

Spotsylvania County Planning Commission

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

MINUTES: November 7, 2018

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

Members Absent:

C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor

Staff Present:

Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
Kimberly Pomatto, CZA, Planner III
Alexandra Spaulding, Senior Assistant County Attorney
Jacob Pastwik, AICP, Planner III
Leon Hughes, AICP, Asst. Director of Planning

Announcements: Ms. Parrish advised that there are no other Commission meetings in November beyond this meeting. She informed the Commission that staff is planning to bring the three sPower cases to the Commission on December 5, 2018. She stated that staff is willing to meet with Commission members on the Monday and Tuesday prior to the meeting if they so desire.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Maddox to approve the minutes of October 17, 2018. The motion passed 5-0.

Unfinished Business: None

Ms. Carter opened the public hearing.

SUP18-0009 DMS Properties, LLC: Requests special use permit approval to allow a contractor's office and shop on approximately 10.10 acres of Agriculture 3 (A-3) zoned property. The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road (Route 603) and Jefferson Davis Highway (Route 1) intersection. The property is located outside the Primary Development Boundary. The property is identified for Rural Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 76-A-15A. Berkeley Voting District.

Ms. Pomatto presented the case. The applicant, DMS Properties, LLC, is requesting special use approval to allow a contractor's office and shop on approximately 10 acres of Agriculture 3 (A-3) property. The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road. The property currently includes two residential structures and several accessory buildings. The proposal is to locate the applicant's excavating business to the site utilizing the existing house for the office and develop a storage yard with a storage/barn building and employee parking on the rear portion of the property. The equipment will be stored on the property when not in use on job sites. The equipment consists of several small work trucks, small trailers, skid steer loaders, mini excavators, two roll-off type vehicles and two pump trucks. Additionally there may be small quantities of building lumber, rebar and pvc pipe stored on site. The storage yard will be screened from the right of way with a minimum eight foot (8') fence with a storage/barn building inset within the fence line. The Design Standards Manual requires a transitional screen to be installed along the property boundaries to buffer more intense uses from the existing and future adjacent residential uses. Given the amount of existing dense vegetation along the rear and side yards, staff is recommending a modified transitional screen which includes the solid fence and the installation of evergreen plantings along the fenceline. The proposed use will be screened from the adjacent residential properties to the west, north and south with 50' of existing vegetation. The only gap in the transitional screen is located on the north end of the property which triggers the transitional screening modification. Given the distance of the nearest residence to the north (approximately 630'), staff supports the transitional screening modification with the fencing and landscaping as proposed. The proposal's design preserves the rural character of the surrounding area and the site will appear unchanged except for the addition of the fence, storage/barn building and the new commercial entrance. The applicant has requested a waiver to the dustless surface Code requirement for the driveway and storage areas and proposes to utilize millings rather than asphalt. Given the size and bulk of the equipment to be stored on site a heavy duty asphalt would be necessary to withstand the weight of the equipment. Considering the use and the fact no customers will be using the parking lot, staff has identified no concerns with waiving the dustless surface requirement in this instance. The current driveway is located adjacent to a VDOT/DHR roadside historic marker along the frontage of the parcel. The proposal is to relocate the entrance approximately 160' north and provide a VDOT approved entrance design. The existing driveway will be closed creating a pull off area for the roadside marker. Approximately 15 to 20 employees will report to the facility each day generating approximately 33 trips per day with no significant impact to the Route 1 corridor.

A community meeting was held on May 31, 2018 with the only concern raised related to light pollution. The applicant stated in their narrative that they would install only downward directed lighting in order to preserve the existing rural atmosphere. It should be noted that down lighting/night-sky friendly lighting is a Code requirement.

Staff has conducted a Comprehensive Plan analysis and determined the proposed project to be consistent with the goals and objectives of the Plan.

Ms. Pomatto discussed the following findings:

In Favor:

- A. The proposal is consistent with applicable goals and objectives in the Comprehensive Plan.
- B. Visual impacts have been mitigated with the proposed landscaping and screened fencing surrounding the storage area.
- C. Access and a pull off area to the existing historic roadside marker will be improved with the relocation of the entrance driveway to the north.

Against:

- A. While the applicant has made great efforts to mitigate impacts, the introduction of a commercial operation is not entirely in keeping with the rural character of the surrounding area.

Based on consistency with the Comprehensive Plan and the findings in favor above, staff recommends the Planning Commission recommend approval of the Special Use Permit to allow a contractor's office and shop on Agriculture 3 (A-3) zoned property with the following conditions:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "Special Use Permit Generalized Development Plan DMS Properties, LLC" dated June 24, 2016 and last revised October 30, 2018.
2. Landscaping and fencing as identified on the GDP shall be maintained for the life of the use in order to provide a visual screen of the storage yard from the public right of way.
3. All site entrance design shall be approved by VDOT prior to site plan approval.

Ms. Pomatto stated that the applicant does not have a formal presentation but is here to address any questions raised by the Commission.

Ms. Carter inquired if a turning lane will be installed.

Ms. Pomatto stated that no turning lane would be installed but that the entrance will be widened to a VDOT commercial approved entrance.

Mr. Medina stated that there is a comment that a small quantity of materials would be stored on site. He inquired how much there would be and where it would be stored.

Ms. Pomatto stated that the applicant intends for it to be a small quantity stored within the screened storage yard.

There was discussion about the trips per day and Ms. Pomatto stated that it would be approximately 33 trips per day by 15-20 employees.

Ms. Maddox stated that this development is not far from her home and that a turning lane would not be warranted. She stated that she finds this development to be acceptable and that it will basically be hidden. She advised that she is in full support of small business and would like to see this corridor grow. She stated that the only time this portion of Route 1 is busy is when there is bail out traffic from I95.

Mr. Medina inquired when cases are this close to adjacent counties whether we notify or examine what that county has proposed on their side.

Ms. Parrish stated that yes, planning staff does do this and they are notified if development is within a ½ mile.

Ms. Maddox stated that Route 1 in this area is in need of revitalization and there is an opportunity to grow in this area.

Ms. Parrish reviewed the public hearing procedures.

Speaking in favor or opposition:

Roderick Slyke, Berkeley District: He stated that he owns the property directly to the left of the proposed development. He stated that he is in full support of the proposal and that the Route 1 Corridor in this area needs some development. He has no objections to seeing development all the way to the Caroline County line. He stated that the residents in this area work well together and are trying to get development to come that way.

Tom Luper, Berkeley District: He stated that he and his wife live ¼ mile north of this proposal and that they are in full support.

Ms. Carter closed the public hearing.

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Thompson to approve the special use request with staff's recommended conditions. The motion passed 5-0.

Worksession(s):

CPA17-0002: Update to the Comprehensive Plan's Transportation Element Bicycle & Pedestrian Accommodations

Mr. Pastwik presented the worksession. He advised that staff is seeking input from the Planning Commission regarding consolidating the Trailways Master Plan into the Comprehensive Plan. He also is seeking corridor and location based recommendations for bicycle and pedestrian accommodation.

- (1) Proposal to shift crucial bicycle and pedestrian elements from the 2011 adopted Trailways Master Plan into the Comprehensive Plan, whereby abandoning a separate standalone plan.

Planning staff in collaboration with County Transportation staff are in the process of reviewing and drafting updates to the Transportation Element of the Comprehensive Plan. One part of that plan includes transportation alternatives offering different modes of transportation with the ultimate goal of providing more choice and reducing demands upon roadways, especially during peak hours. Transportation alternatives tend to focus on things like telecommuting, rail, ridesharing, van pools, mixed-use development (live, work, play concept reducing need to drive long distances for work, etc.), bicycle and pedestrian connectivity, bus/ transit services.

Presently, bicycle and pedestrian connectivity is addressed in the Transportation Element as a transportation alternative but points elsewhere to the standalone Spotsylvania County Trailways Master Plan. Spotsylvania County adopted the Trailways Master Plan in February, 2011 that included plans for both roadside and off road greenway trails. In 2011 the Virginia Chapter of the American Planning Association bestowed the 2011 Outstanding Plan Award- Plan Element upon the Plan. The Plan has historically been a standalone document incorporated by reference within the Comprehensive Plan. As a Plan element in the interest of assuring such a plan does not become outdated or inconsiderate of opportunities that may arise from changes elsewhere within other elements of the Comprehensive Plan, staff is supportive of shifting crucial plan elements into this Comprehensive Plan recognizing its applicability to both Transportation planning (road based) and Parks and Recreation. Staff feels abandoning the standalone plan model in favor of the Comprehensive Plan better positions it for continued monitor, pursuit, and review and update consistent with the 5 year review and update cycle. Otherwise staff has found there tends to be little impetus to update standalone plans that may become outdated or proactively amended to reflect new opportunities or routing alternatives. The revised and updated Plan embedded within the Comprehensive Plan would address sidewalks, and recreational/ commuter trails plan intended to create an interconnected network of trails cognizant of established Parks and Recreation Level of Service Standards and trail deficits expected to grow to 159 miles by the year 2040 based on projected population growth. The goal of this relocation and revision would be to create a hybrid master plan for Bike/Ped establishing vision previously approved in Master Plan with updates focused on reducing potential duplication, identifying road corridors best suited for bike/ped improvements that may complement the rec trails greenway plan (reducing off road trails through the woods) yet achieving same goals. Staff proposes avoiding a wholesale reboot of the Plan and is not presently looking to totally “reinvent the wheel”. Staff proposes a carefully update that would establish a clear County vision for sidewalks and trails that can influence future updates to County Code and Design Standards Manual where issues have been identified related to required frontage improvements. It’s expected this update will also better inform and influence bike/ped related recommendations in case of rezoning and special use permit applications. Maintaining a bicycle and pedestrian plan no matter whether in a standalone document or within the Comprehensive Plan also lends support for grants and road improvement funding requests. Bike/Ped improvements add strength to transportation project applications for funding such as Virginia’s Smart Scale applications. Plans also lend support and basis for VDOT Project Scoping, Highway Safety Improvement Program (HSIP) Projects, County comments on transportation projects managed by others, etc.

- (2) Identification of major thoroughfares where bicycle and pedestrian (sidewalks or planned recreational trails) accommodations should be expected in the County.

There has been much debate regarding the best locations and appropriateness of bicycle and pedestrian infrastructure in certain locations throughout the years. Current Design Standards Manual requirements for sidewalks (attached for reference) are primarily based on the zoning/use of land, regardless of location. Over time, staff has found that this approach has resulted in sidewalks being placed in areas where they may not be warranted or result in a fragmented network of sidewalks since they are not corridor based expectation. For the purpose of this Comprehensive Plan update staff is looking to focus mainly on road frontage infrastructure along higher tier roads in the County; a corridor specific approach. This approach would result in bicycle and pedestrian frontage improvement expectations more in line with corridors specifically identified as part of the Comprehensive Plan. Comprehensive Plan direction is expected to help guide future amendments and streamline bicycle and pedestrian improvements requirements located in the design standards manual. Preliminarily staff believes those roads classified as Minor Collector or higher (excluding Interstate and Ramps) as classified by VDOT functional classifications within the Primary Development Boundary warrant sidewalks. A map depicting these recommended roads for inclusion in the Plan is attached as an exhibit. A corresponding list identifying the particular road segments of interest within the Primary Development Boundary or Lake Anna Area (Route 208) has also been attached for reference.

Generally speaking staff does not believe sidewalk infrastructure is warranted for standalone commercially zoned properties with little to no prospect of future connectivity and limited land use support for commercial proliferation outside of the Primary Development Boundary (PDB). The one exception to this staff notes outside the PDB considering land use designation, existing zoning, and existing development patterns along with a precedent of some existing sidewalk/trail infrastructure extending to the Louisa County line along Courthouse Rd from Bradley Lane area. Staff believes the mixed use area near Courthouse Road and Lake Anna warrants bike/ped considerations. Otherwise road improvements such as shoulder improvements along rural roads such as those identified as part of Thoroughfare Plan rural roads improvements are likely sufficient.

Recreational trails, or a hybrid of sidewalks and trails on opposite roadsides may be warranted in situations where the planned recreational trails (supported by County Parks and Recreation levels of service standards) plan overlaps road corridors. Staff would like to take advantage of road corridors when opportunities exist as opposed to off road recreational trails (also known as greenways). Staff acknowledges that the planned recreational trails system fits within a regional and national system of trails. Respecting that, recreational trail infrastructure along designated corridors does expand beyond the limits of the Primary Development Boundary. The Virginia Central Rail Trail Plan is an example, stretching to the Orange County line.

It is good to note that unless a major road improvement project is undertaken resulting in lengthy improvements along corridors such as road a widening (including bicycle and pedestrian accommodations), bicycle and pedestrian infrastructure will continue to develop in a piecemeal fashion and connectivity will be established over time with project specific frontage

improvements. A corridor specific approach will not prevent piecemeal fragmented sidewalk segments but will better assure infill frontage improvements will make the system whole over time.

With guidance from the Planning Commission resulting from this work session staff hopes to move forward to develop a revised trails and sidewalks plan hybrid map in the spirit of the adopted Trailways Master Plan.

Mr. Thompson inquired if it would change the status of the comprehensive plan.

Mr. Pastwik stated no.

In order to widen a road or add sidewalks you have to acquire property from private property owners and some of the homes along Mine Road are close to the road so it would essentially be taking their whole front yard.

Ms. Carter inquired about Mine Road and how the state appraisal process works and how ROW acquisitions are paid to property owners.

Mr. Pastwik stated that he is unaware of that policy and it's a state level policy question. It has to do with how land is appraised and how monies are offered for property acquisition.

Mr. Thompson stated that he has been through ROW acquisition before and the value of your land is what VDOT tells you the value is.

Mr. Medina stated that the sidewalk to no where issue came up for the Fredericksburg Christian SUP. He stated that he has a real problem with sidewalks to no where. He stated that he would like to see the dedication of the land rather than the requirement that the sidewalk be built to never be connected to from the adjacent properties.

Mr. Pastwik stated that the DSM allows for a trail in lieu of sidewalk.

Mr. Medina stated that he likes the way staff is going and that sidewalks to nowhere drive him nuts.

Ms. Carter stated that roads like Mine Road are heavily constrained.

Ms. Maddox stated that she likes this approach.

The Commission decided that they like this and want to see it move forward.

New Business - None

Public Comment:

David Hammond, Livingston District: He discussed cadmium leaching from the solar panels and the effects that it could have on the residents.

Sean Fogarty, Livingston District: He provided a large memo from the Concerned Citizens of Spotsylvania County for the Commission to review. It is an analysis of sPower’s SUP’s compliance with the county Comprehensive plan in accordance with Va. Code Section 15.2-2232.

Richard Genaille, Livingston District: He raised concerns regarding Fire Detection & Prevention and provided his analysis.

Judith Genaille, Livingston District: She also discussed Fire prevention and the concerns that they have.

Mike Mikolosko, Livingston District: He raised concerns about traffic congestion along Orange Plank Road. They have only made modest proposals on how they plan to mitigate the congestions. He proposed that they take Route 3 to Route 20 to Gold Dale Road.

Russ Mueller, Livingston District: On behalf of the concerned citizens committee, and suggests that they conditions they have recommended be included in the special use permit recommendation. Otherwise, they oppose the approval. The citizens will be stuck with the tax burden. He discussed all of the concerns he has such as cadmium, wells, traffic, property values.

Vivian Stanley, Livingston District: She discussed the toxins that will be cancer causing and that there is not one good reason to approve. This will be allowing for slow deaths of approximately 4000 people and it touches her property on three sides.

Michael O’Bier, Livingston District: He stated that the proposal is like ground zero and that it is detrimental to the health and safety of the residents.

Kevin McCarthy, Livingston District: He discussed the enormous size of the proposal and that it is basically 20% of the Livingston District.

Alfred King, Livingston District: He urged the Commission to turn down the application. He has concerns for the citizen’s health, welfare, and safety. He also raised concerns with the short time that everyone will have to review the staff report.

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to adjourn. The motion passed 5-0.

The meeting adjourned at approximately 8:30 p.m.

Paulette Mann _____

Paulette L. Mann

December 5, 2018 _____

Date