were zoned Mixed Use 3 (MU-3) it would have been included in the original SPCV case; staff recommends approval of request R18-0011 with proffers to rezone a parcel consisting of approximately 3.99 acres from Agricultural 2 (A-2) to Mixed Use 3 (MU-3).