

# Spotsylvania County Planning Commission

**DRAFT**

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Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

**MINUTES:** August 7, 2019

**Call to Order:** Mr. Newhouse called the meeting to order at 7:00 p.m.

**Members Present:**

Richard Thompson	Courtland
Howard Smith	Livingston
Jennifer Maddox	Berkeley
Michael Medina	Salem
C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor

**Members Absent:** Mary Lee Carter Lee Hill

**Staff Present:**

- Paulette Mann, Planning Commission Secretary
- Wanda Parrish, AICP, Director of Planning
- Shannon Fennell, Planner III
- Jacob Pastwik, AICP, Planner III
- Doug Morgan, CTM, CZA, Transportation Planner
- Daniel Cole, Traffic Engineer
- Alexandra Spaulding, Senior Assistant County Attorney
- Jason Irby, Deputy Fire Chief

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**Announcements:** Ms. Parrish informed the Commission that the Crucible project has been placed on hold to allow the applicant to reexamine their GDP and project. She stated that staff will be bringing rezoning application, Townes at Point Seanna to the August 21, 2019 for public hearing.

Mr. Smith asked that Mr. Loveday from Utilities be present for that meeting.

## **Review & Approval of minutes:**

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the minutes of July 17, 2019. The motion passed 6-0.

**Unfinished Business:** None

## **Public Hearing(s):**

**R18-0011 Spotsylvania Courthouse Village II, LLC:** 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 currently consists of both single-family attached and detached dwellings and may include any other residential use types permitted in MU-3, except apartments. The parcel is located

at the terminus of Courthouse Commons Boulevard (private), approximately 500 feet east of its intersection with Rosecrans Lane (private). The parcel is located in the Primary Development Boundary. The property is in an area identified as Mixed Use on the Future Land Use Map of the Comprehensive Plan. Tax parcel 48 (A) 90. Berkeley Voting District.

*Mr. Newhouse opened the public hearing.*

Ms. Fennell presented the case. She advised the Commission that the request is to rezone 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 other residential use types permitted in MU-3, except apartments. Other residential use types permitted within the MU-3 zoning districts are townhouse buildings.

She advised that staff recommends approval with proffers dated December 19, 2018 and last revised on July 19, 2019, to rezone approximately 3.99 acres from Agricultural 2 (A-2) to Mixed Use 3 (MU-3).

Ms. Fennell displayed a map showing the subject parcel and that it is surrounded on three sides by The Village at Courthouse Commons Subdivision, zoned Mixed Use 3 in July of 2013. It's fourth property line is shared with Plantation Woods Subdivision, zoned R-2 in January of 2016. Rezoning of the subject property will make the zoning of this parcel consistent with the surrounding zoning of the Village at Courthouse Commons. During the planning phases of the Village at Courthouse Commons the developer sought to obtain this approximately 3.99-acre parcel to consolidate with the surrounding 145 acres parcel to be rezoned to MU-3 during 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. 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.

Ms. Fennell displayed an aerial map showing that the subject parcel is wooded and undeveloped. At present, there is no means of access to the subject parcel and it is located approximately 500 feet east of the terminus of Courthouse Commons Boulevard which is private and its intersection with Rosecrans Lane, also 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.

The Generalized Development Plan was displayed and the subject parcel will be a continuation of the development occurring in the Village of Courthouse Commons and consistent with the present construction of the subdivision. The addition of the subject parcel into the overall development will provide for ease in maintaining consistency of the types of residential units included. Integration of the parcel into the overall plan for development will allow for a consistent layout. The parcel will be developed in conformance with the Mixed Use 3 (MU-3) zoning district and the future transportation network will provide private road access which will be determined and evaluated through the site plan review process.

Ms. Fennell discussed the Comprehensive Plan Analysis:

- **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.
- **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.
- **Public Facilities** -
  - **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.
  - **Fire, Rescue, and Emergency Services (FREM)** – The subject parcel is located less than one half mile from Spotsylvania County Fire and Rescue Station #1.
  - **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.
  - **Water and Sewer Facilities** – Water and sewer exist within Courthouse Commons Subdivision and shall be available by an extension to the subject parcel.
  - **Library Facilities** – The subject parcel is located approximately 1.5 miles from the Central Rappahannock Regional Library Snow Branch.
  - **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.
  - **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.
  - **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.

Ms. Fennel discussed the Proffer Analysis:

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 Code of Virginia, consistency with Comprehensive Plan Levels of Service and identified projects within the County's FY 2019 – FY 2023 Capital Improvements Plan (CIP).

1. **General Development** – The applicant commits to develop the property in conformance MU-3 Ordinance requirements.
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.
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.
4. **Utilities** – The applicant commits that the property will not be served by a pump station.

Staff is supportive of the language of each proffer as proposed, these are “onsite proffers” that address the impacts within the boundaries of the property to be developed and ensures that this infill project resembles the surrounding development.

Ms. Fennel discussed the following findings in favor:

- The proposed development is consistent with the Comprehensive Plan.
- The requested Mixed Use 3 (MU-3) will ensure that the subject parcel is consistent with the Comprehensive Plan and the zoning of the surrounding zoned parcels.
- This will allow the continuation of the Courthouse Commons Section.
- The additional 3.99 acres of MU zoned land will not have significant impacts on public facilities.

She stated that there were no findings against the request.

Based on the proposals consistency with the Comprehensive Plan and the fact that if the subject property had been available when the surrounding parcels were zoned Mixed Use 3 (MU-3) it would have been included in the original Spotsylvania Courthouse Village case; staff recommends approval of R18-0011 with proffers to rezone the approximately 3.99 acres from Agricultural 2 (A-2) to Mixed Use 3 (MU-3).

Applicant, Bill Vakos: He stated that he didn't have a presentation prepared but asks for the Commission's favorable recommendation to the Board of Supervisors as they grow their project.

*Speaking in favor or opposition:*

Debbie Kindig, Berkeley District: She stated that the road is already overtaxed and the

construction vehicles that are presently using the private road have demolished and broken down the roadway. She stated that the cost shouldn't fall on VDOT to repair the roadway, but the developer. She has concerns about more houses.

Mr. Vakos stated that the uniqueness of MU zoning allows flexibility with the types of units and no unit cap. It is all market driven by what is needed. This request doesn't allow any additional units from the original rezoning but provides them the opportunity for a better layout and planning for the future on the types of units. He agreed that Courthouse Commons Blvd does need some repair and will be taken care of as part of their bond.

Ms. Maddox asked for clarification that no additional houses will occur as part of this rezoning, that it allows for better planning of the development that was already approved with the original rezoning.

Mr. Vakos agreed and stated that is correct.

Mr. Medina inquired about there being no unit cap in Mixed Use.

Ms. Parrish explained that the ordinance does not have a maximum density, the density is constrained by the ordinance standards and the constraints of the land. The development must meet the standards defined by the MU ordinance.

*Mr. Newhouse closed the public hearing.*

**Motion and vote:** Ms. Maddox made a motion, seconded by Mr. Smith to recommend approval of the rezoning with proffers. The motion passed 6-0.

#### **Worksession(s):**

#### **Update to the Comprehensive Plan's Public Facilities Chapter for Fire, Rescue, and Emergency Management (FREM)**

Mr. Pastwik presented the worksession. Planning staff in collaboration with County Fire, Rescue and Emergency Management (FREM) have reviewed and proposed updates to the draft FREM Section of the Comprehensive Plan's Public Facilities Element. The draft amendments were attached in the packets with redline markup format to clearly identify where amendments have been proposed. Jason Irby, Deput Fire Chief with County FREM staff is present during the meeting should technical or operational questions arise.

The draft includes a summary of existing facilities and status of a number of existing services within the County and region. These updates show progress since the last Comprehensive Plan FREM update in 2013.

Considering existing facilities, as part of this update staff has improved depiction of the 5- Mile response zones for existing facilities with use of FireView Software as noted within the Section update. FireView has enabled depiction of response distances based on road miles travelled as

opposed to “as the crow flies” 5-mile buffers around FREM stations. This more accurately depicts underserved areas to help target areas for future service improvements. This improved depiction of response areas has resulted in a reduction in reported county-wide service coverage from 90% of the County to 67% of the County.

Mr. Newhouse stated that he would like to see a map demonstrating the populations served within the each of the fire service areas.

Mr. Thompson inquired whether sPower proffered a firestation.

Ms. Parrish stated a firestation was not part of their approval conditions.

This update also considers and incorporates by reference the George Washington Region Hazard Mitigation Plan (last updated in February, 2018). The Plan is updated on a 5-year cycle with coordination led by the George Washington Regional Commission. The Spotsylvania Board of Supervisors endorsed the current iteration of the Plan in October, 2017. That Plan contains detailed study and recommendations concerning locality specific and regional hazards resulting from flooding, tornadoes, drought, hurricanes, and a variety of other emergencies.

Short term and long term goals are aimed at identifying FREM service and capital facility improvements to improve levels of service. Considerate of the Code of Virginia Sect. 15.2-2232 that links Capital projects additions to the Comprehensive Plan. From 15.2-2232:

...unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § [56-265.1](#) within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.

Staff would like to stress that there are a number of additional FREM related goals and objectives aimed at proactively improving the health, safety and welfare of citizens that would be best located within the Future Land Use Chapter of the Comprehensive Plan. Examples include advocacy for dry hydrant installations where water is nearby in rural areas associated with new development or advocating for backup generators or generator quick connects for critical community facilities in emergency situations at such places as fuel dispensing facilities (gas stations) or supermarkets. The backup power generation goal has already been established as a local priority within the Regional Hazard Mitigation Plan that directs it be included within the Comprehensive Plan going forward. Promotion of underground cisterns in rural areas not in proximity to water have also been identified as beneficial. Staff intends to introduce goals to improve FREM conditions within the community by design as part of the Future Land Use update.

Mr. Smith and Mr. Medina inquired about the ISO rating and if rates are based upon being within 5 miles of a firestation.

Chief Irby stated yes, they are National Standards, not local standards.

Ms. Maddox stated that she is served by the Partlow station and asked for clarification on whether it would be updated or replaced.

Mr. Smith inquired if there are any plans to improve current stations.

Chief Irby stated that there are and that the Partlow station is one of them. He stated that there are two currently included in the CIP and one includes the training center. He explained that they are actively looked for a better location for that station to provide for a better coverage area.

There was discussion about including links associated with the nuclear facility and links provided within the proposed comprehensive plan update.

Mr. Newhouse asked for population overlay be added to the map.

Mr. Pastwik thanked them for their feedback.

### **Update to the Comprehensive Plan's Transportation Element**

Mr. Pastwik presented the worksession. He stated that Doug Morgan and Dan Cole are also present should any questions arise. Planning staff in collaboration with County Transportation professionals have reviewed and proposed updates to the Transportation Element (Chapter 3) of the Comprehensive Plan. The draft amendments are attached in redline markup format to clearly identify where amendments have been proposed. Corresponding new draft maps have also been attached. Due to the Chapter's specialized focus, County Transportation staff will be present during the meeting should technical or operational questions arise. The draft Transportation Element was presented to the Transportation Committee on June 12, 2019.

The Transportation Plan has been reviewed and updated considerate of the Code of Virginia, Section 15.2-2223 (attached for reference) that requires a Transportation Plan be developed as an element of the Comprehensive Plan and address a number of transportation related systems including but not limited to roadways, bicycle and pedestrian accommodation, rail, airports, public transportation, etc. The Transportation Plan must also consider Transportation related information such as the acknowledgement of corridors of statewide significance as outlined in Sect. 15.2-2232 (attached for reference).

The 2013 Transportation Plan had a planning horizon of 2030 and recommended transportation system improvements considering existing conditions and future projected population and traffic impact mitigations necessary by 2030. This update now looks to 2040. County Transportation staff are presently in the process of updating the draft Thoroughfare Plan project list to reflect expected 2040 traffic volumes. Since the last Comprehensive Plan update there have been a number of new roads identified within the Thoroughfare Plan worthy of consideration. The Thoroughfare Plan

Project list and associated map include: Chancellor Road Extension to Route 3; Spotsylvania Pkwy/ Smith Station Extension to Gordon Road; Harrison Road Interchange; Route 606 Service Roads North and South; Market Street Extension; Houser Drive Extension. The Thoroughfare Plan itself has been reformatted to break projects into categories including: New Roads and Extensions; Interstate Projects; Road Widening and other Existing Road Corridor Improvements; Intersection Improvements.

Mr. Pastwik stated that now that we are in 2019, the draft document has been updated to reflect changes in Transportation that have occurred since 2013. This includes removal of now outdated information with more recent information. As part of the staff review of the Transportation Element considering the Code of Virginia, the draft further expands upon and elaborates on the status of rail and air services in the County. These are valuable transportation alternatives to consider. Staff feels prior iterations of the Comprehensive Plan were “light” on those alternatives. With an enhanced focus on Economic Development intended with this Comprehensive Plan update, greater emphasis has been placed on the current state of rail and air and potential opportunities to consider that give insight into development of the Future Land Use Map Economic Development goals. Summaries related to Transportation Alternatives as a whole have been enhanced with this draft to include “real world” reporting on the status of such Alternatives available in the County. Staff also see’s value in expanding access to more detailed subject specific information within this iteration of the Comprehensive Plan. A number of new hyperlinks have been proposed to expand the reach and ease of access to information associated with the Transportation Plan. Transportation Plan Goals and Objectives have been generally maintained as part of this update however a number of strategies have been proposed that are aimed at safety, system flow, economic development prospects (considerations related to rail access especially), and identification of priority transportation projects based on scoring to strategically focus efforts to improve the transportation network in the County.

As part of the Comprehensive Plan update process staff has also proposed adding a revised and updated Trailways Master Plan (now in draft) as a Transportation Element sub-Chapter (Chapter 3A). The concept of relocating the 2011 Trailways Master Plan from a standalone plan format to one embedded within the Comprehensive Plan was supported by the Planning Commission when presented as a concept at a prior work session on November 7, 2018 (minutes attached for reference). Planning for bicycle and pedestrian accommodations are also consistent with Transportation Plan requirements as outlined in the Code of Virginia (Section referenced above). The Trailways Master Plan serves dual purposes within the Comprehensive Plan by addressing both road and/or road corridor based improvements (as a Transportation Alternative), as well as identifying greenway systems intended for the purpose of addressing Parks and Recreation Level of Service as established in the draft Parks and Recreation portion of the Public Facilities Element, endorsed by the Parks and Recreation Commission on April 18, 2019. The Trailways Master Plan generally mirrors the network adopted in 2011 but has been updated to reflect road improvement plans associated with an updated Thoroughfare Plan and changes to Greenway routes with the aim of tying more greenway miles to existing planned roadway improvement projects, resulting in less perceived duplication, less intrusive potential property impacts, greater visibility, and exposure to potential commercial spin-off opportunities. Since 2011 a number of conceptual greenway alignments have been able to be more clearly established resulting from development opportunities, road improvement plans, various design and alignment studies. As part of this

update, the draft provides status updates for a number of the planned trailways to highlight various implementation successes since initial Plan adoption. The content of the Plan is meant to “get to the point” and has been streamlined to include a Plan background, descriptions of the scope of the plan, descriptions of the specific greenways and intended user groups, and a map depiction of the network. Road based improvements are linked to the County Thoroughfare Plan improvements and the George Washington Region Bicycle and Pedestrian Plan. Bicycle and Pedestrian Accommodations help project scoring when Transportation funds are applied for. The Draft Chapter 3A and the associated Trailways Master Plan map have been attached.

Mr. Newhouse inquired about the roundabout at Andora.

Mr. Morgan stated that it is still on the books however, no funding has been identified.

Mr. Newhouse inquired about Smart Scale funds and whether we have been successful in getting some of the funding.

Mr. Morgan stated that we have been very successful but the topic before the Commission tonight is not about funding and projects but rather the update to the Comprehensive Plan. He stated that he doesn't want to digress but to stay on topic.

Mr. Newhouse stated that he receives many calls about Andora and would like to have a clear answer to provide the callers.

Mr. Morgan stated that Mr. Newhouse can find the answers to his questions on the County's website within the CIP.

Staff is still working through updates to the Thoroughfare Plan project list, specifically as it relates to forecasting 2040 traffic volumes and level of service. Results of these findings could result in additional recommendations for road improvement projects within the system. Additionally, Planning staff is working with County Utilities analyzing the feasibility of a number of Primary Development expansion requests received from the community. These requests tend to be in close proximity to the existing Primary Development Boundary just north of the Route 3 corridor or to the east of Interstate 95. At this time staff does not foresee significant boundary expansions that would warrant additional change to the Thoroughfare Plan. If expansion areas are approved, the depiction of the Primary Development Boundary would be updated within the Thoroughfare Plan map. A work session focused on the Primary Development Boundary and Future Land Use Element will be held at a future date.

Mr. Smith inquired if there are any proposed improvements to Lawyers Road, Route 601, going to Lake Anna State Park. He stated that 260,000 people visit that park and by noon during the summer, the park closes due to overcapacity and there is no where for people hauling boats and RV's to turn around. No parking signs have been installed, but it is becoming very dangerous with people having to pull into driveways while towing large equipment.

Mr. Morgan stated that he will bring this up to VDOT.

Mr. Smith stated that many of the people that are forced to turn around are out-of-towners that are unfamiliar with the roads.

Mr. Medina stated that inclusion in the comprehensive plan is vital to obtain funding.

Mr. Cole discussed that there is a lot of grant money available but it's important that these items are included in our comprehensive plan so that we move up the list for funding.

Mr. Bullock inquired about Lafayette Blvd and what is proposed for that roadway.

Mr. Pastwik stated that it has been identified as a future four lane road.

Mr. Cole stated that it is being studied but no funding has been set aside for Lafayette Blvd at this time.

Mr. Bullock expressed his frustration with how long this road has been studied and how long the improvements have been necessary.

Mr. Cole explained that it is ranked #20 on the list and #9 out of the unfunded projects. He explained that Smart Scale funding is based on congestion.

Mr. Newhouse inquired about the next steps.

Ms. Parrish stated that the Transportation chapter is at the point where we send the draft document to VDOT for their review to ensure that the edits are consistent with the state transportation plan; VTRANS. This will be done just as soon as Mr. Cole can finish the traffic modeling for 2040.

Mr. Cole stated that he is close to being completed with the project.

Mr. Newhouse stated that he would really like to read the documents for this and have staff come back to them for another worksession. He stated that he believes he will have a lot of questions but advised staff to go ahead and move forward to the VDOT review.

Ms. Parrish encouraged the Commissioners to send specific questions that they may have so staff can focus in on topics to cover. She stated that staff is always willing to meet with Commissioners, two at a time, to answer or address any questions they may have.

Mr. Morgan also advised the Commissioners to feel free to reach out to him with any questions they may have.

**Public Comment:** None

**New Business:** None

**Adjournment:**

**Motion and vote:** Mr. Smith made a motion, seconded by Mr. Thompson to adjourn. The motion passed 6-0.

The meeting adjourned at approximately 8:20 p.m.

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Paulette L. Mann

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Date