

# Spotsylvania County Planning Commission

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

**MINUTES:** June 20, 2018

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

**Members Present:**

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

**Members Absent:** Gregg Newhouse Chancellor

**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  
Jacob Pastwik, AICP, Planner III  
Alexandra Spaulding, Senior Assistant County Attorney  
Daniel Cole, Traffic Engineer

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**Announcements:** Ms. Parrish reminded the Commission that there will not be a meeting on July 4, 2018.

**Review & Approval of minutes:**

**Motion and vote:** Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of May 9, 2018. The motion passed 6-0.

**Unfinished Business:** None

**Review and approval of plat(s):**

- **X18-0001 Pool Exception Request**

Ms. Parrish presented the exception request. Sec. 20-4.1.5 of the Subdivision Ordinance allows the Planning Commission to approve exceptions Article 5 of the Ordinance when an applicant demonstrates a substantial injustice or hardship. Sec. 20-5.1.9(k) requires a Scenic Buffer strip of 100' in width along the existing secondary or primary road frontage, in which the existing vegetation and contours of the land will not be disturbed or altered. The Code does provide allowances for fences and driveways within the buffer area.

The exception application is for an above-ground pool to be located partially within the Scenic Buffer on Tax Map Parcel 21-22-1, located at 1120 Kailee Lane in The Woods of Catharpin subdivision. The Scenic Buffer is along Catharpin Road in the back yard of the property. The attached letter outlines the request and details limitations to locating the pool outside of the buffer, including the location of the house and driveway, drainfield, well, and buried gas tank. The pool is proposed in a grassy area of the yard and will not disturb any existing trees. Mature trees exist along Catharpin Road. The design of the pool enclosure mitigates any negative visual impact from Catharpin Road. The intent of the Scenic Buffer is to maintain the rural viewshed. Staff finds that the applicant has located and designed the pool to minimize any impact considering the shape of the lot, extent of the buffer, and existing constraints.

Staff recommends that the Planning Commission approve the exception request, X18-0001.

Mr. Thompson inquired if any trees would be cut down.

Ms. Parrish stated that no trees would be disturbed and that the pool would be placed right up to the existing deck.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to approve the exception request. The motion passed 6-0.

#### **Public Hearing(s):**

#### **Special Use(s):**

**SUP17-0005 Mineral Springs Plantation, LLC (Columbia Gas of Virginia, Inc.):** Requests special use permit approval to allow a public utility, light on Rural (RU) zoned property. Approval of the special use permit will allow the installation of a PIG insertion facility on a portion of TM# 10-7-82 (.65 acres), which is located at 13919 Hunting Run Drive within the Mineral Springs Plantation subdivision. 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 10-7-82. Chancellor Voting District.

Ms. Pomatto presented the case. The applicant, Columbia Gas of Virginia, Inc., is requesting special use permit approval for a Public Utility, Light, in order to install a Pipeline Inspection Gauge (PIG) Insertion Facility on a residential lot within the Mineral Springs Plantation subdivision. A PIG Insertion Facility, also known as a "PIG Launcher," is essentially an empty aboveground pipeline access port. A Pipeline Inspection Gauge (PIG) is inserted into the pipeline port and travels through the gas mains in order to clean, inspect, maintain and provide data for maintenance purposes to Columbia Gas. Once operational, the described PIG operations are performed once a year and the facility will be inspected once every two (2) months; therefore the traffic impact is minimal. Mineral Springs Plantation is a large lot subdivision located off of US Ford Road. The total lot area is 5.81 acres and is currently owned by the Mineral Springs Plantation developer, Mineral Springs Plantation LLC. Columbia Gas has acquired an exclusive easement on a portion of the property, totaling .65 acres, in order to accommodate the proposed use. The subject property is an ideal location for Columbia Gas as it is currently vacant and

located immediately adjacent to the existing gas line main. The residential lot north of the subject property is currently vacant, and the closest dwelling is located on the adjacent lot to the south at approximately 355' feet. Primary access to the PIG site will be a VDOT approved paved entrance from Hunting Run Drive with a 15' gravel access road to the facility. The facility will be setback from the right of way approximately 225' and be completely secured with a 6' chain link fence which is screened with forest green slats on all sides of the fenced area. The access gate will include a security locking system to be accessed by Columbia Gas employees only. The fenced area is approximately 6,420 square feet of gravel with the piping and access ports being approximately 4 feet aboveground. The aboveground pipes will be completely screened by the proposed fencing.

Approval of the special use for the PIG site will not prohibit the subject property from developing as a residential lot. The property contains sufficient area to accommodate a dwelling, well and septic system. Mineral Springs Plantation, LLC (the Owner) and Columbia Gas have an agreement to allow access to the rear portion of the lot from the existing gas line easement which runs along the property line. The Mineral Springs Plantation HOA has endorsed the proposal and found it consistent with their covenants and restrictions

The applicant conducted a community meeting on October 12, 2017; however no one from the community attended. Mineral Springs Plantation, LLC and the Spotsylvania Historical Association worked with the applicant in order to locate the facility to provide the least impact to the historical earthworks located on the rear of the property and also to minimize the visual impact from Hunting Run Drive. Staff's initial concern related to the proposal was primarily related to the visual impact the site would have from Hunting Run Drive and the adjacent properties. The applicant accommodated staff by staking out the dimensions of the proposed facility prior to staff's site visit.

**In Favor:**

- A. The proposal is consistent and compatible with the development district and land use designation as per the Comprehensive Plan.
- B. Visual impacts have been mitigated with the proposed landscaping and screened fencing surrounding the facility.
- C. The proposal provides a necessary piece of public infrastructure which will enhance efficiency and safety to serve the County population.

**Against:**

- A. While the existing vegetation and proposed landscaping will limit the visual impact, the facility will still have points of visibility from Hunting Run Drive and the adjacent properties.

The proposed use provides a critical piece of infrastructure serving populations throughout the utility service network. The proposal avoids impacts to the protected historical earthworks on

site and the visual impacts of the facility will be limited with existing vegetation and proposed landscaping. The Mineral Springs Plantation HOA has endorsed the proposal and found it consistent with their covenants and restrictions and while perhaps not ideal, the remainder of the lot may still be developed for a single family dwelling. Staff recommends that the Planning Commission recommend approval of the Special Use Permit to allow the public utility, light, on Rural (RU) zoned property:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "PIG INSERTION FACILITY, SPECIAL USE PERMIT, 13919 HUNTING RUN DRIVE, TAX MAP NUMBER 10-7-82, SPOTSYLVANIA COUNTY, VIRGINIA" dated February 9, 2018 and last revised May 21, 2018.
2. The facility shall be completely fenced and all fencing shall be six (6) in height and screened with forest green slats as detailed on the GDP.
3. Landscaping shall be provided around the facility, as detailed on the GDP, in order to screen the facility to the extent possible from the public right of way and neighboring properties.

Mr. Thompson inquired if the parcel is mainly wooded.

Ms. Pomatto stated that it is and that they would only disturb what is necessary.

*Ms. Carter opened the public hearing.*

Applicant, Brian Mitchell with Townes Engineering: He stated that they are in full agreement with staff's recommendation.

*Speaking in favor or opposition: None*

*Ms. Carter closed the public hearing.*

**Motion and vote:** Mr. Smith made a motion, seconded by Mr. Thompson to approve the special use request with staff's recommended conditions.. The motion passed 6-0.

**Rezoning(s):**

**R17-0011 The Islamic Center of Fredricksburg (Chris Hornung) (Ordinance No. R17-0011):** Requests a rezoning of approximately 9.62 acres from Rural (RU) to Planned Development Housing (PDH-2) with proffers for a 19 lot subdivision of single-family detached units at a density of 1.98 units per acre. The property is located along the north side of Old Plank Road (Route 610), at the intersection of Old Plank Road and Andora Drive (Route 626). This property is located within the Primary Development Boundary. The property is in an area designed as a Low Density Residential on the Future Land Use Map of the Comprehensive Plan. Tax parcels 21-20-1, 21-20-2, 21-20-3 and addressed as 7309 Old Plank Road, 7305 Old Plank Road and 7301 Old Plank Road. Chancellor voting district.

Mr. Hughes stated that as a matter of housekeeping it has come to our attention that the proffers contain lanugage that needs to be adjusted and the applicant has agreed to amend the proffers and have the public hearing continued to the July 18, 2018 meeting.

He stated that the applicant is requesting to rezone the 9.62 acres from Rural (RU) to Planned Development Housing 2 (PDH-2). The proposal is for the development of 19 lot single-family detached residential neighborhood with 2.97 acres preserved as open space, which is slightly more than the required thirty percent of open space required in the PDH-2 zoning district. The proposed density of 1.98 units per acre is consistent with the Low Density Residential future land use designation and is well suited to the surrounding residential land uses.

The Generalized Development Plan (GDP) depicts the nineteen (19) lots fronting on subdivision streets with one access from Old Plank Road. The subdivision streets terminate in a cul -de-a sac at the northern end of the project and a second cul-de-sac that extends east towards Andora Drive. The required open space for the project is around the perimeter of the lots which includes an existing ten (10) foot conservation easement that is adjacent to the lots of Ashleigh Park. In addition to the open space, the GDP depicts a 5-five foot wide sidewalk along the frontages of Old Plank Road and Andora Drive and sidewalks on the interior streets of the project. The lots range in size from 10,000 square feet to 12,000 square feet. Lastly, the GDP depicts the proffered right-of-way dedication along Andora Drive and Old Plank Road that will accommodate future road improvements.

Mr. Hughes discussed the following findings:

In Favor:

1. The proposed project is appropriately located in the Primary Development Boundary of the County and is generally consistent with the Future Land Use goals identified in the Comprehensive Plan.
2. The applicant has proffered cash contributions of \$161.25 per unit to mitigate impacts on capital facilities which are specifically attributable to the project and are legally acceptable by the Board in accordance with VA Code Section 15.2-2303.4.
3. The applicant has proffered the dedication of right right-of-way in fee simple along Old Plank Road and Andora Drive to facilitate future road improvements.
4. The project as proposed provides 2.9 acres of open space around the perimeter of the project with an existing ten foot conservation easement along the Ashleigh Park subdivision. This exceeds the required open space amount by one percent.

5. The proposed project is consistent with the existing development pattern of single-family homes of the surrounding neighborhoods.
6. The project will have minimum impacts on County Public facilities.

Against:

1. Based on the assessed value of comparable residential units, the County's model projects the project will have a negative impact on capital facilities.
2. No evidence has been provided to verify the presence or lack thereof of significant historic resources located on the site.
3. The project generates additional vehicle trips to the network that currently operates below acceptable levels of service during peak hour traffic.

As discussed, the project does have several finding against approval, most notable the additional trips onto the road network that is currently operating below acceptable levels of service. However, the applicant is offering right of way dedication that will assist with any future road improvements; the proposal is consistent with County's Land Use and Comprehensive Plan goals and policies and the project design exceeds minimum requirements for the preservation of open space. The proposal is also consistent with the existing development patterns in the area. The residential project is appropriately sited within the Primary Development Boundary. The applicant has also proffered per unit cash contributions in accordance with the Code of VA to help mitigate impacts on public facilities that are reasonable and acceptable. Therefore, based on the proposal's consistency with the Comprehensive Plan and the findings in favor noted staff recommends approval of R17-0011.

*Ms. Carter opened the public hearing.*

Mr. Smith inquired about the proposed roundabout.

There was discussion that there is no construction timeframe in the CIP but that in 2021 there is \$600k approved in the CIP and in 2023, there is \$900K approved. 190 vehicles per day is a very small impact. The current level of service is poor but it doesn't degrade the level of service any further. There will be lag time between this proposal and the roundabouts being in place.

Mr. Cole stated that the level of service is based on PM peak and that it equates to about 5 trips every 15 minutes during peak hours.

Applicant, Chris Hornung, speaking on behalf of the applicant: He stated that he also has Samer Shalaby and Justin Franklin on hand to answer questions should the need arise. He stated that as far as the proffers, they included some old language which is no longer allowed by the new proffer legislation. He discussed the several community meetings that were held and based on those meetings that began working on solutions. He stated that they began working with VDOT to donate the right-of-way for the roundabout and since it is offsite, the language cannot be part of the proffer statement. He discussed that the intent is to sell the lots to a national reputable

builder. He mentioned that the original Ashleigh Park was designed to continue but never occurred.

*Speaking in favor or opposition:*

Judith Steele, Chancellor District: She is a retired emergency room nurse and has concerns about the roadway and how narrow it is. She stated that she ran rescue for many years and cannot see how this development would not add much more traffic.

Michael Barker, Chancellor District: He stated that he travels this every day and that it is very congested. He stated that he feel that 19 lots on 9 acres of land is a lot and questions how they will be able to fit that many drainfields on the property.

Lee Young, Chancellor District: He stated that he has lived nearby since 2004 and the traffic has steadily increased over the years. He also stated that it often takes 5-6 minutes for him to be able to pull out of his driveway due to all of the traffic and he feels like he has been held hostage at this location.

Rob DeCoito, Chancellor District: H raised questions about whether the traffic circle would even happen if all of the property could not be acquired and whether the applicant can change the zoning without a future rezoning hearing. He stated that the construction alone will be a detriment to the community. He stated that Riverbend is already over capacity.

Jim Joyce, Chancellor District, Speaker for Ashleigh Park HOA: He stated that he has resided in Ashleigh Park for 13 years and that the area has gone from a sleepy area to a very busy area over the years. He worries about young drivers and additional accidents. Mr. Joyce stated that the Teeside Drive residents would like to continue to enjoy their backyards without fear of encroachment. He also discussed the difficulty people have of pulling out of the community center parking lot. He asked the Commission if they had any questions of him since he knows the area so well.

Lisa Cotton, Chancellor District: She stated that she has three teenagers and they know that the only safe way to head to school is to turn right out of their driveway which is longer but safer. She encouraged a left hand turn lane to be built prior to construction if approved.

Carl Valentine, Chancellor District: He stated that he worries about the size of the proposed traffic circle and whether school buses would be able to navigate the circle. He stated that he hears the traffic beginning at 5 a.m. every morning.

Richard Toye, Chancellor District: He stated that he is in support of the project and that he doesn't see any adverse results of this development occurring.

Sarah Toye, Chancellor District: She stated that she agrees that the development should be approved and discussed traffic issues at Spotswood Furnace.

Missy Harpe, Chancellor District: She stated that traffic is terrible in this area and that she has

almost been t-boned. She stated her concerns about school buses in the traffic circle. Cheryl Boley, Chancellor District: She stated that she would like to see the road improvements been done with the development. She stated that she has concerns that they will never be built and questioned whether the projects are guaranteed to occur if they are in the CIP.

Mr. Hornung stated that the proposed development will aid in getting the much needed road improvements in this area. The proposed improvements are not required but they are doing their part. He stated that Ashleigh Park was originally supposed to punch through to Route 3. The comment regarding drainfields is not valid because the lots will be served by public water and sewer. He discussed the conservation easement which provides benefits to Ashleigh Park HOA. He assured all that the traffic circle would be built to VDOT standards.

Mr. Smith asked for clarifications on accident data.

Mr. Hughes stated that the data presented was specific to the intersection.

There was discussion about Thorburn Estates proffering money towards a roundabout at Chancellor Road and Old Plank Road.

Mr. Thompson stated that to build 19 units on 9 acres and have some land set aside seems like a lot.

Ms. Carter stated that she will entertain a motion that the public hearing be continued to July 18, in order that revised proffers may be accepted from the applicant in accordance with Spotsylvania County Code, which states amended proffers must be submitted 14 days prior to the public hearing date.

This will allow the applicant an opportunity amend the proffers to address any issues related to language that conflicts with the new proffer legislation and any potential changes associated with the new CIP.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Smith to continue the public hearing to July 18, 2018. The motion passed 6-0.

### **Discussion Item(s):**

#### **Comprehensive Plan Update**

Ms. Parrish updated the Commission on the timeline for completion of the Comprehensive Plan update.

She informed the Commission about the Board's Strategic Plan.

Mr. Thompson inquired if the vision would replace what is in the comprehensive plan.

Ms. Parrish stated no, it would not.



**New Business:** None

**Public Comment:**

Bobby Straight with Virginia Organizing: He discussed Virginia Organizing and what they do. He gave a presentation on Affordable Housing and what the ALICE population is comprised of. It's individuals who work and have an annual income at or more than the federal poverty level of \$24,000/year but less than that necessary \$61,000/per year to cover the basic costs of living in Virginia. He discussed the factors and recommended solutions.

Mr. Medina stated that he appreciates the information and that several projects that have come before the Commission are branded as affordable.

Commission members agreed that the information provided was very good information.

**Motion to adjourn:**

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Bullock to adjourn. The motion passed 760.

The meeting adjourned at 9:00 p.m.

\_\_ *Paulette L. Mann* \_\_\_\_\_

Paulette Mann

\_\_ July 18, 2018 \_\_\_\_\_

Date