

Spotsylvania County Planning Commission

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

MINUTES: May 15, 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
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor

Staff Present:

Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
B. Leon Hughes, AICP, Assistant Director of Planning
Jacob Pastwik, AICP, Planner III
Dan Cole, Transportation Planner
Shelia Weimer, Senior Assistant County Attorney
Jay Cullinan, Fire Chief

Announcements: Ms. Parrish informed the Commission of an upcoming community meeting as well as the TRC agenda for next week.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to approve the minutes of April 17, 2019. The motion passed 7-0.

Unfinished Business: None

Public Hearing(s):

Rezoning(s):

R18-0008 Donna L. Curtis & Carlton D. Flippo (ATFD, LLC) (Ordinance No. RO18-0008): Request a rezoning of approximately 16.21 acres of two parcels that total approximately 18.2 acres from Residential 1 (R-1) to Planned Development Housing 16 (PDH-16) with proffers to allow for 22 age-restricted single family detached units, 18 age-restricted single family attached units and 215 age-restricted multifamily units known as Winding Creek. The parcels are located at 10300 and 10316 Courthouse Road on the north side of Courthouse Road (Route 208) approximately 1,788 feet west of the Courthouse Road (Route 208) and Leavells Road (Route 639) intersection. The parcels are located within the Primary Development Boundary. The parcels are

identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 35-A-8(part) and 35-A-9. Salem Voting District.

Mr. Newhouse opened the public hearing.

Mr. Hughes presented the case. The applicant is the contract purchaser of the property and requests to rezone 16 acres from Residential 1 (R-1) to Planned Development Housing District 16 (PDH-16). The proposal includes the removal of the mobile home and one of the existing residential dwellings which is located closest to Courthouse Road. The residential dwelling located on the rear portion of the property is to remain on a two (2) acre parcel and the remainder of the property is to be developed. The proposed development is known as Winding Creek and will include 22 age-restricted single family detached units, 18 age-restricted single family attached (villa style) units and 215 age-restricted multifamily units contained within four 4-story buildings. With a total of 255 units, the proposed project density for Winding Creek is 16 units per acre. Considering the adjacent commercial development, the Comprehensive Plan would be supportive of either a residential or commercial type development in this location. While the proposed development exceeds the Low Density Residential standard of 4 units per acre, the proposal incorporates a higher density adjacent to the existing commercial development and creates a transition to the Breckenridge development. See details below on how the transition is accomplished by the physical development below in Section A, Generalized Development Plan.

The Winding Creek development consists of four 4-story buildings housing a total of 215 age-restricted multifamily units along the eastern portion of the site adjacent to the Hilltop/Giant Shopping Center. The western portion of the site consists of 18 age-restricted villas and 22 age-restricted detached units. The eastern and western portions of the site are separated by an access road which extends north from Courthouse Road. The Courthouse Road access will be a right in/right out entrance design. An existing acceleration lane from the Hilltop/Giant's western access point will be extended to the Winding Creek entrance to create a right turn lane into the development. An option for a second point of access is shown with an interparcel connection to the Giant site, which will allow Winding Creek traffic to access the traffic signal at Mill Garden Drive. At this time, authority to create the interparcel connection to the Giant site is not finalized. Should the applicant be unable to acquire access through the Giant site, the applicant will defer to the Alternative Access Plan, identified on sheet 4 of the GDP which provides only a right in right out access on Courthouse Road and also extends the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection. The improvement would extend the existing left turn storage lane from 150' to 250' and the existing taper from 135' to 200'. Consistent with Code requirements a 5' sidewalk is provided along the frontage of the project. Additionally, an enhanced landscaped street buffer including plantings and decorative fencing exceeding minimum Code requirements is provided along the project site frontage and extends internally along the main access road. The proposed detached units are on the perimeter of the development adjacent to the Breckenridge subdivision. During the community meeting concerns were raised related to the proposed density of the development and potential connections to the Breckenridge development. The layout intentionally utilizes the proposed detached units as a transition to attached and multifamily components of the development. Additionally, the applicant is providing a 50' buffer between the proposed detached units and the Breckenridge detached dwellings which consists of a 5' landscaped berm. Further, no connection is proposed from the Winding Creek development

to the Breckenridge community. Private streets will be provided within the development and maintained by the home owner's association. The development will connect to public water and sewer and all storm water management will be contained and treated on site with the engineering details to be finalized during the site plan review process.

Winding Creek will be a market rate project identified by the applicant's narrative with an average unit sales price of between \$350,000 and \$425,000 per single family detached unit, and between \$275,000 and \$325,000 per single family attached villa. The multifamily units will be a mix of for sale condominium and for rent apartment units with the average sales price for the condominium units between \$300,000 and \$350,000. The applicant provided a Fiscal Impact Analysis (FIA) based on estimated assessed values which asserts Winding Creek will generate a total real property tax revenue of \$433,804 annually and an estimated personal property tax of \$222,908 annually at full build out. Staff completed a separate analysis utilizing the County's model with an assumed average assessed value of both the single family detached and single family attached of \$220,098. The County model projects a positive fiscal impact of \$145,709.

The Courthouse Road access will be a right in/right out entrance design. An existing acceleration lane from the Hilltop Giant's western access point will be extended to the Winding Creek entrance to create a right turn lane into the development. A second point of access is proposed with an interparcel connection to the Giant site, which will allow Winding Creek traffic to access the traffic signal at Mill Garden Drive. At this time, authority to create the interparcel connection to the Giant site is not finalized. Should the applicant be unable to acquire access through the Giant site, the applicant will defer to the Alternative Access Plan, identified on sheet 4 of the GDP which provides only a right in right out access on Courthouse Road and also extends the left turn lane at the Brittany Commons Blvd./Breckenridge signalized intersection. The improvement would extend the existing left turn storage lane from 150' to 250' and the existing taper from 135' to 200'. Currently Courthouse Road carries 28,000 vehicles-per-day and operates at a Level of Service C. Concerns raised by the community primarily focused on safety at the Brittany Commons Blvd./Breckenridge intersection and the number of crashes. The intersection currently operates at a Level of Service "C" in the AM Peak Period and "B" in the PM Peak Period. Data obtained from the Spotsylvania County's Sheriff's Office notes during a two-year period from 2017-2018 there was a total of 26 crashes, of the total number of crashes, (14) involved property damage and the other (13) crashes involved personal injury and property damage.

The development will generate approximately 1,059 daily trips with 59 additional AM peak hour trips and 73 PM peak hour trips. The applicant conducted a Traffic Impact study that included an analysis of the impact Winding Creek will have on the intersection of Courthouse Road (Route 208) and Breckenridge Drive (Route 2325). The analysis indicates the intersection will function at acceptable levels of service with the extension of the westbound left turn lane at the intersection. With or without a connection to Millgarden Drive this intersection will continue to operate at an overall LoS C. The extension of the westbound left turn lane and taper is needed at the intersection of Brittany Commons/Breckenridge Drive in order for that intersection to properly handle the additional traffic from the proposed development without a connection to Millgarden Drive.

Mr. Hughes discussed the following findings in favor:

- A. The Winding Creek proposal is generally consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County being a family friendly community. The proposal comports with this idea by providing a mix of units in support of growing a diverse housing stock to accommodate housing needs for all stages of life and affordability.
- B. The proposal is consistent with the intent of the Primary Development Boundary and provides appropriate transition from the neighborhood commercial development by having the more intense multi-family adjacent to the commercial and the attached units between the detached and the detached adjacent to the existing single family detached neighborhoods to the west. In addition to the transition between uses, the location is close to the neighborhood services which will allow an opportunity for some of the new residents to walk to obtain goods and services reducing vehicle trips.
- C. The proposal limits impact on the surrounding area with the layout that provides a vegetative transition between uses along Courthouse Road (Route 208). In addition to utilizing existing natural buffers and providing a landscaped berm adjacent to several lots in Breckenridge. The proposal also includes landscaping and decorative fencing along Courthouse Road creating an aesthetically enhanced development compatible with existing land uses.
- D. The applicant has proffered cash contributions in order to mitigate capital facility impacts which are specifically attributable to the project and which are legally acceptable by the Board per the parameters established by VA Code Section 15.2-2303.4.
- E. The County model projects a positive fiscal impact of \$145,709.
- F. The proposal will not decrease the Levels of Service on the transportation network at full buildout.

Mr. Hughes discussed the following findings in opposition:

- A. The absence of an agreement to allow access to the Hilltop/Giant Shopping center will require the traffic from Winding Creek to use a u-turning movement to go west on Courthouse Road (Route 208). Although the Traffic Impact Study notes this movement with the improvements to the turning lane will operate at an acceptable level of service it should be noted that staff supports the interparcel connection to Hilltop/Giant.
- B. The Fire Chief provided data based on 2018 calls for service to similar age restricted apartment communities and the data indicates that age restricted apartments have a higher call volume. He noted this may be attributable to the fact that the apartment residents generally live alone and are older than the residents of age restricted single family detached and attached units.
- C. Although this is an age restricted community the proposed density of 16 units per acre exceeds the Low Density Residential guideline noted for the area on the Future Land Use Map.

The Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes housing for citizens that are age 55 and above that are more likely to have special interest and needs that are particular to this population. The Winding Creek project complements this goal by providing a mix of housing types with a mix of price points. This will provide citizens of the County the possibility of staying in the County as they mature and have a need for housing options that are designed to be adaptive and accommodating for citizens as they progress through life stages.

When reviewing this proposal for consistency with the Comprehensive Plan, the project density as presented with 16 units per acre is well above the 4 units per acre established as a goal for the low density residential land use designation. When considering the impact of an age restricted project, it is noted the level of impact upon school facilities is reduced due to the lack of school aged children impacting school enrollment and capacity. It is also noted that age restricted communities typically have less impact on the transportation network as most of the trips generated do not occur during the AM or PM peak travel times. However, the apartment component of this proposal may have a negative impact on Emergency Services. Data from 2018 of Spotsylvania County using an average of calls for service to existing age restricted apartment style communities, indicates the project could have approximately 157 calls for service to the apartments. The added density and mix of housing types, will create additional demands on Emergency Services.

It should also be noted that this proposal is consistent with the intent of the Primary Development Boundary as described in the Comprehensive Plan of having denser and more intense development within the Primary Development Boundary. The immediate area includes a mix of intense commercial and low density residential uses. The proposal complements the nearby commercial development and offers a transition between the more intense commercial uses and the less intense residential communities. The Winding Creek proposal generally “steps down” land use intensity fairly well, transitioning from Multi-Family- Age Restricted (commercial type building) adjacent to the Hilltop Shopping Center, to single family attached, and then single family detached as the project approaches existing low density residential subdivisions. As noted in the Comprehensive Plan analysis. This location adjacent to neighborhood commercial uses will create opportunity for reduced vehicle trips as some residents may take advantage of the walkability of the location.

The proposed design maintains slightly more open space than required by code and maintains vegetative buffers around the perimeter of the site that includes the installation of a landscaped berm where the project is closest to existing residences.

Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of R18-0008 with the proffers dated March 11, 2019.

Mr. Thompson inquired about the size of the pool.

Mr. Hughes stated that he is unsure and perhaps the applicant could speak to the size of the pool.

Mr. Thompson inquired about the by-right potential.

Mr. Hughes stated that nine houses could be built by right.

Mr. Smith inquired about the speed limit just before the project heading west.

Mr. Hughes stated that the speed limit is 40 mph at the traffic light and increases to 50 mph after the light, heading west.

Mr. Smith inquired if there is only one entrance at this time.

Mr. Hughes stated yes, only one as of now. At this time, they do not have the ability for a second entrance but are hoping that they can come to an agreement with the adjacent property to allow access.

There was discussion about the turning radius at the light for U-turns. Mr. Cole stated that the receiving lane and radius is more than adequate. Also the site distance is a little over 500 ft which is also more than adequate. He also discussed that the U-turn is a safer movement than a left turn only on a green arrow.

Mr. Smith stated that he has concerns about the people trying to pull out onto Route 208. He inquired about accident numbers.

Mr. Cole stated in 2017 there were 10 accidents and in 2018 there were 16 accidents. He also discussed that staff is supportive of interparcel connections.

Ms. Carter stated that she hopes the stoplights are synchronized to allow a gap for the turns to be safer.

Mr. Medina inquired at what point do we analyze the left U-turns.

Mr. Cole stated that we look at crash data and that there is a discrepancy in accidents reported to DMV versus county accidents, which are higher.

There was discussion about the right turn out of proposed development and having to merge two lanes to get to left U-turn.

Mr. Newhouse inquired if there are renderings of the buildings.

Applicant, Charlie Payne, representing the applicant: He stated that the traffic can be addressed and that they are looking for VDOT to lower the speed. He stated that they will continue to work with the adjacent property owner to gain access to allow for a second entrance. He stated that quality materials will be used and displayed some renderings that they intend to mimic. He stated that rooftops are necessary to help the commercial properties.

Mr. Medina inquired about the market rate versus age-restricted. He stated that his mother in law lives in an age restricted unit in the City and it is expensive, market rate.

Mr. Payne stated that age-restricted in the City of Fredericksburg is more market rate and expensive.

Mr. Medina stated that he may be less in favor of the proposal with the access to Giant. He has concerns about the traffic cutting across and for citizens making their way into the store. There was discussion about crash data.

Mr. Medina discussed that he travels this roadway everyday as he lives right around the corner. He has serious concerns about the right turn and then having to cross over two lanes to get to light to do a U-turn.

Mr. Payne stated that they held two community meetings and that the number one concern was that the citizens didn't want traffic coming through Breckenridge.

Mr. Smith inquired about response time with the traffic pattern with the U-turn.

Mr. Cullinan, Fire Chief, stated that the Four Mile Fork station is first due. He stated that the traffic pattern is not ideal.

Speaking in favor or opposition:

Richard Condit, Salem Voting District: He stated that the proposed development is too dense and not consistent with 55 and older development. He also has concerns that there is not enough parking and Breckenridge will be used as satellite parking.

Anne Sullins, Salem Voting District: She stated that there is no compelling reason to allow for the change in zoning. The proposal is too dense and does nothing to address a housing gap. She feels like the people turning out of the proposed neighborhood will follow turn lane into Breckenridge, do a U-turn and wait at the light at the entrance to Breckenridge.

Priscilla Priebe, Salem Voting District: She stated that she feels like the developer will apply for government grants to fund this development. She also mentioned that she feels that the four story apartment buildings are out of character.

Juan Piacquadio, Salem Voting District: He stated that he fears the quality of life will be impacted based on a number of assumptions and the new traffic pattern.

Gregory Somers, Salem Voting District: He questioned the validity of the traffic study and feels that a great deal has been left out. He also stated that he believes that the left turn lane is too short and believes people wishing to do a U-turn will also drive to the next intersection at Edinburg and Crown Grant.

Scott Reeves, Salem Voting District: He stated that he has concerns that if approved, that the zoning could change and traffic would be permitted through Breckenridge.

Mr. Thompson asked Ms. Parrish to advise on how the zoning process occurs and that they would need to come back for any changes to the approved plan. The project must develop as approved.

Katherine McKinney, Salem Voting District: She stated she owns two homes in Breckenridge and has concerns about overcrowding, the four story apartments, light and noise pollution, and finally traffic. She discussed her concerns about the grade of the roadway and speed and discussed an accident that her daughter was involved in. She believes the proposed development to be entirely too dense.

Dominique Ramirez, Salem Voting District: She stated that she is opposed to this development and shares concerns that have already been expressed.

Edward Cole, Salem Voting District: He stated that he resides near Edinburgh and sometimes it takes ten minutes for him to make the turn. He stated that he is an engineer and eventually they will have to put a light in.

Bob Kelly, Salem Voting District: He stated that the traffic is of concern and that he is not in favor of folks having to merge over two lanes to make the U-turn.

Kimberly Kelly, Salem Voting District: He stated that she has taught for 25 years and that parents from Courthouse Road Elementary School are making the U-turn and fears others will continue to the light to do so. She discussed that her daughter has been in an accident on this stretch of roadway.

Lynn Lewis, Salem Voting District: She stated that she is a 17-year resident of Edinburgh and that the sun coming through the stoplight where the proposed U-turn is to take place is awful and worries about accidents.

Applicant, Charlie Payne: He stated that two community meetings were held and the only concern at that time was cut through traffic into Breckenridge. He stated that they have adequate parking at the clubhouse and that they are over parked by requirements. He stated that most people won't even see the four story apartments, that the proposal is not government subsidized and will be quality housing. The average resident will be 65 and older. He stated age restricted housing residents don't travel during peak times.

Mr. Newhouse closed the public hearing.

Mr. Newhouse inquired if the agreement is secured with Giant, would the traffic be diverted to the light or the road next to Honest Auto.

Mr. Payne stated that the goal would be to take them to the light.

Mr. Newhouse stated that in a read of Troy Tignor's letter, he reads it as though the county would intervene to get access.

Ms. Parrish stated that a similar thing occurred with the Allure Apartments near Cosner's Corner.

Mr. Medina inquired what is innovative and creative about the proposed development.

Ms. Maddox stated she thought the same thing and those are adjectives that are used in our requirements.

Motion and vote: Mr. Medina made a motion, seconded by Mr. Smith to recommend denial of the rezoning. The motion to recommend denial to the Board of Supervisors passed 6-1, with Mr. Newhouse voting no.

Public Comment: None

New Business:

2018 Annual Report

Ms. Parrish presented the Annual Report. Each year the Planning Commission provides the Board of Supervisors an annual report on its actions for the previous year.

Calendar Year 2018 Planning Commission Accomplishments:

- Held public hearings on 6 Rezoning, 11 Special Use Permits, and 1 Comprehensive Plan amendment;
- Reviewed and made recommendations on 5 Code Amendments;
- Reviewed the Capital Improvements Plan for conformance with the Comprehensive Plan;
- Held 8 work sessions/discussions to consider various planning initiatives, including beginning work on the 5-year update to the Comprehensive Plan;
- Acted on 2 preliminary plat applications and 2 exception requests; and
- Went on a site visit to Louisa County to tour the Dominion Whitehall Solar Power Facility.

The above work actions required that the Planning staff and Planning Commission conduct numerous work sessions and public hearings on major issues requiring extensive background research, analysis, time and deliberation prior to public hearings and action on these matters. The Planning Commission devoted approximately 37 hours of meeting time during the 2018 calendar year during 17 meetings to review and act upon these items. The Planning Commission was at full attendance for 41% of the meetings with just 3 meetings missing 2 members and 5 meetings missing 1 member.

The Comprehensive Plan seeks for growth to occur in such a way that the County can continue to provide the necessary infrastructure to support it. Since the 2010 Census, the County population has increased by 11,267 people. The 2019 annual growth rate is expected to continue at just over 1%.

Ms. Parrish discussed the 2019 Work Plan:

1. **Update to the Comprehensive Plan** – The Planning Commission will be involved in work sessions, public outreach, and public hearings associated with the update of the Comprehensive Plan.
2. **Zoning Ordinance Updates** – Updates to the telecommunications and signs are necessary due to changes in the Code of Virginia and as a result of court decisions.
3. **Subdivision Ordinance Updates** – Planning staff is working with the County Attorney’s office on updates to the Subdivision Ordinance. Staff will be working with the Planning Commission to bring the final draft forward through the public hearing process.

Staff recommends that the Planning Commission forward the report to the Board of Supervisors.

Mr. Smith inquired how we compare to other counties regarding growth rate.

Ms. Parrish stated that would require some research. Currently the County is at a 1% population growth rate

Mr. Newhouse expressed that he would like to complete the Comprehensive Plan Update by the end of the year.

There was a brief discussion on what could be done to encourage business to locate here.

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at approximately 8:45 p.m.

Paulette L. Mann

Paulette L. Mann

June 5, 2019

Date