

Spotsylvania County Planning Commission

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

MINUTES: June 6, 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
Gregg Newhouse	Chancellor
Mary Lee Carter	Lee Hill

Staff Present:

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

Announcements: None

Review & Approval of minutes:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to approve the minutes of May 2, 2018. The motion passed 7-0.

Unfinished Business: None

Review and approval of plat(s):

P18-0002 Village at Courthouse Commons, Section 5

The preliminary plat for Section Five of the Village at Courthouse Commons consists of sixty (60) single-family attached units with an average lot size of 2,160 square feet. The lots will be accessed from a private road within the development and will be served by public water a sewer. The 60-lot subdivision is a result of rezoning project, R13-0004, which is a large mixed use development consisting of multiple phases. Approximately 86 acres will remain to be developed at a late date. Subsequent phases of the development will also be reviewed and approved by the Planning Commission. The site lies within the Primary Development Boundary on a portion of tax parcel 48-A-5 and in the Berkeley Voting District.

The preliminary plat was reviewed by the Technical Review Committee and meets the

Ordinance requirements for approval. Staff recommends approval of P18-0002

At a meeting of the Spotsylvania County Planning Commission held June 6, 2018 on a motion by Mr. Smith, seconded by Ms. Carter and passed 6-1, with Mr. Thompson voting no, the Commission approved the following resolution:

RESOLUTION

Approve Village at Courthouse Commons, Section Five Preliminary Plat

WHEREAS, the applicant requests approval of the Preliminary Plat for 10.96 acres of Mixed Use 3 (MU-3) zoned land in order to construct 60 single-family attached homes. Tax map number 48-A-5, Berkeley Voting District; and

WHEREAS, staff has reviewed the amended Preliminary Plat and recommends approval of the plat dated March 14, 2018 and last revised May 18, 2018; and

WHEREAS, the Planning Commission reviewed the amended Preliminary Plat on June 6, 2018 and a motion was made and seconded to recommend approval of the Plat with a vote of 6-1; and

WHEREAS, general welfare and good subdivision practice are served by approval of the Plat; and

NOW, THEREFORE, BE IT ORDAINED that the Spotsylvania County Planning Commission does hereby approve P18-0002 the Village at Courthouse Commons, Section Five Preliminary Plat.

BE IT FINALLY ORDAINED that the Spotsylvania Planning Commission's approval does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

Public Hearing(s):

Rezoning(s):

R17-0012 268 Main Street, LLC (Ordinance No. RO17-0012): Requests a rezoning of approximately 6.646 acres from Residential 1 (R-1) to Residential 8 (R-8) with proffers to allow for a maximum of 45 age-restricted single family attached units known as The Villas at Salem Church. The property is located at 5715 Ross Drive which lies on the north side of Ross Drive (Route 1110), approximately 500 feet east of the Salem Church Road (Route 639) and Ross Drive (Route 1110) intersection. The property is located within the Primary Development Boundary. The property is identified for Low Density Residential development on the Future Land Use Map of the Comprehensive Plan. Tax parcel 23-3-A. Courtland Voting District.

Ms. Pomatto presented the case. The applicant, also the property owner, is requesting to rezone the 6.65 acre parcel from R-1 to Residential 8 (R-8) to allow for a maximum of 45 age-restricted single family attached units. The proposal creates a cluster development with a density of 6.6 dwelling units per acre and 2.4 acres preserved as open space. The proposed entrance to the

development is located near the midpoint of Ross Drive directly across from existing detached residential properties which are approximately a 10,890 square feet (¼ acre) in size. The proposed lots range in size from 2,470 to 4,283 square feet all fronting on the proposed internal streets with no direct access on to Ross Drive. At the community meeting, the applicant's proposal included a total of 50 age-restricted single-family attached lots. At that time the primary concerns raised by the community included the number of lots proposed and the increased traffic on Ross Drive. Staff echoed the concerns of the community related to the proposed number of lots as the proposed density was inconsistent with the Low Density Residential land use designation. The applicant reduced the number of lots to 45 in an effort to address those concerns heard by the community and staff. However, even with the reduced number of lots, the proposal is not necessarily in keeping with the character of Ross Drive given the proposed smaller lot sizes and attached versus detached dwelling units.

While the proposed density still exceeds the recommended 4 units per acre per the Low Density Residential land use designation, the proposed 45 unit age-restricted community is expected to generate fewer impacts upon County facilities compared to a 30 unit (with a density of 4 units per acre) non-age-restricted single family attached development. In particular a 45 unit age restricted single-family attached development will create less vehicle trips than a 30 unit non-age-restricted development. Additionally, there is no impact to schools with an age-restricted development.

Ms. Pomatto discussed the following findings in favor:

- A.** The Villas at Salem Church project is generally consistent with the Comprehensive Plan with respect to land use, public facilities and historic and natural resources goals and policies, except for the higher than envisioned density of four units per acre. However, the project is less impactful as proposed than a non-age-restricted 30 unit development with a density of 4 units per acre envisioned for the Low Density Residential land use designation.
- B.** The applicant has proffered cash contributions in order to mitigate capital facility impacts which are specifically attributable to the project and which are legally acceptable by the Board per the parameters established by VA Code Section 15.2-2303.4 as described in Section II.C.vi.
- C.** The Villas at Salem Church is projected to generate positive revenue for the County totaling \$65,540 annually at full build out based on the County's model.
- D.** The Villas at Salem Church project is an infill project proposed on an underutilized property within the Primary Development Boundary.
- E.** The project will extend a waterline along Ross Drive to serve the development which consequently will allow existing property owners along Ross Drive which are currently served by private wells to connect to public water if they so desire.

Ms. Pomatto discussed the following findings in opposition.

- A. The proposal is not in keeping with the existing development pattern and character of Ross Drive with the significantly smaller lot sizes and attached dwelling unit housing type.
- B. The proposal exceeds the maximum density envisioned for development with the Low Density Residential land use designation at 6.7 units per acre.

The Villas at Salem Church will create a 45 age-restricted single-family attached unit community on 6.6 acres within an infill area designated for Low Density Residential development. While the proposal exceeds the 4 units per acre density envisioned with the Low Density Residential designation, the proposal in all other respects is consistent with the goals and policies of the Comprehensive Plan. The project's proposed density is 6.7 units per acre; however the project will be less impactful on schools and transportation than that of a 30 unit non-age-restricted community. The project's attributable impact on capital facilities is mitigated by the applicant's proffered cash contribution, to the extent possible under the current proffer regulations. Based on the proposal's consistency with the Comprehensive Plan and the findings in favor noted above, staff recommends approval of the rezoning request with the proffered conditions dated March 9, 2018.

Mr. Thompson inquired about connection fees and how much they are.

Ms. Pomatto stated that she doesn't have that information on hand.

Mr. Thompson inquired about the by right development potential.

Ms. Pomatto stated that they would be able to build four single-family detached homes.

Mr. Thompson inquired about the traffic.

Ms. Pomatto stated that it would take 1000 trips to degrade the traffic and this is slated to create 150 trips per day.

Ms. Carter inquired about the impacts on Parks & Recreation and how age restricted would fall into having impacts.

Ms. Pomatto stated that the use of park areas, shelters, and age-appropriate activities held at community centers all have impacts and they have provided a cash proffer to mitigate those impacts.

Mr. Smith inquired about fire/rescue calls.

Ms. Pomatto stated that the call volume is projected to be 7 calls annually.

There was discussion about the fire truck turn around and that the byright would be four entrances with driveways versus the one proposed with the proposal.

Mr. Thompson inquired if there other age restricted developments nearby.

Ms. Pomatto stated that the Salem Run apartments have age restricted units.

Applicant, Charlie Payne, representing the applicant: He presented a PowerPoint all about the proposed project and that it would have no impact on schools. He stated that many senior citizens have trouble finding quality affordable housing. Mr. Payne mentioned that they have tried to address all of the issues that came up during the community meeting regarding maintaining the natural buffers and areas. A lot of planning went into this proposal to be good neighbors and he asked for the Commission's favorable recommendation to the Board of Supervisors.

Mr. Newhouse opened the public hearing.

Speaking in favor or opposition:

Cynthia Stoneham, Courtland District: She stated that she is confused as to why this development would be compared to another and that she is against the development.

Annie Hilliard, Salem Voting District: She stated that she is opposed to this development because it already sometimes takes her 10-15 minutes to get across the road because of traffic. She also expressed concerns about school buses getting in and out.

Margaret Bailey, Salem Voting District: She stated that this development will have impacts on all of the single family dwellings on Ross and Lucas Drives. She suggested that the ingress/egress be on the other side and that a light will be necessary. She has concerns about traffic, vandalism, and construction trucks.

James Strother, Chancellor District: He stated that he owns an adjacent property and that he is in full support of the proposal.

Mr. Payne stated that they appear to have done a good job mitigating the impacts and there will be no school children generated by this project.

Mr. Newhouse closed the public hearing.

Mr. Thompson stated that while he sympathizes with the concerns raised by citizens, another project that comes along could be far worse.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to approve the rezoning with proffers. The motion passed 7-0. Mr. Thompson also suggested that VDOT be contacted regarding evaluation of traffic controls.

Special Use Permit(s):

SUP17-0006 Catholic Diocese of Arlington (Saint Patrick's Catholic Church and School):

Requests special use permit approval on a 17.81 acre parcel addressed as 9151 Elys Ford Road to allow the expansion of an existing place of worship and private school on a Rural (RU) zoned property. The property is located on the east side of the intersection of Elys Ford Road and US Ford Road, approximately 1,300 feet NW from the intersection of Elys Ford Road and Bullock Road. The property is located outside of the Primary Development Boundary. A new approximately 16,730 sq.ft. place of worship and school and a new approximately 22,000 sq.ft. school and gymnasium are proposed. The applicant received a height modification from the Board of Zoning Appeals due to the topography of the proposed building site to allow the place of worship and school structure to be constructed at a height of approximately 41 feet. The property is identified for Institutional development on the Future Land Use Map of the Comprehensive Plan. Tax Parcel 10-A-1C. Chancellor Voting District.

Mr. White presented the case. The applicant currently operates a place of worship and private school on the subject property which was previously approved by Conditional Use Permits CP82-10 and CP92-21, in 1982 and 1992, respectively. The applicant proposes two additional structures through this Special Use Permit:

- a new church and school (approximately 16,730 gross sq.ft.) and
- a new gymnasium and school (not to exceed 22,000 gross sq.ft.)

There are presently three permanent structures on site which consist of a place of worship, a private school, and an additional rectory located to the south. Additionally, three portable classrooms (trailers) are located on site, which are proposed to be removed after the construction of the first church and school structure, if this case is approved. The applicant's first phase would include the construction of the new sanctuary structure (closest to Elys Ford Rd.) which will have room for classrooms eliminating the need for the trailers. Once the new sanctuary is constructed, regular services would be relocated to this building and the former sanctuary would then be used as a fellowship hall.

A later phase would consist of the new gymnasium structure, behind the sanctuary, which would include additional classroom space. Upon completion of the gymnasium structure, some classrooms would be relocated to that structure, freeing up room within the sanctuary for church offices (currently held in the rectory). The existing two story classroom structure will remain in use.

The church site currently has access from Elys Ford Rd. and US Ford Rd. VDOT's review of the application noted that the applicant will need to include a demonstration that their sight distance requirements are met during site plan review. VDOT further noted that the existing entrance on Elys Ford Rd. will require further evaluation during site plan review as it significantly exceeds maximum commercial entrance widths. Trip generation data for the proposed expansion estimates that a total of 460 and 153 Vehicles Per Day (VPD) are expected on Sundays at the Elys Ford Rd. and US Ford Rd. entrances, respectively. The weekday private school is estimated to generate 420 and 140 VPD, respectively. Elys Ford Rd. is estimated to move approximately 5,000 VPD, and US Ford Rd serves approximately 800 VPD. The Virginia Department of Motor Vehicles reported zero crashes along Elys Ford Rd. nor US Ford Rd. from 2015 through 2017. Per the County's Traffic Engineer, Elys Ford Rd. operates at a Level of Service B in the AM

peak, and C during PM peak and US Ford Rd. operates at a Level of Service B during both peak periods. County Traffic Engineering estimates that the weekday AM Peak Level of Service of Elys Ford Rd. will decrease from a level B to C resulting from the proposal; this Level of Service remains in compliance with the County's Transportation element of the Comprehensive Plan.

Mr. White discussed the following findings:

In Favor:

- The proposal results in additional religious and educational options in rural Spotsylvania County.
- The applicant has proposed to enhance the neighboring transitional screen to the north in an effort to better screen the use from neighboring residences, and has additionally modified their plan to tighten up the proposed access to the dry detention facility, to be closer to the existing church structure and to preserve more of the existing landscaping buffers.
- The new structures will allow for the removal of the temporary classrooms which should improve the aesthetics of the property.
- The uses have existed harmoniously within the area since 1992, prior to this year only the church was onsite (circa 1983).

Against:

- The applicant's current proposal includes the potential development of a drainfield within a culturally sensitive area. Staff has recommended a condition to prohibit development, inclusive of any septic fields, within that area.
- Although no traffic hazards are expected, County traffic engineering does estimate a decrease in the AM peak Level of Service on Elys Ford Rd, from a level B, to a level C during the weekdays.
- Some uncertainty is present due to the significant increase in square footage of the two structures (adding approximately 39,000 gross sq.ft.) Presently, the applicant has stated that no new students will be added, but instead that existing students within the portable trailers will be relocated into the new structures. An estimated 226 students may be enrolled on the property. Staff is not presently recommending any maximums be placed on student enrollment to allow flexibility for the private school to further develop.

Based on staff's analysis and findings in favor, staff recommends approval with the conditions listed below:

1. This special use permit shall supersede any previous permissions or conditions associated with CP 82-10 and CP92-21.
2. The property shall be developed in conformance with the Generalized Development Plan (GDP) titled; "Generalized Development Plan For Special Use Permit St. Patrick Catholic Church and School" dated December 2017 and stamped by engineer Shannon L. Mattison on 5-18-2018.
3. The design of the church building to be constructed on the Property shall be in general conformance with the illustrative elevations entitled "St. Patrick Catholic Church & School," prepared by McCrery Architects, LLC, dated September 5, 2017 and revised 09/28/2017

(Church Elevations). The primary façade of the church building materials shall be brick, EIFS, brick veneer, hardiplank, synthetic stone, masonry, block, and/or architectural pre-cast concrete. The foregoing shall not preclude use of other building materials for building features, such as fascia, trim, roofing and/or other secondary building elements.

4. The design of the second structure must conform to County code 23-4.5.7.b.2.
5. The Place of Worship shall not exceed 608 seats or the occupancy limit identified by the Fire Marshal for the sanctuary, whichever is less.
6. Any development, including the construction of septic fields, within the identified Site Boundary of Site 44SP0638 / 088-5365 as depicted in the inserted Figure 4 on the GDP is prohibited.
7. No temporary parking of vehicles shall occur on either Elys Ford Rd., or US Ford Rd.

Mr. Smith asked for clarification on dry ponds.

Mr. White explained how they function.

Mr. Medina asked Mr. White to show the existing drainfields.

Mr. White showed the GDP identifying the existing drainfields and the reserve drainfields.

Applicant, Janelle Cameron on behalf of the Church: She discussed the project at length and described the phased approach. She stated that she has people available to answer questions should any arise. She briefly discussed the BZA hearing and that the access road required adequate turn radius for a fire truck. Where the buffer is smaller in some areas of the design, it is made up in other areas. If additional planting are desired, the church is willing to do that.

Mr. Newhouse inquired about the trailers and how long they would remain.

Ms. Cameron stated that the removal of the trailers would happen in Phase 1, once the occupancy permit is issued, all classrooms would be relocated and the trailers would be removed.

Mr. Newhouse opened the public hearing.

Speaking in favor or opposition:

Maureen McClure, Chancellor Voting District: Ms. McClure stated that she and her family reside next door to the church property and are members of the church. She serves at the music director and she has a vested interest in what happens at the church. She stated that she and her husband were once on a committee regarding the church expansion but stepped away after a previous Priest promised her and her husband that they would not locate the development within five feet of her property. The Priest was reassigned and now the development remains 5 feet away from their property as well as the water treatment facility. She and her husband are extremely disappointed.

Jerry McClure, Chancellor Voting District: He stated that when they attended the zoning board meeting, they were assured that the 35 ft. buffer would offset all of their concerns. They also feel

like the access drive to the water treatment facility will end up being a cut through for the church. Originally when this was presented, there was no service road.

Jason Fielding, Chancellor Voting District: He stated that he echoes the concerns of the McClure's as he owns an adjacent property. He stated that he has concern about the retention pond because he has two children under the age of 5. He stated that he worries about the view, safety, and bugs.

Mr. Newhouse closed the public hearing.

Ms. Cameron stated that the buffer will be re-landscaped to mitigate the impacts on the neighbors. The landscaping will be bonded and that they are still discussing the landscaping and adding deciduous trees. The proposed service road is strictly for emergencies and would only be used 3-4 times per year and in an emergency only. The bioretention pond is a dry pond and would not hold water. All water that remains after a storm is designed to infiltrate within two days which is not enough time for mosquitos to breed. The pond is 300 feet away from the Fielding property.

Mr. Thompson asked the engineer to speak about the retention pond.

Mr. Smith inquired if the pond is on the church property.

Ms. Cameron stated yes, the pond is on the church property.

Mr. Smith inquired if they could put a fence around the pond.

Ms. Madison stated that the pond is 300 feet from the nearest property and that a fence is not required for a dry pond.

Mr. Bullock inquired about the service road.

Mr. White stated that it was designed to accommodate a fire truck turn radius.

Mr. Newhouse inquired if the road could be relocated to behind the church building.

Ms. Cameron stated that since this is a phased approach, they need the road to remain where proposed. It was discussed but there were also concerns about access, safety to pedestrians in the church parking lot, and the fact that it would impede on the playground.

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Bullock to approve the special use request with conditions but with the following changes:

1. Strike condition #6.
2. Recommend continued work on design to maintain the 35 ft. buffer where possible.
3. Fence retention pond for safety.

The motion passed 4-3, but additional comments ensued.

Mr. Smith stated that he would have preferred discussion prior to the final vote. He stated that he has a problem asking the church to fence around a dry pond.

Mr. Newhouse inquired with legal staff how to handle amending the vote that was made previously.

Ms. Spaulding advised that a Commissioner could make a motion to reconsider the motion that was just approved.

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to reconsider the motion and vote that was just approved on Special Use Case SUP17-0006. The motion passed 7-0.

Motion and vote: Mr. Newhouse made a motion, seconded by Mr. Bullock to approve the special use request with conditions but with the following changes:

1. Strike condition #6.
2. Recommend continued work on design to maintain the 35 ft. buffer where possible.
3. Consider safety fence around the retention pond for safety and other safety issues that were raised.
4. Consider relocation of the service road but if considered a life safety issue, it's understood and fine by the Commission.

Ms. Carter stated that she would like to see the church fence the retention pond because the cost wouldn't be a lot and God would provide.

Mr. Medina stated that Fire/Rescue should have some input about the service road during site design.

Mr. Newhouse stated that all parties would need to get together during design to ensure that it is built with the neighbors' concerns raised.

Mr. Medina stated that he has concerns about sending this to the Board level without these items being addressed.

Ms. Parrish stated that what happens typically is the Commission can raise suggestions and concerns and ask that the applicant work with staff and then a recommendation is provided to the Board once they go to public hearing.

Mr. Smith stated that he spent his entire life in public safety and to make a church put a fence around a dry pond that is 300 feet away from the nearest residence is not fair.

VOTE: The motion passed 7-0.

Discussion Item(s):

Authorize Public Hearings to Consider Code Amendments Related to Rezonings.

As part of the on-going updates to the Zoning Ordinance, staff has prepared amendments to the Zoning Map Amendments (Rezoning) section of the Code. The majority of amendments are grammatical in nature, but there is one substantive amendment. This is the addition of (c) under Sec. 23-4.6.3, Proffer of Conditions. The purpose in adding this subsection is to establish requirements related to the dedication of land to the County to ensure that the dedicated land is usable and fairly valued. This subsection was added in response to concerns being raised about the value attributed to land dedications during the rezoning process and whether the County was receiving land that can be used for its intended purpose.

Ms. Parrish stated that staff recommends that the Commission authorize public hearings to consider amendments to Chapter 23, Article 4, Section 6 related to Zoning Map Amendments.

Motion and vote: Ms. Carter made a motion, seconded by Mr. Thompson to authorize public hearing. Based upon public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23, to amend the Zoning Map Amendments section. The motion passed 7-0.

Authorize Public Hearings to Consider Code Amendments Related to Site Plan Review

As part of the on-going updates to the Zoning Ordinance, staff has prepared amendments to the Site Plan Review section of the Code. The majority of amendments are grammatical in nature, but there are definitions added pertaining to the different types of site plans, clearly states that plan review fees must be paid in full within 6 months of approval or the plan will be void, and that any required public easements must be recorded prior to issuance of a Final Zoning certification and Occupancy Permit.

Staff recommends that the Planning Commission authorize public hearings to consider amendments to Spotsylvania County Code Chapter 23, Article 2, Definitions, and Article 4, Section 11 related to Site Plan Review

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to authorize public hearing. Based upon public necessity, convenience, the general welfare, good zoning practices and compliance with the Virginia Code, I move that the Planning Commission initiate changes to the Spotsylvania County Ordinances found in Chapter 23, to amend the Site Plan Review section. The motion passed 7-0.

Motion to adjourn:

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith. The motion passed 7-0.

The meeting adjourned at 9:30 p.m.

__ *Paulette L Mann* __

Paulette Mann

__ June 20, 2018 __

Date