

Spotsylvania County Planning Commission

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

MINUTES: September 5, 2018

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

Members Present:

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

Staff Present:

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

Announcements: There were no announcements.

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of July 18, 2018. The motion passed 6-0.

Unfinished Business:

Public Hearing(s):

Rezoning(s): R18-0002 Keswick Land Development Corporation, Keswick Senior Apartments, LLC and Keswick Apartments I, LLC (Ordinance No. RO18-0002): Request amendments to the proffers approved with rezoning case R10-0005 Keswick which is a mixed-use development including single family detached, single family attached, multi-family units and a park. The requested amendments would eliminate the Keswick Architectural Guidelines, change the timing of completion of the park and the number and type of recreational fields to be provided within the park. The Keswick development is located on the east side of Lake Anna Parkway (Route 208) approximately one-half mile south of the Lake Anna Parkway/Courthouse Bypass (Route 208) and Brock Road (Route 613) intersection. The property is located within the Primary Development Boundary. The property is identified for Mixed Use development on the Future Land Use Map of the Comprehensive Plan. Tax parcels 47-25-1, 47-25-2, 47-25-3, 47-25-4, 47-25-5, 47-25-6, 47-25-7 and 47-25-8. Berkeley Voting District.

Ms. Pomatto presented the case. Staff recommends denial of the proffer amendment as proposed based on the elimination of the commitment to the Keswick Architectural Guidelines and the delayed delivery of Phase I of the park. However staff has no objection to the remainder of the proffer amendment which includes typographical edits, clarifying language and changes to recreation facilities provided.

The original proffers include a commitment to develop and construct the Keswick development in conformance with the proffered Keswick Architectural Guidelines. The Keswick Architectural Guidelines state the style of architecture will reflect the style of historic Virginia communities and defined what design elements would accomplish this from architectural elements, building materials, to porch styles, garage orientations, fencing and landscaping. The purpose of the architectural guidelines is identified within the document itself, which states, *“The Architectural Guidelines serve as a tool to ensure that the initial vision for Keswick is preserved.”*

The Keswick rezoning was approved with a GDP, proffers and the proffered Keswick Architectural Guidelines which provided the County a very clear vision of how Keswick would develop and how it would look. The approved proffers further condition that any changes to the Architectural Guidelines must be approved by the County. The applicant’s request is to amend the proffers and eliminate the proffered Keswick Architectural Guidelines. The applicant’s request is triggered by immediate revisions needed to the architectural guidelines in order to market the development and to eliminate the necessity of requesting a proffer amendment to receive County approval with each revision going forward.

A. Proffer Statement Summary – While the applicant’s proposed change to the proffer document was initially isolated to the language related to the architectural guidelines, as with any proffer amendment, the entire proffer document must be reviewed by staff and County Attorney’s office in order to ensure the proffers are legal, enforceable and can be approved as to form. In response to staff and County Attorney comments, the applicant has made additional changes to the document in order to provide a proffer document which is approved as to form. Changes to the proffer document include typos and clarifications which are identified on the redline proffer statement included in the back up material; however the more substantive changes are identified and summarized below.

- i. Ownership/Dates/Tax Map and Plan Reference** – The first and second page of the proffer document is updated to reflect new ownership, new tax map numbers as the property has been subdivided and portions sold since approval of the rezoning. The additional owners include the developer entities for the senior and non-age-restricted apartment developments.
- ii. Proffer I.B. Land Uses** – The maximum number of units section is updated to clarify the type of housing unit referenced for each land bay. The revision does not increase or change anything related to the number of units originally approved, it simply provides more clarity and specifically identifies the unit type as either single family attached or single family detached.

- iii. **Park Facilities** – The approved proffers stated the public park would include three soccer fields and goals, and that Phase I would be completed before the issuance of the 260th building permit and Phase II would be completed before the issuance of the 400th building permit. Under the approved proffers, Phase I includes an entrance to the park, a paved parking lot, public bathrooms, a maintenance building and one soccer field. The proposed revision replaces the soccer field with two little league baseball diamonds which was identified as the greater need by the Parks and Recreation Department. Additionally, the proposed revision states Phase I is to be completed prior to the issuance of the 330th residential occupancy permit which extends the completion timeline for Phase I. The proposed revision also states Phase II is to be completed prior to the issuance of the 433rd residential occupancy permit, which is beyond the full build out of the development as only a total of 334 occupancy permits will be issued for Keswick (building and occupancy permits are issued per building for apartment buildings, not per unit). The approved timeline for Phase I completion was intended to deliver this portion of the park earlier in the Keswick development’s build out. The proposed amendment to deliver Phase I prior to the issuance of the 330th residential occupancy permit will not require a completed Phase I until complete build out of the Keswick development. The applicant is also requesting an amendment the proffer language related to the timing of completion of a multi-purpose trail along the south side of Robert E. Lee Drive which currently requires completion prior to the issuance of the 320th building permit. The amendment requires completion of the trail prior to the issuance of the 320th occupancy permit and staff has no concerns with the proposed revision.
- iv. **Irrigation System Details** – The approved proffers state that the irrigation facilities for the park would be provided by the storm water management ponds; however, this is no longer permitted by County Code. Therefore, in order for the document to be approved as to form this section is deleted. The park irrigation facilities will be served by public water and the applicant will install the main water line which will allow for the connection by the County.
- v. **Section V Keswick Community Design Guide** – The current proffer language commits the development in conformance with the Keswick Architectural Guidelines and further conditions that any amendments to the Architectural Guidelines must be approved by the County. The applicant’s proposed revision is to completely eliminate this section from the proffer document. The result is that there will be no County required architectural guidelines for the Keswick development. The development’s restrictive covenants include the same architectural guidelines which can be amended by the development in conformance with the restrictive covenants; however the County does not enforce restrictive covenants.

All proposed revisions which are typographical corrections and clarifications and the park facilities revision which address the current needs of the County are supported by staff. However, staff has concerns related to the elimination of the proffered commitment to the Keswick Architectural Guidelines and the revision related to the timing of delivery of Phase I of the park. The Keswick rezoning was presented to the public and the County and approved with a defined commitment to how the development would look once constructed. The deletion of the

proffer as proposed eliminates the requirement for the design of the community to be constructed as originally approved. While the Keswick development has restrictive covenants, which currently include the establishment of an Architectural Review Board and the Architectural Guidelines, should the proffer be eliminated, there is nothing to prohibit the Keswick developer from changing the guidelines or eliminating them completely. The applicant has identified immediate changes needed to the Keswick Architectural Guidelines and staff has no concerns with those items. Staff understands the need to adjust with market conditions and that perhaps there are tweaks needed to the design guidelines in order for the Keswick development to stay current with market demands and new products/materials. With that in mind, staff recommends the applicant revise the guidelines now as part of the proffer amendment and keep the commitment to the guidelines in place.

Mr. Newhouse inquired about the recorded covenants.

Ms. Pomatto explained that they are enforced by the ARB established by the subdivision. Without them being proffered, the developer is still in control and he could revise the declarations at any time. The county would have no enforcement authority.

Mr. Newhouse inquired why the County would need to be involved.

Ms. Pomatto stated that as part of the original rezoning, the applicant had proffered certain design guidelines with images, examples, landscaping, porches, etc. Architectural Guidelines would add a level of value and quality to a development. The proffer commits the applicant to develop to that standard.

The proposed amendment to the delivery of Phase I prior to the issuance of the 330th residential occupancy permit equates to the ultimate build out of the Keswick development which at best will be approximately 5 - 8 years. Under the current proffered timeline, delivery of Phase I would be required prior to issuance of the 260th building permit and Phase II would be required prior to the issuance of the 400th building permit. Currently a portion of the multi-family buildings are under construction with each building requiring one building permit. Currently plans indicate that the multi-family component and the clubhouse for the Keswick development will require a total of 11 separate building permits. Therefore, under the approved proffered timeline delivery of Phase I would be triggered early in the development of Keswick but delivery of Phase II will never hit the trigger because there will not be 400 building permits (or occupancy permits) issued for the Keswick development. A site plan for the park has been submitted and currently under review with the County. While the County is currently not meeting all level of service standards for Parks and Recreation facilities in the County, the facilities provided in Phase I do not include any of the deficiencies; therefore there is not an identified immediate need for delivery. If the County is inclined to provide an extended timeline for delivery of Phase I, staff would recommend delivery no later than 50% of completion of the buildings within the development which would be approximately at the 168th residential occupancy permit.

Ms. Pomatto discussed the following findings:

In Favor:

- B.** The proposed revisions to the park facilities address the current needs of the County as identified by the Parks and Recreation Department.
- C.** The amended proffer statement provides greater clarity and specificity.

Against:

- Deletion of the proffered Keswick Architectural Guidelines eliminates the requirement to construct the Keswick community as presented and as approved with the original rezoning.
- The proposed extended timeline for delivery of Phase I of the park will delay completion until complete build out of the Keswick development.

In conclusion, while staff acknowledges the need for flexibility with respect to architectural guidelines in order to stay current and adjust with market conditions, staff is not supportive of eliminating the commitment to the Keswick Architectural Guidelines. The Keswick rezoning was approved by the County with a commitment by the developer that the community would be constructed as presented in the Keswick Architectural Guidelines. Deletion of the proffer eliminates certainty as to the architectural design, appearance and quality of Keswick upon development or that the Keswick Architectural Guidelines will be maintained by the developer. With respect to the amended completion timeline for Phase I of the park, staff is supportive of an amended timeline but with an earlier delivery than full build out of the development as proposed. Staff recommends denial of the proffer amendment as proposed but recommends approval with the following two points 1) a revision to the Keswick Architectural Guidelines to include the changes identified by the applicant but maintaining the commitment to the guidelines. 2) an alternative completion timeline for Phase I of the park to be prior to the issuance of the 168th residential occupancy permit.

Mr. Newhouse opened the public hearing.

Applicant, Jay Jarrell, Berkeley Voting District: He thanked Ms. Pomatto for her presentation. He stated that only one other project in the entire county has their design guidelines proffered. He stated that in speaking to many builders who would be interested in purchasing the lots in the subdivision, they've expressed concern about the antiquated, seven year old guidelines. Building standards and materials change over time. He stated that this process has taken long enough and he's just asking to be treated like everyone else. As far as phasing of the park, he has concerns about the apartment unit counts. He asked the Commission for their favorable recommendation to the Board of Supervisors.

Mr. Thompson stated that the applicant is asking to go from 10 units to 764 units.

Mr. Jarrell stated that there are no more units being requested this evening, that he is referring to a letter from a citizen. He stated that he is not asking to add or change density.

Ms. Pomatto agreed and stated there is no increase in density for this application.

Speaking in favor or opposition:

Francesca Taylor, Livingston District: She stated that this is basically an integrity issue. As part of his original plan, he declared he would build to the architectural design standards to go from 10 units to 764. She stated that Vakos Companies sacrificed land for the 208 bypass and that Vakos is compliant. She stated that the Commission and Board should not burden the residents with this amendment and deny his request.

Mr. Thompson asked the applicant if he proposed this and now wants to amend his request.

Mr. Jarrell stated yes.

Mr. Thompson stated that he could not support that.

Mr. Medina inquired if he changes anything in regard to design would it require a code amendment.

Ms. Pomatto stated yes.

Ms. Maddox stated that she sees this as a 2011 market. To have the applicant come back for any change to design guidelines is a matter of bureaucracy and to make the applicant come back is such a waste of time. She stated that she supports getting rid of the proffered guidelines. Ms. Maddox stated that she also agrees with changing building permit language to occupancy permit because she doesn't see the ballfields being used until the subdivision is completed.

Mr. Newhouse closed the public hearing.

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Bullock to approve the proffer amendment with the elimination of the architectural guidelines and the delayed delivery of the ballfields (330th occupancy) because they wouldn't be used until buildout.

Mr. Thompson stated that the Commission is not here to ensure the profitability of the developer.

Mr. Medina stated that he agrees with Mr. Thompson but also doesn't want to see the development sit because he cannot sell it based on the wording in the proffers in regard to architectural guidelines.

Vote: 6-1, with Mr. Thompson voting no.

Special Use(s):

SUP18-0007 B-Farms Development, LLC (Franklin's Crossing Assisted Living): Requests special use permit approval on a 10 acre unaddressed parcel to develop an assisted living facility on a Residential 2 (R-2) zoned property. The property is located at the end of River Meadows

Way, approximately 220 feet NW of the intersection of River Meadows Way and Terra Springs Drive. The property is located inside of the Primary Development Boundary and within the Airport Protection Overlay District. A new 125-bed assisted living facility is proposed. The property is identified for Mixed Use development on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 25-A-14C. Lee Hill Voting District.

Mr. White presented the case. The subject application is for a Special Use Permit to allow a 53,375 sq.ft. three-story Assisted Living Facility (ALF) in a Residential-2 (R-2) zoning district. The facility is proposed on a 10-acre parcel owned by B-Farms Development, LLC. The facility will have 125 beds. An operator has not been selected and the applicant wishes to preserve the right for potential operators to accommodate memory care patients which commonly accompany facilities of this type. The facility will be staffed by nursing and certified nursing assistants 24/7 to assist residents with activities of daily living and to reduce need for emergency medical service trips.

Fire and Rescue Station 11 is located approximately 5 miles from the property, although presently under capacity, a number of approved projects within the County are within this Station's service area including Alexander's Crossing and New Post, two of the County's larger mixed use projects. However, for the purpose of comparison, a similar but smaller facility recently completed in the County which has 60 beds (16 of them for memory care patients) had 121 calls from July 1 2017 to June 30, 2018; that facility is half the size of the facility proposed. Staff has proposed Condition #4 in an effort to reduce the impacts of this facility on FIREM services, and neighbors who might be exposed to those trips.

The sole access to the property is via a River Meadows Way, which is a 50' wide, public right-of-way with dual sidewalks and which functions as the spine of the River Meadows neighborhood. River Meadows Way intersects with Tidewater Trail/Route 17 a little over half of a mile to the southwest of the subject property at the entrance of the neighborhood. Vehicles accessing the subject property would pass an estimated 53 single family homes while passing through the neighborhood. It is estimated that River Meadows Way currently moves approximately 1,100 Vehicles per Day (VPD) and the applicant's proposal would add an additional estimated 333 VPD. If the property were developed by-right with its present zoning of R-2, a maximum of 10 single family detached units could be constructed, generating an estimated 100 VPD. River Meadows Way is functioning with an AM Level of Service of A and PM Level of Service B. Tidewater Trail is estimated to move approximately 17,200 VPD, and is functioning at a Level of Service A during both time periods per County Traffic Engineering. However, the left turn movement out of River Meadows has a failing Level of Service due to the volume of traffic on Tidewater Trail and the non-signalized intersection. One crash occurred on River Meadows Way from 2012-2017 involving a minor in poor weather causing reduced visibility; no injuries were reported. It is not anticipated that the proposed use will cause any reductions in Levels of Service to either of these roadways and a signal at this intersection is not warranted nor proposed.

The facility, as well as the site improvements, are all proposed to be completed in one phase. Additional improvements include parking, storm water management facilities, landscaping, a vinyl privacy fence, a gazebo, a small patio, and a private path leading to the river with a small

seating area. Pursuant to a Comprehensive Plan goal, the applicant has proposed to include either decorative landscaping around or a fountain within the proposed storm water management facility to increase aesthetics.

The facility is proposed to be buffered using a Transitional Screen 2 to the NW and SE. The northeastern property line is presently screened with existing mature woods.

In Favor:

- The proposal would provide additional housing for aging residents of the County who require assistance in their everyday lives, pursuant to Comprehensive Plan goals. These residents also have negligible impacts on most of the County's public infrastructure, including roads, schools, and parks.
- The facility would generate jobs and improve the County's non-residential tax base.
- The facility is interconnected via sidewalks pursuant to Mixed Use FLU goals.
- Over 50% of the site would remain open, providing green space for ALF residents, and the retention of mature trees.
- The applicant has proposed to conduct a traffic calming study which may allow for traffic calming measures to be installed, if warranted.

Against:

- The proposal fails one of the eight criteria necessary to recommend approval – Siting. Facilities such as this generate regular ambulance trips. These trips would have no other route to the proposed facility than through the River Meadows neighborhood. Drivers of these ambulances, respecting above all else the life of their transported patient, will engage their sirens and lights as needed. There is no recommended condition that could fully mitigate the introduction of this nuisance on the neighborhood, but a condition has been drafted in an effort to assist in this.
- Community Meeting attendees had expressed that the River Meadows neighborhood already faces traffic problems which the proposed facility will exacerbate. Although the applicant proposes to conduct a traffic calming analysis, there is no certainty that traffic calming will be warranted per VDOT standards. Furthermore, if those traffic calming measures were warranted, the provision of those improvements may further challenge the ability for FREM responders to transport patients along River Meadows Way.

Based on staff's analysis and findings against noted above, staff recommends denial. Should the Commission desire to recommend approval, staff recommends that approval be accompanied with the following conditions:

1. The facility shall be built in conformance with the GDP prepared by Garrison Consulting Co., Inc. dated April 26, 2018 and last revised June 18, 2018.
2. The design of the ALF shall be in general conformance with the illustrative rendering entitled "Franklin's Crossing Assisted Living Rendering" dated May 2018.
3. Prior to site plan approval the applicant shall submit a Preliminary Assessment of Threatened and Endangered Species to the County for review and coordinate mitigation actions, if any, as recommended by the assessment.

4. The landowner or ALF operator shall contract with a private transportation or ambulance service for routine, non-emergency transportation services.
5. The landowner or ALF operator shall schedule shift changes of employees at off-peak times to reduce traffic impacts. (Mr. White stated that this one was suggested by the applicant and staff agreed it should be a condition.)

Mr. Newhouse inquired if that ties in with staff's comment about that exacerbate traffic conditions. Does this address that?

Mr. White says this is really for employees as to when they are coming and leaving.

Mr. Newhouse inquired if that would directly impact the traffic level of service.

Mr. White stated it would make it better but doesn't get around the siting of the development.

Mr. Newhouse stated that he believes it would mitigate some of the traffic concerns.

Mr. White stated that he would agree that it would mitigate some traffic concerns with the employees but not overall with the emergency trips.

Mr. Newhouse stated that he was concerned because Emergency Services are not during the peak hour, they could be any time of day, correct?

Mr. White stated yes, anytime of day.

Mr. Smith inquired if the traffic issue is with emergency vehicles going in and out.

Mr. White stated that is his concern He stated that these trips are special trips and not regular that someone visiting a grandmother or employee would create. The emergency trips are a faster, louder type of trip.

Mr. Smith inquired if staff is concerned about the noise or the number of trips.

Mr. White stated that it's more so that any emergency responders' duty is to get there as quickly as they can and presumably pick someone up. Then their duty is to get them somewhere else (hospital) as quickly as they can. In doing that job they have lights, sirens, and they have a gas pedal. Those tools are used to make that trip as quickly as they can. The only way they can get there is through that residential areas. There is one way in and one way out. The neighborhood was there before they proposed this.

Mr. Smith inquired how many trips per day occur by EMS.

Mr. White stated that he doesn't have great data on that but could provide an estimate. He stated that at the Bickford development at 60 beds had approximately 120 trips per year and it is approximately half the size of the proposed development before the Commission tonight. We also haven't done a lot of analysis of these types of developments and it all could also depend on the management of the facility and what they call EMS for.

Mr. Smith asked the Fire Chief, Jay Cullinan, if there is policy about EMS vehicles as far as speed is concerned.

Fire Chief Cullinan stated that it's all going to depend on the type of call. We do not set a standard that says they cannot exceed the speed limit in a residential area. Of course, they are going to be more careful. He stated that his concern is that units will be responding through a residential area with cars on the streets, children playing, and even pets. We usually don't build a fire station on the backside of a development to respond out to fire calls. This is a similar situation. We do not say they cannot use sirens or exceed the speed limit. We do set a max amount that they can exceed the speed limit.

Mr. Smith stated that he's confused about this because he doesn't see the difference in this and any other subdivision. Fire Trucks come in slowly and exit and are pretty professional by looking out for people. He stated that he is confused about whether it's the noise or the equipment coming in and out of there.

Mr. White stated that it's all of the above.

Ms. Maddox stated that not every call that come in to an assisted living facility is a "grab and go." Her husband is a firefighter and many times they are called in to help someone that has fallen. It's important to know what the calls are and what they are for. There is a lot more of that happening than we realize. Staff is now scared to get people up and instead call 911. She inquired if the subdivision has sidewalks.

Mr. White stated yes, on both sides of the street.

Ms. Carter agreed to Mr. Smith. She called two assisted living facilities and inquired how many calls they make for 911 assistance. She stated that two of them stated that they receive 4-5 per month. There are other subdivisions that are likely getting more calls than that. Since there is only one way in and one way out, the adjoining subdivisions have an opportunity to cut through River Meadows.

Mr. White stated that there is not a connection to the neighboring development. There is no other access provided per the proposal from the trailer park or Sylvania Heights.

Mr. Thompson inquired what could happen to this property by right?

Mr. White stated that they could build 10 single-family houses on it by right.

Mr. Thompson stated that he believe that would be a good idea.

Ms. Carter stated ten houses could be built, but by right there could be a connection to the other subdivisions, correct?

Mr. White stated that is incorrect. Staff did look at that and the original tax map appeared to depict a place for that to happen. Staff looked further and it appears it was vacated some years

ago and legally no longer exists. Hypothetically the applicant would have to buy it to make a connection.

Ms. Carter stated that it could happen.

Mr. Newhouse inquired how many trips would occur per day.

Mr. White stated 333 trips per day are estimated.

Mr. Newhouse inquired about a byright subdivision and how many trips there would be.

Mr. White stated 100.

Mr. Smith inquired if there is parking on the street.

Mr. White stated that it is definitely happening on both sides of the street.

Mr. Medina has been out there twice about 1:30 in the afternoon on both days and he said he had to stop because of the cars parking on the street only permit one car to get through at a time. This is interesting because, he wonders if it is allowed. He wonders if a large truck can pass through.

Mr. White stated that to his knowledge they are allowed to park on the roadway unless otherwise marked. This may be one of the things that comes out of the traffic calming study if one were to be conducted.

Mr. Medina stated that you are then taking away the ability for the current homeowners utilized. He said he's just not for taking away something that a subdivision has already. He stated that he cannot think of another example where there is a like facility inside an existing subdivision. Lee's Parke has one on the main drag.

Mr. White stated that the Keswick rezoning has an assisted living facility within it.

Mr. Smith asked staff to check with VDOT on the parking on the road. He thinks that the state owns the sidewalks. Are we able to get a fire truck through with folks parked on both side.

Mr. White stated that if a school bus can fit, a fire truck should also be able to fit.

Ms. Maddox stated that the Planning Commission voted for something similar on Ross Drive.

Mr. White stated that it was senior housing, not assisted living.

6. The landowner or ALF operator shall install a double staggered hedge row along the southeastern property line between the sidewalk which lies north of the cul-de-sac and the preserved trees lying further north. The shrubs shall be a minimum of 4 feet high at the time of installation and shall be placed no more than 5 feet from each other as measured from the center of the planting.

7. The landowner or ALF operator shall maintain a Transitional Screen 2 along the SE property line, except for the shrub row to be installed as described above.
8. The landowner or ALF operator shall install on-site signage to remind employees and visitors to drive slow, be quiet, and be aware of children.
9. The proposed 6-foot high white vinyl privacy fence must include a finished side facing to the exterior of the property.
10. Prior to site plan approval the applicant shall conduct a traffic calming analysis of River Meadows Way at the applicant's expense. The analysis shall be conducted in accordance with County and VDOT requirements and shall include the additional trips generated from the proposed ALF. If traffic calming measures are warranted by the analysis, the applicant shall submit a plan to install the recommended traffic calming improvements to the County and VDOT for approval and the applicant shall install the recommended measures within 180 days from the County and VDOT's approval of the applicant's installation plans.

Applicant, Charlie Payne, representing the applicant: He provided an application overview to include the location and what the comp plan recommends. He stated that there isn't another assisted living facility close by. When we first began to develop the property, we were intended to build 32 townhomes and the neighbors went wild so they went back to the drawing board and this is not as intense. This is a mix of commercial/residential development. You will get a greater tax revenue out of this project. It doesn't adversely affect the housing values. The second access point was vacated some years ago. There will be 18 trips during a.m. peak and 28 during the p.m. peak. He discussed how Assisted Living facilities reduce calls. He stated that he disagrees wholeheartedly with staff when they say that EMS is a nuisance. He stated that the county has approved similar projects such as Cosner's East, Lafayette Square, Spring Arbor, Alexanders Crossing and Jackson Village.

Ms. Carter inquired if the applicant would be connected to any other development.

Mr. Payne stated that this project does not plan to connect to any other area but River Meadows Drive to Route 2, Tidewater Trail.

Ms. Carter inquired if the shifts of the employees have been adjusted so not to conflict with school buses.

Mr. Payne stated that the shifts are off peak hour usually.

Mr. Smith inquired if the applicant would agree to have a physician on site and whether it would be 24 hours.

Mr. Payne stated that the industry is moving in that direction to have a physician on site. You are seeing more units off the beaten path because of the cost.

Mr. Newhouse inquired about the trip generation.

Mr. Payne stated that they were told they didn't have to do one because they weren't impacting the Level of Service. All are staying A & B.

Mr. Newhouse explained the public hearing procedures.

Speaking in favor or opposition:

Curtis Dunn, Lee Hill District: He stated that he hopes the lack of participation at the May 10 meeting was because the envelope was not significant. The roadway does narrow because of vehicles parked on both sides. He stated that he is worried about housing values. We didn't move into this neighborhood with this and it is coming now. He has concerns about the volume of vehicles coming into and out of his neighborhood. Lights will be shining right into our windows affecting his quality of life and that is a nuisance. Believes this is needed, just wrong location.

Brian Butler, Lee Hill District: He sent an email to the Commission members. One of the mitigations is the change in shifts for workers. As a matter of parenting, he doesn't have his kids riding their bikes. He has concerns about the kids, parents pushing strollers. Parking on the street is permitted. Finally, we all purchased homes with the idea of 10 new houses that would be similar to ours. We didn't buy houses expecting that this would come. He also has concerns about housing values.

Shane Lack, Lee Hill District: He stated that he is adamantly opposed to this. It changes the character of the neighborhood. It was sold as ten homes and should be built as ten homes.

Martin Petrie, Lee Hill District: He agreed with everyone that has already spoken. He doesn't begrudge assisted living or the need; it's just not the right place for it. Staff doesn't recommend this for very good reasons and urged the Commission to vote no.

John Sirioux, Lee Hill District: He stated that he is speaking on behalf of his parents. He stated that this neighborhood was meant to be out of the way. It was meant to be not on the way to anything. Everyone is okay with the ten new homes. This is an attempt to make more money for the developer.

Jay Cullinan, Fire Chief: He stated it is not customary for him to speak at a public hearing but wanted to offer up that you take into consideration having a high density development at the end of a one way street does cause him some concern. He inquired if the site has the capability to provide for a secondary emergency entry and egress if the primary route of travel were blocked. He stated that he doesn't not what the plan looks like and whether there is any availability to do so but would encourage the developer to look into this for emergency vehicles only.

Mr. Newhouse closed the public hearing.

Charlie Payne, Applicant: He stated that he appreciates the comments. He said that when you go through the process you do your best to mitigate issues for the neighbors. They originally presented 32 townhomes and it was not well received by the neighbors so they came up with this plan instead. They would have preferred to do the townhomes. He stated that a Mr. Ortiz and Mr. Hallburg sent letters of support for their project. Mr. Hallburg also added that we could be

granted an access easement across his property to be restricted for emergency vehicles only. They will certainly do this if that is the recommendation of the Planning Commission. Housing values should not be affected and will have no impact. This area comes with growing pains, and the FLUM says this will be compatible. Currently they are living next to a mobile home park and this is a good buffer and will have no negative impact on county services. Emergency Services are not nuisances and should not be characterized that way by staff.

Mr. Medina inquired about Mr. Payne stating that 32 townhomes are more economically beneficial than the development that they are proposing.

Mr. Payne stated that for purposes of marketing to a user for the use, yes, the townhomes are much quicker and much more profit.

Mr. Medina stated that Mr. Payne mentioned the Comprehensive Plan and it calling for mixed use. He stated that the Comprehensive Plan is a guide and we are constantly adjusting to fit the need. He stated that he doesn't see mixed use going into this area for a long time because would have to see this entire neighborhood leveled and adjusted decades in the future. He stated that he's heard Mr. Payne use the guideline to defend other cases that the comprehensive plan is just a guideline for the opposite reason. Why do we have little slivers of green mixed use instead of larger parcels.

Mr. Payne stated that in this particular case, he always looks at highest and best use for a project, whether the comprehensive plan calls for it or not. That's how developers and development works. Planning is about long term vision. He stated that just to the west of the project is a mobile home park and it's not going to remain that and that's why planning decided to designate as mixed use.

Mr. Medina stated that Mr. Payne also keeps bringing up that staff is seeing EMS traffic as being a nuisance. He stated that is not what anyone is saying. The concern is he has not seen this and all the examples that Mr. Payne gave of like development, do not compare in his opinion. Lafayette Crossing land was donated. All others are part of a spine road and the others were all designed where the assisted living was part of apartment complexes. He stated that he cannot see this in this development going where it is proposed. He stated that he likes that it's on a river and peaceful but for it to be at the end of a neighborhood; he doesn't like it at all.

Mr. Payne stated that they will have to agree to disagree. All of the examples shown have common access, sirens, and lights based on the assumptions by staff. Lafayette Crossing is very similar.

Mr. Thompson inquired about Lafayette Crossing and whether it was part of one large plan or added later.

Ms. Parrish stated that it was one plan, one GDP. The assisted living didn't come later.

Mr. Thompson stated that the people that moved there knew what they were getting.

Ms. Parrish stated correct.

Mr. Smith understands the concerns about noise but doesn't see the difference in them going down any other street in the County, especially the rural roads in his district. He stated he applauds the fire department and they have very few accidents. His mother lives in an assisted living facility and kids are playing near the apartments and there are two bus stops and there has never been an issue. He discussed that it's been mentioned that the roadway narrows. He inquired where the state maintained portion ends.

Mr. White stated the entire roadway would be state maintained. The cul-de-sac that is proposed by the applicant will be dedicated to VDOT to be maintained as well.

Mr. Smith inquired about the narrow portion and it being state maintained.

Mr. White stated that he cannot testify that the roadway actually narrows.

Mr. Newhouse inquired to see a map of where the access easement could be granted.

Mr. Garrison displayed the location.

Ms. Carter has concerns about the comments by staff calling the lights and noise from EMS a nuisance. The proposed facility would not hurt the health or safety of residents. That comment is made by staff and is confused as to why it is now being considered a nuisance. The transportation issue isn't an issue in the staff report. She stated that she is shocked that it is being recommended for denial. Transportation is not the issue. She said had she known earlier she would've worked harder to address these issues. She then proceeded to read a memo from Mr. White that said that all reports are back and that he would reach out. She is frustrated because she thought everything had been addressed and fine. She stated that she doesn't believe it fair to the applicant to receive the denial and comments so late in the process. Ms. Carter stated that she lives on Mine Road next door to the Firehouse and hears sirens all the time. She stated that she doesn't consider them a nuisance but instead thanks the lord every time she hears one that we have a fire truck. She stated that she will always stick up for the elderly and the children and assisted living. She wants to know how we juggle so that our school children are not in the roadway and employee traffic safety. She stated that she believes the staggering of off peak hours will help. Also of concern, is the potential for by-right development because that would bring in more traffic. Assisted living will be calm traffic. She stated that if she was living in River Meadows and would love to be able to bring her parents to that facility and sit on the riverbank with them. When the subdivision was approved, people were upset. This use is necessary and will touch many lives. There are traffic calming mechanisms other than speed bumps such as signage for additional fines, watch for children signs. She doesn't believe it will be a nuisance at all.

Motion and vote: Ms. Carter made a motion for approval with all of staff's conditions and questioned whether she could apply another condition; if emergency services needed an entrance or exit to work that out with the applicant.

Ms. Parrish stated yes, that additional conditions can be recommended.

She asked that the Fire Chief and applicant work to see what they come up with. She stated that she knows the applicant will do whatever they can to make this a safe place and that's all that she wants.

Mr. Smith questioned whether she is asking the applicant and fire chief to work that out for that access or are we asking for the applicant to work with that landowner to gain an access easement through his property for emergency services.

Ms. Carter stated she meant if it is warranted, that would be a decision between the fire chief and the applicant.

Mr. Smith stated that he would like to see the applicant work with the landowner on gaining that access.

Mr. Payne stated that he was going to suggest that one of the conditions include that they have a secondary emergency access only and that they would be obligated to obtain that access prior to site plan approval.

Ms. Carter inquired how to word her motion to prevent cut through traffic.

Mr. Payne stated that access to the site would be gated and only EMS could have the key to that site.

Ms. Spaulding stated that if she heard Mr. Payne correctly, he said to add a condition that someone on the Commission could actually add that to the motion that they have to obtain a secondary way of ingress and egress. If you condition that then what you will need to do is amend your motion to not suggest that they talk but rather reword your motion if you agree with Mr. Payne to say that the applicant be required to obtain secondary means of emergency ingress and ingress.

Mr. Payne agreed that it was fine with him to include that motion with staff's recommended conditions should the Commission recommend approval.

Mr. Howard added, with a gate.

Mr. Payne and Ms. Carter agreed.

Ms. Spaulding stated that she heard Ms. Carter state that she would like to move for approval with staff's recommended conditions and the additional condition that the applicant must obtain secondary means of emergency ingress and egress with a gate, prior to site plan approval.

Motion and vote: Ms. Carter makes a motion, seconded by Mr. Smith to approve the special use request with staff's recommended conditions and an additional condition that the applicant must obtain secondary means of emergency ingress and egress with a gate, prior to site plan

approval. The motion passed 5-2, with Mr. Thompson and Mr. Medina voting no.

CA18-0005 Spotsylvania County Planning Commission (Ordinance No. 20-46): An amendment to County Code (“Code Amendment”) Chapter 20, Subdivisions, Article 4, Subdivision Approval Procedures, Division 4, Preliminary Plat Review, Sec. 20-4.4.1. Required preliminary plat information, and Division 6, Record plats, Sec. 20-4.6.1. Record plat requirements, to include depictions and notes required by the Chesapeake Bay Act related to limitations on development in the Resource Protection Area (RPA), that plats served by on-site sewage systems shall depict primary and 100% reserve drainfields, certification that the record plat conforms to the preliminary plat, if applicable, and in bold on all plats the language “PERMITTED DEVELOPMENT IN THE RESOURCE PROTECTION AREA (RPA) IS LIMITED TO WATER DEPENDENT FACILITIES OR REDEVELOPMENT IN THE RPA, INCLUDING THE 100-FOOT WIDE VEGETATED BUFFER” and “SEWAGE TREATMENT SYSTEM PUMP OUT IS REQUIRED EVERY FIVE (5) YEARS IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE CHAPTER 6A-10(B)(1)”. Additional amendments include changing the term planning director to Director of Planning.

Ms. Parrish presented the case. The attached amendments to the Subdivision Ordinance are required for compliance with the Chesapeake Bay Act. The additions include notes required by the Chesapeake Bay Act related to limitations on development in the Resource Protection Area (RPA) that plats served by on-site sewage systems shall depict primary and 100% reserve drainfields, and that on-site sewage systems require pump out every five (5) years.

Staff recommends approval of CA18-0005.

Ms. Parrish advised that she reached out to Richard Street and that positive signs and progress are being made as part of the Chesapeake Bay Act.

Mr. Medina inquired if there are any subdivisions that are exempt from this.

Ms. Parrish advised that Chapter 6A is based on lot creation or when a house was built. It is not related to RPA.

Mr. Medina inquired about the five year pump out and hears of so many that do not do this.

Ms. Parrish stated that Code Compliance sends out reminders and collects the data. She believes they are currently reviewing that process.

Mr. Newhouse inquired about prospective buyers and how they are notified regarding conventional versus alternative drainfields.

Ms. Parrish stated that she is unaware of the public process.

Mr. Newhouse suggested that he would like to see a worksession to include Richard Street in the discussion.

Mr. Newhouse opened the public hearing.

Speaking in favor or opposition:

Jerimiah, He stated that there is new technology available and as a member of FABBA, he would be happy to contribute to the conversation.

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Newhouse made a motion, seconded by Ms. Carter to approve the amendment. The motion passed 7-0.

Discussion Item(s):

Worksession(s):

Comprehensive Plan Work Session – Update to the Comprehensive Plan’s Public Facilities Chapter for Libraries.

Mr. White presented the worksession. He explained that County Planning Staff and staff from the Central Rappahannock Regional Library have been working on an update to the Comprehensive Plans Public Facilities section. Ms. Martha Hutzel, and Ms. Rebecca Purdy are present tonight to assist with your questions. There is no need for a formal vote or action on this item but we welcome your input!

In addition to providing a physical place for physical materials, today’s libraries provide electronic resources, on-site services, technologies, and assistance, and an ever growing list of outreach services. The edits within the current clean version reflect efforts of the CRRL and Planning staff to modify the language within the Comprehensive Plan to acknowledge the current Libraries programs available. In addition to the new language, new standards have been added to reflect the changing role of libraries to provide electronic resources. Notably, the workstation and makerspace components. The standards themselves changed little, and the Chapter remains supportive of a new Cosners Corner facility, mobile facilities, and the potential use of existing space.

Table 1 which includes the current status of facilities has been updated. The version displayed has been further updated to add in a count for Workstations, and Makerspaces.

At a glance, using our most recent population project for July 1, 2017, the County remains deficient in library spaces, materials, and makerspaces. The CRRL has embraced their evident demand for workstations, and presently the system is exceeding the standard for electronic workstations. Staff is evaluating the exact service areas using the Rural and Urban drive time standards though our Geographic Information Systems; that information should be ready in the near future.

Director Hutzel with the CRRL to say a few words if she’d like. Otherwise I’ll stand by for your suggestions or questions.

Ms. Maddox stated that she would love to have the bookmobile come back.

Ms. Hutzel stated that the bookmobile died at 400-500K miles and that they have two smaller vehicles that have replaced that one. They are libraries on the go that visit assisted living facilities and provide wifi, computers, books and other literacy materials. They have received a grant to purchase another vehicle. She discussed that they are in partnership with Belmont and on Monday nights they typically have 10-20 people take advantage of that resource. She discussed that the county would love to have another branch in the Massaponax area, which is a long term goal.

Mr. Newhouse discussed how his son does all of his schoolwork on line now with Google Classroom.

Ms. Maddox discussed that she cannot use that because so many of the citizens out in the county don't have high speed internet.

Ms. Hutzel stated that the library at the town center is now open and doing very well.

Mr. Newhouse inquired if she sees more libraries moving that way.

Ms. Hutzel stated that they are good for satellite locations.

New Business - None

Public Comment:

A gentleman spoke about the fact that there is the opportunity to provide technology via microwave technology. The county has suitable topography and many companies may be willing to participate in an investment in this county.

Adjournment:

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to adjourn. The motion passed 6-0.

The meeting adjourned at approximately 9:25 p.m.

Paulette Mann _____

Paulette Mann

_ October 3, 2018 _____

Date