

Spotsylvania County Planning Commission

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

MINUTES: June 19, 2019

Call to Order: Ms. Carter called the meeting to order at 7:00 p.m.

Members Present:

Richard Thompson	Courtland
Jennifer Maddox	Berkeley
Michael Medina	Salem
Mary Lee Carter, Vice-Chairperson	Lee Hill
C. Travis Bullock	Battlefield

Members Absent:

Gregg Newhouse, Chairman	Chancellor
Howard Smith	Livingston

Staff Present:

Paulette Mann, Planning Commission Secretary
B. Leon Hughes, AICP, Assistant Director of Planning
Alexandra Spaulding, Senior Assistant County Attorney

In Chairman Newhouse's absence, Ms. Carter presided over the meeting.

Announcements: Mr. Hughes reminded the Commission that the July 3, 2019 meeting was canceled and the next scheduled meeting is July 17. He also advised the Commission of three upcoming community meetings.

Ms. Carter stated that Mr. Smith couldn't be present for the meeting due to his wife falling ill.

She inquired about what's on the upcoming TRC agenda.

Mr. Hughes advised the Commission that staff will send them the agenda for the next meeting scheduled for June 27, 2019.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of June 5, 2019. The motion passed 5-0.

Unfinished Business: None

Public Hearing(s):

R19-0002 William and Laura Cutler (RO19-0002): Request a rezoning of approximately 30.81 acres from Agricultural 3 (A-3) to Planned Residential Rural 2 (PRR-2) for a three (3) lot subdivision of single-family detached homes. The property is 7841 Panier Road, located on the

southwest side of Post Oak Road (Route 606), approximately 0.84 miles south of the intersection of Post Oak Road and Pamunkey Road (Route 612). This property is located outside of the Primary Development District and within the Rural Residential Development District of the Comprehensive Plan. Tax map parcel 43-4-1. Livingston voting district.

Ms. Carter opened the public hearing.

Mr. Hughes presented the case. 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.

Mr. Hughes discussed the following findings:

In Favor:

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

In opposition

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

In conclusion, 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.

Mr. Hughes stated that the applicant is present but does not have a presentation but would be happy to answer any questions if the Commission has any.

Speaking in favor or opposition:

Danny Fisher, Livingston District: He stated that he doesn't understand how he is able to create additional lots and he is unable to give land to his daughter.

Gloria Maze, Livingston District: She stated that she wants to give land to her three grandchildren and has been told she is unable to do so.

The Commissioners asked for Mr. Hughes to explain to process.

Mr. Thompson inquired if the speakers would be able to do a family split.

Mr. Hughes explained the annual division process but that all splits permitted by the ordinance have been exhausted. He stated that the only way that Mr. Cutler is able to do so is that he has adequate road frontage.

Mr. Thompson stated that it just doesn't seem right to him that the landowners have no property rights.

Ms. Maddox inquired if an exception request could be made.

Mr. Hughes stated no, that this is part of the downzoning of 2003 where a 10 lot cap was instituted. The only way for that to be changed is for the Commissioners to speak to their Board Members about initiating a Code amendment to eliminate that cap.

Ms. Maddox stated that it would be interesting to know how many tracts of lands are close to the cap and have exhausted their splits.

Mr. Hughes stated that he believes it to be a fair number of parcels.

Ms. Carter stated that she believes this to be part of the downzoning where the Board back in 2003 didn't want too many developments/subdivisions all over the rural areas where it's tough to bring schools, fire safety out that far.

Ms. Carter closed the public hearing.

Motion and vote: Mr. Medina made a motion, seconded by Mr. Thompson to recommend approval to the Board of Supervisors of the rezoning with proffers. The motion passed 5-0.

R18-0003 – Cleil Albrite and Christie Albrite (Albrite Property Rezoning): Requests a

rezoning of two properties constituting approximately 6 acres from Commercial 3 (C-3) and Rural (RU) to Industrial 1 (I-1) with new proffers. The properties are located on the east side of Jefferson Davis Highway approximately 500 feet north of the intersection of Jefferson Davis Highway and Guinea Station Road and are addressed as 8305 and 8309 Jefferson Davis Highway. The properties are located within the Primary Development Boundary. The properties are identified for Employment Center development on the Future Land Use Map of the Comprehensive Plan and are located within the Highway Corridor Overlay District. Tax Parcels 49-A-84J and 49-A-84A. Berkeley Voting District.

Ms. Carter opened the public hearing.

Mr. Hughes presented the case. The applicant is the owner of the subject parcel and is making the request to rezone the property from Commercial 3 (C-3) and Rural (RU) to Industrial 1 (I-1) allow commercial development that is similar to the existing commercial development pattern of the immediate area. The applicant is the owner of the adjacent Stone Center and making the zoning consistent with the adjacent property they own creates the opportunity for expansion of the existing business. In addition to creating expansion opportunity with the property enable for I-1 uses the property is more marketable. The applicant's Generalized Development (GDP) plan does not depict any potential uses. The GDP does show a commercial entrance, a right turn taper for north bound traffic and landscaping consisting of a street buffer D. These improvements meet current development standards and when a site plan is presented for a future use it will have to meet any requirements necessary for the property to be developed. This includes any additional improvements to the transportation network if the trip generation for the proposed use dictates such improvements. The applicant has submitted a proffer statement in addition to the GDP that notes the property will be developed in conformance with Highway Corridor Overlay standards and the proffer statement limits deliveries to the site by tractor trailers during school openings and dismissal at Massaponax High School while the caution lights are in flash mode. The Planning Commission and Board recommended and approved this type of prohibition on deliveries in a prior rezoning that is close to Massaponax High School.

Mr. Hughes discussed the following findings:

In Favor:

- a. The current zoning on these parcels is not consistent with zoning on the adjacent parcels in this section of the Route 1 Corridor.
- b. The proposal is consistent with the intent of the Primary Development Boundary and Employment Land Use designation.
- c. The ability to develop the parcels will add to the County's tax base in a fiscally positive manner.
- d. The proposal will have limited impacts on public facilities.
- e. The proposal is consistent with the development pattern of the area, includes proffered design standards and limits interaction with student drivers when school is in session.
- f. The proposal will not decrease the Levels of Service on the transportation network and the GDP facilitates access management goals.
- g. Adds to the County's inventory of Industrial zoned property.
- h. Creates an opportunity for an existing business to expand when it is appropriate to expand.

Against:

- a. The project does not have commitments from tenants, so it is not possible to know what the ultimate user(s) will be.

In conclusion, the project is consistent with the Comprehensive Plan and will allow vacant property to be developed in a manner that is consistent with the current development to the north and south. If approved, the majority of the zoning classifications on the east side of Route 1 between Massaponax Church Road and Guinea Station Road will be Commercial 3 or Industrial 1. Although the applicant does not have tenants, the proffers commit that any industrial use will be developed in accordance with the design standards of the HCOD. The GDP shows the reduction in access points on Route 1 in conformance with access management goals. Based on the findings in favor, Staff recommends approval of R18-0003 with proffers.

Ms. Carter asked for clarification in the no truck traffic.

Mr. Hughes stated that the applicant has proffered to prohibit deliveries during school openings and dismissals at Massaponax High School while the caution lights are in flash mode during the hours of 7:05 a.m. to 8:05 a.m. and 1:50 p.m. to 2:50 p.m. Monday through Friday when school is in session or as altered by the School Board. There are no limitations on deliveries during weekends or when schools are not in session. Mr. Hughes noted the Commission and Board of Supervisors recommend and approved a similar proffer in a prior case.

Mr. Hughes stated that the applicant is present but does not have a presentation.

Speaking in favor or opposition: None

Ms. Carter closed the public hearing.

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Thompson to recommend approval of the rezoning with proffers. The motion passed 5-0.

Public Comment: None

New Business:

Mr. Thompson stated that he would like to get a copy of what the new proffer laws are.

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Medina to adjourn. The motion passed 4-0 with Ms. Carter not voting due to technical difficulties.

The meeting adjourned at approximately 7:30 p.m.

Paulette L. Mann

Paulette L. Mann

July 7, 2019

Date