

Spotsylvania County Planning Commission

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

MINUTES: October 2, 2019

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

Members Present:

Mary Lee Carter	Lee Hill
Howard Smith	Livingston
Jennifer Maddox	Berkeley
C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor
Richard Thompson	Courtland

Members Absent: Michael Medina Salem

Staff Present:

- Paulette Mann, Planning Commission Secretary
- Wanda Parrish, AICP, Director of Planning
- Alexandra Spaulding, Senior Assistant County Attorney
- Jacob Pastwik, AICP, Planner III
- Ben Loveday, PE, Director of Utilities/Public Works

Announcements: Ms. Parrish advised the Commissioners of the items coming up at Technical Review.

Review & Approval of minutes:

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Carter to approve the minutes of September 18, 2019. The motion passed 5-0-1, with Mr. Thompson abstaining due to his absence.

Unfinished Business: None

Public Hearing(s):

CA19-0001 Spotsylvania County Board of Supervisors, Ordinance No. 23-178: An amendment of Spotsylvania County Code Chapter 23, Zoning, Article 2, Definitions and Rules of Construction, Sec. 23-2.1.4, Definitions, to amend the definition of Community center to a publicly- or privately-owned and operated facility open to the public where people can meet for, among other things, social, educational, business, or recreational activities. These activities may be conducted by, among others, individuals, businesses, or organizations. Such facilities may be rented and can include on-site kitchens or provide for catered meals. A clubhouse which serves only the members of a condominium association or a property owners' association is not considered a community center. A hotel that has meeting facilities is not considered a community center; and to Article 6, Zoning Districts, to amend Division 3, Agricultural 2 (A-2) District, to

remove Community center as a Permitted Use in Sec. 23-6.3.2 and make a Special Use in Sec. 23-6.3.3, to amend Division 4, Agricultural 3 (A-3) District, to remove Community center as a Permitted Use in Sec. 23-6.4.2 and make a Special Use in Sec. 23-6.4.3, to amend Division 5, Resort Agricultural (RA) District, to remove Community center as a Permitted Use in Sec. 23-6.5.2 and make a Special Use in Sec. 23-6.5.3, to amend Division 6, Residential 1 (R-1) District, to remove Community center as a Permitted Use in Sec. 23-6.6.2 and make a Special Use in Sec. 23-6.6.3, to amend Division 7, Residential 2 (R-2) District, to remove Community center as a Permitted Use in Sec. 23-6.7.2 and make a Special Use in Sec. 23-6.7.3, to amend Division 8, Residential 3 (R-3) District, to remove Community center as a Permitted Use in Sec. 23-6.8.2 and make a Special Use in Sec. 23-6.8.3, to amend Division 9, Residential 8 (R-8) District, to remove Community center as a Permitted Use in Sec. 23-6.9.2 and make a Special Use in Sec. 23-6.9.3, to amend Division 10, Residential 12 (R-12) District, to remove Community center as a Permitted Use in Sec. 23-6.10.2 and make a Special Use in Sec. 23-6.10.3, to amend Division 11, Resort Residential (R-R) District, to remove Community center as a Permitted Use in Sec. 23-6.11.2 and make a Special Use in Sec. 23-6.11.3, to amend Division 17, Commercial 1 (C-1) District, to remove Place of worship as a Special Use in Sec. 23-6.17.3 and make a Permitted Use in Sec. 23-6.17.2, to amend Division 24, Rural (Ru) District, to remove Community center as a Permitted Use in Sec. 23-6.24.2 and make a Special Use in Sec. 23-6.24.3, to amend Division 28, Mixed Use (MU) District, Sec. 23-6.28.5, to remove Community center as a Permitted Use from the MU-1 and MU-2 subdistricts and make a Special Use in those subdistricts.

Mr. Newhouse opened the public hearing.

Ms. Parrish presented the case. The draft amendments proposed modify Chapter 23, Zoning, to remove Community Center as a Permitted Use and make a Special Use in the Agricultural 2, Agricultural 3, Residential 1, Residential 2, Residential 3, Residential 12, Residential Resort, Rural, and Mixed Use 1 and 2 zoning districts; and to amend the Commercial 1 zoning district to remove Place of Worship as a Special Use and make a Permitted Use. The definition of Community Center is also amended to clarify its meaning.

These changes are recommended to ensure compliance with provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA) by providing consistent zoning treatment between Place of Worship and Community Center, which is a use with similar characteristics.

Staff recommends approval of CA19-0001.

Speaking in favor or opposition: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Smith to approve the code amendment. The motion passed 6-0.

Worksession(s):

CPA17-0002 Comprehensive Plan Public Facilities Water & Sewer Primary Development

Mr. Pastwik presented the worksession. The Future Land Use Element (including the Future Land Use Map) is an integral part of the County Comprehensive Plan. County-wide consideration of land uses and the establishment of a land use vision within the Comprehensive Plan is consistent with the Code of Virginia, Sect. 15.2-2232 (attached for reference). In addition to establishing a land use vision it establishes the County Primary Development Boundary, guiding the provision of public utility (water and sewer) infrastructure in the County. The Primary Development Boundary is critical to identifying areas where growth and land use intensity (size and scale) can be directed and establishes a clear geographic area for the County Utilities Department to focus their infrastructure planning efforts, considerate of development and update of the Water and Sewer Master Plan. Per the existing Comprehensive Plan: Land within the boundary is intended to develop with higher residential densities and more intensive non-residential uses than outside of the boundary. By maintaining the Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character and agricultural viability of those portions of the County outside the boundary. This boundary is not permanent and may be adjusted when conditions warrant through the amendment process. Complementary to the Primary Development Boundary designation is the Water and Sewer portion of the Public Facilities Element. With the assistance of County Utilities Staff, the Water and Sewer content has been updated in draft. It provides an overview of County Utility service, establishes the Comprehensive Plan link to the Primary Development Boundary, a summary of capital infrastructure in use to provide services, and various goals and strategies with an emphasis on Capital Projects. As noted in prior work sessions focused on the Public Facilities Element, content is chiefly aimed at identification of infrastructure enhancement projects 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. “Difficult to Serve Areas” In an analysis of the County Primary Development Boundary as it exists today, staff has learned of a number of “difficult to serve” areas within the existing boundary that are challenging to provide infrastructure to, especially in the near term. In an effort to avoid “taking something away” by retracting the boundary, staff has proposed highlighting these difficult to serve areas within the Primary Development Boundary to be very clear and transparent concerning added development complexities to do with provision of public utilities. The Existing PDB Difficult to Serve Parcels Map was attached for reference to depict these areas that in reality are not readily developable. County utilities staff can describe complexities associated with these areas. Staff notes that some of the areas depicted as problematic were just recently added to the Primary Development Boundary as part of the 2013 update. Specifically, lands extending between Smith Station Road and the Ni River, and acreage extending between Old Plank Road and Route 3 from the Old Plank and Catharpin Rd intersection to Mclaws Drive. Fortunately, in the case of Smith Station Road, much of this land area is devoted to active mining operations and the Lidl Distribution facility. Remaining “difficult to serve” areas within the Comprehensive Plan have been identified for growth and development (within Development

Districts) back to the 2008 and/or 2002 Comprehensive Plans. Staff would like direction from the Planning Commission concerning “difficult to serve” areas and whether there is interest in pursuing Boundary retraction or simply noting and symbolizing these areas. Development has occurred in such areas however it may not be as “straight forward” as others. Primary Development Boundary Expansion Requests. As part of this update cycle, staff has received a number of requests from citizens and/or landowners seeking Primary Development Boundary expansions to enable eventual provision of public water and sewer service. Such changes inevitably drive up the development potential of such areas for added density or more intensive land uses. Requests received thus far have been attached as Compiled Comp Plan Comments for reference. Requests received thus far have generally “hugged” the existing Primary Development Boundary, east of Massaponax Church Road. There are additional requests in the Five Mile Road area just north of Route 3. Staff is also looking at opportunities to “clean-up” the existing boundary in the Five Mile Road area where existing development, approved development, zoning designations, and topography are favorable for the expansion of sewer services and the resulting build-out of the area is much more consistent with the character of the PDB than areas outside of it. Staff consulted with County Utilities, who analyzed the feasibility of potential PDB expansions to each of the parcels requested. Critical considerations included favorable topography and avoidance of significant infrastructure enhancements (such as construction of a regional pump station, or downstream upgrades to meet additional burdens from new sources) being necessary to serve areas in question. Staff proposes that favorable topography (ability to gravity feed sewer), distance to existing infrastructure, existing zoning and land use character are the primary factors that have been considered to determine whether an expansion is favorable or not. In fact, these factors have led to the only scenario where staff would make a positive recommendation for expansion. The effect of any expansion would complement Comprehensive Plan Primary Development Policy 1.a. within the Future Land Use Element that provides the ability via exception to extend utilities beyond the limits of the Primary Development Boundary in cases where topography is favorable and a new pump station would not be required. “Cleaning-up” the boundary in certain areas would effectively eliminate the need for the Policy exception referenced in the Policy. Otherwise staff does not see a strong need to further expand the Primary Development Boundary. In August, 2018 at work session with the Planning Commission, staff found that roughly 1/3rd (13,426 acres) of the existing Primary Development Boundary remained in vacant and/or underdeveloped status. The PDB was last expanded as part of the 2013 Comprehensive Plan update, adding more than 3,000 acres. Per the Planning Department’s Future Development analysis spreadsheet, county-wide there is an inventory of over 13,000 approved and yet unbuilt residential units including single family detached, attached, multi-family, age restricted. The vast majority of these future units are located within the Primary Development Boundary. There are significant areas intended for commercial, employment center, and mixed use development that remain undeveloped at this time. The Jackson Gateway area of the County that has historically been intended as an employment hub and economic development driver is still in its early stages of development. Simply, the existing Primary Development Boundary is not “bursting at the seams” to warrant any expansion beyond minor expansions that may “clean-up” the boundary and/or have favorable topography. Based on feedback received from County Utilities, Planning staff has identified three specific areas where PDB expansion warrants consideration. The total land area considered favorable for expansion is approximately 275 acres, divided amongst the following locations: New Post Area (Tax Map #38-A-26B and Portion of #38-A-26A). Approximately 180-acre expansion. Tax Map #38-A-26A is presently zoned Industrial 2 (with a few exceptions this Zoning designation

is better suited to the Primary Development Boundary). Adjacent Tax Map# 38-A-26B has a mixed zoning of Commercial 3 and Rural (Ru). Prospect of significant expansions beyond this point are limited in the immediate area due to numerous conserved lands in proximity to the site. There are potential growth and expansion opportunities in this area given the major crossroads of Route 2 & 17, existing mixed use development underway, and proximity to the VRE station. Potential economic development opportunities resulting from availability of public water and sewer onsite. County utilities staff has identified this site as one that can feasibly gravity flow to exiting sanitary sewer. Utilities notes infrastructure improvements may be required of the existing system. However, compared to others this site is favorable. See attached Candidate PDB Expansion Area Zoom 1 (Map) for reference. Staff would also like Planning Commission feedback considerate of potential land use designation options for this area if expansion is supported. Five Mile Fork Area (Includes requested Tax Map #12-A-34). Expansion would cover approximately 90 acres (including requested Tax Map #12-A-34). This area is recommended by Planning staff for expansion to “clean up” the existing boundary considerate of favorable topography, existing zoning designations, land uses, proximity to the Route 3 corridor. Staff expanded the Primary Development Boundary analysis to include the area surrounding the property requested for expansion. Due to favorable topography in the area identified, County Policy already enables the potential for utility infrastructure expansion via exception as noted in Comprehensive Plan Primary Development Policy 1, and 1.a. that states: Rezoning outside of the Primary Development Boundary desiring to connect to public sewer and water should submit a Comprehensive Plan amendment Exceptions include instances pursuant to Spotsylvania County Utility Ordinance (Spotsylvania County Code Section 22-282) and upon satisfaction of the Director of Utilities that a development will not require a County maintained sewer pump station. Portions of many of these parcels are already within the Primary Development Boundary. The potential PDB expansion limits would “clean up” the boundary and absorb the current standalone PDB confined to the limits of the Barley Woods Age Restricted development, into the larger PDB. The project specific standalone boundary would “fit” into the larger PDB. Existing zoning and development in this area is already compatible with the intent of the Primary Development Boundary and less characteristic of areas outside of it. Existing developed and/or approved projects within this area include: Regency Park Villas; Regency Park Office Park; Regency Crossing; Harrison Crossing Place. A mix of Commercial 2 (C-2), Residential 8 (R-8), Residential 1 (R-1) zoning comprises the area. These zoning designations are most prevalent and complementary of the Primary Development Boundary. Public water and sewer already serves some of these projects and will serve the recently approved Regency Crossing townhome community (Rezoning Case R18-0007). Again, per County Utilities analysis, this site is one that can feasibly gravity flow to exiting sanitary sewer. Utilities notes infrastructure improvements may be required of the existing system. See attached Candidate PDB Expansion Area Zoom 2 (Map) for reference. Staff would also like Planning Commission feedback considerate of potential land use designation options for this area if expansion is supported. Tax Map #51-A-3A. This is a small expansion (approximately 5 acres) intended to “clean up” the Primary Development Boundary in the area resulting from a property owner request. The property is adjoined on two sides by the Primary Development Boundary already and would likely be eligible for the Comprehensive Plan and Utilities Policy exception noted above in (2). This parcel is small and distant from the nearest utility infrastructure; however, topography has been identified as favorable without need for a pump station. Per utilities, “It would be up to the developer to obtain all easements and pay for the cost of the water and sewer improvements”. Conceptually this land could be included within a larger development proposal

that includes some of the larger parcels that surround. As part of larger development plan in conjunction with other parcels, this site becomes more viable from a cost to install utilities standpoint. At present, the parcel in question and the surroundings have a Rural (Ru) Zoning designation. Staff notes a mix of mixed use and employment center designations per the Future Land Use Map in this area for those parcels within the Primary Development Boundary. Some rezoning activity has started within these areas via Summit Crossing Estates (R15-0005) and Cedar Forest (R15-0003) nearby, resulting from zoning change from Rural (Ru) to Planned Development Housing 3 (PDH-3). Staff notes that the Comprehensive Plan generally discourages “hop scotch” type development considerate of infrastructure. For instance, Commercial Land Use Policy states “development should proceed sequentially along and back from major thoroughfares. Development should not isolate an existing land use or development”. The Employment Center land use designation has similar language. As development within the Primary Development Boundary proceeds complementary of the future land use element along Massaponax Church Road and Summit Crossing Road, staff expects development viability too will improve. Staff believes this minor expansion simply reflects water and sewer-ability while proactively including eth site for future growth prospects. See attached Candidate PDB Expansion Area Zoom 3 (Map) for reference. Staff would also like Planning Commission feedback considerate of potential land use designation options for this area if expansion is supported. All other Primary Development Boundary expansion requests have not been identified as favorable by Planning staff, resulting from location and topographic concerns and infrastructure planning changes identified by Utilities staff that are no longer favorable to expansion prospects. Those sites identified as not favorable for inclusion within the Primary Development Boundary at this time include: 19-A-21, 50-A-100, 50-A-101, 12-A-43, 12-A-50A. Future Land Use Designation Requests: In addition to a number of Primary Development Boundary requests received, staff has received a few land use designation requests for the Planning Commission to consider. They include: A request to consider scaling back the employment center land use designation between Crossroads Pkwy and Thornton Rolling Road and remove, in its entirety a standalone employment center area extending from Summit Crossing Road to Patriot Lane, crossing the RF&P Rail corridor. Preliminarily staff is supportive of this request, however would suggest the employment center designation remain in proximity to the RF&P rail corridor and that the mixed use designation presently identified on the northeast corner of Route 17 and Benchmark Road be reassigned for an employment center designation. Per our last work session focused on the Future Land Use update, staff has raised concern regarding the loss of industrially zoned acres, potential for heavier industry and where best to locate, and rail proximity. Employing the tiered mixed use concept presented at last work session, it would appear these outlying mixed use areas on the edge of the Primary Development Boundary would be best suited for lower intensity mixed use developments primarily suited for single family detached or attached with secondary commercial/office development opportunities. A request to change land use designation on the northwest portion of Tax Map# 48-A-84 (Fox Point side of Smith Station Road) from low density residential to Mixed Use. Per the request, rationale for changing the land use in this location includes that the property in question is located at a major intersection, across from a large area designated as employment center. The property also surrounds commercial property that exists at the intersection. Per the Comprehensive Plan the low density residential land use designation is described as supporting up to 4 units per acre. Staff understands the location of the site and existing commercial zoning do warrant additional considerations how to best develop the site as a transition between a major intersection and adjacent commercially zoned property, and existing surrounding low density residential off Pella Lane and Smith Station Road.

Considerate of the importance of adjacent lot transitions between existing and proposed development discussed at last work session, conceptually staff would prefer to see any higher density development focused at and around the intersection with a gradual step back in intensity towards the periphery of the parcel. Peripheral parcels would be of a similar land use and density as the existing adjacent lots. The property in question is partly across Smith Station Road from the Courtland Park mixed use project. Inclusion of the requested area would expand mixed use type development in the area with its focus on the intersection of Smith Station Road and Leavells Road. This change will have no impact on the employment center designation nearby or existing industrial zoning there.

There was a brief discussion about what *difficult to serve* means.

Mr. Loveday explained that topography comes into play and it could be the need for larger pump stations. These tend to be cost prohibitive as the developer is responsible for that expansion cost. Sewer tends to be the limiting factor.

Mr. Pastwik inquired whether the Commission would like to see an expansion of the primary development boundary at New Post.

Mr. Thompson stated that he would be the least bit interested in expanding the Primary Development areas but is also leery about taking away from it.

Mr. Pastwik informed the Commission that the Economic Development Department was consulted and that they don't get a sense that they want to retract from the area at New Post.

Mr. Newhouse agreed with Mr. Thompson and stated that he is most concerned about the area on Route 3.

Ms. Maddox stated that she agrees and that she doesn't want to retract from it.

Mr. Pastwik stated that some of proposed expansion areas are more feasible than others. He stated that the three green areas on the map appear to be the more favorable sites totaling approximately 275 acres.

There were concerns raised that the expansion of the New Post site could set us up for a rezoning request and eliminate more industrial zoned land.

Mr. Pastwik stated that the Economic Development office likes water and sewer sites that are ready to go quickly for potential suitors.

Mr. Newhouse stated that he would want to preserve the property as industrial zoning and would be opposed to a residential rezoning request.

The Planning Commissioners agreed.

Mr. Pastwik stated that it expands the PDB 180 acres but because of the topography they are able

to connect.

Ms. Maddox stated that she likes the industrial and that the county cannot afford the residential growth.

Mr. Smith expressed concerns about the expansion and whether we could potentially get residential growth.

Ms. Maddox stated that they would only be able to do so with a rezoning request, by-right, it's rural zoned land and they could only get 10 lots.

Mr. Smith inquired what the concern would be for expansion.

Ms. Parrish agreed with Ms. Maddox that by-right, they would only get 10 units in or out of the primary development boundary.

Mr. Thompson stated that he's concern that if we expand, then we set ourselves up for request after request and questions the true need to expand the PDB.

Ms. Parrish stated that one benefit would be the employment center designation there.

Ms. Maddox stated that she likes it with the employment center designation. She feels it tells a potential company that we (the county) is ready for you to locate here.

Mr. Smith stated that he would support that expansion then. He stated that he just doesn't want to see townhomes or apartments there.

Consensus was to include in the expansion and maintain employment center designation.

There was discussion regarding a small 5-acre parcel, tax map 51-A-3A. The Commission did support expanding the PDB but did not favor a request to change the larger employment center land use to mixed use. It will be included as Employment Center.

The Commission also supported the concept to shift mixed use designation east of Benchmark and North of Route 17 to Employment Center.

The 5-Mile Fork expansion, near the Villas at Harrison Crossing was the next discussion. The expansion to include reflects zoning and uses already present there that complement the Primary Development Boundary. What is already on the ground is what is being proposed here. There would be no change to the land use designation. It would avoid residential or mixed-use design.

Ms. Maddox stated that she wants to make it hard for residential growth to occur there.

There was discussion about a parcel at Smith Station & Leavells Road.

Mr. Thompson stated to leave it alone.

The Commission agreed.

Mr. Newhouse stated that he would really like to see more commercial earlier in the mixed use projects that have been coming before us.

Mr. Pastwik thanked the Commission for their input.

Public Comment: None

New Business: None

Adjournment:

Motion and vote: Mr. Newhouse made a motion, seconded by Ms. Carter to adjourn. The motion passed 760.

The meeting adjourned at approximately 8:00 p.m.

Paulette L. Mann

Paulette L. Mann

November 20, 2019

Date