

Spotsylvania County Planning Commission

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

MINUTES: March 20, 2013

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

Members Present:

Richard Thompson	Courtland
Robert Stuber	Livingston
Cristine Lynch	Battlefield
Richard H. Sorrell	Berkeley
Scott Mellott	Chancellor
Mary Lee Carter	Lee Hill
John F. Gustafson	Salem

Staff Present:

Wanda Parrish, AICP, Planning Director
B. Leon Hughes, AICP, Assistant Planning Director
Paulette Mann, Planning Commission Secretary
John Blair, Assistant County Attorney
Andrew Hopewell, AICP, Planner III
Chuck Floyd, AICP, Planner II
Jacob Pastwik, Planner II
Brian Scott, Community Development Administrator
Dan Cole, Traffic Engineer

Pledge of Allegiance: Mr. Stuber led the Commission in the Pledge.

Announcements: There were no announcements.

Review & Approval of Revised Minutes of February 6, 2013:

Motion and vote: Mr. Sorrell made a motion, seconded by Mr. Thompson to approve the minutes of February 6, 2013. The motion passed 7-0.

Public Hearing(s):

Ms. Parrish reviewed the public hearing procedures.

Special Use(s):

SUP13-0003 Linda Morrison and Gary W. Gratopp: Requests Special Use approval for a Civic, Social or Fraternal Facility known as Eden Try for the hosting of weddings and special events located in the Rural (Ru) zoning district. The approximately 12.0-acre site is located on the south side of River Road (Route 618) adjacent to its intersection with Motts Run Road at 6818 River Road. The site lies within the Rural District as identified in the Comprehensive Plan, which is intended to maintain the existing rural and historic character of the rural portion of the

county and protect water quality while accommodating large lot and cluster residential developments. This area is designated as Rural Residential on the Future Land Use Map. Tax map parcel 12(3)-C, Courtland Voting District.

Mr. Stuber opened the public hearing.

Mr. Floyd presented the case. The applicants are requesting Special Use Permit approval to operate a Civic, Social and Fraternal Facility known as Eden Try for the hosting of wedding and special events. The subject property is located at 6818 River Road in the Rural (Ru) zoning district and the Courtland voting district. The subject property identified as tax map parcel 12(3)-C is approximately 12.0 acres in size and is in the River Protection Overlay District as defined by the Spotsylvania County Zoning Ordinance. The purpose of the River Protection Overlay District is to promote public health, safety and welfare through the protection of valuable river resources that provide or may provide drinking water and recreational activities.

The applicants' proposal includes the hosting of indoor and outdoor weddings and events year round. Examples of the types of events envisioned by the applicant are as follows:

- Weddings;
- Bridal showers;
- Engagement parties;
- Bachelor and Bachelorette parties;
- Rehearsal dinners;
- Birthday parties;
- Anniversary parties;
- Corporate events/meetings;
- Fundraisers;
- Reunions;
- Wine tastings;
- Organizational gatherings and celebrations; and
- Seminars.

The property contains a manor house with several existing small outbuildings (sheds). The request includes the construction of a 7,400 square foot two (2) story barn like structure. Architectural elevations of the barn like structure are attached. All structures will be utilized in the operation of the wedding and event facility. The use of the existing two (2) story manor house will be limited to meetings with clients, with no events taking place inside the house. The existing frame sheds are used as preparation/staging areas for the events. The indoor events will take place within the proposed barn like structure. Typically outdoor events occur behind the house, and in the grass area between the proposed structure and the driveway.

Events, as proposed, would be permitted seven (7) days a week between the hours of 8:00 AM and 11:00 PM with most events occurring between 10:00 AM and 10:00 PM. The event contract requires that all amplified sound end at 9:00 PM and that all guests exit the property by 10:00 PM. All events will be private with attendance by invitation only. No events will be open to the general public. The applicant stipulates that they will have on average between one (1) and two (2) events per week with approximately thirty (30) events per year. However it is important to note that there is no limit on the number of events per week or events per year included in this

application.

The maximum anticipated number of people attending an individual event is two hundred (200) with an average of one hundred (100) people according to the information provided by the applicants' attorney in an email dated February 15, 2013. The email is included as an attachment.

Parking for the events will take place on a grass area parallel to Motts Run Road, which has the ability to accommodate approximately one hundred twenty (120) vehicles as determined by staff. Screening of the proposed parking area is provided by existing vegetation along Motts Run Road and River Road. A condition requiring the preservation of the existing vegetation has been provided along with a condition limiting the maximum amount of vehicles parked on-site to one hundred twenty (120).

The property has an existing entrance onto River Road that will be utilized for the events. River Road is designated a Virginia Scenic Byway. Virginia Scenic Byways are roads that lead to scenes or natural beauty and places of historical and social significance. River Road is a winding narrow road that contains steep grades in a number of locations. The impact of the proposed use on the character and safety of River Road are important factors when deciding the appropriateness of the proposed use at this location.

According to the information provided by the applicant the use is expected to generate between 50 and 200 vehicle trips for a typical wedding or event. However, as proposed the use could generate slightly more traffic as the site has the ability to park approximately one hundred twenty (120) vehicles, which equates to approximately two hundred forty (240) vehicle trips per event on River Road. This section of River Road handles approximately 3,919 vehicles per day (VPD) based on the latest traffic counts obtained by the County in 2012. The addition of two hundred (240) vehicle trips for an event equals a 6.1% increase in the traffic on River Road. The applicant strongly encourages the use of limousines, van services and the local trolley for transportation, which can significantly reduce the traffic generated by the site.

Portable restroom facilities will be utilized and rented for each event individually. Therefore, there should not be an increase demand on the existing septic system serving the manor house. In addition the manor house will not be used for events as stipulated by the applicants. The existing private well will be used to provide water for the events. If the existing well is going to be used for the events it should be tested to ensure it is safe for consumption. Recommended condition number five (5) requires that the well be properly permitted as required by local and state Health Department regulations.

Food service will be provided by licensed, bonded and insured caterers. There will be no preparation of food on-site, except for warming facilities. Caterers will not be allowed to use the existing septic facilities. The caterers will be responsible for the complete removal of garbage and trash from the premises at the end of each event. Facility attendees and renters will be prohibited from bringing their own food. Additionally, licensed bartenders are required to serve alcohol, which are typically provided by the caterer. Recommended condition number six (6) prohibits the preparation of food on-site.

Staff concludes that with the recommended conditions that the applicants' Special Use Permit

request for Eden Try, a Civic, Social or Fraternal Facility in the Rural (Ru) zoning district is appropriate at this location. The conditions recommended by staff, included below, provide assurances that the wedding and events facility will not negatively impact the surrounding community..

The request satisfies the eight (8) standards of review for Special Use approval as outlined in this report. Additionally, staff finds that the proposal is in conformance with the Comprehensive Plan based on the project's scale and design. The traffic generated by the use is minimal and will have little impact on the existing transportation infrastructure. Therefore, staff recommends approval of this Special Use with the recommended conditions:

1. The project shall be developed in conformance with the Generalized Development Plan (GDP) dated February 3, 2013, signed by Lindsey Griffin L.S. on February 4, 2013, the Generalized Development Plan Narrative, Barn Elevations and the Impact Statement.
2. Event vehicle parking shall be located at least one hundred (100) feet from River Road in the location shown on the Generalized Development Plan (GDP).
3. All lighting shall be located, screened or shielded so that adjacent lots are not directly illuminated. Lighting shall be designed with shields and directed down "down lighting" in order to minimize, and to the extent possible eliminate, the potential for glare. Any lights located within 100' of the right-of-way line of River Road shall be oriented and/or shielded to prevent glare to on-coming vehicles.
4. All signage (including promotional) shall be located out of the right-of-way. Signage, if lighted, shall be lit in a "dark sky"-compliant manner, with fully shielded fixtures and the lens horizontal to the ground.
5. All buildings, residences, and structures designed for human occupancy, employment or habitation and other places where humans congregate shall be served by an approved sewerage system and/or pump and haul system as may be required by applicable statute, regulation or law. An approved sewerage system or and/or pump and haul system is a system for which a certificate to operate has been issued jointly by the Health Department and the Department of Environmental Quality, a system which has been issued a separate permit by the commissioner, or which is permitted under other applicable laws or regulations. All existing and proposed wells and drainfields located on-site shall be properly permitted meeting all federal, state and local requirements, where applicable.
6. The preparation of food on-site shall be prohibited.
7. The existing vegetative buffers along Motts Run Road and River Road located on-site shall be preserved, except where removal is necessary to satisfy the Virginia Department of Transportation (VDOT's) entrance and sight distance requirements.
8. The hours of operation for events shall be limited to 8:00 AM to 11:00 PM.
9. The maximum number of people per event shall not exceed four hundred (400).
10. The maximum amount of cars parked on-site for any event shall not exceed one hundred twenty (120).

Mr. Sorrell asked for clarifications on the number of vehicles permitted.

Mr. Floyd stated 120.

Ms. Lynch inquired about signage and what is permitted.

Mr. Floyd stated that signage cannot exceed 32 square feet and must be setback 10 feet.

Ms. Lynch inquired if banner signs are permitted.

Mr. Floyd stated no.

Ms. Lynch inquired about lighting on the signage.

Mr. Floyd stated that any lighting will be down lit and fully shielded.

Ms. Lynch inquired if internal lighting on their signage would be allowed.

Mr. Floyd stated no, if the recommended conditions are approved.

Ms. Lynch inquired whether the events would go until 11 p.m. or if 11 p.m. is the time that everything would be concluded, including cleanup.

Mr. Floyd stated that the events could go until 11 p.m. and cleanup would be permitted after 11 p.m.

Ms. Lynch inquired if we have a nuisance ordinance and what it entails.

Mr. Floyd stated that noise must cease at 10 p.m.

Mr. Blair stated that the County does have a separate noise ordinance that relates to noise as well as disturbance to your neighbors. There is also common law nuisance such as trash.

Applicant, James Hilldrup, 4343 Plank Road: He stated that his clients have been running this establishment since late 2008. He stated that they have been getting the necessary permits for each event that has been held. Mr. Hilldrup stated that there should be no increase in traffic and most visitors will be coming in groups or on the Fredericksburg Trolley. The applicants will only be using licensed and bonded caterers and would be having 1-2 events per week. He stated that brides would be choosing this location for their wedding so that they could be married in a rural setting. He stated that they have no intent to put up signage or lighting on the signage.

Ms. Lynch inquired if the events would be ending at 10 p.m. She stated that she believes this is a lovely use and is not concerned about the weddings that will occur but if this SUP is granted, it runs with the land and worries about future owners. She inquired if the applicant would be agreeable to the 10 p.m. ending time.

Mr. Hilldrup stated that we have a 10:00 p.m. contract with their users. Having the extra hour to have folks leave gives the applicant a buffer. We feel that 11:00 is appropriate.

Mr. Thompson inquired about the wine tastings that would occur on this property. He stated that he has received calls about folks being able to drive by and see a sign that there is a wine tasting and be able to stop and taste wine. He asked if that is accurate.

Mr. Hilldrup stated that they will invite 3-4 potential clients that would like to have wine at their wedding and allow them to bring a few folks with them to taste local wines from Spotsylvania County vineyards. Every event is private by invitation only.

Speaking in against:

Nancy Cole, 13603 McLane Place: She stated that she wants to protect River Road. She stated that she understands that they have a vineyard and are bottling the wine for their wedding events. She has concerns regarding underage drinking and the fact that River Road has a reputation of being treacherous. She stated that this is a commercial business in a residential area. She believes this is a public safety problem.

Lowell Garner, 8 River Bluff Road: He stated that his son was killed in this area in 2010. He stated that the proposal is 100 yards from what many refer to as death corner. He stated that constantly hears sirens and ambulances reporting to accidents. He stated that he has been to at least 12 accidents at this corner. He further discussed the neighborhood and what is present. He stated that he heard recently about a proposal for Section 8 housing locating on this road.

Brian Rail, 82 E. Riverbend Road: He stated that he echoes Ms. Lynch's concerns regarding the end time. He stated that 10 p.m. seems to be a reasonable end time.

Mr. Stuber closed the public hearing.

Mr. Thompson inquired if there are any circumstances where a special use permit could be revoked.

Mr. Blair stated yes, if the property owner doesn't comply with the imposed conditions.

Mr. Stuber stated that in regard to the underage drinking that was mentioned, his understanding is that they will have to comply with ABC laws.

Ms. Lynch inquired about the permitted uses if this special use were to be granted. So there could be 400 people at a fundraiser until 11 p.m.

Mr. Stuber stated that the applicant testified that they have in their contract that the events would end by 10 p.m.

Ms. Lynch stated that she understands that but as she stated previously, the special use runs with the land, regardless of who owns the property.

Mr. Hilldrup stated that the applicant and their vendors must comply with ABC laws. The comments about Section 8 housing is across the road and not the applicant.

Mr. Thompson stated that he understands the citizens' concerns but this is basically a property rights issue and believes in property rights. He believes as long as it doesn't infringe upon the rights of others, not their inconvenience, but their rights, this should be approved.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Gustafson to approve the special use with conditions.

Substitute Motion and vote: Ms. Lynch made a motion to amend the conditions to an end time of 10 p.m. The motion was not seconded, therefore failed.

Vote: 7-0.

New Business: None

Public Comment: None

Adjournment:

Ms. Carter made a motion, seconded by Mr. Mellott to adjourn. The motion passed 5-0.

The meeting adjourned at about 9:55.

Paulette Mann

DATE

