



**SPOTSYLVANIA COUNTY PLANNING COMMISSION MEETING
AGENDA
June 15, 2022 - 6:00 PM**

Call to Order

- Invocation and Pledge of Allegiance
- Determination of a Quorum

Announcements

- Planning Update

Reports of Standing Committees

Review and Approval of Minutes

- Review & Approval of Draft Minutes from June 1, 2022

Unfinished Business

Public Hearings

- R19-0007 (RO19-0007): Michael A. Jones, S. Craig Jones, Denali Capital Group, LLC, and Tricord Incorporated (Tricord, Inc.) (Berkeley District)

Discussion Items

- Authorization for Public Hearing - Telecommunications Ordinance
- Authorization for Public Hearing - Chesapeake Bay Ordinance Amendments

Closed Meeting

- Closed Session

Public Comment

New Business

Adjournment

By Order of the Spotsylvania County Planning Commission: The Planning Commission reserves the right to amend this agenda on the day of the meeting. The Commission encourages the participation of all county citizens. For those with special needs, please notify the Planning Department Office of any accommodation required five days prior to the

meeting you wish to attend.

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Planning Update

Type: No Action (Information Only)

Agenda Title: Planning Update

Recommendation: N/A

Summary: N/A

Committee/Commission Summary:

Review Date: Status:

Financial Impact: N/A

Staff Contacts: B. Leon Hughes, AICP, Director of Planning and Zoning

Legal Counsel: N/A

Additional Background/Other
Considerations: N/A

Consequence of Denial/Inaction: N/A

ATTACHMENTS:

Name:	Description:	Type:
 Planning_Update_6-15-2022.pdf	Planning Update	Backup Material

County of Spotsylvania
Founded 1721

Board of Supervisors
DEBORAH H. FRAZIER
LORI HAYES
JACOB LANE
KEVIN W. MARSHALL
TIMOTHY J. MCLAUGHLIN
DAVID ROSS
CHRIS YAKABOUSKI



Department of Planning & Zoning
B. Leon Hughes
Director

9019 Old Battlefield Blvd., STE. 100
Spotsylvania, VA 22553
(540) 507-7434

Service, Integrity, Pride

June 15, 2022

UPCOMING PLANNING COMMISSION MEETINGS:

Wednesday, July 20, 2022 Planning Commission Work Session 4:00 pm Holbert Bld.

R20-0015 Thornburg Commons

Wednesday, July 20, 2022 Planning Commission Meeting 6:00 pm Holbert Bld.

Chesapeake Bay Ordinance Amendments Public Hearing

COMMUNITY MEETINGS:

We have asked applicants to engage citizens using alternative methods. Applicants are sending notices and setting up web pages that allow citizens to submit comments in response to the notices.

NEW PUBLIC HEARING CASES:

None

NEW PRELIMINARY PLATS:

None

OTHER UPDATES:

None

Technical Review Committee Meeting June 16, 2022 in Person and via WebEx:

PRE-APPLICATION MEETINGS:

9:15 AM	PRE22-0025	Mill Rock Holdings LLC - Rezoning
	TM#63-5-C	Voting District: Berkeley

Shannon Fennell

Technical Review Committee Meeting June 23, 2022 in Person and via WebEx:

INITIAL SUBMISSIONS:

9:45 AM	ST22-0031	Overview Drive Storage Expansion	
	TM#36-A-43L	Voting District: Lee Hill	Shannon Fennell

Technical Review Committee Meeting June 30, 2022 in Person and via WebEx:

INITIAL SUBMISSIONS:

10:15 AM	ST22-0033	Thornburg Towne Centre Lot 4	
	TM#63-A-40	Voting District: Berkeley	Shannon Fennell
10:45 AM	ST22-0034	Thornburg Towne Centre Infrastructure Plan	
	TM#63-A-40	Voting District: Berkeley	Shannon Fennell

Spotsylvania County Planning Department Public Hearing Cases Status Report

Application #	Lead Staff	Applicant	Project Name	Tax Map #	Address	Description	Proffer Law	Application Complete	Status	Voting District
COMPREHENSIVE PLAN & CODE AMENDMENTS										
CPA22-0001	Jacob	Spotsylvania County Board of Supervisors	Comprehensive Plan Amendment	N/A	N/A	Amendments to Comp Plan Chapter 2-Land Use, 3-Transportation, 3A-Trailways Plan to ensure Comp Plan support exhibited for candidate Smart Scale Round 5, Revenue Sharing, TAP applications, and to add, edit the Thoroughfare Plan maps and table concerning various road projects including new concept roads in the Thornburg and Lake Anna areas. Amendment to Chapter 2-Land Use includes a revision to the land use to zoning compatibility table to add PRR-zoning to the Lake Anna mixed use area.	N/A	N/A	PC recommended approval 6-0 on 6/1/2022. BOS public hearing scheduled for 7/12/2022.	Countywide
CA22-0002	Wanda	Spotsylvania County Board of Supervisors	Unified Fee Schedule Update	N/A	N/A	Update to the Unified Fee Schedule for all land use and development projects and related reviews and inspections including Building, Zoning, Environmental, Transportation, Planning, GIS, FREM, and Utilities	N/A	N/A	PC recommended Approval 6-0 on 5/18/2022 BOS Public hearing scheduled on 6/14/2022	Countywide
REZONINGS & PROFFER AMENDMENTS										
R15-0006	Leon	David L. Hunter	The Towns at Point Seanna	69-5-B & 69-5-A5	4900 Corsair Terrace	Rezoning of approx. 47 acres from Resort Commercial (RC) and Resort Residential (RR) to Planned Development Housing 2 (PDH-2) for 81 townhouses.	Pre-7/2016	5/29/2015 (Applicant has consented to time extension)	BOS hearing TBD. PC recommended Denial 7-0 on 6/17/2021	Livingston
R18-0001	Leon	2600 SCR, LLC	2600 Acqua	23-A-49, 23-A-49B & 23-A-42	2618 & 2622 Salem Church Rd	Rezoning of 20.77 acres from Commercial 2 (C-2) & Residential 1 (R-1) to Mixed Use 4 (MU-4) for a multifamily residential community with 12,000 sf commercial.	2016	1/24/2018 (Applicant has consented to time extension)	Under Review	Courtland
R19-0003	Shannon	USGGB, LLC	Noah's Landing	24-A-64	East side Lafayette Blvd. at end of Marshall Drive and Normandy Ct	Rezoning of 18.5 acres from Residential 1 (R-1) to Planned Development Housing 8 (PDH-8) for 49 single family detached lots and 53 single family attached lots.	2016	8/31/2021 extension to 1/29/2023	Under Review	Battlefield
R19-0007	Leon	Tricord Homes Inc	Village at Crossroads Station	37-A-48, 49, 50, 52, 52A, 53, 54, 55	South of Rt. 17 between Crossroads Parkway and Thornton Rolling Road	Rezoning request for approximately 115 acres from Rural (Ru), Industrial 1 (I-1), and Commercial 3 (C-3) to Mixed Use (MU-2, MU-3, and MU-4) for 770 single family attached and detached and multifamily residential units.	2016	6/17/2019 (Extension granted)	PC Public Hearing Scheduled for 6/15/2022	Berkeley
R19-0009	Shannon	Rappahannock Devt. Group, LLC	Lafayette Commons	24-A-57, 24-A-59, 24-A-60, 24-A-61, 24-A-62	111 Wakeview Dr., 3103 Lafayette Blvd., and 4 unaddressed properties	Rezoning request for approximately 27.5 acres from Residential 1 (R-1) to Mixed Use 2 & 3 (MU-2 & MU-3) for development of 217 single family attached units and up to 15,257 square feet of commercial space.	2016	8/31/2021 extension to 1/29/23	Under Review	Battlefield

KEY: TRC - Technical Review Committee meeting
PC - Planning Commission
BOS - Board of Supervisors

Spotsylvania County Planning Department Public Hearing Cases Status Report

Application #	Lead Staff	Applicant	Project Name	Tax Map #	Address	Description	Proffer Law	Application Complete	Status	Voting District
R19-0012	Shannon	Chancellorsville Investment Co, LLC	Legends of Chancellorsville Proffer Amendment	9-A-107	North Side Rt. 3, west of Elys Ford Rd	Proffer amendment to R14-0006 to change building material requirements.	2019	8/31/2021 extension to 1/01/23	Under Review	Chancellor
R20-0002	Shannon	International Development of Virginia LLC	Jackson Village Proffer Amendment	36-2-1, 35-A-88, 49-A-101, 35-4-1A	East side Jefferson Davis Hwy, south of Cosner's Corner	Amend proffers for Mixed Use zoned Jackson Village to allow 594 residential condominium units to be built as apartments instead.	2019	9/30/2021 extension to 1/29/23	Under Review	Lee Hill
R20-0010	Kimberly	Luck Development	Ni Village	16 Parcels	0 River Run Parkway	Rezoning of 16 parcels totaling 323 acres from PDC, RU, I-2& VC to Mixed Use 3 (MU3) & Mixed Use 4 (MU4) for the development of SFA, SFD, MF residential and commercial uses allowed in the MU3 & MU4 districts.	2019	1/8/2021 Extension to 8/1/2022	Under Review	Berkeley
R20-0012	Shannon	Courthouse Green Development, LLC	Courthouse Reserves	47-A-63,64,70B,73,A10 & 47-4-A	0 Pool Drive	Rezoning of six parcels totaling 24.2 acres from Commercial 2 (C-2) and Residential 2 (R-2) to Residential 8 (R-8) for the development of 156 SFA homes.	2019	10/19/2020 Extension to 1/1/2023	Under Review	Livingston
R20-0014	Kimberly	LID, LLC & IWG Thornburg, LLC	Thornburg Village	63-12-C,D,E & 27;63-A-32,33 & 37	6306 Jefferson Davis Hwy.	Rezoning of six parcels totaling 98.3 acres from Agricultural 2 (A-2) and Commercial 3 (C-3) to Planned Development Housing 5 (PDH-5) and Commercial 3 (C-3) for the development of 162 single family detached and 212 single family attached units.	2019	8/31/2022 Extension Granted	Under Review	Berkeley
R20-0015	Kimberly	Thornburg, LLC	Thornburg Commons	63-A-35 & 35C	0 Morris Road	Rezoning of two parcels totaling 59 acres from Agricultural 2(A-2) to Planned Development Housing 5 (PDH-5) for the development of 157 single family detached and 62 single family attached units.	2019	12/11/2020 Extension Granted	Under Review	Berkeley
R21-0001	Kimberly	Jarrell Properties	Germanna Terrace	36-A-15	9919 Glenwood Drive	Rezoning of 35 acres from Commercial 3(C-3) and Residential 2(R-2) to Residential 12(R-12) for 320 MF units and 86 SFA units.	2019	TBD	Application Incomplete	Lee Hill
R21-0002	Kimberly	Wajdi Abi Faraj	Tidewater Auto Service	25B-1-7	11325 Tidewater Trail	Rezoning of 0.57 acres from Residential 2 (R-2) to Commercial 3(C-3).	2019	3/10/2021 Extension Granted	Under Review	Lee Hill
R21-0006	Shannon	TFO Wellesley Joint Venture, LLC	Broaddus Development Project	64-A-8B	0 Mudd Tavern Road	Rezoning of Tax Parcel 64-A-8 (Broaddus Property) from Agricultural 2 (A-2) to Industrial 2 (I-2) which totals 82 acres with 78.74 acres in Spotsylvania and a 3.26 acre portion in Caroline County for the development of an industrial park. This is a concurrent application for the rezoning of 116 acres in Caroline County from Rural Preservation (RP) to M-1 Industrial.	2019	4/21/2021 extension to 9/1/2022	Under Review	Berkeley
R21-0007	Shannon	Fairchild Manor, LLC	Fairchild Property	47-6-2 & 47-6-1A	8601 Courthouse Road & 7204 Massaponax Church Road	Rezoning request for two parcels 14 acres from RU to MU-2 for 37 Single family detached and 18 single family attached units at the corner of Courthouse and Massaponax Church Roads.	2019	4/29/2021 Extension Granted to 12/31/22	PC recommended denial 5-0 on 6/1/2022. BOS public hearing scheduled for 7/12/2022.	Berkeley

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Spotsylvania County Planning Department Public Hearing Cases Status Report

Application #	Lead Staff	Applicant	Project Name	Tax Map #	Address	Description	Proffer Law	Application Complete	Status	Voting District
R21-0008	Kimberly	SES Properties, LLC	Staples Reserve	50-A-115	3736 Massaponax Church Road	Rezoning of 2 parcels totaling 42.98 acres from RU to PDH-2 for the development of 85 SFDs. Project is located on the east side of Massaponax Church Road (Route 608) approx. 0.26 miles north of intersection with Summit Crossing Road (Route 668).	2019	5/3/2021 Extension Granted to 12/31/2022	Under Review	Berkeley
R21-0009	Leon	All American Mobility LLC	All American Mobility	35-A-119	10726 Courthouse Road	Rezoning of 2.36 acres from Residential 1 (R-1) to Commercial 2 (C-2) for a retail use.	2019	6/29/2021	PC recommended approval 6-1 on 5/04/2022. Scheduled for BOS 6/14/2022	Courtland
R21-0010	Kimberly	Vakos Companies	Spotsylvania Courthouse Village	47-A-1,2,3,3A,46A,59,59A & 47-8-1	Brock Road and Robert E. Lee Drive	Rezoning of 9 parcels totaling of 20.52 acres from C-1, C-2 & RU to Mixed Use 3(MU-3) and Mixed Use 4(MU-4) for the development of 47 SFA units, 55 MF units and a total of 40,250 sq. ft. of retail space.	2019	2/1/2022	Under Review	Livingston
R21-0011	Leon	Old Plank Partners LLC	Linwood Estates	21-10-1 & 2	7611 & 7613 Old Plank Road	Rezoning of 27 acres from Rural (RU) to Planned Development Housing (PDH-4) for the development of 64 SFD homes.	2019	8/17/2021	Approved 5/24/2022	Chancellor
R21-0013	Shannon	Rob Gollahon	Dominion Hills	36B-2-6,5,4,3,2 & 36-13-F1pt	Lee Hill School Drive	Rezoning of 7.85 acres from Residential 2 (R-2) to Residential 8 (R-8) for the development of 61 SFA homes.	2019	8/10/2021	Under Review	Lee Hill
R21-0014	Shannon	Crossroads Associates LLC	Crossroads Station	37-A-41A & 37-9-6B	3120 Crossroads Station Blvd.	Proposed proffer amendment to remove limits on number of one bedroom units.	2019	8/24/2021	Under Review	Berkeley
R21-0015	Kimberly	Robert D. Devlin	5027 Courthouse Road	70-A-36	5027 Courthouse Road	Rezoning of 16.1 acres from Resort Agricultural (R-A) to Resort Residential (R-R) for the development of four one (1) acre sfd lots with a residual lot of 11 acres.	2019	10/26/2021	Under Review	Livingston
R21-0016	Cherie	Brooks Villas	Robin ThomasTR/Thomas Rev Trust	37-4-A	10421 Tidewater Trl.	Rezoning of 4.2 acres from Commercial 2(C-2) to Residential 8(R-8) for the development of 28 age restricted single-family attached units.	2019	12/16/2021	Under Review	Lee Hill
R22-0003	Kimberly	Kalahari VA LLC	Kalahari Resorts	76-A-56,56A, 56C,56D; 76-A-58,58B,58C	0,0,0,6109,6117,6135 Patriot Hwy,6101 Mallard Rd.	Rezoning of seven parcels totaling 134 acres from Agricultural 2 (A-2) to Planned Development Commercial for the development of an indoor and outdoor water park, hotel and convention center.	2019	4/1/2022	Under Review	Berkeley
R22-0004	Shannon	Shujaat Ali	Rollingwood Place	23-A-113 & 23-A-128pt	10813 & 10916 Rollingwood Dr.	Rezoning of two parcels totaling 33.4 acres from Residential 1(R-1) to Planned Development Housing 3 (PDH-3) for the development of 62 single family detached units and 32 single family attached units.	2019	TBD	Application Incomplete	Courtland
SPECIAL USE PERMITS										

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Spotsylvania County Planning Department Public Hearing Cases Status Report

Application #	Lead Staff	Applicant	Project Name	Tax Map #	Address	Description	Proffer Law	Application Complete	Status	Voting District
SUP18-0010	Leon	Zakia Walizada	Vertex Auto Sales and Repair	23-A-144R	112 Pegram Ln	Special Use Permit to allow vehicle sales on a parcel less than 2 acres in the Commercial 3 (C-3) zoning district.	N/A	7/20/2018 (applicant has consented to a time extension)	Under Review	Courtland
SUP21-0004	Cherie	Gary Wiseman	Platinum Auto Sales	24C-8-B	98 Fleming Street	Special Use Permit to allow vehicle sales on a parcel less than 2 acres in the Commercial 3 (C-3) zoning district.	N/A	4/8/2021 Extension granted	Under Review	Battlefield
SUP21-0005	Shannon	Trey Wills	Four Seasons RV Park	53-A-1 & 1B	16736 Days Bridge Road	Special Use Permit to allow the development of a 300 lot recreational vehicle campground resort on two parcels totaling 135 acres.	N/A	5/25/2021	Withdrawn by Applicant	Livingston
SUP21-0008	Shannon	VL Jenkins Heating & Air Inc.	Jenkins	70-A-79C	5755 Courthouse Rd	Special Use Permit to allow HVAC contractors office with a storage unit on a 1.2 acre parcel zoned Agricultural 3(A-3).	N/A	8/20/2021	Under Review	Livingston
SUP21-0011	Cherie	MSG Partnership	Fleming Street	24C-6-29,30,31&32	91 Fleming Street	Special Use Permit to allow a 65 space commercial off street parking lot on 4 lots that comprise .72 acres zoned Commercial 3 (C-3).	N/A	2/8/2022	Under Review	Battlefield
SUP22-0001	Cherie	Sign Enterprise	U-Haul	35-7-K2	5801 Southpoint Centre Blvd.	Special Use Permit to allow a 75' pylon sign on a 3.6 acre parcel zoned Commercial 3 (C-3).	N/A	TBD	Under Review	Lee Hill

Proffer Law

Key:

Pre 7/2016 - Proffer Guidelines in effect
2016 - Strict Proffer Law
2019 - New Proffer Law

KEY: TRC - Technical Review Committee meeting
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Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022
Title: Review and approval of Draft Minutes

Type: Action
Agenda Title: Review & Approval of Draft Minutes from June 1, 2022
Recommendation: Approval
Summary:
Committee/Commission Summary:
Review Date: Status:
Financial Impact:
Staff Contacts: Paulette Mann, Commission Secretary
Legal Counsel:
Additional Background/Other
Considerations:
Consequence of Denial/Inaction:

ATTACHMENTS:

Name:	Description:	Type:
 pcmin22_0601.docx	Draft minutes from June 1, 2022	Minutes

Spotsylvania County Planning Commission

D R A F T

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

MINUTES: May 18, 2022

Call to Order: Mr. Childress called the meeting to order at 6:00 p.m.

Members Present:

Scott Phelps	Lee Hill
Jennifer Maddox	Berkeley
Gerald Childress	Chancellor
Travis Bullock	Battlefield
Debbie Fregoso	Livingston
Richard Thompson	Courtland

Members Absent: Dr. Raymond Bell Salem

Staff Present: Paulette Mann, Planning Commission Secretary
Kimberly Pomatto, CZA, Deputy Director of Planning & Zoning
Jacob Pastwik, AICP, Planner III
Alexandra Spaulding, Senior Assistant County Attorney
Paul Agnello, AICP, Traffic Engineer

Announcements: Ms. Pomatto updated the Commission on upcoming cases, what is on the TRC agendas and community meetings.

She also informed the Commission that the APA conference will be held in Richmond this year and Planning Commissioners may attend for free. Ms. Pomatto advised Commissioners to contact staff should they desire to attend and we will help get them registered by the deadline of June 30, 2022.

Reports of Standing Committees: None

Review and Approval of Minutes:

May 4, 2022 Minutes

The minutes were accepted and the motion passed 5-0-1, with Mr. Thompson abstaining due to his absence.

Unfinished Business:

Vote: R21-0007 Fairchild Commons/Brenda Bundy and Jane D. Dabney (Fairchild Manor, LLC) Berkeley District

Ms. Fennell stated that no formal changes have been submitted by the applicant. She informed the Commission that the applicant is present for any questions.

Mr. Shalaby stated they have met with staff to discuss the concerns raised and they have decided to reduce the height of the townhomes from 3 stories to 2, they've eliminated four lots so they can spread out a bit and informed the Commission of the new lot sizes.

Ms. Pomatto spoke up and reminded the Commission that they must vote on what was presented at the last meeting and cannot take Mr. Shalaby's changes into consideration. The applicant intends to make the changes between the Planning Commission and Board of Supervisors hearing.

Ms. Maddox stated that she very much appreciates the applicant's flexibility to make changes for the better, however, she still feels the proposal is not appropriate at this location due to the size. She inquired what the applicant could build by right.

Ms. Pomatto stated four single family homes could be built by right.

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Bullock to deny the rezoning. The motion passed 5-0-1 with Mr. Thompson abstaining due to his absence at the public hearing.

Public Hearing(s):

Mr. Childress opened the public hearing.

CPA22-0001, Spotsylvania County Planning Commission: Amendments to the Spotsylvania County Comprehensive Plan (Plan) consistent with the Code of Virginia §§15.2-2223 and 15.2-2232.

Table of Contents

Amendments to the Table of Contents include adding reference to the two new maps in Chapter 2, Transportation, specifically the Lake Anna and Thornburg area transportation improvement maps.

Chapter 2, Land Use

Amendment to the Table of Zoning Districts Complementary to Land-Use Designations Outside of the Primary Development Boundary, adding the Planned Residential Rural (PRR) zoning district as complementary to Mixed Use Commercial Heavy. Correction of a scrivener's error from Mixed Use Commercial Core to Mixed Use Commercial Heavy in the Table.

Chapter 3, Transportation and Thoroughfare Plan

Amendments to the Thoroughfare Plan for existing roads include: (1) 2-lane improvement projects for: (A) Hickory Ridge Road from Rt 1 to Massaponax Church Rd; (B) Benchmark Rd from Tidewater Trl to Mills Dr; (C) N./S. Roxbury Mill Rd from Larkin Chew Rd to S. Roxbury Mill where it turns west to connect with Rt 1; (D) Commonwealth Drive from Rt 1 to Filter Ln Extension (new concept rd); (E) Filter Lane from Filter Ln Extension (new concept rd) to Rt 1; (F) Ridge Rd from Rt 208 to Lake Anna A (new concept rd); (G) Corene Rd from Rt 208 to Ridge Rd; (H) Ryland Payne Rd from Lewiston Rd to Rt 208; (I) North Point Dr from Rt 1 to North Point Dr Extension (new concept rd); (2) A 3-lane improvement project for: (A) Lassen Ln from Rt 1 to

Lafayette Blvd; and, (3) A 4-lane divided improvement project for: (A) Crossroads Pkwy from Mills Dr to VRE Dr; (B) N Roxbury Mill Rd from Larkin Chew Rd to Rt 1; (C) Larkin Chew Rd from Rt 1 to N Roxbury Mill Rd; (D) Germanna Pt Drive from Mills Dr to Germanna Pt Dr Extension (new concept rd); (E) Spotsylvania Ave from Germanna Pt Dr Extension (new concept rd) to Market Street.

Amendments to existing roads with previously scheduled improvements include: (A) Smith Station Rd from Rt 208 to Gordon Rd reduced from 4-lane divided to 2-lane improvement; (B) Massaponax Church Rd from west of its intersection with Smith Station Rd to a realigned intersection with Rt 208 Business from 4-lane divided to 2-lane improvement; (C) Rt 1 from Spotsylvania Ave to Harrison Rd reduced from 8-lane to 6-lane divided; (D) Tidewater Trail from Beulah Salisbury Dr to Benchmark Rd to a 4-lane divided improvement between Joseph Mills Dr and River Meadows Way; (E) Rt 3 from Harrison Rd to Andora Dr reduced from 8-lane divided to 6-lane divided; (F) Old Plank Rd from Gordon Rd to Catharpin Rd reduced from 4-lane divided to 2-lane improvement; (G) Catharpin Rd from Old Plank Rd to Piney Branch Rd reduced from 3-lane improvement to 2-lane improvement.

Amendments adding new concept roads, including extensions of existing roads, as depicted on the amended Thoroughfare Plan Map are: (A) removal of Guinea Station Rd extension alternative B, replacing it with River Run Pkwy extension (new concept rd) between Rt 1 and Guinea Station Rd extension (new concept rd); (B) Filter Ln extension (new concept rd) from Rt 1 to Commonwealth Dr; (C) Industrial Ct extension (new concept rd) from Industrial Ct to Wallace Ln; (D) Rt 751 industrial park access (new concept rd) from Pierson Dr to approximately 3/10 mile terminating at cul-de-sac; (E) Hickory Ridge Rd extension (new concept rd) from Rt 1 to approximately 1/10 mile east of Rt 1 to Thornburg C (new concept rd); (F) North Point Dr extension (new concept rd) from North Point Dr to Thornburg D (new concept rd); (G) VRE Crossroads connector road (new concept rd) from Crossroads Pkwy to Thornton Rolling Rd; (H) Ryland Payne Rd extension (new concept rd) from Rt 208 to Lake Anna A (new concept rd); (I) Lewiston Rd extension (new concept rd) as part of an intersection realignment project with Rt 208 from Lewiston Rd to Lake Anna A (new concept rd); (J) Massaponax Church Rd extension (new concept rd) as part of intersection realignment project with Rt 208 Business from Massaponax Church Rd to Rt 208 Business; (K) Old Telegraph Rd realignment from Rt 1 to Old Telegraph Rd; (L) Thornburg A (new concept rd) from Morris Rd to Hickory Ridge Rd west of the Rt 1 corridor; (M) Thornburg B (new concept rd) from Morris Rd to Rt 1 south of Morris Rd; (N) Thornburg C (new concept rd) from Thornburg D (new concept rd) to Hickory Ridge Rd extension (new concept rd) west of the Rt 1 corridor; (O) Thornburg D (new concept rd) from Thornburg A (new concept rd) to Thornburg C (new concept rd) at or near the Rt 1 intersection with N. Roxbury Mill Rd; (P) Thornburg E (new concept rd) from Rt 1 to Thornburg A (new concept rd) to developable areas within the Primary Development Boundary to the west; (Q) Thornburg F (new concept rd) from Thornburg B (new concept rd) to Morris Rd; (R) Thornburg G (new concept rd) from Rt 1 to Thornburg B (new concept rd); (S) Thornburg H (new concept rd) from S. Roxbury Mill Rd to Rt 606 Service Rd N.; (T) Thornburg I (new concept rd) from Hickory Ridge Rd to Thornburg A (new concept rd); (U) Lake Anna A (new concept rd) from Ridge Rd to Lawyers Rd; (V) Lake Anna B (new concept rd) from Ryland Payne Rd to Lake Anna A (new concept rd), crossing Rt 208; (W) Lake Anna C (new concept rd) from Corene Rd to Lake Anna A (new concept rd).

Additional intersection improvements include: (A) Lafayette Blvd at Olde Greenwich Dr; (B) Lafayette Blvd at Falcon Dr; (C) Patriot Hwy at Hood Dr; (D) Rt 1 at Southpoint Pkwy; Rt 1 at Filter Ln; (E) Rt 1 at Guinea Station Rd; (F) Rt 1 at N. Roxbury Mill Rd; (G) Rt 1 at Larkin Chew Rd; (H) Rt 3 at Big Ben Blvd; (I) Rt 208 at Foster Rd; (J) Rt 208 at Corsair Terr; (K) Lewiston Rd at Rt 208; (L) Harrison Rd at Salem Station Blvd; (M) Gordon Rd at Spotsylvania Pkwy Ext (new concept road); (N) Smith Station Rd at Foster Rd; (O) Smith Station Rd at Spotsylvania Pkwy Ext (new concept road).

Additional interstate interchange improvement amendments for: Interstate 95 Interchange 130.

Transportation studies added include: (A) Route 3 Operational Improvements along the Rt 3 corridor from Andora Dr to the City of Fredericksburg line to the east; (B) Four Mile Fork Area Operational Improvements including Rt 1, Lafayette Blvd, and connecting streets north of the Rt 1 and Lafayette Blvd intersection. Reference to an I-95 Exit 126 IMR and Planning Study is removed from the Thoroughfare Plan Table.

The Route 1 name amended to Patriot Highway. Right-of-way recommendations and planning level cost estimates have been updated throughout the Thoroughfare Plan Table.

Chapter 3A, Trailways Master Plan

Amendments to the Greenways Map are as follows: (A) scale back Po River Greenway to terminate at Route 1 via Thornburg area new concept roads Thornburg A, Thornburg D, Thornburg E; (B) revised Guinea Station Rd extension and River Run Pkwy extension noted in Chapter 3 Transportation amendments to include a shared-use path; (C) relocate Ni River greenway symbology to follow Guinea Station Rd extension (new concept rd) to Smith Station Road, and the planned Spotsylvania Pkwy extension (new concept rd) to Gordon Rd (D) extend VRE/ECG Auxiliary Trail Greenway symbology along Crossroads Pkwy to VRE Drive; (E) identification of area of interest along the Rt 1 corridor south of Spotsylvania Pkwy to the Caroline County line.

Amendments to the Road Based Bicycle and Pedestrian Map include shared use paths: (A) along both sides of Rt 208 from Bradley Ln to Lake Anna/Louisa County line, replacing sidewalk and shared use path; (B) along both sides of Rt 1 between Morris Rd and intersection of Thornburg G (new concept rd) to the south; (C) along one side of N./S. Roxbury Mill Rd from S. Roxbury Mill Rd at turn west to Rt 1 connector to Rt 1 at N. Roxbury Mill Rd intersection; (D) along one side of Spotsylvania Pkwy from Leavells Rd to approximately 400 feet west of Rt 1; (E) along one side of Thornburg I (new concept rd) between Hickory Ridge Rd and Thornburg A (new concept rd).

Sidewalk addition amendments include: (A) Rt 3 from Harrison Rd to the Fredericksburg City line to the west; (B) Harrison Rd from Piedmont Dr to Chancellor Park Dr; (C) Chancellor Park Dr from Piedmont Dr to Harrison Rd.

Amendments eliminating a shared use path to include only sidewalks include: (A) Lafayette Blvd from Rt 1 to Hudgins Rd; (B) Rt 1 from Mudd Tavern Rd to N. Roxbury Mill Rd; (C) Rt 208 from Rt 1 to Leavells Rd.

Sidewalks and shared use path addition amendments include: (A) Harrison Rd from Salem Church Rd to Piedmont Dr; (B) Piedmont Dr from Harrison Rd to Chancellor Park Dr; (C) Spotsylvania Pkwy from approximately 400 feet west of Rt 1 to Hospital Blvd; (D) Hospital Blvd from Mills Dr to Spotsylvania Pkwy; (E) Hospital Blvd extension (new concept rd) from Spotsylvania Pkwy to Massaponax Church Rd, replacing sidewalks; (F) Crossroads Blvd, extending beyond Crossroads Station Blvd to VRE Dr; (G) VRE Crossroads connector road (new concept rd) from Crossroads Pkwy to Thornton Rolling Rd; (H) Massaponax Church Rd extension (new concept rd) from Rt 208 Bus to Lake Anna Pkwy, replacing paved shoulders and sidewalks; (I) Thornburg A (new concept rd) from Hickory Ridge Rd to Morris Rd; (J) Thornburg B (new concept rd) from Morris Rd to Rt 1; (K) Thornburg D (new concept rd) from Thornburg A (new concept rd) to Rt 1; (L) Thornburg E (new concept rd) from Thornburg A (new concept rd) to Rt 1; (M) River Run Pkwy and extension (new concept rd) from Rt 1 to Guinea Station Rd extension (new concept rd).

Paved shoulders and shared use path amendments include: (A) Gordon Rd from Smith Station Rd to Ni Reservoir Park entrance, replacing paved shoulders; (B) reroute depiction of existing adopted improvement to follow Thoroughfare Plan route of Spotsylvania Pkwy extension (new concept rd), intersecting Gordon Rd.

Paved shoulders amendments include: Hickory Ridge Rd from Massaponax Church Rd to Thornburg A (new concept rd).

The Trailways Master Plan Complete Map amendments reflect changes to Chapter 3A, Trailways Master Plan.

Mr. Pastwik presented the case. Proposed is an update to the Spotsylvania County Comprehensive Plan (Plan) consistent with the Code of Virginia §15.2-2223 and 15.2-2232. Proposed amendments are chiefly aimed at ensuring Plan support for upcoming transportation funding candidate project applications, and to establish a transportation framework in the Thornburg and Lake Anna Mixed Use Commercial Heavy areas. The Thornburg and Lake Anna focus complements an adopted Comprehensive Plan Major Initiatives Action Item to develop special area plans for areas where unique development opportunities exist within the County. Additional amendments are proposed concerning extent of planned improvements along certain roads. Specifically, this update proposes to amend the 2021 Comprehensive Plan as last updated December 14, 2021, as follows: amend and re-ordain: Cover Page and Table of Contents; Chapter 2 Future Land Use, specifically the Table of Zoning Districts Complementary to Land-Use Designations Outside of the Primary Development Boundary; Chapter 3 Transportation, specifically the County-wide Thoroughfare Plan Map, Primary Development Boundary focus Thoroughfare Plan Map, Thoroughfare Plan Table, and to add Lake Anna area and Thornburg area transportation improvements maps; Sub-Chapter 3A, specifically the Road Based Bicycle and Pedestrian Plan Map, Greenways Map, and Trailways Master Plan (complete network) Map. Where amendments are proposed, the Plan amendment adoption date will appear.

For reference, the attached Chapter 3 Thoroughfare Plan and Chapter 3A Trailways Plan maps include secondary mark-up versions intended to track proposed amendments in context of the existing adopted versions. Additionally the attached resolutions include the public hearing advertisement language that describe proposed amendments in greater detail. Within the mark-up versions of the maps those project locations highlighted in yellow represent projects identified for transportation funding request interest within the short term in advance of upcoming transportation funding application periods, including but not limited to Smart Scale. A list of those critical additions projects follows in the next paragraph. Those projects highlighted in blue in the attached mark-up maps represent projects proposed in addition to new concept roads and additional edits to the Thoroughfare Plan proposed. Staff paired both shorter term and longer term updates together as part of this update together to more efficiently navigate the update through the public hearing process. The Thoroughfare Plan- Primary Development Boundary map highlights those amendments envisioned in and around the Primary Development Boundary. New concept road connections and upgrades at Lake Anna are highlighted in the County-Wide Thoroughfare Plan Map. Larger zoom in maps depicting land use designations and these roads in the Thornburg and Lake Anna areas are also attached and are intended to be added to the Plan.

Under Additional Background/Other Considerations this Executive Summary outlines the importance of exhibiting Comprehensive Plan support for public infrastructure projects. This is a factor considered during the application process as well. Considering Smart Scale application deadlines any revisions to the Plan concerning applications must have Board of Supervisors action no later than August 1, 2022. Though a number of intended application projects have already been specified within the adopted Plan, Transportation staff has identified necessary additions to add:

1. Intersection project for Lafayette Blvd at Olde Greenwich Dr near the City Line.
2. Rte 3 Pipeline Study Operational Study improvements from Andora Drive to I-95 Exit 130 interchange including possible interchange modification for ramps going to Spotsylvania Mall.
3. Rte 3/Big Ben Blvd/Spotswood Furnace Intersection improvement, including a sidewalk along Big Ben Blvd.
4. Rte 1 Massaponax Corridor Study intersection improvements at Massaponax Church Rd & Guinea Station (with updated scope & cost estimates)
5. Rte 1 Pipeline Study Operational improvements from City Line to Four Mile Fork and including Lafayette Blvd from Four Mile Fork to Harrison Rd & Lassen Lane & Harrison Rd between Rte 1 & Lafayette Blvd.
6. Interstate 95 Exit 126 SB Onramp Improvements – Need to update cost estimate
7. Rte 1/Southpoint Pkwy intersection project
8. Harrison Rd/Salem Station Rd intersection project
9. Germanna Pt Drive/Spotsylvania Avenue – Widening to 4 Lanes, including bicycle and pedestrian improvements
10. Chancellor Park Drive Sidewalk- Trailways Plan Map

The aforementioned projects have been identified as critical to specify within the Plan prior to the August 1st deadline. For additional amendments, staff proposes updating a number of existing Thoroughfare Plan projects such as downgrading a Smith Station Road widening project between Courthouse and Gordon Rds from a 4-lane widening to a 2-lane improvement, adding other known projects such as development of Rte 751, an industrial park access road off of Pierson Drive. Consistent with planned intersection improvements along Old Plank Rd the draft proposes specifying Old Plank Rd improvements as 2-lane improvements as opposed to 4-lane improvements. Transportation staff believe the forthcoming traffic circles along Old Plank Rd and planned improvements to the Rt 3 corridor have diminished the need for 4-laning Old Plank Rd. This would result in a cost savings benefit by reducing the scope of the project while also reducing the extent of potential right-of-way impacts along the corridor.

A network of concept road connections is also envisioned for the Lake Anna mixed use, and Thornburg/Jackson Gateway areas. The new concept road projects near Lake Anna and Thornburg areas are intended to complement the adopted Comprehensive Plan major initiative action plan item to pursue development of special area plans in the County.

For Lake Anna and Thornburg/Jackson Gateway, new concept roads are envisioned to improve the transportation network and proactively plan for a basic framework of road connections within targeted development areas lacking such infrastructure presently. The Thornburg area and Jackson Gateway have been identified as economic development/employment hubs since the 2002 Comp Plan. The Lake Anna Mixed Use area has been identified as an area of development interest since the 1994 Comp Plan. Development, referenced as a village and/or mixed use area. Development interest in these areas has increased in recent years and represent a significant inventory of greenfield (undeveloped or underdeveloped compared to land use plans) development potential reliant on the existing transportation network. Recent discussions with the Virginia Department of Transportation and Transportation staff confirm need to proactively plan for transportation linkages in these areas ahead of significant development in the interest of avoiding overburdening the Route 1 and Route 208 corridors and intersections. Simply supporting development that orients ingress and egress directly upon these corridors will inevitably degrade level of service, slow traffic, overburden existing intersections. As a result staff has looked to plan a series of intersection bypass roads, parallel roads, and east-west connections intended to lessen future traffic burdens. Staff expected many of these roads can be implemented paired with development proposals. Staff expects implementation to occur naturally as development is proposed or by 2050.

Like other new concept roads exhibited in the Comprehensive Plan, staff notes the route alignments as exhibited are aimed at establishing directional connections, parallel roadways, routing alternatives. They are not engineer accurate lines and as acknowledged within the Comprehensive Plan Transportation maps *new concept facilities are depicted as conceptual alignments only. Further design/engineering necessary to determine precise route.*

Staff acknowledges the locations of these new road connections are subject to potentially shift. Staff is confident there is a need to proactively plan for new north-south parallel roads off the

Route 208 and 1 corridors as well as need for connectors between Rt 1 and Rt 208 to expand inland accessibility, remove needs for direct accesses to Rt 208 and 1 for development, diversify routing options, link alternative North-South parallel road to Rt 1 traffic.

Lastly, considering the Lake Anna special area plan and prospects for development in that area staff proposes inclusion of the Planned Rural Residential (PRR) zoning district as a complementary zoning designation to the Lake Anna Mixed Use area. This amendment translates to an update to the Zoning Districts to Land Use Designations outside of the Primary Development Boundary compatibility table. PRR is a zoning designation supportive of individual lot rural residential single family detached housing on well and septic. Examples of PRR zoned projects in Spotsylvania County include: Fortune's Landing; Goodwin Cove (Lake Anna); Sunrise Bay (Lake Anna); Legends of Chancellorsville; Bearington; Glenhaven South. Per County Code Sec. 23-6.27.1-Purpose and intent, the PRR zoning district is *intended to encourage innovative development designs accommodating agricultural and forestry practices and preserving the rural character of the county, while accommodating residential development outside the limits of the primary development boundary. Provisions in this section are designed to support flexibility, economy, and ingenuity in the layout and design of subdivisions.* Staff also notes County Code Sect. 23-6.27.6(d)(4) establishes a link to Lake Anna (and its appropriateness at Lake Anna) through a Lakefront preservation design alternative that serves as one of four potential options meant to achieve the purpose and intent and rural preservation area requirements of the district. *Per Sect. 23-6.27.6(d)(4), the Lakefront preservation alternative is intended to preserve and protect the water quality and scenic resources of Lake Anna.*

As adopted with the major update to the Comprehensive Plan on December 14, 2021, an updated description of the Lake Anna mixed use area placed greater emphasis on commercial development and reduced focus on residential development, especially high density residential (such as townhomes or multi-family) considerate of lack of public water and sewer and concerns over mass drainfields, water availability and privately operated systems. Staff believes the PRR designation does complement the intent of the established land use vision. At present no PRR zoning exists within the Lake Anna mixed use area and rezoning review would be necessary. Staff believes this designation provides greater prospect to help develop the road network and support commercial development prospects while not introducing high density development at the Lake. Correction of a scrivener's error resulting from a change in terminology during development of the Comprehensive Plan from "Mixed Use Commercial Core" to "Mixed Use Commercial Heavy" will mitigate an inconsistency in the Plan.

Staff recommends approval of CPA22-0001. At their meeting on May 12, 2022 the Transportation Committee recommended approval of the draft.

Mr. Thompson inquired about development at Thornburg and how the improvements would occur.

Mr. Pastwik stated that when we have proposed development, we point to the plan and ask how they will be contributing to the improvements. Staff believes much of this will be developer driven.

Mr. Phelps inquired about the improvements at Benchmark and Mine Road intersection and Mr.

Agnello provided an update on those proposed improvements and the timeline.

Mr. Bullock inquired about improvements on Landsdowne/Tidewater Trail.

Mr. Agnello discussed the improvements that the City applied for with Smart Scale and how it would tie into Spotsylvania's improvements. These should all occur sometime in 2027-2028. The Spotsylvania Smart Scale Round 4 Project was awarded to widen Tidewater Trail from the City line to Shannon Airport, a regional project looking at improvements between the City line and Route 3. This is currently a candidate for a Smart Scale Application.

Speaking in favor or opposition: None

Mr. Childress closed the public hearing.

Motion and vote: Mr. Childress made a motion, seconded by Mr. Thompson to recommend approval of the Comprehensive Plan Amendment. The motion passed 6-0.

Public Comment: None

New Business: None

Adjournment

Motion and vote: On a motion by Mr. Childress, seconded by Mr. Thompson, the Commission voted to adjourn. The motion passed 6-0.

The meeting adjourned at 6:50 p.m.

Spotsylvania County
Planning Commission
Executive Summary

 [Print](#)

Meeting Date: June 15, 2022

Title: R19-0007 (RO19-0007): Michael A. Jones, S. Craig Jones, Denali Capital Group, LLC, and Tricord Incorporated (Tricord, Inc.) (Berkeley District)

Type: Action, Public Hearing

Agenda Title: R19-0007 (RO19-0007): Michael A. Jones, S. Craig Jones, Denali Capital Group, LLC, and Tricord Incorporated (Tricord, Inc.) (Berkeley District)

Recommendation: Staff recommends denial of R19-0007.

Summary: The applicant requests a rezoning of eight (8) parcels containing 115.07 acres from Rural (RU), Industrial 1 (I-1) and Commercial 3 (C-3) to Residential Townhouse (MU-2), Residential Mixed Use (MU-3) and Mixed Use Low (MU-4), with proffers for the development of a mixed use project identified as "Village at Crossroads Station" to include no more than 770 single family attached, detached and multi-family units. No more than 270 of the 770 residential units will be developed as multi-family. The properties are located in the southwest quadrant of the Mills Drive (US Route 17) and Thornton Rolling Road (Route 609) intersection and are addressed as 9410, 9416, 9418, 9508, 9514, 9602, 9606 and 9608 Thornton Rolling Road. The properties are located within the Primary Development Boundary and are designated for Mixed Use General, Commercial, and Employment Center Light land uses on the Future Land Use Map of the Comprehensive Plan. The properties are located within the Airport Protection Overlay District. Tax Parcels 37-A-48, 37-A-49, 37-A-50, 37-A-52, 37-A-52A, 37-A-53, 37-A-54 & 37-A-55. Berkeley Voting District.

Committee/Commission Summary:

Review Date: Status:

Financial Impact: The County's fiscal model showed the project will have annual negative impact on the County.

Staff Contacts: B. Leon Hughes, AICP, Director of Planning and Zoning

Legal Counsel: Alexandra Spaulding, Senior Assistant County Attorney

Additional Background/Other N/A

Considerations:

Consequence of Denial/Inaction:

The properties may develop in accordance with the current zoning designations. The by right development of the property is 35 single family units.

ATTACHMENTS:

Name:	Description:	Type:
PC_Staff_Report_-_Final_and_Appendix.pdf	Staff Report	Staff Report
Excuted_Proffers.pdf	Applicant's Proffer Statement	Agreement
GDP_6th_Submission_10-28-2021.pdf	Applicant's GDP	GDP
GDP_Narrative.pdf	Applicant's GDP Narrative	Backup Material



County of Spotsylvania

Department of Planning

Staff Report

Rezoning # R19-0007
(Berkeley Voting District)

Planning Commission

June 15, 2022

Staff Recommendation:	Denial
Project:	R19-0007 “Village at Crossroads Station”
Applicant:	Tricord, Inc.
Owners:	Michael A. Jones, S. Craig Jones, Denali Capital Group, LLC and Tricord Incorporated
Request:	The applicant requests the rezoning of eight (8) parcels totaling approximately 115.065 acres from Rural (RU), Industrial 1 (I-1) and Commercial 3 (C-3) to Residential Townhouse (MU-2), Residential Mixed Use (MU-3) and Mixed Use Low (MU-4) with proffers for the development of 770 single family attached and detached and multi-family residential units.
Tax Map Parcel(s):	37(A)48, 37(A)49, 37(A)50, 37(A)52, 37(A)52A, 37(A)53, 37(A)54 and 37(A)55
Location:	The properties are located in the southwest quadrant of the Mills Drive (US Route 17) and Thornton Rolling Road (Route 609) intersection and are addressed as 9410, 9416, 9418, 9508, 9514, 9602, 9606 and 9608 Thornton Rolling Road.
Zoning Overlay:	Airport Protection Overlay District (FAA Tower Zone)
Future Land Use Designation:	Mixed Use General, Commercial and Employment Center Light
Historic Resources:	There are no known historic resources on the subject properties.
Date Application Deemed Complete:	June 17, 2019 – Extension Granted

Figure 1: Zoning Map

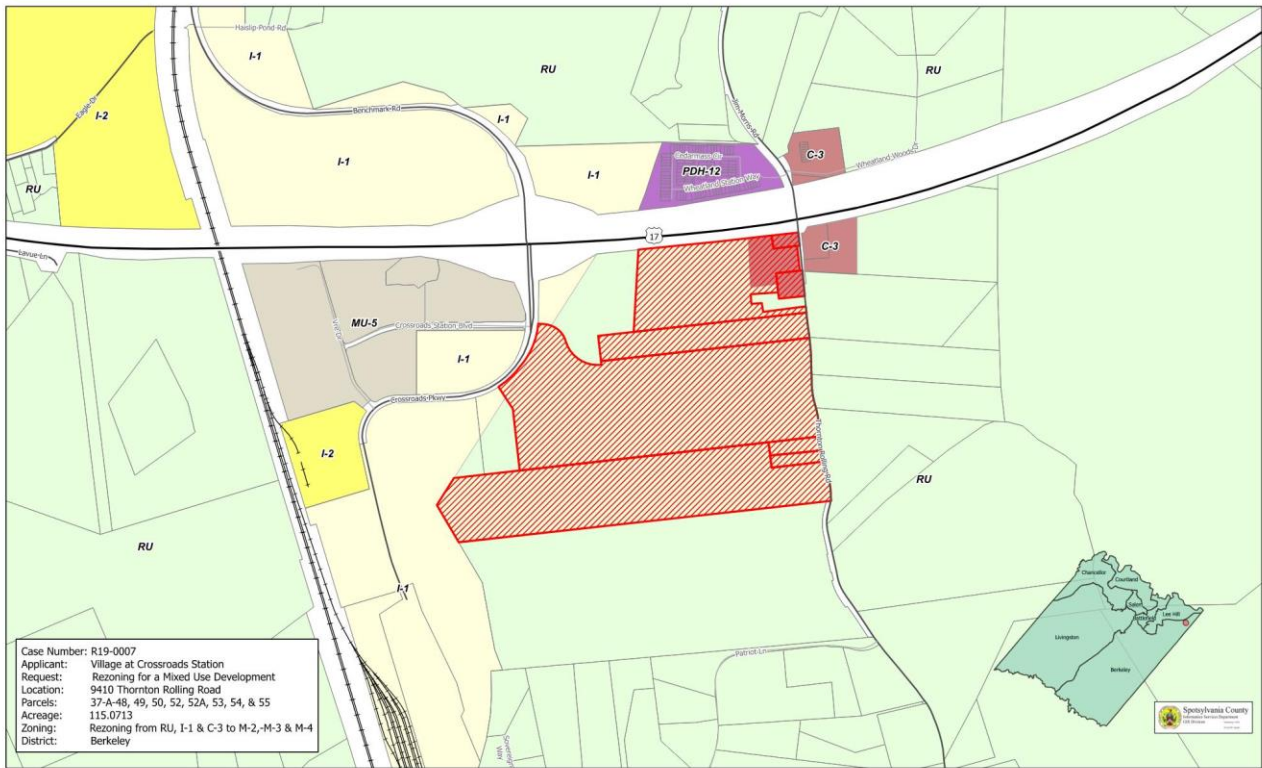
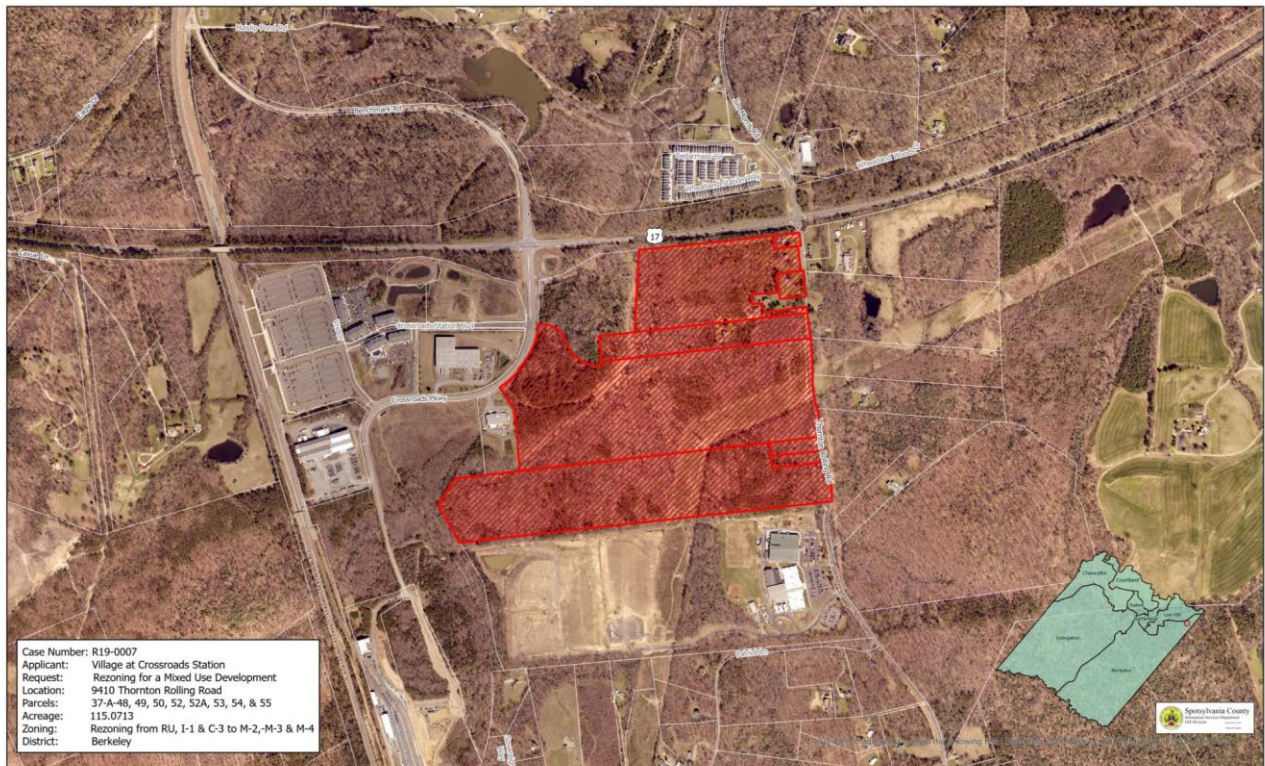


Figure 2: Aerial Map (2019)



I. The Site

The project will be developed on eight (8) parcels of land, totaling approximately 115.07 acres. The project is bordered on the west by Crossroads Parkway (Route 765); on the north by Mill Drive (US Route 17); on the east by Thornton Rolling Road (Route 609) and on the south by the Fredericksburg Christian School. The project has approximately 1,299 feet of frontage along Mills Drive (US Route 17), approximately 1,115 feet of frontage along Thornton Rolling Road (Route 609) and approximately 624 feet of frontage along Crossroads Parkway. There are several land use types in the vicinity of the subject parcels. Adjacent to the project and along Thornton Rolling Road are large lots with single family detached homes and the Fredericksburg Christian School. Adjacent to the west is the Crossroads Station development a Mixed Use project with multi-family homes and a commitment to commercial development with a street that intersects with the VRE Station parking area. Also adjacent on the west side of Crossroads Parkway is a warehouse and distribution facility. County Fire Station 11 is adjacent to the south on the east side of Crossroads Parkway Blvd. Route 17 is to the north with the Wheatland Station Townhome community and Wheatland Business Park on Jim Morris Road. The surrounding area already provides a mix of uses in close proximity to rail transit, which sets the stage for the properties to develop as a transit oriented development. The subject parcels are within the County's Airport Protection Overlay District and the Fort A.P. Hill Landing Approach Fan. The by-right development potential for the property is a total of 35 single-family homes. The subject parcels are located in the Berkeley Voting District.

II. Project Proposal

The applicant proposes rezoning the property from the Rural District ("RU"), Industrial 1 District ("I-1") and the Commercial 3 District ("C-3") to the Residential Townhouse ("MU-2"), Residential Mixed Use District ("MU-3"), and Mixed Use Low District ("MU-4"). Section 23-6.28.1 of the Spotsylvania County ("County") Zoning Ordinance states that the purpose of the MU District is to create "a flexible approach to development, to include infill and redevelopment, by allowing a variety of interrelated and compatible commercial, office, residential, civic, recreational, and entertainment uses in a pedestrian-oriented neighborhood setting based on, but not limited to the following principles: 1) Connectivity of road networks, including connectivity of new local streets with existing local streets; 2) Connected pedestrian networks and pedestrian-friendly road design; 3) Reduced front and side yard building setbacks; 4) Mixed-use neighborhoods, including mixed housing types; and 5) Respects the character of adjacent properties and surrounding neighborhoods." The MU District further allows 5 sub-districts that differ with regard to permitted uses, with the requested zoning districts described as follows:

- Residential Townhouse ("MU-2"): A more intensive residential district than MU-1; in addition to detached and attached houses, this district permits townhouses.
- Residential Mixed Use ("MU-3"): In addition to detached and attached houses and townhomes, this district permits apartments.
- Mixed Use Low ("MU-4"): Permits retail, office and residential uses in a variety of building types up to four (4) stories in height.

The proposed rezoning is to allow a residential development consisting of seven hundred seventy (770) single family attached, detached and multi-family dwelling units, with not more than 270 multi-family units. As noted the request includes the Mixed Use 2, 3, & 4 sub districts separated into five (5) pods consisting of two MU-3 pods in the center of the project. Pod A is adjacent to Crossroads Parkway and is 17 acres, Pod C is adjacent to Thornton Rolling Road and is 24 acres. There are two MU-2 Pods that are adjacent to the southern parcel boundary including Pod D which is adjacent to Thornton Rolling Road and is 19 acres, and Pod E located west of Pod D and is 27 acres. To the northeast is Pod B which is 22 acres and has approximately 1,300 feet of frontage on U.S. Route 17 and approximately 500 feet of frontage on Thornton Rolling Road. Pods A,C,D, & E are currently zoned Rural and Industrial 1 and Pod B is currently zoned Rural and Commercial 3. All of the property is vacant and wooded. The applicant has submitted a proffer statement that commits to transportation improvements, pedestrian accommodations, right of way dedication, community amenities, and cash contributions to assist with mitigating impacts of the project. The applicant's proffer statement also includes a provision that 10% or 77 units will be sold at or below a price point that is affordable for persons earning 75% or below the Median Household Income for Spotsylvania. This proffer also provides a 50% reduction of the cash proffers and additional proffer for schools on any unit sold at a price and that is sold to someone earning 60% of the Median Family Income. If the project develops as projected in the applicant's proffer analysis there will be 1,733 new citizens with 335 new students.

A. Generalized Development Plan (GDP) –The applicant's GDP is submitted in accordance with the allowances of the Mixed Use provisions of the Zoning Ordinance and as such only provides details on the proposed land uses, internal roads, proposed external road improvements and the main pedestrian and trail network. There are significant environmental features within the project limits that include steep slopes, streams and wetland areas. The layout of the pods and main road network is designed to minimize impacts to the environmentally sensitive areas. The areas where housing units will be constructed are identified as the previously noted in Pods A-E. The applicant's proffer statement does offer "that no more than 270 Units shall be multiple-family Units" and "All of the multiple-family shall be condominiums and limited to Pod A and B, or both." The remaining 500 single family detached and attached units may be constructed in any of the Pods A-E. The applicant's proffer statement prohibits any commercial or office uses on the property. Currently Pod B, bound by U.S. Rt. 17 and Thornton Rolling Road, has approximately 4 acres that are zoned Commercial 3 (C-3) at the intersection of U.S. 17 and Thornton Rolling Road. Each of the requested Mixed Use districts allow some commercial development. As designed Pods A, B and C present the most likely opportunity for commercial development as the main boulevard that connects Crossroads Parkway and Thornton Rolling Road traverses Pods A and C and is adjacent to Pod B providing each Pod frontage on the Boulevard; however, as noted, the applicant is not proposing any commercial use within the project which staff has identified as a concern. This road segment is identified as V1 to V4 on page five (5) of the GDP. Page five (5) also identifies potential street segments to access the interior of the Pod areas. Page six (6) of the GDP identifies the potential arterial pedestrian network that provides connections throughout the project. In addition to the arterial pedestrian connections the applicant has proffered to install "additional pedestrian trails" to connect the residential areas to the main pedestrian network. The applicant's proffer statement provides detail on the construction and timing of installation of the trail network.

The applicant's GDP also identifies proposed improvements to the transportation network that includes the dedication of right of way along Crossroads Parkway and Thornton Rolling Road totaling approximately 2.2 acres. The GDP and proffers also note improvements to Crossroads Parkway to include a northbound right turn lane, a right turn taper into the property, a second northbound left turn lane onto Rt. 17, a southbound left turn lane into the property, a southbound right turn lane onto Crossroads Station Blvd., an extension of the west and eastbound turn lanes on Rt. 17 and an extension of the westbound receiving lane for the westbound left turn onto Rt. 17. At the intersection of Thornton Rolling and Jim Morris, the GDP identifies the installation of right and left turn lanes into the property, a second northbound left turn lane, a southbound right turn lane on Jim Morris Road, a northbound right turn lane, an extension of the eastbound turn lane on Rt. 17 and a new westbound receiving lane on Rt. 17. The applicant has also proffered improvements at the Cosner Drive Route 17 intersection adding a second northbound left turn lane and a second westbound receiving lane on Rt. 17. At the Massaponax Church Road and Lee Hill School Drive intersection, the applicant has proffered a northbound right turn lane and southbound left turn lane. These improvements will be installed incrementally when triggers based on the number of units are met. The proposed schedule is as follows, the improvements at Crossroads Parkway will be completed prior to issuance of the Certificate of Occupancy (CO) for the 100th unit. The improvements at Thornton Rolling and Jim Morris prior to the CO for the 200th unit. The Cosner Drive and Massaponax Church Road improvements prior to the 300th CO. The proffered offsite transportation improvements installation schedule is a concern and staff has recommended the improvements be installed much earlier in the project in order to mitigate impacts to the network.

B. Fiscal Impact Analysis – The applicant supplied fiscal impact analysis, which projects annual fiscal benefits of \$1,662,326 (revenues minus expenditures) at project build-out. The fiscal impact analysis appears to be based on estimated market values as opposed to assessed values though the use of “market value” (used more frequently and prominently) and “assessed value” appear to have been used interchangeably within the supplied report. Analysis based on market values inflates the fiscal outcome compared to how revenues are based on assessed values. There is no commitment to the development scenario used in the applicant's FIA.

Staff completed a separate fiscal impact analysis utilizing the County's model, which showed the project will have an annual negative fiscal impact of approximately \$1,000,000. The County's model is based on assessed values and the unit counts provided in the applicant's proffer analysis.

C. Proffer Statement Summary – The applicant has provided a proffer statement dated April 18, 2022 for the Planning Commission and Board of Supervisors' consideration. The applicant agreed to be under the 2019 proffer law; therefore, staff evaluated the proffers according to the parameters established in VA Code Section 15.2-2303.4, consistency with Comprehensive Plan Levels of Service and identified projects within the County's FY2019–FY2023 Capital Improvements Plan (CIP).

Below is an itemized list of the submitted proffers including a summary and staff analysis in italics.

1. **Land Use-** In the applicant's proffer statement Land Use section items a-e, the applicant commits that the property will be developed in conformance with the Generalized Development Plan dated October 29, 2021, which may have minor modifications in order to address requirements to fulfill Federal, State, and local requirements; with not more than 770 single family detached, single family attached and multi-family units and not more than 270 of the units will be multi-family. The proffer statement also notes the multi-family units may be built in either Pods A and B or both. In addition, the proffer statement prohibits any office or commercial uses on the property. The proffer statement also notes the applicant shall record a Master Declaration of Conditions and Covenants, Restrictions, Easements that provide for the establishment of Design Guidelines.

Staff does not support this section of the proffer statement as it fails to provide any commitment to a specific number for the breakdown of unit types or the location and design. The proffer only commits to no more than 270 of the units will be multi-family units in Pods A, B or both. In addition, the proffer states the multi-family units may be built in Pods A, B or both, keeping the principals noted in the applicant's narrative, construction of the multi-family units should be constructed within the half mile walking distance to the VRE station; Pod B is well beyond the half mile distance. The section of the proffer statement also prohibits any commercial or office uses on the property. Limiting commercial uses on the property in this area is not in line with the mixed land use principles, land use diversification, "live, work, shop, play" concept, employment and fiscal goals. Staff is content with a mixed residential project in this location as it does complement the mixed use area, provide additional rooftops supportive of commercial, and provides a housing mix and densities that complement mixed use goals within a transit oriented development-like area. However, the sole focus on residential development, including at minimum the loss of over 4-acres of commercial zoning potential is not favorable. The proffer statement also notes a commitment that the applicant shall record a Master Declaration of Conditions and Covenants, Restrictions, Easements that provide for the establishment of Design Guidelines. This language establishes a framework for ultimate design and maintenance of the project but stresses these details are unknown at this time. As part of this rezoning request, measurable or interpretable details regarding architectural renderings, basic façade materials, commitments to upgraded façade treatments for high visibility end cap units, level of restriction on homeowners (whether positive or negative), is not provided and the practical enforceability of such conditions in the long run are uncertain.

2. **Transportation** – The applicant has committed to dedicate a total of approximately 2 acres of right of way along the project's frontage on Crossroads Parkway and Thornton Rolling Road. The transportation proffers commit to the following improvements at the Crossroads Parkway/Rt. 17 intersection prior to issuance of certificate of occupancy for the 100th unit as shown on the approved Preliminary Plat: northbound right turn lane, right turn taper into property, a second northbound left turn lane, southbound left turn lane into property, southbound through lane, southbound right turn lane into Crossroads Station, a pedestrian

connection P1 to P6 shown on Sheet 6 of the GDP, an extension of the eastbound right turn lane (Route 17), an extension of the westbound left turn lane (Route 17), and an extension of the westbound receiving lane (Route 17).

The following improvements to Thornton Rolling Road /Jim Morris Road/ Route 17 will be completed prior to issuance of certificate of occupancy for the 200th unit as shown on the approved Preliminary Plat: a southbound right turn lane into property, northbound left turn lane into property, a second northbound left turn lane, northbound through lane, northbound right turn lane, southbound right turn lane (Jim Morris Road), an extension of the eastbound turn lane (Route 17), a new westbound receiving lane (Route 17).

The following improvements to Cosner Drive/Route 17 shown on Sheet 11 of the GDP will be completed, by the Applicant, prior to the issuance of a certificate of occupancy for the 300th Unit as shown on the approved Preliminary Plat: second northbound left turn lane and a second westbound receiving lane on Route 17.

The following improvements to Massaponax Church Road/Lee Hill School (Eagle) Drive shown on Sheet 12 will be completed, by the Applicant, prior to the issuance of a certificate of occupancy for the 300th Unit, as shown on the approved Preliminary Plat: northbound right turn lane and a southbound right turn lane.

The transportation proffers also commit to the completion of the road connection between Crossroads Parkway (“V1”) and Thornton Rolling Road (“V4”), sometimes referred to herein as “Crossroads Station Boulevard”, (to base asphalt) prior to the issuance of a certificate of occupancy for the 200th Unit, as shown on the approved Preliminary Plat. Additionally, the inclusion of a FRED bus pull off with the location to be agreed upon by the applicant and the Fredericksburg Regional Transit. The proffer statement and GDP note interparcel connections, and pedestrian accommodations to include trail connections to the network of trails shown on the GDP when the layout of the project is determined.

Staff is not supportive of these proffers. The improvements proposed will mitigate the impact of the new vehicle trips; however, staff recommends the identified improvements be completed earlier than proposed to immediately mitigate the traffic impacts. Additionally, the transportation proffers do not support County plans to widen Crossroads Parkway to four lanes with a shared use path from US Rt. 17 to the Spotsylvania VRE Station. In anticipation of Board action on the Comprehensive Plan amendment that will include this project, staff requested that the applicant consider right of way dedication, but the applicant declined.

The proffers do not include a provision for County involvement in the location decision for the FRED Transit stop along Crossroads Station Boulevard. Staff’s concern lies in the fact that the addition of FRED service to the project requires the County to cover the cost for the new service. In prior cases, applicants have made contributions to mitigate this additional expense. The proffer statement also proposes an offsite proffer associated with the Fire/Rescue Station 11 site under Transportation proffer II(d) vii to establish a pedestrian connection between P6 and P7 only if the applicant can reach an agreement

with the County to acquire easements for an interparcel connection. Staff recommended an alternative consideration to result in the replacement of the frontage sidewalk at Fire/Rescue Station 11 with a like shared use path along Crossroads Pkwy. Since the proposed proffer involves County land for planning purposes, staff's position is this alternative recommendation is more favorable. Staff notes the P6 to P7 proffer as proposed would require an additional crossing of the environmentally sensitive area depicted in GDP Sheets 4-5.

3. **Community Area/Amenities-** The applicant has committed that the project will have a minimum of 29 acres of community area which shall be conveyed to the property owners association for active and passive recreation, aesthetic improvements, entry features, landscaping, undisturbed natural area or stormwater management facilities. The proffer statement notes that the community areas “may” include linear parks, pocket parks along the trail connections shown on page 6 of the GDP and “may” include parks with specific recreational amenities. This proffer further notes a schedule for installation of amenities on the acreage in each POD to be dedicated to Community Area, this includes: at minimum prior to the issuance of a certificate of occupancy (whether temporary or final) for the 125th Unit within the project, Applicant shall install 1 tot lot, 1 dog park, 1 community garden; prior to the issuance of a certificate of occupancy (whether temporary or final) for the 350th Unit within the project, the applicant shall install 1 additional tot lot, 2 pickle ball courts, and 1 disc golf course; and prior to the issuance of a certificate of occupancy (whether temporary or final) for the 50th Unit within a POD being developed, the applicant shall install additional pedestrian trails (with a natural surface) within the community area of the POD being developed that will connect to the pedestrian connections shown on sheet 6 of the GDP.

Staff is supportive of the inclusion of community amenities; however recommended to the applicant that the amenities be installed prior than the 125th certificate of occupancy, as with the 100 multi-family units there will be almost 200 citizens living in the project.

4. **Required Notice-** The applicant has committed that each contract for sale of a unit shall include a disclosure concerning the project's proximity to U.S. Army base A.P. Hill and the potential for traffic, sound and vibration associated with training and activities on the base.

Staff is supportive of this proffer as it provides notice to purchasers of the potential impacts from the army base and A.P. Hill representatives advocate for such notice. Similar commitments have been made in prior rezoning cases.

5. **Cash Proffers, Additional Proffer and Escalation/De-Escalation Clause** – The applicant has committed to pay a total cash contribution of \$280.56 per each single family detached unit, \$222.43 per each single family attached unit and \$137.52 per each multi-family unit in order to mitigate the project's impacts on Public Safety and Parks and Recreation. The proffer statement also includes an additional proffer for Schools in the amount of \$2,500 per Unit. Additionally, the proffer statement includes an escalation provision which commences five (5) years after the approval of the rezoning such that the

cash proffers will be adjusted annually to reflect any increase or decrease for the preceding year in Consumer Price Index (CPI-U).

A cash contribution is an “offsite proffer” which is a proffer addressing an impact outside the boundaries of the property to be developed. The applicant may mitigate the development’s impacts on public on public facilities via a cash contribution if the facility meets the definition of “public facility” as defined in the Virginia Code and if the development impacts capacity and levels of service and if the development will receive a material benefit from the proffer made.

6. **Affordable Housing** – The applicant’s proffer statement intends to create housing priced in a range that is affordable to residents of Spotsylvania County, as defined and summarized in the Spotsylvania County Comprehensive Plan (adopted December 14, 2021) with a commitment that a minimum of ten percent (10 %) of the total Units shall be sold at or below a sales price (contract sales price) for a family earning at or below 75% of the median family household income. The proffer also includes a provision that notes the total Cash Proffer and Additional Proffer will be reduced by fifty percent (50%) for every Unit that is sold at or below a sales price for a family earning at or below 60% of the median family household income.

The proffer does positively express intent to include market rate affordable housing; however the number of units that will ultimately meet this intent is unknown and therefore the total impact of the credit is unknown until units have been constructed and priced. Furthermore, affordable housing does not correlate to reduced capital facilities demands and impacts. As a result, those demands will remain for the provision of County services to its citizens.

II. Staff Analysis

- A. **Transportation Analysis** – The Village at Crossroads Station is expected to generate 4,665 daily trips, 340 AM Peak hour trips, and 423 PM Peak hour trips. Rt. 17 is classified as an Other Principal Arterial roadway with a posted speed limit of 55 miles per hour (mph). There are no committed County or VDOT highway projects for the Rt. 17 corridor in this vicinity. Rt. 17 is a highly traveled roadway with 19,000 average annual daily traffic based on 2019 VDOT data. The Rt. 17/Rt. 609 intersection at Thornton Rolling Rd/Jim Morris Rd is a high vehicle crash location for the 2016 to 2020 timeframe. The applicant’s proffered improvements at this intersection would help improve safety; however, the improvements will not completely resolve the existing traffic safety and deficient levels of service.

The State’s Department of Rail and Public Transit (DRPT) has several committed projects to significantly improve rail capacity along the I-95 corridor for both AMTRAK service and Fredericksburg Line VRE service as part of its Transforming Rail in Virginia initiative: <https://transformingrailva.com>. These include widening the Potomac River rail crossing from 2 to 4 tracks, widening tracks in Arlington County and the City of

Alexandria from 3 to 4 tracks, and gradually widening tracks between Fairfax County and Richmond from 2 to 3 tracks in most locations that do not already have 3 tracks. There is also a VRE initiative to upgrade VRE stations along the Fredericksburg Line to support longer VRE trains of up to 10 cars long. The Spotsylvania VRE station already includes the improvements necessary to support a third track and longer VRE trains. The Spotsylvania VRE station currently has 10 trains departing during the weekday AM and 11 trains returning during the weekday PM. DRPT and VRE are planning to increase the number of daily VRE trains by two in 2026 and by an additional two in 2030. These rail improvements provide a tremendous opportunity for the Village at Crossroads development to serve as a transit orientated development.

The applicant states in the GDP narrative that the transportation improvements proposed in this application go well beyond addressing the impacts specifically attributable to the Village at Crossroads Station; however, the improvements proffered for the four Rt. 17 intersections were only the minimum required by VDOT to maintain Rt. 17 traffic operations at level of service (LOS) D with this development.

The development includes significant pedestrian connections; however, the proffers contain some restrictions which could significantly reduce their effectiveness. One issue is the proffered condition which could prevent the P6-P7 connection which is a critical pedestrian connection between Pod E and the VRE Station. The reduction in the width of shared use paths from 10 to 5 feet and elimination of sidewalk in environmentally sensitive areas could create gaps and constraints in the pedestrian network and significantly reduce overall effectiveness. Of particular concern is these impacts generally refer to Crossroads Station Boulevard, which is the main East-West spine road for the development and the primary pedestrian/bicycle connection to VRE. The applicant decline to provide the shared use path connection along Crossroads Pkwy from their site to the planned East Coast Greenway (ECG) connection at the Rt. 17/Benchmark Rd intersection make it significantly more difficult for the County to complete this connection later and could prevent a shared use path connection between the planned development and the ECG.

The GDP narrative emphasizes the importance of transit orientated development for this site, however, the overall application contains limited support for transit. There is a provision for a FRED transit pull off along Crossroads Station Boulevard, but the location is not determined and no plan for FRED transit service from the site to VRE has been developed. A development of this size could support multiple FRED stops including at least two along Crossroads Station Boulevard. The development's planned pedestrian connections contain some drawbacks as previously described, which could collectively discourage future residents from walking or bicycling to the VRE station. Additionally, the development does not include a commitment to higher density for the development closer to the VRE station and lower density further away as a transit orientated development typically would.

In summary, if the applicant worked with the County to improve their pedestrian connections, their transit plan, and provided right of way to widen Crossroads Parkway to

four lanes with a shared use path, it would significantly strengthen the transportation component of this application.

B. Comprehensive Plan –

1. Land Use – The project is located within the Primary Development Boundary and is consistent with the intent of the Primary Development Boundary to develop at higher residential densities higher residential densities and more intensive non- residential uses. Per the Comprehensive Plan Future Land Use Map (FLUM) the Village at Crossroads Station extends across two primary land use designations. The project is divided by a Mixed Use General land use designation including the western side of the project oriented toward Crossroads Pkwy, and Employment Center Light land use to the east, oriented toward Thornton Rolling Rd. The land use divide between Mixed Use and Employment Center was initially established as part of the 2013 Comprehensive Plan update based on a wetland and resource protection area corridor that runs central through the site. This feature is depicted in GDP Sheet 4. Secondly, the Land Use Chapter also reflects the existing commercial zoning located at the intersection of Rt. 17 and Thornton Rolling Rd with a Commercial land use designation. This Commercial designation has been presented in past iterations of the Comprehensive Plan as well including 2008 and 2013 Comprehensive Plans. Loss of this existing commercially zoned (C-3) acreage without provision for commercial enabled zoning with the Generalized Development Plan (GDP) and proffer support elsewhere onsite has been identified as a staff concern. A Commercial land use designation upon existing commercial zoning is suggestive of intent to preserve the zoning and use potential in place. Since the land use designations are not intended as parcel specific staff is less concerned about the location of proposed commercial loss and more so on there being no accommodations elsewhere such as along Crossroads Pkwy. Loss of commercial development potential also impacts land use diversification and fiscal impact potential.

2. Transportation – The applicant conducted a Traffic Impact Analysis (TIA) which found that the development would contribute to causing a failing level of service without significant offsite improvements to the Rt. 17 intersections with Rt. 609/Jim Morris Rd/Thornton Rolling Road, Rt. 608/Crossroads Pkwy/Benchmark Rd, Massaponax Church Rd, and Cosner Dr. As a result, the applicant worked with VDOT and the County to develop highway improvements to mitigate the impact of their development. These improvements which are included in the proffers enable Rt. 17 to maintain a level of service (LOS) D for Rt. 17 corridor in the vicinity of the site.

The Draft Comprehensive plan scheduled for Board action on July 12th calls for Crossroads Pkwy to be widened to four lanes with a shared use path. In anticipation of Board action on the Comprehensive Plan, staff recommended that the applicant consider dedication of right away along their Crossroads Pkwy frontage to support this planned widening, but the applicant declined. Additionally, FAMPO and VDOT are conducting a study to route the East Coast Greenway from the Rt. 2/17/Benchmark intersection down Benchmark Rd to connect to the Spotsylvania VRE Station using Crossroads Pkwy. VDOT has indicated they want the shared use path to be located along the northbound travel lanes for Crossroads Pkwy and Benchmark Rd. Staff requested that the applicant construct the shared use path along their site frontage and north to Rt. 17, but the applicant declined and only agreed to construct it along their frontage.

Additionally, the applicant stated that they would not include provision for a shared use path in their Rt. 17/Crossroads Pkwy intersection improvements, which would significantly increase the cost for the County to complete this shared use path connection to Rt. 17 later.

3. Public Facilities

- a) Public Schools** – The submitted proffer analysis identifies a development mix of 200 single family detached units, 300 single family attached units, and 270 multifamily condominium units. Proffer commitments assure a total unit cap and limits multi-family units to 270. Such commitments do not assure a cap on the attached or detached units so considerate of the proffer analysis they are subject to change other than an assurance that the total unit count will not exceed 770. Based on the development scenario, the total student generation rate would be 335 students (163 elementary) (77 middle) (94 high) compared to by-right potential of twenty (20) students from 35 by right homes. Based on current districting, students within this project would attend Cedar Forest Elementary, Thornburg Middle and Massaponax High School all of which have existing capacity.
- b) Fire, Rescue, and Emergency Services (FREM)** –FREM Call volume resulting from build out of the project is estimated to increase above by-right potential. Emergency response for this project will be dispatched from Fire Station 11, which currently has call volume capacity. However, this increase inevitably adds additional demand on existing capacity and reduces the excess capacity available before capacity maximum is reached.

4. Historic Resources – As identified on the GDP, there are no known historic resources or cemeteries onsite. Staff checked the County cemetery database for presence of known cemeteries and none were located. Small portions of the site fronting Thornton Rolling Road were previously studied and archived with the Virginia Department of Historic Resources Virginia Cultural Resource Information System (V-CRIS), including DHR ID 088-5409 and DHR ID 088-5407 (Tax Map 37-A-55, and eastern portion of TM 37-A-53). None of which are considered historically significant.

5. Natural Resources – The property includes a significant amount of environmental sensitive acreage and therefore site development will introduce impacts; however, all development will be subject to regulatory protections concerning environmental quality on sensitive resources such as wetlands, resource protection areas, stormwater management, erosion and sediment control.

III. Findings

In Favor:

- A.** The applicant proposes to contribute \$2,500 per unit or \$1,250 per affordable housing unit to mitigate the project's impact on Schools.
- B.** The project design creates a primary vehicular and pedestrian connection between Crossroads Parkway and Thornton Rolling Road.

- C. Once fully constructed the offsite transportation improvements will maintain the existing Level of Service D.
- D. The project incorporates an affordable housing option consistent with the County's Comprehensive Plan Principals to promote and support the construction of market rate affordable housing units.

Against:

- A. There is no commitment to specific unit types or the allocation of units within the PODs except for the 270 multi-family units. Additionally, there is no commitment to design characteristics that allows the community to understand what the project will be at buildout.
- B. All of the multi-family units are proffered to be located in either Pod A, B or both. Pod B is not located within a half mile of the VRE Station in support of a transit oriented development and Mixed Use land use goals.
- C. The project eliminates existing commercial acreage and prohibits any future commercial or office uses within the project area.
- D. The proposed installation schedule for the transportation improvements occurs later in project build out and should be completed earlier in order to mitigate the project's impacts on the transportation network.
- E. The County's fiscal impact analysis projects the project will have a negative fiscal impact as proposed.
- F. The project proposes reduced road widths and reduced pedestrian connection widths within the environmentally sensitive areas providing pedestrian access on only one side of the road. The proposed design will create gaps and reduced effectiveness for safe pedestrian access and connectivity.
- G. The proffered community amenities should be installed earlier than the 125th unit, given that there will be almost 200 citizens living in the project at that time.
- H. The project lacks a transit plan with uncertainty regarding the FRED Bus stop location and there is no commitment to contribute to the provision of FRED service to the development, which will continue to be an ongoing County financial commitment.

IV. Conclusions & Recommendations

This area is actively developing and can be characterized by passenger rail station, VRE rail service facilities, existing industrial operators, and phased multi-family development intended to also include a commercial component. The project is within a walkable distance of the Spotsylvania VRE Station and well positioned to access the County Trailways Master Plan identified East Coast

Greenway and the East Coast Greenway Auxiliary Trail. Walkability and multi-modal accessibility is envisioned in this area and supported by the Mixed Use land use designation. The applicant's narrative espouses the principals of transit oriented development, but the project's design does not align with those principals. Most notably the proffer allowance for multi-family units to be constructed outside of the half mile distance from the VRE Station, and the proposed reductions to the vital pedestrian connections along the spine road. Further contradiction to transit oriented development principals is that the project eliminates 4.3 acres of existing commercial acreage and makes no accommodation for commercial development elsewhere in the project. The loss of commercial development potential impacts land use diversification goals and fiscal impact potential, which is critical given that the project as proposed is expected to have a negative fiscal impact based on the County's Fiscal Impact Model. The extent of potential commercial development is shrinking in close proximity to the County's VRE station via residential heavy projects placing acreage in residential uses. The Comprehensive Plan Land Use Element, the mixed land use categories universally should serve as a place for Spotsylvania residents to live, work, shop, and play by providing for a variety of land uses in a compact, walkable community with a dense development pattern. The Rt. 17/Rt. 609 intersection at Thornton Rolling Rd/Jim Morris Rd is a high vehicle crash location, which currently operates at deficient levels of service. The proposed transportation improvements proffered for the four Rt. 17 intersections are the minimum improvements required by VDOT to maintain Rt. 17 traffic operations at level of service (LOS) D with this development. The applicant has proffered to install these improvements later in the project build out against staff's recommendations. Delayed installation will have impacts to traffic safety and levels of service. Based on the conclusion and the findings against, staff recommends denial of the request.

Spotsylvania County Government

Appendix A

Comprehensive Plan Analysis

R19-0007: Village at Crossroads Station

The Spotsylvania County Comprehensive Plan presents a long range land use vision for the County. The Comprehensive Plan sets forth principles, goals, policies, and implementation techniques that will guide the development activity within the County and promote, preserve, and protect the health, safety, and general welfare of its citizens. Specifically, the Plan provides data and analysis on land use, transportation, housing, natural and historic resources, and public facilities and utilities. The purpose of this document is not to regulate, but rather guide land use, transportation, and infrastructure decisions. This guidance seeks to ensure continued economic and community vitality while ensuring necessary policies and infrastructure are in place to provide for the continuation of quality services to Spotsylvania's residents and businesses.

Rezoning case R19-0007: Village at Crossroads Station proposes a mixed residential project to be located between Crossroads Pkwy and Thornton Rolling Road, just south of the Rt 17 corridor (Mills Dr) and east of the Spotsylvania VRE station. The project is located within the Berkeley Voting District. The site is generally bounded by US Route 17 to the north, Thornton Rolling Road to the east, Fredericksburg Christian School to the south, and Crossroads Pkwy to the west. Per project proffers, the project would consist of no more than 770 residential units whose unit mix includes single family detached and attached units, and no more than 270 multi-family units (as condominiums). Project proffers and the project GDP make no accommodations for commercial development onsite. As a result, the project will result in a loss of approximately 4.3 acres of existing commercial (C-3) zoned acres with no accommodations for similar uses anywhere within the project footprint.

The project is within a walkable distance of the Spotsylvania VRE Station and well positioned to access the County Trailways Master Plan identified East Coast Greenway and the East Coast Greenway Auxiliary Trail. Walkability and multi-modal accessibility is envisioned in this area and supported by the mixed-use land use designation. Looking at the surroundings, in addition to the Spotsylvania VRE station and supporting parking lots, the VRE operates a rail maintenance facility to the southwest of this project site adjacent to the RF&P Rail Corridor. Industrial/employment center friendly operators CMC Rebar operates a plant, and Beretta USA Corp operates across Crossroads Pkwy from this proposed mixed residential development. Prior approved mixed-use development that is developing in phases includes the Crossroads Station development approved via rezoning in 2013 with rezoning case R11-0004.

The project is located within the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is intended to develop with higher residential densities and more intensive non- residential uses than outside of the boundary. By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character. The proposal is consistent with the intent of the Primary Development Boundary.

Per the Comprehensive Plan Future Land Use Map (FLUM) the Village at Crossroads extends across two primary land use designations. The project is divided by a mixed use general land use designation including the western side of the project oriented toward Crossroads Pkwy, and employment center light land use to the east, oriented toward Thornton Rolling Rd. The land use divide between mixed use and employment

R19-0007: Village at Crossroads Station

center was initially established as part of the 2013 Comprehensive Plan update based on a wetland and resource protection area corridor that runs central through the site. This environmentally sensitive area is depicted within the RPA symbology shown on Sheet 4 of the GDP. Secondly, the Land Use Chapter also reflects the existing commercial zoning located at the intersection of US Rt 17 and Thornton Rolling Rd with a commercial land use designation. This commercial designation has been presented in past iterations of the Comprehensive Plan as well including 2008 and 2013 Comprehensive Plans. Loss of this existing commercially zoned (C-3) acreage without provision for commercial enabled zoning with the Generalized Development Plan (GDP) and proffer support elsewhere for commercial uses onsite has been identified as a concern of staff. A commercial land use designation upon existing commercial zoning is suggestive of intent to preserve the zoning and use potential in place. Since the land use designations are not intended as parcel specific staff is less concerned about the location of proposed commercial loss and more so on there being no accommodations elsewhere such as along Crossroads Pkwy. Loss of commercial development potential also impacts land use diversification goals and fiscal impact potential.

As per the Comprehensive Plan Future Land Use Element, *“Land use categories as mapped are not intended to be parcel specific but they do give guidance into the envisioned land use focus intended for geographic areas. Adjacent land uses need to be considered when multiple land uses exist or are adjacent to one another. As a general “rule of thumb” concerning parcels from an interpretation standpoint land use flexibility is most pronounced when a project area has multiple land use categories (multiple options for land use support) or is adjacent to a different land use designation (complementary or transitional support along a land use edge).”* As land use designations are not intended to be parcel specific an argument for any of, or a collection of the land uses mentioned can be considered here provided efforts are made to mitigate impact upon public infrastructure and adjoining land uses considering traffic impacts, physical transitions between higher intensity and lower intensity land uses, etc. The Future Land Use Element is clear that *“new development that is in accordance with the Future Land Use Map should ensure appropriate siting and transitions to existing development (impacts of land use differences such as height, physical massing, scale and density) that may differ from the identified land use on the FLUM in order to minimize negative impacts on existing development”,* and *“each application should be evaluated within the context of its surrounding existing and proposed development, as well as the timing of the infrastructure necessary to support the development.”* Considering the three aforementioned land use designations, this project proposal as described and planned aligns best with the mixed use general land use designation and will be reviewed based on mixed use guidance provided in the Land Use Chapter.

As per the Comprehensive Plan Land Use Element, the mixed land use categories universally *should serve as a place for Spotsylvania residents to live, work, shop, and play by providing for a variety of land uses in a compact, walkable community with a dense development pattern. The Mixed Land Use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential (garage apartments as well as residential units situated over commercial uses); commercial uses (retail and office); light industrial; educational facilities; “cottage” and “artisanal” industries; live-work projects; two or more uses; recreation facilities, and compatible public and other civic facilities. The intensity of the development within the mixed-use category will vary depending upon location, surrounding uses and the availability of mass transit. Larger scale mixed use developments may*

R19-0007: Village at Crossroads Station

be proposed under this category or developers may propose smaller projects that that are or will be integrated into a larger mixed-use area. This should be accomplished by utilizing the principles described throughout this category description, with particular attention paid to physical transitions between developments in size, scale, massing, setback, screening and buffering, street layout, building location on the lot, general aesthetic of the development, parking design and location, and pedestrian accessibility.

Alternative modes of transportation are desired within mixed use areas to encourage pedestrian access and discourage automobile reliance. Tracts of land should be developed to provide continuity among the various land uses and to create a compact and walkable living environment and workplace. Transitional uses and/or project design considerations are required to protect lower intensity and density uses from more intense/dense development. Building heights, location specific densities such as along the project edge should be “stepped down” adjacent to lower intensity and density uses, if applicable. Road, street, and pedestrian corridors should be established in a grid pattern and connect wherever possible to adjoining developments. Mixed use developments will often include both on and off-street parking, sidewalks, bike lanes, benches, pedestrian scale lighting, tree lined streets that soften the hardscape and provide shade for pedestrians, fountains and other civic embellishments that assist in fostering a sense of community, and uniqueness of place.

Considerate of the mixed use tiers, the mixed use general tier envisions a broad mix of commercial, office, residential (single-family attached, multi-family) development in a horizontal mixed use pattern (various uses located within a walkable distance of one another), or in the “traditional neighborhood development” form with various uses “stacked” upon one another in multi-story buildings. Residential densities in these areas are envisioned to exceed 8 units/acre. However, urban or semi-urban densities of 16 units/acre or more and resulting building scale are appropriate and encouraged in this land use area. The land use designation is centrally located as core areas of mixed-use nodes and away from nearby low-density development. Urban or semi-urban densities and building scale are appropriate in this land use area.

The project has slightly less density than envisioned by the mixed use general land use designation with nearly 7 units/acre. As a mixed residential project, on balance the proposal meets the intent of and is consistent with the mixed-use general land use designation. However, loss of commercial development potential also impacts land use diversification goals and fiscal impact potential. The extent of potential commercial development is shrinking in close proximity to the County’s VRE station via residential heavy projects placing acreage in residential uses.

VRE Mixed Use Area

Single-use projects including mixed residential projects are considered appropriate within mixed use areas. The Comprehensive Plan accommodates vertical and horizontal mixed uses as noted above. As described in the Comprehensive Plan Land Use Chapter, *Larger scale mixed use developments may be proposed under this category or developers may propose smaller projects that are or will be integrated into a larger mixed-use area.* Considerate of the larger VRE area mixed use area, staff recognizes that rezoning activities have been approved and are presently proposed with a residential focus or phasing that thus far has realized nearly exclusively residential development. Aside from the existing industrial

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users referenced earlier that occupied the area prior to the County's adopted mixed use land use designation initially in 2008, commercial and other non-residential development has not appeared in any significance within the VRE mixed use area. Looking at the nearby Crossroads Station development approved by rezoning under R11-0004 in 2013, project details were suggestive of up to 950,000 sq ft of commercial development in and around the area of which 100,000 sq ft had proffer commitment. The 100,000 sq ft commercial is tied to phasing with an initial commercial phasing commitment tied to development of housing units to result in 25,000 sq ft of commercial. To date the project has not yet reached its residential unit yield for the first 25,000 sq ft of commercial. 187 multi-family units were constructed in Phase II with an additional 210 now proposed via site plan under review (ST21-0038). At 397 multi-family units the project will still stop 3 units short of its initial commercial phasing commitment. The initial phase of commercial development (25,000 sq ft) is tied to the construction of the 400th residential unit in that case. We are cognizant that mixed use areas are intended to ultimately result in a mix of uses to include non-residential ones. This is beneficial to mixed land use principles, land use diversification, "live, work, shop, play" concept, employment and fiscal goals. Given the extent of residential approved prior under R11-0004 and the now proposed under R19-0007 mixed residential project we feel there will be little room beyond this project to justify additional residential without additional non-residential development activity in this area and strong commitments to non-residential development if/when additional rezoning projects are proposed. Commercial development includes potential for a wide array of potential uses beyond strip retail, and "big box" retail that is often cited as overbuilt in the County. Staff is content with a mixed residential project in this location as it does complement the mixed use area, provide additional rooftops supportive of commercial, and provides a housing mix and densities that complement mixed use goals within a transit oriented development-like area. However, the sole focus on residential development, including at minimum the loss of over 4-acres of commercial zoning potential if not favorable.

After conducting an analysis of applicable Comprehensive Plan Goals, staff has identified application strengths, deficiencies, and policy concerns worthy of consideration as outlined in the Comprehensive Plan policy analysis below:

Introduction and Vision:

Guiding Principles and Policies A. Spotsylvania County is a "business friendly" community and local job creation is a priority. Staff notes this rezoning project sacrifices approximately 4.3 acres of commercially zoned acreage with no accommodations for commercial uses going forward per project proffer restrictions. Absent the proposed proffer restrictions and project design staff notes the proposed Mixed Use zoning districts (MU-3, MU-4) would permit a variety of commercial/office uses. This project is business friendly in the sense it helps support design firms, tradesmen, laborers and suppliers throughout the design and construction phase. There are long term spin-off benefits associated with the upkeep of the neighborhood and homes, buying power and consumer needs of residents that are expected to support nearby businesses, etc. Homes also represent the residences of the labor pool that staff industry.

Per fiscal impact analysis provided by the applicant an equivalent 1,712 direct and 757 indirect and induced jobs are expected for construction of this project (one-time impacts).

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Respecting existing nearby industrial operators as well as the RF&P Rail Corridor, VRE Station and VRE Maintenance facilities, staff suggests a disclosure statement be communicated to home buyers. Acknowledgement of nearby industries can be added to project proffers committing to Fort AP Hill disclosure. Similar disclosures have been employed in the past in relation to the Luck Stone Quarry (Courtland Park Mixed Use Project along Smith Station Road) and the AP Hill Approach Fan (New Post Mixed Use Development).

Guiding Principles and Policies B. Spotsylvania County is fiscally sustainable. Guiding Principles and Policies B.1. Achieve a 70/30 mix of residential to commercial/industrial development (based on assessed value), and the annual growth of the industrial and commercial tax base at a rate greater than 2%. Guiding Principles and Policies B.2. Development projects seeking increased residential density and/ or non-residential intensity should address impacts that are specifically attributable to the proposed development (i.e. natural resources, historic resources, fiscal impacts, land use transitions, etc). The applicant supplied fiscal impact projects annual fiscal benefits of \$1,662,326 (revenues minus expenditures) at project build-out. The fiscal impact analysis appears to be based based on estimated market value as opposed to assessed values though the used of “market value” (used more frequently and prominently) and “assessed value” appear to have been used interchangeably within the supplied report. Analysis based on market values inflates the fiscal outcome compared to how revenues are based on assessed values. The analysis is based on a subject to change development scenario assuming 200 single family detached, 300 single family attached, and 270 multi-family condominium units. Aside from a cap on the total number of units and no more than 270 multi-family condominiums, the exact mix of detached and attached units at build out are not certain. The County runs a conservative fiscal impact model to gauge whether projects are predicted to trend to a positive impact or a negative one. The County model projects the project will have a negative annual fiscal impact. The County model does not include as many potential revenue stream assumptions. Historically comparison between applicant supplied fiscal impact models and the more conservative County model has sought similar trending results (either positive or negative).

Staff notes this rezoning project sacrifices approximately 4.3 acres of commercially zoned acreage with no accommodations for commercial uses going forward per project proffer restrictions though the proposed Mixed Use zoning districts (MU-3, MU-4) do permit a variety of commercial/office uses. Uses such as commercial can help offset negative fiscal impacts associated with residential development while helping diversify the land use mix in the VRE mixed use area.

Considering the proposed mix of uses, physically this project is well sited within a VRE oriented mixed-use area intended for higher intensity residential and non-residential development. The area is actively developing and can be characterized by passenger rail station, VRE rail service facilities, existing industrial operators, and phased multi-family development intended to also include an unbuilt commercial component proffered up to 100,000 sq ft. Considering placement of residential units distribution by land pod, the project intensity is properly oriented toward Crossroads Pkwy and the Rt 17 corridor and stepped down to the east and southeast. Staff notes the Primary Development Boundary limits extend roughly to the southern limits of the adjacent Fredericksburg Christian School campus near Patriot Ln. The multi-family portion of the project is reserved for land pod A and B per project proffers. These are the most

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appropriate locations given orientation near the VRE station, existing development patterns, and proximity to transportation routes. The remaining land pods include a mix of detached and attached units. The land use designations across Thornton Rolling Road include open space (representative of conserved lands) and employment center. Staff notes any use conflict that may warrant transitional screening will be regulated via the County Design Standards Manual, specifically Article 6.

Guiding Principles and Policies B.3. Any development project seeking increased residential density compared to existing zoning and by-right potential or non-residential intensity should address the project's impacts on the County public infrastructure consistent with the levels of service standards in this Plan and as allowed in the Code of Virginia. Guiding Principles and Policies B.3.a. A rezoning proposal that is expected to result in demands in excess of current capacity or that would diminish level of service standards below the County's standard for any public facility should mitigate its impacts to the extent allowed in the Code of Virginia. Mitigation for projects may take the form of voluntary reasonable proffers that seek to address an impact that is specifically attributable to the proposed new development. Such proffers may include, but not be limited to: 1. Cash contributions toward capital improvements, 2. Land dedication for public facility needs, 3. Public facility improvements constructed by the applicant, or 4. Other onsite or offsite proffers that the applicant deems reasonable and appropriate. 5. Phasing of proffered improvements or other proffered mitigations. The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4. Transportation highlights of the proposed rezoning include development of a connector road between Crossroads Pkwy and Thornton Rolling Road. This is a central feature of the project upon which the development will be served and also positively serve to enhance road connectivity and alternative routing options for traffic as supported by the Comprehensive Plan, especially in mixed use areas and with multi-modal potential. Right-of-way dedication along Thornton Rolling Road and Crossroads Pkwy complement transportation plans. Additional offsite proffered turn lane, turn tapers, through lanes, help mitigate project impacts and are beneficial to the surrounding area going forward. Such improvements will inevitably make the area more accessible and attractive for additional investment. The timing and locations of some of the improvements have been raised as a concern through transportation review.

Per Transportation review, staff recommends that:

1. Transportation improvements should be provided earlier in the development of this project in order to mitigate impact to the transportation network as the project progresses. All of the Crossroads Parkway/US Route 17/Benchmark Road intersection improvements should be completed prior to the first occupancy permit for any building (proffer commits to 100th Unit). The Thornton Rolling Road/Jim Morris Road/US Route 17 intersection improvements should be completed prior to the issuance of the 100th building permit (proffer commits to 200th Unit). The US Route 17 intersection improvements at Cosner Drive and Massaponax Church Road should be completed prior to the issuance of the 200th building permit (proffer commits to 300th Unit). This schedule phases the improvement to accommodate the new trips.

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2. Regarding the FRED bus stop in proffer statement, the most appropriate location to accomplish this goal is nearer to V1 rather than V4. Amend proffers to indicate that the exact FRED Stop location to be determined at Site Plan by County staff since the County pays for FRED transit service.
3. Change the NB Crossroads right turn lane improvement to V1/Crossroads Station Boulevard on GDP sheet 9 to a full right turn lane with a taper consistent with County Transportation's request to the applicant regarding this issue in July 2019.
4. Widen Crossroads Parkway to 4 lanes on GDP sheet 9 between US Rte 17/Benchmark Road intersection and V1/Crossroads Station Boulevard intersection.
5. Transportation staff has identified that the project consider constructing a 10 foot Shared use path built to VDOT standards from GDP Sheet 6 P1 to US Rte 17/Crossroads Parkway intersection in conjunction with other Crossroads Parkway improvements. The planned East Coast Greenway Route is planned along Benchmark Road to the US 17/Crossroads Parkway intersection and will have a connection to VRE running down Crossroads Parkway as part of an East Coast Greenway Auxiliary Trail. Staff would support this offsite extension in lieu of shared use path segments identified as not critical to implementation of the East Coast Greenway Auxiliary system including P4 to P5 and P3 to P8. A shared use path from points P1 to P6 is favorable and complementary to the Trailways Master Plan. As a continuation of this considering the project proposes an offsite proffer associated with the Fire/Rescue Station (FR) 11 site under Transportation proffer Ild)vii *to establish a pedestrian connection between P6 and P7 only if the applicant can reach and agreement with the County to acquire easements for an interparcel connection...*, in lieu of that proffer staff would recommend an alternative consideration to result in the replacement of the frontage sidewalk at FR 11 with like shared use path along Crossroads Pkwy. Since the proffer involves County land for planning purposes staff believes this alternative recommendation is more favorable.
6. Staff has raised concern about GDP depicted typical sections, specifically those identified as "reduced width". These reduced width sections have been proposed as a means to limit the area of disturbance in environmentally sensitive areas (as shown on the GDP). These reduced width sections will include construction of public boulevards or public neighborhood streets (depending on location) within environmentally sensitive areas along with a roadside trail (in support of the Trailways Plan) but do not include a sidewalk on the other side of the street. As a result, sidewalk connectivity will be terminated along one side of the street and then continue on beyond the environmentally sensitive area. Staff notes additionally there appears to be a conflict between the road cross section which labels a trail while the corresponding note refers to a sidewalk being constructed (GDP Sheet 2). Staff would like to ensure continuity of the trail system.

Aside from the recommended changes identified above, the project favorably considers the County's Trailways Master Plan as well as the interstate East Coast Greenway and US Route 1 Bike Route by providing shared use path connections critical to successful implementation of the East Coast Greenway

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Auxiliary Trail. The East Coast Greenway is a developing shared use path system extending from Maine to Florida (roughly 3,000 miles). As of 2021, approximately 35% of the greenway system has been successfully established along the route. The East Coast Greenway Auxiliary Trail system to which this mixed use project complements is a feeder trail system intended to enhance bicycle and pedestrian connections within the VRE area mixed use area including access to the VRE station, and future connectivity to the East Coast Greenway and US 1 Bike Routes nearby at the corner of Crossroads Pkwy and US Route 17. Within Spotsylvania County these routes, intended to develop as shared use paths connect to the north along Tidewater Trail with the City of Fredericksburg, and to the south with Caroline County. Recognizing the value of these connections, the East Coast Greenway Alliance has issued a letter of support for the proposed improvements.

Additional details about proposed transportation impact mitigations are outlined in a transportation analysis below. Staff is supportive of proposed improvements but remain concerned about transportation phasing commitments as proposed in project proffers.

Beyond transportation, the applicant has proffered cash contributions to public parks and public safety based on unit type. Project proffers seek to mitigate capital impacts resulting from additional demands for service resulting from additional residents. They have been proposed to be specifically attributable to the proposed development within the parameters established in VA Code Sec. 15.2-2303.4. For schools impacts, an additional unit based proffer has been proposed in the value of \$2,500 per unit to Spotsylvania County Schools.

The submitted proffer analysis identifies a development mix of 200 single family detached units, 300 single family attached units, and 270 multifamily condominium units. Proffer commitments assure a total unit cap and limits multi-family units to 270. Such commitments do not assure a cap on attached or detached units so considerate of the proffer analysis they are subject to change other than an assurance that the total unit count will not exceed 770. Based on the development scenario, student generation compared to by-right potential is outlined below:

SFD Student Generation Rates	By-Right 35 SFD	Proposed 200 SFD	SFA Student Generation Rates	Proposed 300 SFA	MF Student Generation Rates	Proposed 270 MF
Elementary (SFD)= .2577	9.0195	51.54	Elementary (SFA)= .3072	92.16	Elementary (MF)= .073	19.71
Middle (SFD)= .1307	4.5745	26.14	Middle (SFA)= .1286	38.58	Middle (MF)= .047	12.69
High School (SFD)= .1832	6.412	36.64	High School (SFA)= .1453	43.59	High School (MF)= .051	13.77
Cumulative	20.006	114.32		174.33		46.17

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Not counting existing by-right potential, staff calculates that expected additional students resulting from this rezoning will equal 317. This translates to 155 additional elementary students (above by-right), 74 middle school students (above by-right), 88 high school students (above by-right). Student generation resulting from this project is expected to stay within available capacity of the schools serving the site. These student generations will significantly reduce available available capacity however upon full build out. With additional development in the area and corresponding student generations, capacity will ultimately be reached. These impacts will not be immediate. Rather through development over time and phasing the impacts will be gradual. The proposed additional school proffer is favorable.

Using the same Future Development Analysis spreadsheet, Fire Rescue and Emergency Management call volume for 35 vs 770 units is below:

Call Generation	Volume	By-Right 35 Unit (SFD)* 3.04 = 106.4 persons	Proposed 200 Unit (SFD)* 3.04 = 608 persons	Proposed 300 Unit (SFA)* 2.41 = 723 persons	Proposed 270 Unit (MF)* 1.49 = 402.3 persons
.134 per capita		14.2576	81.472	96.882	53.9082

FREM Call volume resulting from build out of the project is estimated to increase by approximately 218 above by-right potential. There is capacity available to serve this project. This increase inevitably adds additional demand on existing capacity and reduces the excess capacity available before capacity maximum is reached.

The Comprehensive Plan is supportive of affordable dwelling units. Comprehensive Plan guidance regarding affordable dwellings can be found in: **Comprehensive Plan Introduction and Vision Guiding Principles and Policies C.1, The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities; Land Use Mixed Use Policies 9 and 10, to ... support a diverse housing mix with a range of housing sizes and types that meet the needs of citizens throughout all stages of life and income levels, and Promote the construction of market rate affordable housing units rather than units that are subsidized for initial sale to ensure that housing remains affordable over time; Mixed Use Policy 10.b. Encourage mixed-use development projects that integrate a range of complementary residential housing designs and price points (including affordable units); Transportation Goal 3.6. Plan for and support provision of affordable housing near employment rich areas, in mixed use high density areas, near multi-modal opportunities to proactively reduce accessibility burdens.** Staff notes the applicant has expressed interest in providing affordable dwelling units as a component of the project corresponding with a 50% credit (proffer reduction) specific to cash proffers for every unit that is sold at or below the affordable residential sales price of a family earning at or below 60% of the median family income. The proffer also specifies that a minimum of 10% of the total units shall be sold at or below the affordable residential sales price of a family earning at or below 75% of the median family income. See project proffers page 6 and Appendix A

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for more detail. The calculations provided by the applicant have basis in the recently approved Comprehensive Plan affordable housing calculations tables that help establish a price point.

We note proffer reductions in exchange for affordable units have been proposed and approved in past projects within the County. Examples include R15-0003: Cedar Forest that resulted in a credit of 100% for every house that is sold in the workforce price range; R08-0007: Mallard Landing whose proffers provide for a public facilities contribution credit for every house that is sold in the work force price range. The credit started at 100% for houses priced at or below the low end of the workforce price range and included a sliding scale of credit down to 0% based on the high end of the price range.

As noted in the past this credit is not outlined in the Comprehensive Plan. The project does positively express intent to include market rate affordable housing however the number of units that will ultimately meet this intent is unknown and therefore the total impact of the credit is unknown until units have been constructed and priced. Regardless of whether the unit type is affordable or not, staff does not find that demands upon capital facilities will be reduced whereby the cost to maintain and expand such facilities with further growth will need to be supported by others. Simply, affordable housing does not correlate to reduced capital facilities demands. As a result, those demands will remain for the provision of County services to its citizens. Staff recognizes this proffer credit acts as a built in incentive for provision of affordable housing within the project however. Favorably the proffer credit language does commit to annual methodology update to reflect latest conditions.

Guiding Principles and Policies B.3.c. The County should support onsite transportation alternatives such as pedestrian and bicycle facilities that connect to neighboring properties; Trailways Master Plan; Land Use Policies Applicable to All Land Uses 16. Enhance access for transportation alternatives such as FRED (bus). Examples include provision of bicycle and pedestrian safe accommodations to access transportation alternatives, improving pick-up and transfer sites considering all-weather conditions, project design meant to ease access and promote the ability to utilize alternatives; Mixed Use Land Use Policy 5. The County should support public open space and pedestrian accommodations integrated throughout the development. Transportation Policy #2.6. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network. Transportation Policy #3.2. Promote design and construction of appropriate bicycle and pedestrian facilities meant to enhance safety and avoid conflicts with motorized vehicles. Transportation Goal 3.5 Promote public transit access and enhancement with supporting infrastructure improvements in the form of nearby sidewalk/trail network, curb-cuts, crosswalks, and bus shelters and stop locations. Trailways Plan Goal #1. Improve and expand the existing public-access non-vehicular trails network to create a comprehensive system of interconnected recreational and/ or commuter trails and sidewalks throughout the County. Trailways Plan Goal 1.a. Develop infrastructure in accordance with the Trailways Master Plan. Sidewalks are required for this project as per the Mixed-Use Zoning ordinance tied to mixed-use streets. The project also favorably considers the County's Trailways Master Plan as well as the interstate East Coast Greenway and US Route 1 Bike Route by providing shared use path connections critical to successful implementation of the East

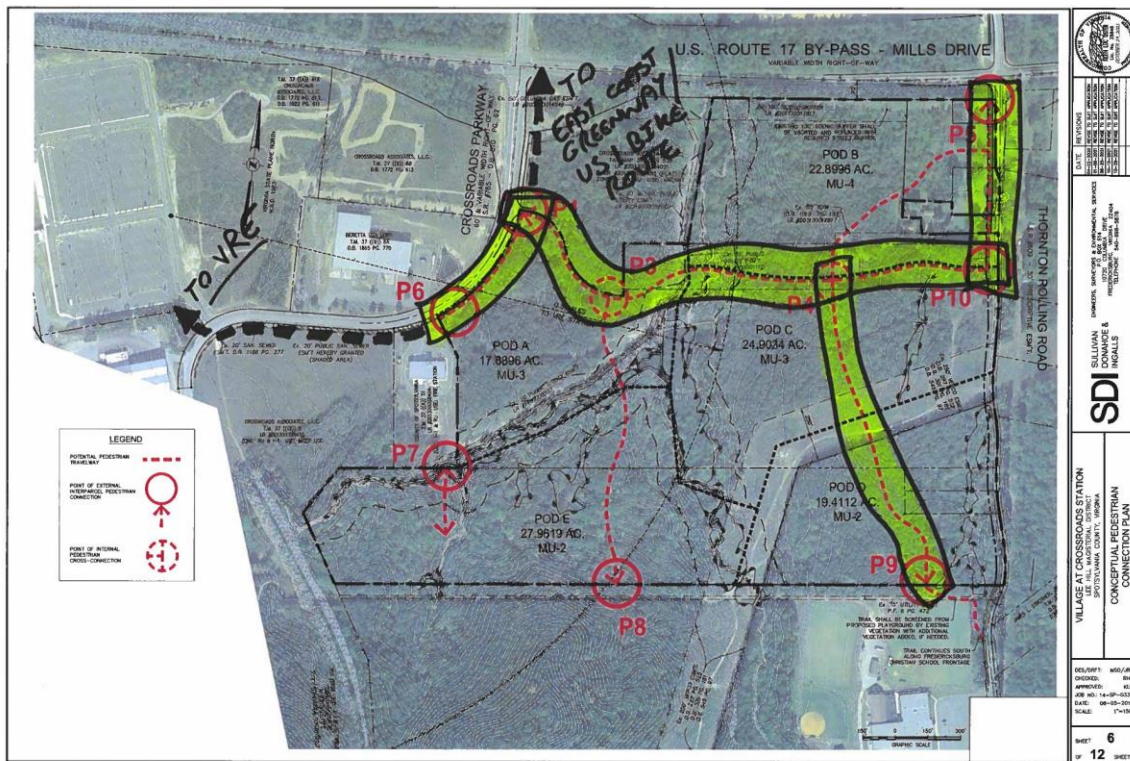
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Coast Greenway Auxiliary Trail. The East Coast Greenway is a developing shared use path system extending from Maine to Florida (roughly 3,000 miles). As of 2021, approximately 35% of the greenway system has been successfully established along the route. The East Coast Greenway Auxiliary Trail system to which this mixed use project complements is a feeder trail system intended to enhance bicycle and pedestrian connections within the VRE area mixed use area including access to the VRE station, and future connectivity to the East Coast Greenway and US 1 Bike Routes nearby at the corner of Crossroads Pkwy and US Route 17. Within Spotsylvania County these routes, intended to develop as shared use paths connect to the north along Tidewater Trail with the City of Fredericksburg, and to the south with Caroline County. Recognizing the value of these connections, the East Coast Greenway Alliance has issued a letter of support for the projects proposed improvements.

To complement the Trailways Master Plan and advance connectivity prospects to the VRE station, East Coast Greenway, East Coast Greenway Auxiliary Trail and US 1 Bike Route, looking at the GDP Sheet 6, staff has highlighted the critical shared use path links proposed within project boundaries (see graphic on next page). Segment P1 to P6 will be developed along the Crossroads Pkwy frontage. Since sidewalk commitments have already been made and installed along the west side of Crossroads Pkwy planning efforts have focused on establishing the shared use path link along the east side to include the project frontage. A shared use path from points P1 to P6 is favorable and complementary to the Trailways Master Plan. Segment P1 to P10 to be developed alongside the public boulevard connecting Crossroads Pkwy to Thornton Rolling Rd is included within the Plan. Additional shared use path linkages critical to implementation of the East Coast Greenway Auxiliary Trail system include P5 to P10 along Thornton Rolling Road, P4 to P9, providing southbound connection to the Fredericksburg Christian School frontage along Thornton Rolling Road who dedicated right-of-way under public hearing case SUP18-0005 for future trail extension. Only the aforementioned shared use path connections (see yellow highlighted connections in graphic below) are critical to the successful implementation of the Trailways Master Plan.

Transportation staff has identified that the project consider constructing a 10-foot Shared use path built to VDOT standards from P1 to US Rte 17/Crossroads Parkway intersection in conjunction with other Crossroads Parkway improvements. The planned East Coast Greenway Route is planned along Benchmark Road to the US 17/Crossroads Parkway intersection and will have a connection to VRE running down Crossroads Parkway. Staff would support this offsite extension in lieu of shared use path segments identified as not critical to implementation of the East Coast Greenway Auxiliary system including P4 to P5 and P3 to P8.

Considering the project proposes an offsite proffer associated with the Fire/Rescue Station 11 site under Transportation proffer Ild)vii *to establish a pedestrian connection between P6 and P7 only if the applicant can reach and agreement with the County to acquire easements for an interparcel connection...*, in lieu of that proffer staff would recommend an alternative consideration to result in the replacement of the frontage sidewalk at FR 11 with like shared use path along Crossroads Pkwy. Since the proffer involves County land for planning purposes staff believes this alternative recommendation is more favorable. Staff notes the P6 to P7 proffer proposed would require an additional crossing of the environmentally sensitive area depicted in GDP Sheets 4-5.



Trailways Master Plan Big Picture

Along Crossroads Pkwy an extension of the shared use path will be necessary along the east side of the road to connect to the US Rt 17 intersection, and to the southwest of the site, replacing an existing sidewalk along adjacent Fire/Rescue Station 11, and onward to the VRE Drive intersection in order to complete the connection. The sketch above depicts the proposed critical network (highlighted in yellow) complementary of the Trailways Master Plan while arrowed lines depict bigger picture linkages.

Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination. Guiding Principles and Policies B.4.a. Seek cultural resource surveys, documentation of cemeteries, surveys of potential threatened or endangered species as part of the development review process where appropriate; Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID). Land Use Policies Applicable to All Land Uses 3. Wherever possible, existing trees and tree buffers should be preserved rather than replacing mature vegetation with new plantings. Historic Resources Policy 1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources; Natural Resources Policy 1. Balance the protection of environmental resources and natural wildlife habitats with development. Natural Resources Policy 1, Strategy 1. The County should support the mitigation of impacts upon unique and/ or endangered resources including rare species and their habitats. Natural Resources Policy 1, Strategy 3. Encourage

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land development practices, which minimize impervious cover to promote groundwater recharge, and/or tree preservation. There are no negative impacts to significant natural, historic, and cultural resources expected. This area has been identified as a site for development associated with the VRE Mixed Use Area. Project development will be subject to regulatory protections concerning environmental quality on sensitive resources such as wetlands, resource protection areas, stormwater management, erosion and sediment control. Environmentally sensitive areas subject to regulatory protections have been mapped within the GDP (see Sheet 8). The Department of Conservation and Recreation's Natural Heritage Data Explorer system recognizes Virginia Natural Landscape Assessment (VaNLA) data that identifies large, unfragmented cores, which are patches of natural land with at least 100 acres of interior cover. Due to tree cover, portions of the subject property and surroundings have been classified as C4 Moderate value based on ecological integrity. Development of the site will ultimately further fragment this particular core area. Forest conservation value here is classified as average to moderate. Within the Primary Development Boundary this area has been envisioned for development to occur. In keeping with the purpose of the Primary Development Boundary. As noted in the Land Use Chapter, *By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character (outside of the boundary).* Project based environmental protective measures are referenced in the project narrative provided by the applicant.

Staff notes the limits of clearing and tree preservation areas are not clearly depicted. The GDP includes notes concerning establishment of a street buffer in lieu of an existing 100' scenic buffer as well as trail screening from a proposed playground to the southeast of the site. Outside of labelled locations where landscaping is referenced and mapped environmentally sensitive areas, this POD based plan offers design flexibility and phasing. With uncertainties at this time it is difficult to predict project limits of clearing.

As per the GDP there are no known historic resources or cemeteries onsite. Staff checked the County cemetery database for presence of known cemeteries and none were located. Small portions of the site fronting Thornton Rolling Road were previously studied and archived with the Virginia Department of Historic Resources Virginia Cultural Resource Information System (V-CRIS), including DHR ID 088-5409 and DHR ID 088-5407 (Tax Map 37-A-55, and eastern portion of TM 37-A-53). The surveys analyzed existing residential structures and accessory buildings as part of a Phase 1 Cultural Resource Survey of the Crossroads Parkway Virginia Railway Express Station dated 2012. The survey found no significant historic resources. There are no lands of significance associated with the National Park Service Civil War Related Lands database near the site. No historic sites were located in the Handbook of Historic Sites for Spotsylvania County.

Land Use:

Future Land Use Map Designation. The project is located within the Primary Development Boundary. The proposal is consistent with the intent of the Primary Development Boundary.

Per the Comprehensive Plan Future Land Use Map (FLUM) the Village at Crossroads extends across two primary land use designations. The project is divided by a mixed use general land use designation including the western side of the project oriented toward Crossroads Pkwy, and employment center light land use

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to the east, oriented toward Thornton Rolling Rd. The land use divide between mixed use and employment center was initially established as part of the 2013 Comprehensive Plan update based on a wetland and resource protection area corridor that runs central through the site. This feature is depicted in GDP Sheet 4. Secondly, the Land Use Chapter also reflects the existing commercial zoning located at the intersection of US Rt 17 and Thornton Rolling Rd with a commercial land use designation. This commercial designation has been presented in past iterations of the Comprehensive Plan as well including 2008 and 2013 Comprehensive Plan's. Loss of this existing commercially zoned (C-3) acreage without provision for commercial enabled zoning with the Generalized Development Plan (GDP) and proffer support elsewhere onsite has been identified as a concern of staff. A commercial land use designation upon existing commercial zoning is suggestive of intent to preserve the zoning and use potential in place. Since the land use designations are not intended as parcel specific staff is less concerned about the location of proposed commercial loss and more so on there being no accommodations elsewhere such as along Crossroads Pkwy. Loss of commercial development potential also impacts land use diversification and fiscal impact potential.

As per the Comprehensive Plan Future Land Use Element, *Land use categories as mapped are not intended to be parcel specific but they do give guidance into the envisioned land use focus intended for geographic areas. Adjacent land uses need to be considered when multiple land uses exist or are adjacent to one another. As a general "rule of thumb" concerning parcels from an interpretation standpoint land use flexibility is most pronounced when a project area has multiple land use categories (multiple options for land use support) or is adjacent to a different land use designation (complementary or transitional support along a land use edge).* As land use designations are not intended to be parcel specific an argument for any of, or a collection of the land uses mentioned is appropriate here provided efforts made to mitigate impact upon public infrastructure and adjoining land uses considering traffic impacts, physical transitions between higher intensity and lower intensity land uses, etc. The Future Land Use Element is clear that *new development that is in accordance with the Future Land Use Map should ensure appropriate siting and transitions to existing development (impacts of land use differences such as height, physical massing, scale and density) that may differ from the identified land use on the FLUM in order to minimize negative impacts on existing development, and each application should be evaluated within the context of its surrounding existing and proposed development, as well as the timing of the infrastructure necessary to support the development.* Considering the three aforementioned land use designations, this project proposal as described and planned aligns best with the mixed use general land use designation and will be reviewed based on mixed use guidance provided in the Land Use Chapter. Loss of the commercially zoned acreage remains of concern.

As per the Comprehensive Plan Land Use Element, the mixed land use categories universally *should serve as a place for Spotsylvania residents to live, work, shop, and play by providing for a variety of land uses in a compact, walkable community with a dense development pattern. The Mixed Land Use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential (garage apartments as well as residential units situated over commercial uses); commercial uses (retail and office); light industrial; educational facilities; "cottage" and "artisanal" industries; live-work projects; two or more uses; recreation facilities, and compatible public and other civic*

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facilities. The intensity of the development within the mixed-use category will vary depending upon location, surrounding uses and the availability of mass transit. Larger scale mixed use developments may be proposed under this category or developers may propose smaller projects that are or will be integrated into a larger mixed-use area. This should be accomplished by utilizing the principles described throughout this category description, with particular attention paid to physical transitions between developments in size, scale, massing, setback, screening and buffering, street layout, building location on the lot, general aesthetic of the development, parking design and location, and pedestrian accessibility.

Alternative modes of transportation are desired within mixed use areas to encourage pedestrian access and discourage automobile reliance. Tracts of land should be developed to provide continuity among the various land uses and to create a compact and walkable living environment and workplace. Transitional uses and/or project design considerations are required to protect lower intensity and density uses from more intense/dense development. Building heights, location specific densities such as along the project edge should be “stepped down” adjacent to lower intensity and density uses, if applicable. Road, street, and pedestrian corridors should be established in a grid pattern and connect wherever possible to adjoining developments. Mixed use developments will often include both on and off-street parking, sidewalks, bike lanes, benches, pedestrian scale lighting, tree lined streets that soften the hardscape and provide shade for pedestrians, fountains and other civic embellishments that assist in fostering a sense of community, and uniqueness of place.

Considerate of the mixed use tiers, the mixed use general tier envisions a broad mix of commercial, office, residential (single-family attached, multi-family) development in a horizontal mixed use pattern (various uses located within a walkable distance of one another), or in the “traditional neighborhood development” form with various uses “stacked” upon one another in multi-story buildings. Residential densities in these areas are envisioned to exceed 8 units/acre. However, urban or semi-urban densities of 16 units/acre or more and resulting building scale are appropriate and encouraged in this land use area. The land use designation is centrally located as core areas of mixed-use nodes and away from nearby low-density development. Urban or semi-urban densities and building scale are appropriate in this land use area.

The project has slightly less density than envisioned by the mixed use general land use designation with nearly 7 units/acre. As a mixed residential project, on balance the proposal meets the intent of and is consistent with the mixed-use general land use designation. However, loss of commercial development potential also impacts land use diversification goals and fiscal impact potential. The extent of potential commercial development is shrinking in close proximity to the County’s VRE station via residential heavy projects placing acreage in residential uses.

VRE Mixed Use Area

Single-use projects including mixed residential projects are considered appropriate within mixed use areas. The Comprehensive Plan accommodates vertical and horizontal mixed uses as noted above. As described in the Comprehensive Plan Land Use Chapter, *Larger scale mixed use developments may be proposed under this category or developers may propose smaller projects that are or will be integrated into a larger mixed-use area.* Considerate of the larger VRE area mixed use area, staff recognizes that

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rezoning activities have been approved and are presently proposed with a residential focus or phasing that thus far has realized nearly exclusively residential development. Aside from the existing industrial users referenced earlier that occupied the area prior to the County's adopted mixed use land use designation initially in 2008, commercial and other non-residential development has not appeared in any significance within the VRE mixed use area. Looking at the nearby Crossroads Station development approved by rezoning under R11-0004 in 2013, project details were suggestive of up to 950,000 sq ft of commercial development in and around the area of which 100,000 sq ft had proffer commitment. The 100,000 sq ft commercial is tied to phasing with an initial commercial phasing commitment tied to development of housing units to result in 25,000 sq ft of commercial. To date the project has not yet reached its residential unit yield for the first 25,000 sq ft of commercial. 187 multi-family units were constructed in Phase II with an additional 210 now proposed via site plan under review (ST21-0038). At 397 multi-family units the project will still stop 3 units short of its initial commercial phasing commitment. The initial phase of commercial development (25,000 sq ft) is tied to the construction of the 400th residential unit in that case. We are cognizant that mixed use areas are intended to ultimately result in a mix of uses to include non-residential ones. This is beneficial to mixed land use principles, land use diversification, "live, work, shop, play" concept, employment and fiscal goals. Given the extent of residential approved prior under R11-0004 and the now proposed under R19-0007 mixed residential project we feel there will be little room beyond this project to justify additional residential without additional non-residential development activity in this area and strong commitments to non-residential development if/when additional rezoning projects are proposed. Commercial development includes potential for a wide array of potential uses beyond strip retail, and "big box" retail that is often cited as overbuilt in the County. Staff is content with a mixed residential project in this location as it does complement the mixed use area, provide additional rooftops supportive of commercial, and provides a housing mix and densities that complement mixed use goals within a transit oriented development-like area. However, the sole focus on residential development, including at minimum the loss of over 4-acres of commercial zoning potential if not favorable.

Land Use Policies Applicable to All Land Uses 2. There is an identified need, especially proximate to Fort A.P. Hill, to minimize light pollution; Land Use Policies Applicable to All Land Uses 4. Provide Fort A.P. Hill an opportunity to comment on rezoning proposals within the Fort A.P. Hill Approach Fan. There is an identified concern with residential development within the Approach Fan which may be impacted by noise associated with Fort A.P. Hill. Land Use Policies Applicable to All Land Uses 5. The County is supportive of the Fort AP Hill Joint Land Use Study recommendations. The study is incorporated by reference into the Comprehensive Plan. The Village at Crossroads Station project is located within the limits of the Fort A.P. Hill approach fan. Fort A.P. Hill representatives were included in the County's Technical Review Committee routing seeking review and feedback. Staff notes County Code includes standards for Outdoor Lighting in Code Sect. 23-5.12- Outdoor Lighting. The outdoor lighting ordinance exempts single family detached and attached uses themselves however residential street lights, community centers, club houses and their accessory uses are subject to downward directed night-sky friendly lighting requirements. Multi-family development is subject to the outdoor lighting standard. As noted prior, project proffers consider noise impacts and propose to provide a Fort A.P. Hill disclosure to prospective residents.

Land Use Policies Applicable to All Land Uses 6. Encourage consideration of disabled and elderly citizens in the design and implementation of both new development and redevelopment.

Per County Building review staff, the accessibility requirements are enforced through Chapter 11 of the Virginia Construction Code which also references ICC A117.1 for design requirements.

In addition to building review requirements that will occur if the rezoning and subsequent site plan and plats are approved, as noted elsewhere the project expands accessibility within and to points outside of the project area via planned shared use paths and sidewalks.

Land Use Policies Applicable to All Land Uses 8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties. Land Use Policies Applicable to All land Uses 8.a. Where higher density or differing land uses are proposed with the support of the future land use map, projects should consider and mitigate impacts of their physical transitions (building height, scale, project density, uses and massing along the project periphery adjacent to existing adjoining development) through means such as screening, buffering, setbacks, project design that includes complementary uses, complementary development character along the project border. Once inland from the project periphery, proposals can then gradually “step up” intensity away from the adjoining development pattern; Mixed Land Use Policies 2. Appropriate transitions in size, scale, height, massing of building, project density and peripheral density (considering adjoining development, if applicable) and/or setbacks and buffering should be provided from mixed land use developments to adjoining existing developments that exhibit distinctly different character. This project is well sited within a VRE oriented mixed-use area intended for higher intensity residential and non-residential development. The area is actively developing at this time and can be characterized by passenger rail station, VRE rail service facilities, public safety (Fire/Rescue Station), existing industrial operators, and phased multi-family development intended to also include an unbuilt commercial component proffered up to 100,000 sq ft. Considering placement of residential units distribution by land pod, project intensity is properly oriented toward Crossroads Pkwy and the Rt 17 corridor and stepped down to the east and southeast. Staff notes the Primary Development Boundary limits extend roughly to the southern limits of the Fredericksburg Christian School campus near Patriot Ln. The multi-family portion of the project is reserved for land pod A and B per project proffers. These are the most appropriate locations given orientation near the VRE station, existing development patterns, and proximity to transportation routes. The remaining land pods therefore include a mix of detached and attached units. The land use designations across Thornton Rolling Road include open space (representative of conserved lands) and employment center. Staff notes any use conflict that may warrant transitional screening will be regulated via the County Design Standards Manual, specifically Article 6.

Mixed Land Use Policies 1. Special attention should be given to provision of design guidelines, architectural features and community amenities to enhance placemaking. Per project proffers, in order to ensure that the property is developed in a manner that displays characteristics that provide a unique sense of place, the applicant shall record and encumber the property with a declaration of conditions, covenants, restrictions, and easements that provide for the establishment of design guidelines. Staff notes this language establishes a framework for ultimate design and maintenance of the project but stresses

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these details are unknown at this time. As part of this rezoning request, measurable or interpretable details regarding architectural renderings, basic façade materials, commitments to upgraded façade treatments for high visibility end cap units, level of restriction on homeowners (whether positive or negative), practical enforceability of such conditions in the long run are uncertain.

Mixed Land Use Policies 3. Vehicular and pedestrian connections should be made to adjoining developments at appropriate locations, including at existing interparcel access points. Mixed Land Use Policies 4. A grid pattern of connected streets is appropriate. Cul-de-sacs are discouraged and only employed in rare instances (e.g. site limitations due to significant environmental or topographic constraints). Project is complementary of Mixed Use Connectivity Policies. The Mixed-Use ordinance will require streets and blocks meet standards intended to result in complementary street patterns.

Mixed Land Use Policies 5. The County should support public open space and pedestrian accommodations integrated throughout the development. Mixed Land Use Policies 11. Quality open spaces should be integrated into development and may include passive and active areas, pavilions, walking paths, gardens, forested areas, and lakes, among other features. Project is complementary of Mixed Use open space and pedestrian accommodations Policies. The project includes phasing commitments concerning development of open space amenities for future residents.

Transportation:

Transportation Policy 1, Strategy 1. Achieve no less than a “D” Peak Hour Level of Service on 90% of County secondary roads within the Primary Development Boundary as shown in the Thoroughfare Plan. In the Primary Settlement District, levels of service are lower to encourage development and redevelopment to densities and intensities that maximize use of the existing infrastructure. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network. Additional offsite proffered turn lane, turn tapers, through lanes, help mitigate project impacts and are beneficial to the surrounding area going forward. Such improvements will inevitably make the area more accessible and attractive for additional investment.

The applicant conducted a traffic impact analysis (TIA) which found that the development would contribute to causing a failing level of service without significant offsite improvements to the US 17 intersections with Rt. 609/Jim Morris Rd/Thornton Rolling Road, Rt. 608/Crossroads Pkwy/Benchmark Rd, Massaponax Church Rd, and Cosner Dr. As a result, the applicant worked with VDOT and the County to develop highway improvements to mitigate the impact of their development. These improvements which are included in the proffers enable US 17 to maintain a level of service (LOS) D for US 17 corridor in the vicinity of the site.

The Draft Comprehensive plan scheduled for Board action on July 12th calls for Crossroads Pkwy to be widened to four lanes with a shared use path. Staff requested that the applicant consider dedicating the right-of-way along their Crossroads Pkwy frontage to support this planned widening, but the applicant declined. Additionally, the FAMPO East-West Study consulting team is investigating Benchmark Road route engineering opportunities for the East Coast Greenway from the Rt. 2/17/Benchmark intersection down Benchmark Rd to connect to the Spotsylvania VRE Station using Crossroads Pkwy. VDOT has

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indicated they want the shared use path to be located along the NB travel lanes for Crossroads Pkwy and Benchmark Rd. Staff requested that the applicant construct the shared use path along their site frontage and north to US 17, but the applicant declined and said they would only construct it along their frontage. Additionally, the applicant stated that they would not include provision for a shared use path in their US 17/Crossroads Pkwy intersection improvements which would significantly increase the cost for the County to complete this shared use path connection to US 17 later. As noted earlier in the staff analysis of the proposed trail network, Transportation staff has identified that the project consider constructing a 10-foot Shared use path built to VDOT standards from P1 to US Rte 17/Crossroads Parkway intersection in conjunction with other Crossroads Parkway improvements. The planned East Coast Greenway Route is planned along Benchmark Road to the US 17/Crossroads Parkway intersection and will have a connection to VRE running down Crossroads Parkway. Staff would support this offsite extension in lieu of shared use path segments identified as not critical to implementation of the East Coast Greenway Auxiliary system including P4 to P5 and P3 to P8.

Considering the project proposes an offsite proffer associated with the Fire/Rescue Station 11 site under Transportation proffer Ild)vii *to establish a pedestrian connection between P6 and P7 only if the applicant can reach and agreement with the County to acquire easements for an interparcel connection...*, in lieu of that proffer staff would recommend an alternative consideration to result in the replacement of the frontage sidewalk at FR 11 with like shared use path along Crossroads Pkwy. Since the proffer involves County land for planning purposes staff believes this alternative recommendation is more favorable. Staff notes the P6 to P7 proffer proposed would require an additional crossing of the environmentally sensitive area depicted in GDP Sheets 4-5.

Per Transportation review, staff recommends that:

1. Transportation improvements should be provided earlier in the development of this project in order to mitigate impact to the transportation network as the project progresses. All of the Crossroads Parkway/US Route 17/Benchmark Road intersection improvements should be completed prior to the first occupancy permit for any building (proffer commits to 100th Unit). The Thornton Rolling Road/Jim Morris Road/US Route 17 intersection improvements should be completed prior to the issuance of the 100th building permit (proffer commits to 200th Unit). The US Route 17 intersection improvements at Cosner Drive and Massaponax Church Road should be completed prior to the issuance of the 200th building permit (proffer commits to 300th Unit). This schedule phases the improvement to accommodate the new trips.
2. Regarding FRED bus stop in proffer statement, the most appropriate location to accomplish this goal is nearer to V1 rather than V4. Amend proffers to indicate that the exact FRED Stop location to be determined at Siteplan by County staff since the County pays for FRED transit service.
3. Change the NB Crossroads right turn lane improvement to V4/Crossroads Station Boulevard on GDP sheet 9 to a full right turn lane with a taper consistent with County Transportation's request to the applicant regarding this issue in July 2019.

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4. Widen Crossroads Parkway to 4 lanes on GDP sheet 9 between US Rte 17/Benchmark Road intersection and V4/Crossroads Station Boulevard intersection.
5. A 10 foot Shared use path built to VDOT standards recommends construction from P1 to US Rte 17/Crossroads Parkway intersection in conjunction with other Crossroads Parkway improvements. The planned East Coast Greenway Route is planned along Benchmark Road to the US 17/Crossroads Parkway intersection and will have a connection to VRE running down Crossroads Parkway. Transportation staff disagrees with applicant's assessment that there is not adequate right of way to construct a shared use path along Crossroads Parkway between P1 and US Rte 17. Staff would support this offsite extension in lieu of shared use path segments identified as not critical to implementation of the East Coast Greenway Auxiliary system including P4 to P5 and P3 to P8. A shared use path from points P1 to P6 is favorable and complementary to the Trailways Master Plan. As a continuation of this considering the project proposes an offsite proffer associated with the Fire/Rescue Station 11 site under Transportation proffer Ild)vii *to establish a pedestrian connection between P6 and P7 only if the applicant can reach and agreement with the County to acquire easements for an interparcel connection...*, in lieu of that proffer staff would recommend an alternative consideration to result in the replacement of the frontage sidewalk at FR 11 with like shared use path along Crossroads Pkwy. Since the proffer involves County land for planning purposes staff believes this alternative recommendation is more favorable.
6. Staff has raised concern about GDP depicted typical sections, specifically those identified as "reduced width". These reduced width sections have been proposed as a means to limit the area of disturbance in environmentally sensitive areas (as shown on the GDP). These reduced width sections will include construction of public boulevards or public neighborhood streets (depending on location) within environmentally sensitive areas along with a roadside trail (in support of the Trailways Plan) but do not include a sidewalk on the other side of the street. As a result, sidewalk connectivity will be terminated along one side of the street and then continue on beyond the environmentally sensitive area. Staff notes additionally there appears to be a conflict between the road cross section which labels a trail while the corresponding note refers to a sidewalk being constructed. Staff would like to ensure continuity of the trail system

Transportation Policy #2, Strategy #1. Protect the transportation network from future congestion by: (a) encouraging joint-use access points for multiple developments; (b) ensuring connections within and between developments that offer alternative routing for traffic, but does not encourage cut-through traffic. Project is complementary of Mixed-Use Connectivity and Accessibility Policies.

Historic Resources:

Historic Resources Policy 1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy 1, Strategy 2. Support the preservation of resources with local, state, or national significance. Historic Resources Policy 2. The County should support projects that consider and mitigate the impact of development projects on historic and cultural resources during the rezoning, special use, and capital

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project planning processes. As per the GDP there are no known historic resources or cemeteries onsite. Staff checked the County cemetery database for presence of known cemeteries and none were located. Small portions of the site fronting Thornton Rolling Road were previously studied and archived with the Virginia Department of Historic Resources Virginia Cultural Resource Information System (V-CRIS), including DHR ID 088-5409 and DHR ID 088-5407 (Tax Map 37-A-55, and eastern portion of TM 37-A-53). The surveys analyzed existing residential structures and accessory buildings as part of a Phase 1 Cultural Resource Survey of the Crossroads Parkway Virginia Railway Express Station dated 2012. The survey found no significant historic resources. There are no lands of significance associated with the National Park Service Civil War Related Lands database near the site. No historic sites were located in the Handbook of Historic Sites for Spotsylvania County.

Spotsylvania County Government

Appendix B

Future Development Analysis

		Residential Projects with Future Buildout																		
Voting District	CP Dev_Dist	Date Approved	Project Name	Enabled Residential Units				Unbuilt Residential Units				Future Anticipated Residents, Students and Fire & Rescue Calls					Elementary School	Middle School	High School	F&R Station
				SFD	SFA	MF	AR	SFD	SFA	MF	AR	Residents	Elem.	Middle	High	F&R Calls				
Livingston	RD		Fawn Lake	Byright and pre-2002 subdivisions				328	0	0	0	997	85	43	60	135	Brock Rd	Ni River	Riverbend	7
Chancellor	RD		Estates of Chancellorsville*					9	0	0	0	27	2	1	2	4	Chancellor	Ni River	Riverbend	5
Chancellor	RD		Estates of Elys Ford*					231	0	0	0	702	60	30	42	95	Chancellor	Ni River	Riverbend	5
Berkeley	RD	1/16/2008	Estates of Buckingham*					13	0	0	0	40	3	2	2	5	Berkeley	Post Oak	Spotsylvania	3
Livingston	RD	2/20/2013	Whitehall*					60	0	0	0	182	15	8	11	25	Brock Rd	Ni River	Riverbend	7
Battlefield	PSD	10/2/2013	The Estates at Kingswood*					1	0	0	0	3	0	0	0	0	Battlefield	Chancellor	Chancellor	4
Courtland	PSD	1/12/2016	Avalon Woods*					1	0	0	0	3	0	0	0	0	Salem	Chancellor	Chancellor	6
Berkeley	RD	4/22/2009	Anna Vista Sec 2*					5	0	0	0	15	1	1	1	2	Livingston	Post Oak	Spotsylvania	2
Livingston	RD	8/13/2002	Pamunkey Point	47	0	0	0	15	0	0	0	46	4	2	3	6	Livingston	Post Oak	Spotsylvania	9
Battlefield/Lee H	PSD	11/26/2002	Lee's Parke	1437	0	0	795	41	0	0	0	125	11	5	8	17	Parkside	Spotsylvania	Courtland	4
Livingston	RD	2/25/2003	Sunrise Bay	89	0	0	0	28	0	0	0	85	7	4	5	11	Livingston	Post Oak	Spotsylvania	9
Courtland	PSD	11/9/2004	Regency at Chancellorsville	0	0	0	294	0	0	0	50	75	0	0	0	10	-	-	-	5
Courtland	RD	12/14/2004	Glenhaven/River Glen	74	0	0	0	6	0	0	0	18	2	1	1	2	Chancellor	Chancellor	Riverbend	5
Lee Hill	PSD	7/14/2009	Mallard Landing	0	150	0	0	0	8	0	0	19	2	1	1	3	Cedar Forest	Thornburg	Massaponax	11
Battlefield	PSD	12/8/2009	Summerfield	83	44	0	0	3	0	0	0	9	1	0	1	1	Spotswood	Battlefield	Chancellor	4
Livingston	PSD	4/12/2011	Keswick	150	90	240	184	112	90	0	14	578	57	26	33	78	RE Lee	Spotsylvania	Spotsylvania	1
Berkeley	PSD	10/11/2011	Ni Village	0	164	773	0	0	164	773	0	1547	107	57	63	209	Riverview	Spotsylvania	Massaponax	8
Lee Hill	PSD	8/14/2012	Brooks	0	4	0	0	0	2	0	0	5	1	0	0	1	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	10/9/2012	Estates at Terry's Run	10	0	0	0	10	0	0	0	30	3	1	2	4	Livingston	Post Oak	Spotsylvania	9
Berkeley/Livings	PSD	7/9/2013	Spotsylvania Cthse Village	395	205	900	50	192	112	719	50	1999	136	73	125	270	RE Lee	Spotsylvania	Spotsylvania	1
Berkeley	PSD	8/13/2013	Crossroads Station Apt	0	0	610	0	0	0	423	0	630	31	20	22	85	Cedar Forest	Thornburg	Massaponax	11
Lee Hill	PSD	9/10/2013	New Post	219	104	102	0	112	25	0	0	401	37	18	24	54	Cedar Forest	Thornburg	Massaponax	11
Livingston	RD	9/24/2013	Fortune's Landing	49	0	0	0	26	0	0	0	79	7	3	5	11	Wilderness	Ni River	Spotsylvania	5
Courtland	PSD	1/14/2014	Villas at Harrison Crossing (Barley Woods)	0	0	0	130	0	0	0	15	22	0	0	0	3	-	-	-	6
Lee Hill	PSD	1/28/2014	Heritage Woods	697	180	183	0	697	180	183	0	2825	248	123	163	382	Parkside	Spotsylvania	Court/Mass	1/4/8
Berkeley	PSD	6/24/2014	Ni River Comm. Church/Courtland Park	89	0	0	0	4	0	0	0	12	1	1	1	2	Courtland	Spotsylvania	Courtland	1
Battlefield	PSD	6/24/2014	Southpoint Landing	0	0	830	0	0	0	310	0	462	23	15	16	62	Parkside	Battlefield	Courtland	4
Chancellor	RD	9/9/2014	Legends of Cville/Hunting Run Landing	218	0	0	0	218	0	0	0	663	56	28	40	90	Brock Rd/Chan.	Ni River	Riverbend	5
Chancellor	PSD	12/9/2014	Thornburn Estates	59	0	0	0	42	0	0	0	128	11	5	8	17	Wilderness	Freedom	Riverbend	10
Lee Hill	PSD	6/23/2015	Jackson Village	0	596	1289	385	0	596	706	385	3062	235	110	123	414	Parkside	Spotsylvania	Massaponax	4
Courtland	PSD	11/12/2015	Retreat at C'ville	0	0	0	192	0	0	0	185	276	0	0	0	37	-	-	-	5
Berkeley	PSD	12/8/2015	Alexander's Crossing	518	971	888	230	518	971	888	230	5581	497	234	281	754	Riverview	Thornburg	Massaponax	11
Berkeley	RD/PSD	1/26/2016	Plantation Woods/Woodberry Manor	132	0	0	0	103	0	0	0	313	27	13	19	42	Courtland	Spotsylvania	Spotsylvania	1
Livingston	RD	5/24/2016	Goodwin Cove	35	0	0	0	35	0	0	0	106	9	5	6	14	Livingston	Post Oak	Spotsylvania	9
Berkeley	PSD	3/14/2017	Cedar Forest	29	0	0	0	6	0	0	0	18	2	1	1	2	Cedar Forest	Thornburg	Massaponax	11
Berkeley	PSD	3/14/2017	Summit Crossing Estates	70	0	0	0	70	0	0	0	213	18	9	13	29	Riverview	Thornburg	Massaponax	11
Courtland	RD	9/12/2017	Barrington	39	0	0	0	27	0	0	0	82	7	4	5	11	Chancellor	Chancellor	Riverbend	5
Battlefield	PSD	6/12/2018	Roseland	0	14	0	0	0	6	0	0	14	2	1	1	2	Spotswood	Battlefield	Massaponax	4
Chancellor	PSD	8/14/2018	Ashleigh Ridge Subdivision	19	0	0	0	19	0	0	0	58	5	2	3	8	Wilderness	Freedom	Riverbend	5
Courtland	PSD	8/14/2018	The Villas at Salem Church	0	0	0	45	0	0	0	26	39	0	0	0	5	-	-	-	6
Lee Hill	PSD	9/9/2018	Palmer's Creek	0	0	400	0	0	0	400	0	596	29	19	20	81	Parkside	Spotsylvania	Massaponax	8
Courtland	PSD	4/28/2020	Harrison Village	73	0	0	0	73	0	0	0	222	19	10	11	30	Battlefield	Chancellor	Chancellor	6
Lee Hill	PSD	7/28/2020	Foxcroft	0	68	0	0	0	68	0	0	164	21	9	10	22	Thornburg	Thornburg	Massaponax	11
Lee Hill	PSD	10/13/2020	Afton Villas	2	0	0	77	2	0	0	77	115	1	0	0	15	Spotswood	Battlefield	Massaponax	4
Courtland	RD	10/27/2020	Springhaven	0	30	0	0	0	30	0	0	72	9	4	4	10	Harrison Road	Chancellor	Riverbend	6
Lee Hill	PSD	12/8/2020	Upper Spotsylvania Redevelopment	0	0	525	0	0	0	525	0	782	38	25	27	106	Cedar Forest	Battlefield	Massaponax	11
Courtland	PSD	1/26/2021	Aura at Towne Centre	0	0	271	0	0	0	271	0	404	20	13	14	55	Salem	Chancellor	Riverbend	6
		4/27/2021	Aspire at Lee's Hill	0	0	0	197	0	0	0	197	294	0	0	0	40	-	-	-	4
		6/22/2021	Hazel Run Glen	110	0	0	0	110	0	0	0	334	28	14	20	45	Courtland	Battlefield	Chancellor	6
		7/27/2021	Saddle Creek	101	0	0	0	101	0	0	0	307	26	13	19	41	Battlefield	Chancellor	Chancellor	6
*By-right subdivisions								TOTALS	3218	2252	5198	1229	24,139	1846	927	1177	3261			
Total unbuilt residential units								11,897												

KEY: SFD = Single Family Detached; SF = Single Family Attached; MF = Multi- Family (apartments); AR = Age Restricted Units (any type)

Unbuilt units updated 1/1/2022
Projects added through 1/1/2022

Notes: Does not include new by-right subdivisions of fewer than 10 lots, family divisions, or annual divisions
Does not include existing by-right lots outside of subdivisions

Generation Rates	SFD	SFA	MF	
Persons Per Unit	3.04	2.41	1.49	
Students Per Unit			MF Mkt	MF TC
Elementary	0.2577	0.3072	0.073	0.291
Middle	0.1307	0.1286	0.047	0.134
High	0.1832	0.1453	0.051	0.139
Fire and Rescue	0.135 calls per capita			

2020 Census 140,032 TC = Tax Credit
2021 Estimate 143,646 Mkt = Market Rate

**Rezoning Case #R19-0007
Voluntary Proffer Statement
VILLAGE AT CROSSROADS STATION
Spotsylvania County, Virginia**

APPLICANT: Tricord Incorporated

OWNERS: Denali Capital Group, LLC; Michael A. Jones and S. Craig Jones; Tricord Incorporated

PROJECT: Village at Crossroads Station

TAX MAP PARCELS: 37 ((A)) 48, 49, 50, 52, 52A, 53, 54, 55

DATED: April 18, 2022

REZONING REQUEST:

- Tax Map 37-A-48: From RU to MU-2 and MU-3
- Tax Map 37-A-49: From RU to MU-2
- Tax Map 37-A-50: From RU to MU-2
- Tax Map 37-A-52: From RU & I-1 to MU-2 and MU-3
- Tax Map 37-A-52A: From RU to MU-3 and MU-4
- Tax Map 37-A-53: From RU & C-3 to MU-4
- Tax Map 37-A-54: From C-3 to MU-4
- Tax Map 37-A-55: From C-3 to MU-4

The Applicant and Owners, (hereinafter sometimes collectively referred to as the "Applicant" or "Applicants") are seeking to rezone the above referenced parcels of land, containing approximately 115.1 acres (hereinafter the "Property"), as shown on the generalized development plan prepared by Sullivan, Donahoe and Ingalls, entitled "Zoning Map Amendment, Generalized Development Plan, Village at Crossroads Station", dated June 5, 2019, revised April 22, 2020, January 6, 2021, June 25, 2021, October 15, 2021 and last revised October 29, 2021 (hereinafter referred to as "the GDP"), a copy of which is attached hereto as "Attachment A". The Applicant, its successors and assigns, hereby voluntarily agrees that the development of the Property, subsequent to approval of the rezoning application to which these Proffers ("Proffers") are attached, will be in conformance with the following Proffered conditions pursuant to Sections 15.2-2303 and 15.2-2303.4, et al. of the Code of Virginia (1950), as amended, and Section 23-4.6.3, et al. of the Zoning Ordinance of Spotsylvania County (1995), as amended. The Proffers are the only conditions offered in this rezoning application, and any prior Proffers affecting the Property are hereby superseded by these Proffers. All previous Proffers associated with the Property, whether of record or not, are hereby void and of no further force and effect. The Proffers will be enforceable only upon Spotsylvania County's ("County") full and final approval of rezoning application R19-0007 submitted by the Applicant.

I. Land Use

- a) The Property will be developed in conformance with the GDP, which is incorporated herein by this reference. Notwithstanding the foregoing, all parcel lines, parcel and lot sizes, building envelopes, building or home sizes, public road locations, private driveway and travelway locations, utility locations, storm water management facilities, amenities, waste facilities, parking areas, and dimensions of undeveloped areas shown on the GDP may be reasonably adjusted for purposes of the final site or subdivision plans to allow full compliance with state and federal agency regulations including, but not be limited to the Virginia Department of Historic Resources ("DHR"), the Virginia Department of Transportation ("VDOT"), the Virginia Department of Environmental Quality ("DEQ"), the Virginia Department of Conservation and Recreation ("DCR"), the U.S. Army Corps of Engineers ("ACOE"), etc., and the County's Zoning Ordinance, Subdivision Ordinance and Design Standards Manual. Notwithstanding the foregoing, any material adjustments to the GDP shall be subject to the approval of the County's Zoning Administrator, and in no event shall approved adjustments to the GDP relieve the Applicant and Owners from providing any of the Proffers.
- b) In total, no more than 770 residential dwelling units ("Units" or individually as "Unit") shall be constructed on the Property. Residential Units, on the Property, shall consist of multiple-family, single family attached, and single family detached Units. No more than 270 Units shall be multiple-family Units. All multiple-family Units shall be condominiums and limited to POD A and B, or both.
- c) To facilitate tracking of the Proffer requirements herein, and to determine the proposed density and allocation of each Unit type Applicant shall submit a Preliminary Plat, as defined in the Ordinance, for all the Property prior to approval of the first Site Plan for the Property. For purposes of calculating total Units, all Units within a multiple-family building shall be included in the total.
- d) Commercial/office uses shall not be permitted on the Property.
- e) In order to ensure that the Property is developed in a manner that displays characteristics that provide a unique sense of place, the Applicant shall record and encumber the Property with a Master Declaration of Conditions, Covenants, Restrictions, and Easements that provide for the establishment of Design Guidelines.

II. Transportation

- a) Areas shown as "PROPOSED RIGHT-OF-WAY" along Crossroads Parkway on Sheet 9 and along Thornton Rolling Road on Sheet 10 of the GDP shall be conveyed to the County in accordance with applicable County requirements and procedures. Conveyance shall be made in each respective POD in conjunction with recordation of the first subdivision plat within that POD, except in the event the County requests that all or part of the said right-of-way be dedicated sooner. Within thirty (30) days of the County's request or soon thereafter with the approval of the County, the Applicant will submit the right of way dedication plat application to the County for review and approval.
- b) Offsite transportation improvements are to be constructed as shown on Sheets 9 and 10 of the GDP, as detailed below.
 - i. The following improvements to Crossroads Parkway/Route 17, shown on Sheet 9 of the GDP will be completed, by the Applicant, prior to the issuance of a

certificate of occupancy (whether temporary or final) for the 100th Unit, as shown on the approved Preliminary Plat:

- A. Northbound right turn lane
 - B. Right turn taper into Property
 - C. Second northbound left turn lane
 - D. Southbound left turn lane into Property
 - E. Southbound through lane
 - F. Southbound right turn lane into Crossroads Station
 - G. Pedestrian connection P1 to P6 shown on Sheet 6 of the GDP
 - H. Extension of the eastbound right turn lane (Route 17)
 - I. Extension of the west bound left turn lane (Route 17)
 - J. Extension of the west bound receiving lane (Route 17)
- ii. The following improvements to Thornton Rolling Road/Jim Morris Road/Route 17 associated with the site access on Parcel 37 ((A)) 52A shown on Sheet 10 of the GDP will be completed, by the Applicant, prior to the issuance of a certificate of occupancy (whether temporary or final) for the 200th Unit, as shown on the approved Preliminary Plat:
- K. Southbound right turn lane into Property
 - L. Northbound left turn lane into Property
 - M. Second northbound left turn lane
 - N. Northbound through lane
 - O. Northbound right turn lane
 - P. Southbound right turn lane (Jim Morris Road)
 - Q. Extension of the eastbound turn lane (Route 17)
 - R. New westbound receiving lane (Route 17)
- iii. The following improvements to Cosner Drive/Route 17 shown on Sheet 11 of the GDP will be completed, by the Applicant, prior to the issuance of a certificate of occupancy (whether temporary or final) for the 300th Unit, as shown on the approved Preliminary Plat:
- S. Second northbound left turn lane
 - T. Second westbound receiving lane on Route 17
- iv. The following improvements to Massaponax Church Road/Lee Hill School (Eagle) Drive shown on Sheet 12 will be completed, by the Applicant, prior to the issuance of a certificate of occupancy (whether temporary or final) for the 300th Unit, as shown on the approved Preliminary Plat:
- U. Northbound right turn lane
 - V. Southbound right turn lane
- c) A total of four external vehicular interparcel connections and one internal interparcel connection("V3") shall be provided as shown on the GDP and further described below.
- i. The road connection between Crossroads Parkway ("V1") and Thornton Rolling Road ("V4"), sometimes referred to herein as "Crossroads Station Boulevard", will be completed (to base asphalt) prior to the issuance of a certificate of occupancy (whether temporary or final) for the 200th Unit, as shown on the approved Preliminary Plat. The Preliminary Plat shall show one location for a FRED bus pull

off on the road connection between Crossroads Parkway ("V1") and Thornton Rolling Road ("V4"), to be shown at a mutually agreed upon location by the Applicant and Fredericksburg Regional Transit.

- ii. Interparcel connection V6 shall be located in the area as generally shown on the GDP for the purpose of providing a future connection to Tax Parcel 37-A-47. The Site Plan for POD E shall show the dedication of an area 50 feet in width, to the property line, to provide for the construction of a future connecting pedestrian trail to the property line, and a future connecting road. The road will be constructed to the property line, or as close as practical without the need for off-site construction, grading, or easements.
- d) A total of nine pedestrian interparcel connections shall be provided as shown on the GDP and further described below.
 - i. The shared use path between P1 and P10, between P5 and P9 and between P1 and P6, shall be included in public right of way, or placed into an easement and dedicated to public use, so that the trails can be utilized as a segment of the East Coast Greenway. The shared use path between P1 and P10, between P5 and P9, between P5 to P10 and between P1 and P6 shall have a minimum width of ten feet (10'), the pedestrian trails between P3 and P8 shall have a minimum width of eight feet (8'). The trails will be constructed of concrete, asphalt or similar materials. Applicant will provide directional signage at each interparcel connection in a format and style shown on an approved Site Plan.
 - ii. The pedestrian connection between P1 and P10 shall be designed and constructed in conjunction with the completion of Crossroads Station Boulevard (vehicular connection "V1" to "V4").
 - iii. The pedestrian connection between P4 and P5 shall be shown on the approved Site Plan for POD B and constructed when POD B is connected at V3
 - iv. The pedestrian connection between P4 and P9 shall be constructed in phases. The phase north of the power line easement shall be shown on the approved Site Plan for POD C and constructed when POD C is connected at V3. The phase south of the power line easement (to include the portion located within the power line easement) shall be shown on the approved Site Plan and constructed when POD D is connected to POD C. P9 shall be connected to the existing sidewalk in the right-of-way to the South of the Property by means of an agreement with the Property Owner to the South.
 - v. The pedestrian connection between P3 and P8 shall be shown on the approved Site Plan for POD E and constructed when POD E is connected to V2.
 - vi. A pedestrian connection between P6 and P7 shall be constructed only if the Applicant can reach an agreement with the County to acquire easements for an interparcel connection to and across Parcel 37 ((A)) 51 to connect to the existing 5' sidewalk on Crossroads Parkway. Applicant shall design and construct the entire connection including the portion across Parcel 37 ((A)) 51. The connection would be constructed prior to the approval of the final subdivision plat creating a residential lot on POD E.

III. Community Area/Amenities

- a) A minimum of 29 acres of Community Area, as defined herein, shall be provided on the Property.

Village at Crossroads Station Proffer Statement

Dated: April 18, 2022

- i. Community Area shall be any area conveyed to a property owner's association or condominium owner's association, as applicable, for land within the Property for use as active recreation, passive recreation, aesthetic improvements, entry features, landscaping, undisturbed natural area or stormwater management facilities. It may include linear parks, pocket parks, or similar along the pedestrian trail connections shown on Sheet 6 of the GDP. It may include parks with specific recreational amenities for which access and/or use is limited to members of a property owner's association or condominium owner's association, as applicable, for land within the Property. In tabulating Community Area, all acreage defined above related to such recreational amenities, community buildings and associated parking lots shall be included.
- ii. POD A shall include a minimum of 4 acres of Community Area. The Community Area shall be conveyed no later than the recordation of the final subdivision plat creating the last residential lots in POD A, as shown on the Preliminary Plat.
- iii. POD B shall include a minimum of 3 acres of Community Area. The Community Area shall be conveyed no later than the recordation of the final subdivision plat creating the last residential lots in POD B, as shown on the Preliminary Plat.
- iv. POD C shall include a minimum of 9 acres of Community Area. The Community Area shall be conveyed no later than the recordation of the final subdivision plat creating the last residential lots in POD C, as shown on the Preliminary Plat.
- v. POD D shall include a minimum of 4 acres of Community Area. The Community Area shall be conveyed no later than the recordation of the final subdivision plat creating the last residential lots in POD D, as shown on the Preliminary Plat.
- vi. POD E shall include a minimum of 9 acres of Community Area. The Community Area shall be conveyed no later than the recordation of the final subdivision plat creating the last residential lots in POD E, as shown on the Preliminary Plat.
- b) Community Area shall be shown on the Preliminary Plat, described above in Proffer III.a.ii-vi, and include, but not be limited to, the following:
 - i. Prior to the issuance of a certificate of occupancy (whether temporary or final) for the 125th Unit within the project, Applicant shall install 1 tot lot, 1 dog park, 1 community garden.
 - ii. Prior to the issuance of a certificate of occupancy (whether temporary or final) for the 350th Unit within the project, Applicant shall install 1 additional tot lot, 2 pickleball courts, and 1 disc golf course.
 - iii. Prior to the issuance of a certificate of occupancy (whether temporary or final) for the 50th Unit within a POD being developed, Applicant shall install additional pedestrian trails (with a natural surface) within the Community Area of the POD being developed that will connect to the pedestrian connections shown on sheet 6 of the GDP.

IV. Required Notice

- a) In each contract for the sale of a Unit within the Property, there shall be included in said contract for sale, a disclosure concerning the location of Fort A.P. Hill, its proximity to the Property, and the potential impacts (including traffic, vibration and sound) upon said residential housing Unit from the activities and operations conducted at or upon Fort A.P. Hill, by the U.S. Army, and/or by any other military service branches.

V. Cash Proffers and Additional Proffer

Village at Crossroads Station Proffer Statement

Dated: April 18, 2022

a) Cash Proffers

- i. After completion of the final inspection and prior to the time of issuance of a certificate of occupancy (whether temporary or final) for each Unit built on the Property, the Applicant shall make a cash proffer of: \$280.58 per single family detached Unit; \$222.43 per single family attached Unit; and \$137.52 per multi-family condominium Unit. These amounts may be adjusted as defined in Proffer V.a.ii below. These amounts are based on the table below:

Category	Single Family Detached per Unit	Single Family Attached per Unit	Multi-Family Condominium per Unit
Public Parks	\$15.32	\$12.14	\$7.51
Public Safety	\$265.26	\$210.29	\$130.01
Schools	\$0	\$0	\$0
Total	\$280.58	\$222.43	\$137.52

- ii. Commencing five (5) years after the approval of this rezoning application, the cash proffers for each Unit described in Proffer V.a. above, shall be adjusted annually on January 1st to reflect any increase for the preceding year in the Consumer Price Index, U.S. City Average, All Urban Consumers (the "CPI-U") prepared and reported monthly by the U.S. Bureau of Labor Statistics of the United States Department of Labor. The adjustment shall be made by multiplying the cash contributions for the preceding year by the CPI-U as of December 1st in the preceding year. If the CPI-U is discontinued by the United States Department of Labor, the Marshall and Swift Building Cost Index formula shall be used as defined by Section 15.2.2303.3b of the Code of Virginia.

b) Additional Proffer

- i. After completion of the final inspection and prior to the time of issuance of a certificate of occupancy (whether temporary or final) for each Unit built on the Property, the Applicant shall make an additional cash proffer of \$2,500 per Unit to the Spotsylvania County Schools.

VI. Affordable Housing

- a) The intent of the Applicant is to create housing priced in a range that is affordable to residents of Spotsylvania County, as defined and summarized in the Spotsylvania County Comprehensive Plan (adopted December 14, 2021).
- b) As described in Appendix A, which is incorporated herein by reference, a minimum of 10% of the total Units shall be sold at or below a sales price (contract sales price) for a family earning at or below 75% of the median family household income (Column 1).
- c) The total cash proffer (summarized in Proffer V.a.i above) and additional proffer will be reduced by 50% for every Unit that is sold at or below a sales price for a family earning at or below 60% of the median family household income (Column 2), as defined in Appendix A.
- d) The median family household income (used to determine the sales price) shall be calculated at the beginning of every year by the Applicant, using the methodology incorporated herein as Appendix A. A Proffer tracking spreadsheet shall be provided to the Zoning Administrator annually or more frequently, if requested.

[AUTHORIZED SIGNATURES TO FOLLOW]

Village at Crossroads Station Proffer Statement

Dated: April 18, 2022

The Applicant and Owners make these Proffers voluntarily, in support of this rezoning application and by our signatures deem them reasonable and appropriate as set out in Virginia Code Section 15.2-2303.4 A.D.1.

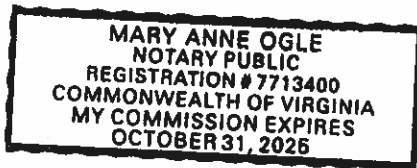
TRICORD INCORPORATED, a Virginia corporation

By: , Douglas K. Jones, President

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Spotsylvania

I, the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Douglas K. Jones, President of Tricord Incorporated, signed the foregoing Proffer Statement for the Village at Crossroads Station Rezoning Case No. R19-0007, dated April 18, 2022, on behalf of the said corporation, and personally acknowledged the same before me.

Given under my hand and seal this 7th day of June, 2022.




Notary Public
My Commission Expires Oct. 31, 2025
Registration No. 7713400

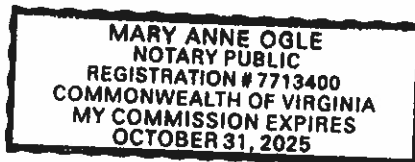
DENALI CAPITAL GROUP, LLC a Virginia limited liability company

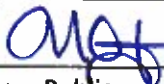
By: , S. Craig Jones, Co-Manager

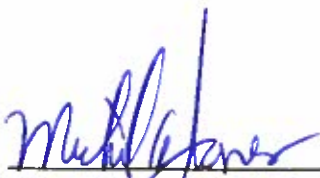
COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Spotsylvania

I, the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that S. Craig Jones, Co-Manager of Denali Capital Group, LLC, signed the foregoing Proffer Statement for the Village at Crossroads Station Rezoning Case No. R19-0007, dated April 18, 2022, on behalf of the said company, and personally acknowledged the same before me.

Given under my hand and seal this 7th day of June, 2022.




Notary Public
My Commission Expires Oct. 31, 2025
Registration No. 7713400

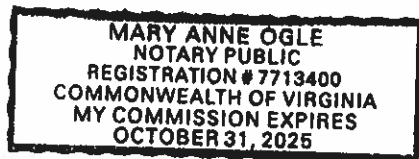


Michael A. Jones

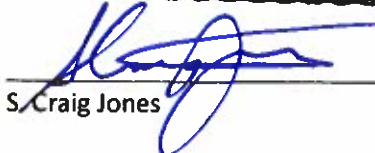
COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Spotsylvania

I, the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that Michael A. Jones has signed the foregoing Proffer Statement for the Village at Crossroads Station Rezoning Case No. R19-0007, dated April 18, 2022, and personally acknowledged the same before me.

Given under my hand and seal this 7th day of June, 2022.




 Notary Public
 My Commission Expires Oct. 31, 2025
 Registration No. 7713400

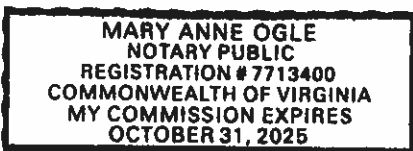


S. Craig Jones

COMMONWEALTH OF VIRGINIA, CITY/COUNTY OF Spotsylvania

I, the undersigned, a Notary Public in and for the aforesaid jurisdiction, do hereby certify that S. Craig Jones has signed the foregoing Proffer Statement for the Village at Crossroads Station Rezoning Case No. R19-0007, dated April 18, 2022, and personally acknowledged the same before me.

Given under my hand and seal this 7th day of June, 2022.




 Notary Public
 My Commission Expires Oct. 31, 2025
 Registration No. 7713400

Appendix A

Affordability Calculation*		
2020 Housing Affordability Calculation		
	1	2
Assumption: 2020 Spotsylvania County Median Household Income**	\$81,434	\$81,434
A. Gross Annual Household Income:	\$81,434	\$81,434
B. (A x 60%)		\$48,860
B.1 (A x 75%)	\$61,076	
C. Gross Monthly Income: (B or B.1/12 months)	\$5,090	\$4,072
D. Total Debt permitted by lenders: (.36 x C)	\$1,832	\$1,466
E. Monthly Allowable Housing Expense: E=\$'s available for Principal and Interest (PI) = (C x 30%)	\$1,527	\$1,222
F. Monthly Taxes and Insurance Escrowed: (E x .19) = \$'s available for Taxes and Insurance (TI)	\$290	\$232
G. Monthly Mortgage Amount: (E-F) = \$'s available for PI	\$1,237	\$989
H. Estimated Housing Mortgage: $PV((\text{Mortgage Interest Rate}^{***}/12), 30\text{-Yr. Term (mos.)}, G)^{-1}$	\$267,384	\$213,907
Affordable Price Range: (H/.95) 95% consumer mortgage w/5% down	\$281,457	\$225,165
Assumed 30 Year Annual Interest Rate	3.74%	
Mortgage Term (yrs)	30	

In this example the Affordable Price Range would be \$281,457 for a family earning 75% of the Median Family Income and \$225,165 for a family earning 60% of the Median Family Income. (See Proffer VI.a)

*This example uses the Spotsylvania County Comprehensive Plan, Chapter 2 (Land Use), Table 10, Page 44, "Affordability Calculation".

**The Median Family Household Income shall be the most up to date data published by the U.S. Census Bureau in the American Community Survey (5-year estimate) for household median income in Spotsylvania County, or, if the American Community Survey is discontinued, an appropriate data source with the same general acceptance and reliability. The Spotsylvania County Comprehensive Plan used 2013-2017 data from the American Community Survey 5-year estimate (\$81,434).

***The 30-year mortgage rate utilized shall be the average rate as of December of the prior year as determined by HSH Associates, or, if data by HSH Associates is discontinued, an appropriate data source with the same general acceptance and reliability. The Spotsylvania County Comprehensive Plan used December 2019 data from HSH Associates (3.74%).

Appendix A Continued

Methodology:

The Spotsylvania County Comprehensive Plan defines affordable housing as the “percent of income devoted to housing costs”, and uses 30% (E.) of gross income in the Affordability Calculation table.

To determine the “affordability housing price point”, the County based the Affordability Calculation on 30% (E.) of gross income of those households earning 75% (B.1, Column 1) or less of the County’s Median Family Income.

The methodology used in the Comprehensive Plan accounted for household income (A.), interest rate (H.), taxes and insurance (F.), an allowable loan to debt ratio (D.), with a down payment of 5%.

ZONING MAP AMENDMENT
GENERALIZED DEVELOPMENT PLAN
VILLAGE AT CROSSROADS STATION

MIXED-USE DEVELOPMENT
TAX MAPS 37-((A))-48, -49, -50, -52, -52A, -53, -54, -55

BERKELEY VOTING DISTRICT
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

APPLICANT

TRICORD INCORPORATED
ATTN: TIM HALL
P.O. BOX 42150
FREDERICKSBURG, VA 22404
PHONE: (540) 785-8400

OWNERS

MICHAEL A. JONES AND
S. CRAIG JONES
T.M. 37 ((A)) 48
LR #200400017200

DENALI CAPITAL GROUP, LLC
T.M. 37 ((A)) 49
LR #201000013293

DENALI CAPITAL GROUP, LLC
T.M. 37 ((A)) 50
LR #201000013293

MICHAEL A. JONES AND
S. CRAIG JONES
T.M. 37 ((A)) 52
LR #201300028402

TRICORD INCORPORATED
T.M. 37 ((A)) 52A
LR #201700017004

TRICORD INCORPORATED
T.M. 37 ((A)) 53
LR #201700015386

TRICORD INCORPORATED
T.M. 37 ((A)) 54
LR #201600015917

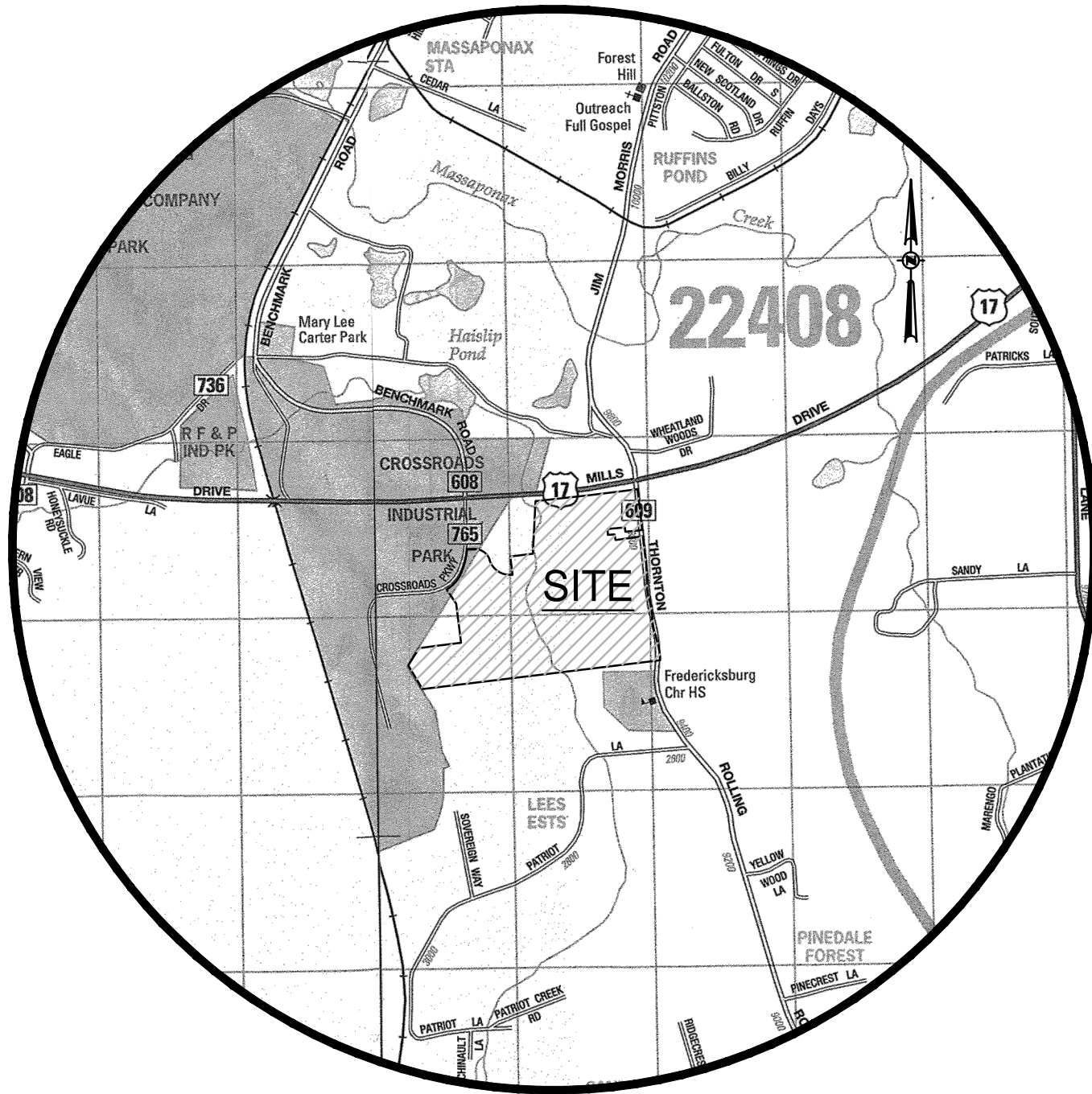
TRICORD INCORPORATED
T.M. 37 ((A)) 55
LR #201700007253

PASS NOTE

DUE TO RECENT FINDINGS OF POSSIBLE ACID SULPHATE SOILS (PASS) WITHIN SPOTSYLVANIA COUNTY, IT IS RECOMMENDED THAT THE DEVELOPER, BUILDERS AND ENGINEERS BE AWARE THAT IF ACID SULFATE SOILS AS WELL, AS OTHER SOILS THAT PRODUCE A pH OF 4 OR LESS ARE PRESENT ON THE PROJECT SITE, EXTENSIVE TREATMENT TO BRING THE SOIL'S ACID/pH LEVEL TO AN ACCEPTABLE LEVEL TO SUSTAIN ANY FORM OF PLANT GROWTH MAY BE REQUIRED.

CBPA NOTE

CBPA IS AN OVERLAY DISTRICT OF THE ENTIRE SPOTSYLVANIA COUNTY AND THE PARCEL DESCRIBED WITHIN THIS PLAN LIES WITHIN THE RMA FEATURES AND DOES CONTAIN RPA FEATURES WITH THE CHESAPEAKE BAY PRESERVATION AREA OVERLAY DISTRICT. THE RPA IS A 100 FOOT WIDE BUFFER AREA THAT SHALL REMAIN UNDISTURBED AND VEGETATED IN ACCORDANCE WITH SPOTSYLVANIA COUNTY CODE CHAPTER 6A, CHESAPEAKE BAY PRESERVATION.



VICINITY MAP

1"=2000'

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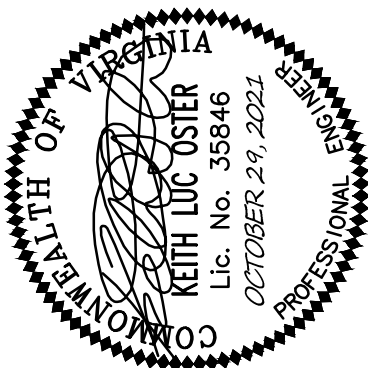
SHEET INDEX

- 1 COVER SHEET
- 2 NOTES
- 3 EXISTING CONDITIONS
- 4 GENERAL LAYOUT
- 5 CONCEPTUAL VEHICULAR CONNECTION PLAN
- 6 CONCEPTUAL PEDESTRIAN CONNECTION PLAN
- 7 CONCEPTUAL STORMWATER MANAGEMENT PLAN
- 8 ENVIRONMENTALLY SENSITIVE AREAS
- 9 TRANSPORTATION IMPROVEMENTS - CROSSROADS PARKWAY
- 10 TRANSPORTATION IMPROVEMENTS - THORNTON ROLLING ROAD
- 11 OFF-SITE TRANSPORTATION IMPROVEMENTS - COSNER DRIVE
- 12 OFF-SITE TRANSPORTATION IMPROVEMENTS - MASSAPONAX CHURCH ROAD

AREA SUMMARY	
USE	TOTAL AC.
MU-4	22.8996
MU-3	42.5930
MU-2	47.3918
AREA TO BE REZONED	112.8844
PROPOSED RIGHT -OF-WAY	2.2095

SULLIVAN, DONAHOE & INGALLS
ENGINEERS, SURVEYORS & ENVIRONMENTAL SERVICES
P.O. BOX 614
FREDERICKSBURG, VIRGINIA 22404
PHONE 540-898-5878

SPOTSYLVANIA COUNTY FILE NO. R19-0007



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

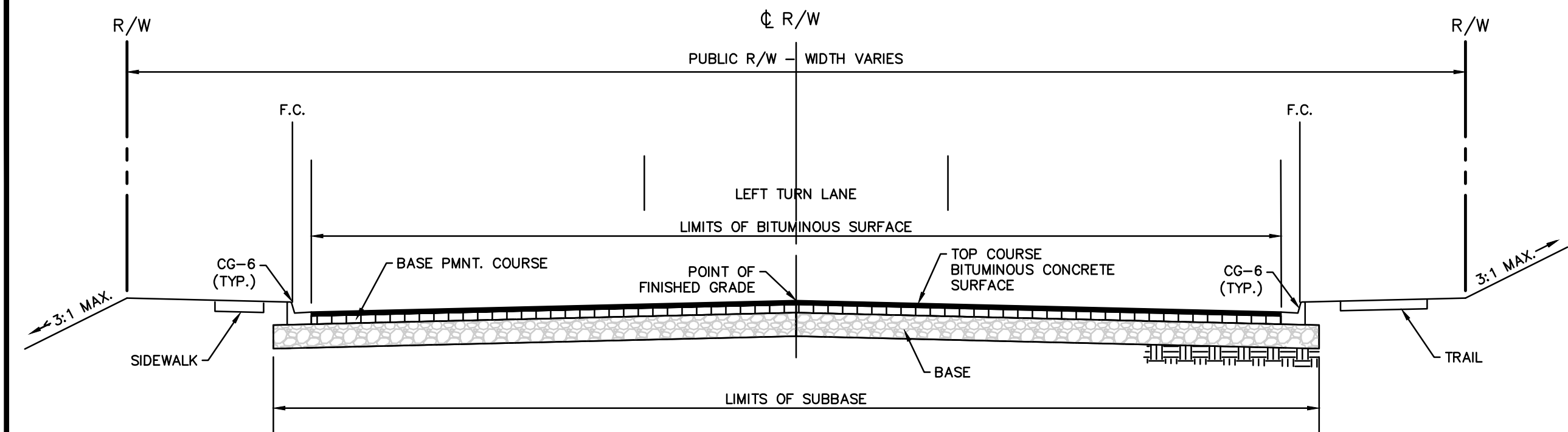
COVER SHEET

ENGINEERS, SURVEYORS & ENVIRONMENTAL SERVICES
P.O. BOX 614
10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5878

SDI
SULLIVAN
DONAHOE &
INGALLS

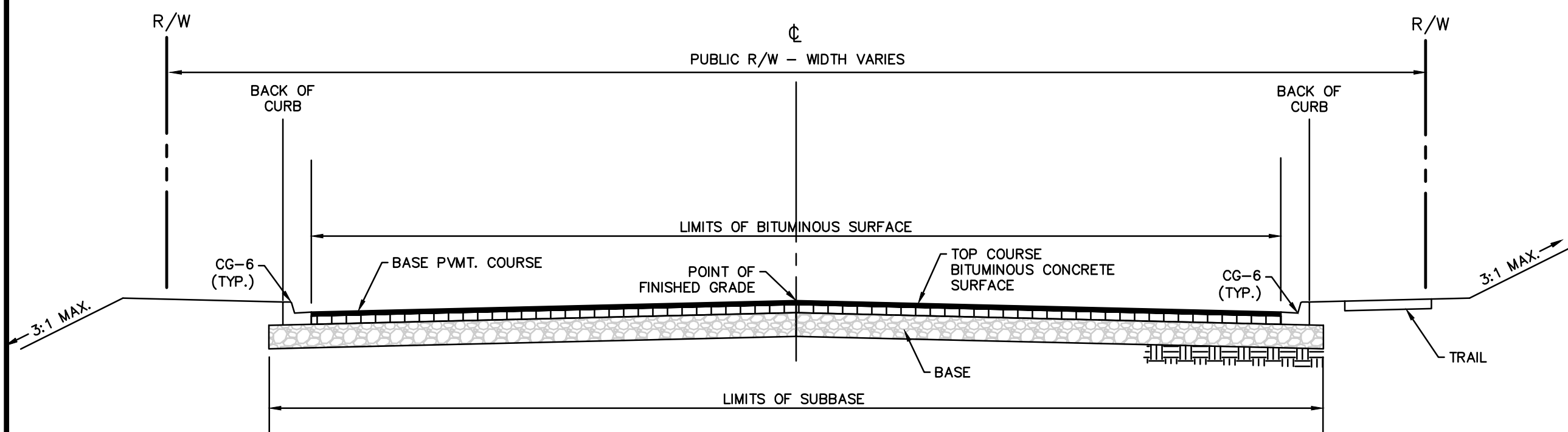
DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: NONE

SHEET 1
OF 12 SHEETS



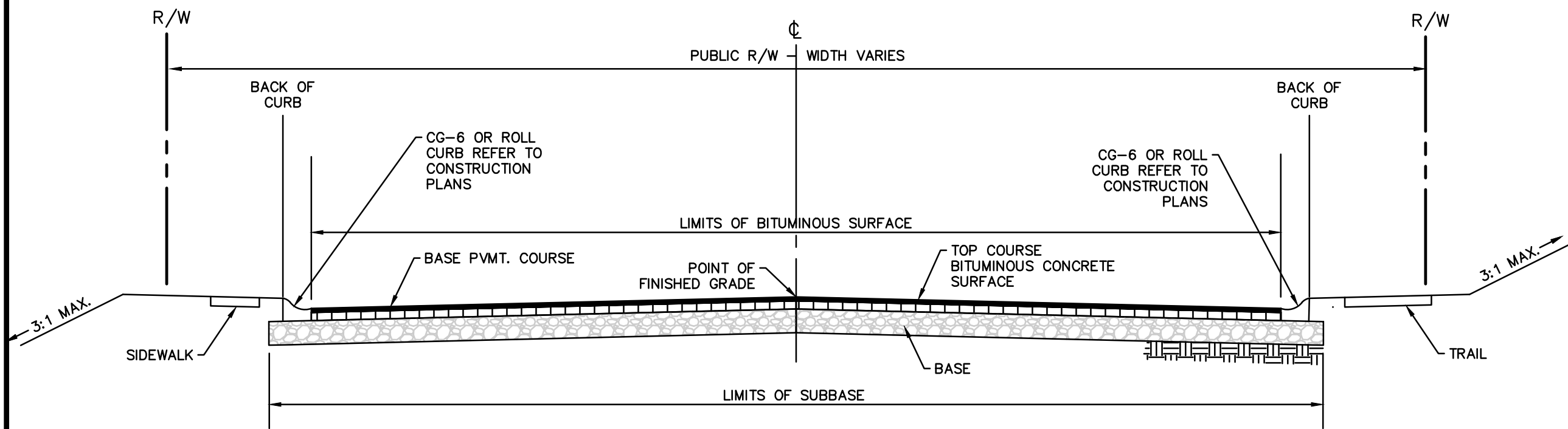
RIGHT OF WAY (PUBLIC)
TYPICAL SECTION
BOULEVARD - PUBLIC
N.T.S.

GENERALLY REFERS TO V1 TO V4



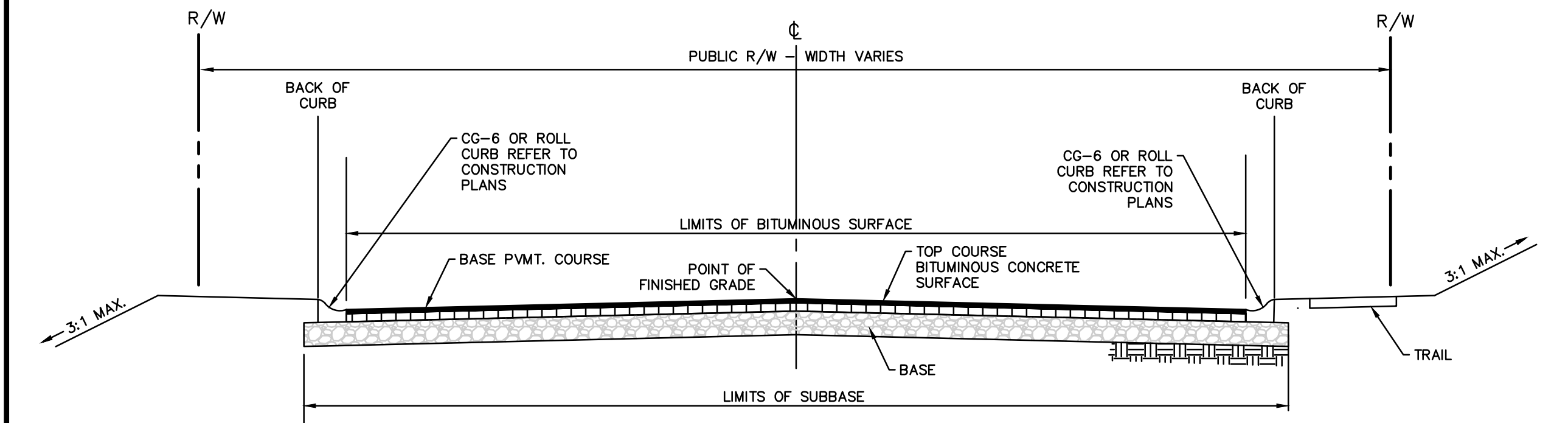
RIGHT OF WAY (PUBLIC)
TYPICAL SECTION - REDUCED WIDTH
BOULEVARD - PUBLIC
N.T.S.

THIS SECTION TO BE USED IN ENVIRONMENTALLY SENSITIVE AREAS TO LIMIT THE AREA OF DISTURBANCE. SIDEWALK WILL BE PROVIDED ON ONE SIDE OF STREET TO REDUCE IMPACTS. GENERALLY REFERS TO V1 TO V4.



RIGHT OF WAY (PUBLIC)
TYPICAL SECTION
NEIGHBORHOOD STREET - PUBLIC
N.T.S.

GENERALLY REFERS TO NEIGHBORHOOD STREETS OTHER THAN V1 TO V4.



RIGHT OF WAY (PUBLIC)
TYPICAL SECTION - REDUCED WIDTH
NEIGHBORHOOD STREET - PUBLIC
N.T.S.

THIS SECTION TO BE USED IN ENVIRONMENTALLY SENSITIVE AREAS TO LIMIT THE AREA OF DISTURBANCE. SIDEWALK WILL BE PROVIDED ON ONE SIDE OF STREET TO REDUCE IMPACTS. GENERALLY REFERS TO V1 TO V4.

GENERAL NOTES:

- THESE PLANS WERE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF VDOT SUBDIVISION STREET REQUIREMENTS.
- ALL PUBLIC AND PRIVATE STREETS SHALL BE DESIGNED AND CONSTRUCTED TO THE REQUIREMENTS AND SPECIFICATIONS OF VDOT AND/OR SPOTSYLVANIA COUNTY.
- ALL EASEMENTS FOR PUBLIC WATER, SANITARY SEWER, AND STORM DRAINAGE SHALL BE SHOWN ON FINAL PLANS AND PLATS. WATER AND SANITARY SEWER SYSTEMS SHALL BE DEDICATED TO PUBLIC USE.
- FINAL SITE PLANS SHALL SATISFY ALL EROSION AND SEDIMENT CONTROL REQUIREMENTS.
- NO LAND SHOWN HEREON IS LOCATED IN THE 100 YEAR FLOOD PLAIN IN ZONE "A" AS SCALED FROM FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NO. 510308 0225 C, DATED FEB. 18, 1998. THE REMAINDER OF THE SITE IS LOCATED IN ZONE "X", AREAS OUTSIDE THE 500 YR. FLOOD PLAIN.
- THIS DEVELOPMENT SHALL MEET ALL C.B.P.O. REQUIREMENTS. C.B.P.O. SITE PLAN APPROVAL IS REQUIRED PRIOR TO FINAL PLAT APPROVAL.
- ALL COMMON AREAS ARE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY A HOMEOWNER'S ASSOCIATION.
- FINAL SITE PLANS TO BE APPROVED BY THE FIRE MARSHAL AND UTILITIES DEPARTMENT PRIOR TO FINAL PLAT APPROVAL.
- THERE ARE NO KNOWN PLACES OF BURIAL ON THIS SITE.
- SOLID WASTE SHALL BE STORED BY INDIVIDUAL LOT OWNERS, PICKED UP BY COMMERCIAL HAULER AND DISPOSED OF IN A LOCATION APPROVED BY SPOTSYLVANIA COUNTY.
- ALL WETLAND FILLS & DISTURBANCES WILL BE PERMITTED BY THE U.S. ARMY CORPS OF ENGINEERS.
- PUBLIC WATER PROVIDED BY CONNECTING TO SPOTSYLVANIA COUNTY SYSTEM.
- PUBLIC SEWER PROVIDED BY CONNECTING TO SPOTSYLVANIA COUNTY SYSTEM.
- FINAL SITE PLAN TO INCLUDE STORM SEWER SYSTEM DESIGNS.
- ALL PUBLIC STREET SIGNS SHALL BE IN ACCORDANCE WITH V.D.O.T. AND SPOTSYLVANIA COUNTY STANDARDS (ARTICLE 5.6, S.C.D.S.M.).
- BOUNDARY INFORMATION TAKEN FROM PLATS BY S.D.I. TOPOGRAPHY TAKEN FROM AERIAL MAPS BY OTHERS.
- LAND BAY SIZES AND INTERNAL ROAD ALIGNMENTS ARE GENERAL AND MAY BE REASONABLY ADJUSTED FOR PURPOSES OF FINAL SITE PLANS AND TO ALLOW THE APPLICANT TO BE FULLY COMPLIANT WITH THE REQUIREMENTS OF STATE & FEDERAL AGENCY REGULATIONS INCLUDING, BUT NOT LIMITED TO, DHR, VDOT, DEQ, DCR, ARMY CORPS, ETC., AND COMPLIANCE WITH THE REQUIREMENTS OF THE COUNTY'S DEVELOPMENT REGULATIONS & DESIGN STANDARDS MANUAL. NOT WITHSTANDING THE FOREGOING, ANY SAID ADJUSTMENTS TO THIS GDP SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY'S ZONING ADMINISTRATOR, AND IN NO EVENT SHALL APPROVED ADJUSTMENTS TO THE GDP RELIEVE THE APPLICANT FROM PROVIDING ANY OF THE PROFFERS.
- PHASING TO BE COORDINATED AT SITE CONSTRUCTION PLAN.
- LIGHTING SHALL BE PROVIDED IN ACCORDANCE WITH THE STANDARDS IDENTIFIED IN ARTICLE 5 (5-7) OF THE SPOTSYLVANIA COUNTY DESIGN STANDARDS MANUAL. THE APPLICANT RESERVES THE RIGHT TO DEVELOP A COMPREHENSIVE LIGHTING PLAN, SUBJECT TO THE APPROVAL OF SPOTSYLVANIA COUNTY.
- ANY WELLS FOUND WILL BE ABANDONED PER HEALTH DEPARTMENT REQUIREMENTS.
- FINAL RECORD PLAT TO BE ON VIRGINIA STATE PLANE COORDINATES (GPS).
- VDOT PERMIT REQUIRED FOR ENTRANCE IMPROVEMENTS WITHIN VDOT R.O.W.
- LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH SPOTSYLVANIA ZONING ORDINANCE.

VILLAGES AT CROSSROADS STATION SITE & ZONING DATA

T.M. 37 ((A)) PARCELS 48, 49, 50, 52, 52A, -53, -54, & -55

EXISTING ZONE: Ru, C-3 & I-1
PROPOSED ZONE: MU-2 (MIXED USE)
MU-3 (MIXED USE)
MU-4 (MIXED USE)

EXISTING USE: SINGLE FAMILY DWELLINGS & VACANT
PROPOSED USE: MIXED
HYDRAULIC UNIT CODE: RA47

PARKING REQ'D.: ALL REQUIREMENTS OF ARTICLE 5, DIVISION 9 & THE DSM SHALL APPLY IN THE MU DISTRICT EXCEPT THOSE THAT ARE MODIFIED IN THE MU STANDARDS SEC. 23-6.28.6

PARKING PROVIDED: THE NUMBER OF PARKING SPACES PROVIDED SHALL MEET THE REQUIRED SPACES SET FORTH IN THE STANDARDS ABOVE
ESTIMATED VPD = 4,665 VPD
(ITE USE CODES (210, 230, 881, 945)
SEE TRAFFIC IMPACT ANALYSIS BY DAVENPORT

WATERSHED: MASSAPONAX CREEK

WATER: PUBLIC

SEWER: PUBLIC

APPLICABLE OVERLAY DISTRICTS: AIRPORT, RPA

HISTORIC FEATURES: NONE KNOWN

CEMETERIES: NONE KNOWN

MAXIMUM NUMBER OF UNITS: 770

WETLANDS ON SITE: YES

SOLID WASTE COLLECTION: PRIVATE

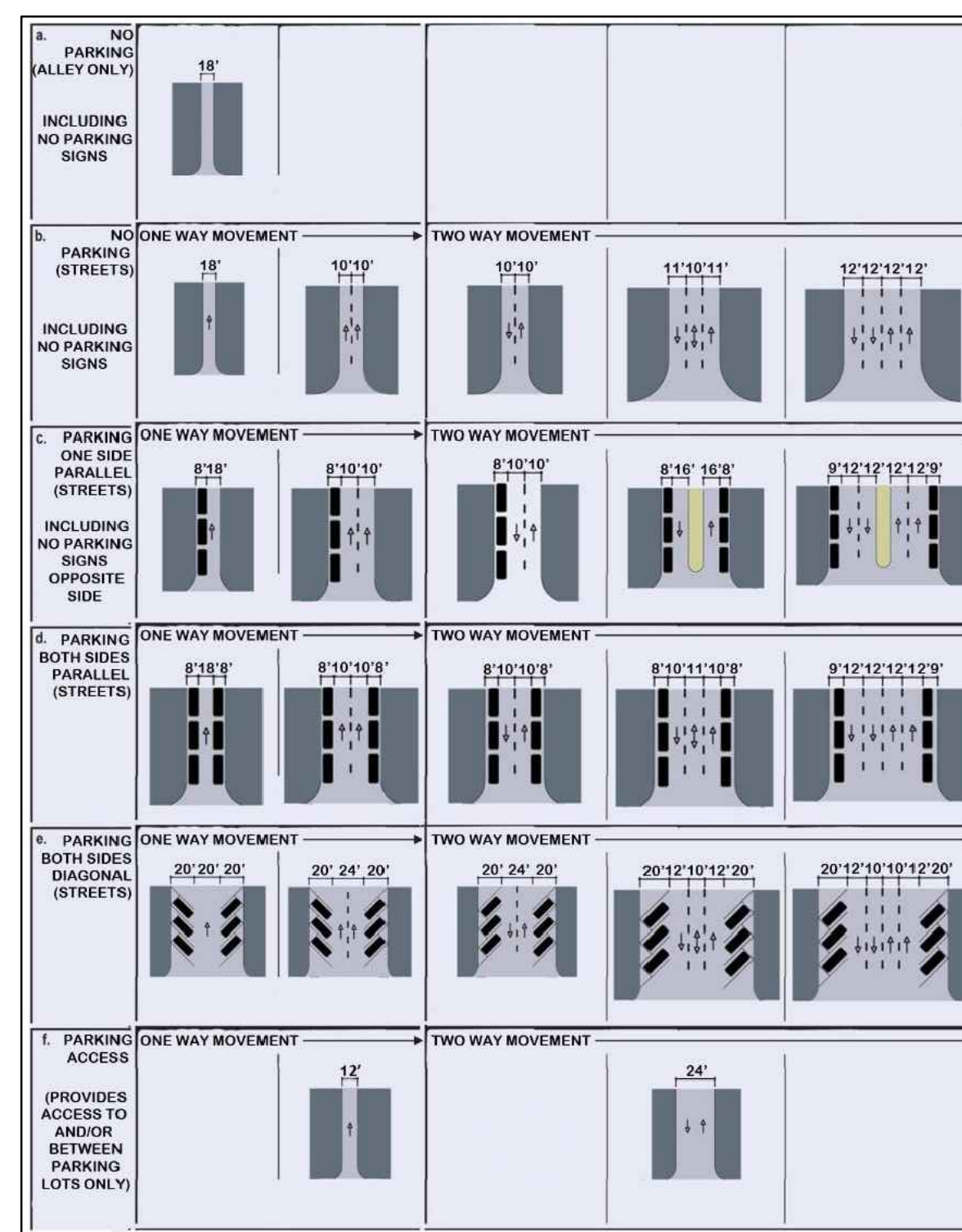
APPROXIMATE AREA OF LAND DISTURBANCE: 82 ACRES ±

WATER 350 GAL/DAY/LOT x 770 LOTS = 269,500 GAL/DAY

SEWER 350 GAL/DAY/LOT x 770 LOTS = 269,500 GAL/DAY

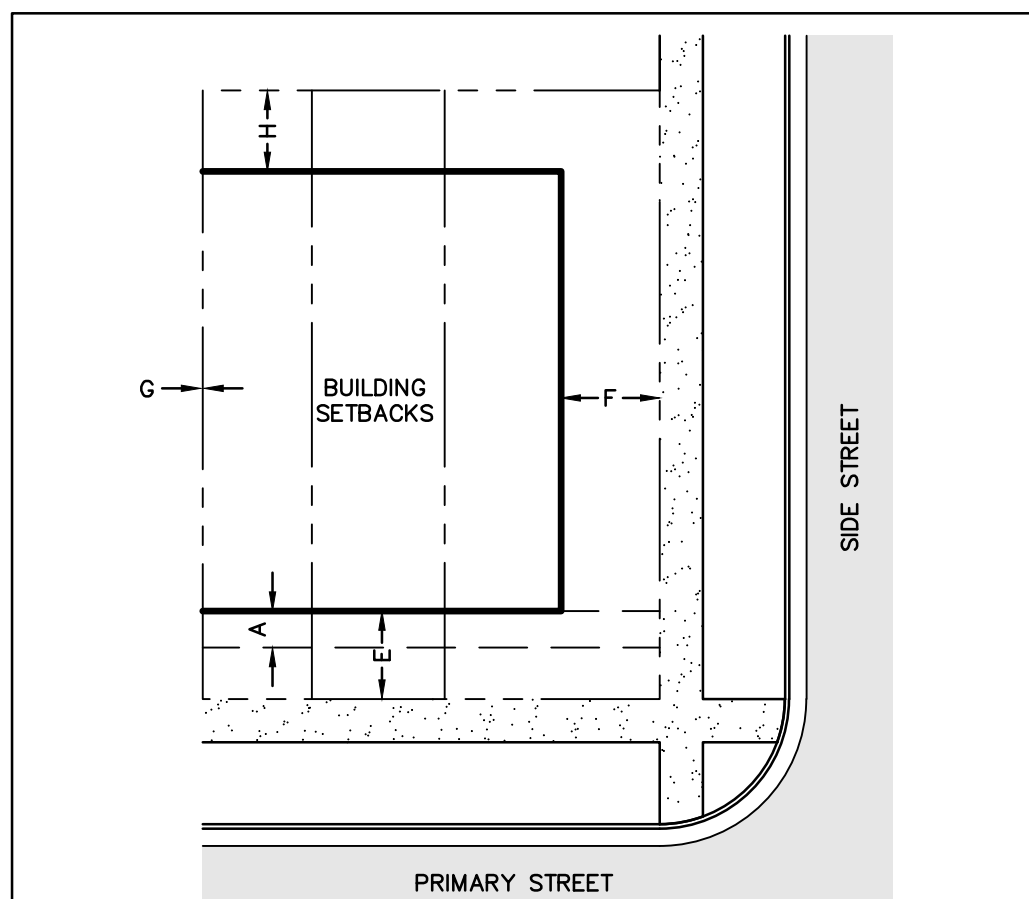
DEVELOPMENT TRAFFIC GENERATION:
AM PEAK = 340 TRIPS
PM PEAK = 423 TRIPS

(SEE "TRAFFIC IMPACT ANALYSIS FOR VILLAGE AT CROSSROADS STATION" PREPARED BY DAVENPORT, DATED NOVEMBER 20, 2020 AND SUPPLEMENTED BY ADDENDUM DATED JUNE 28, 2021.)



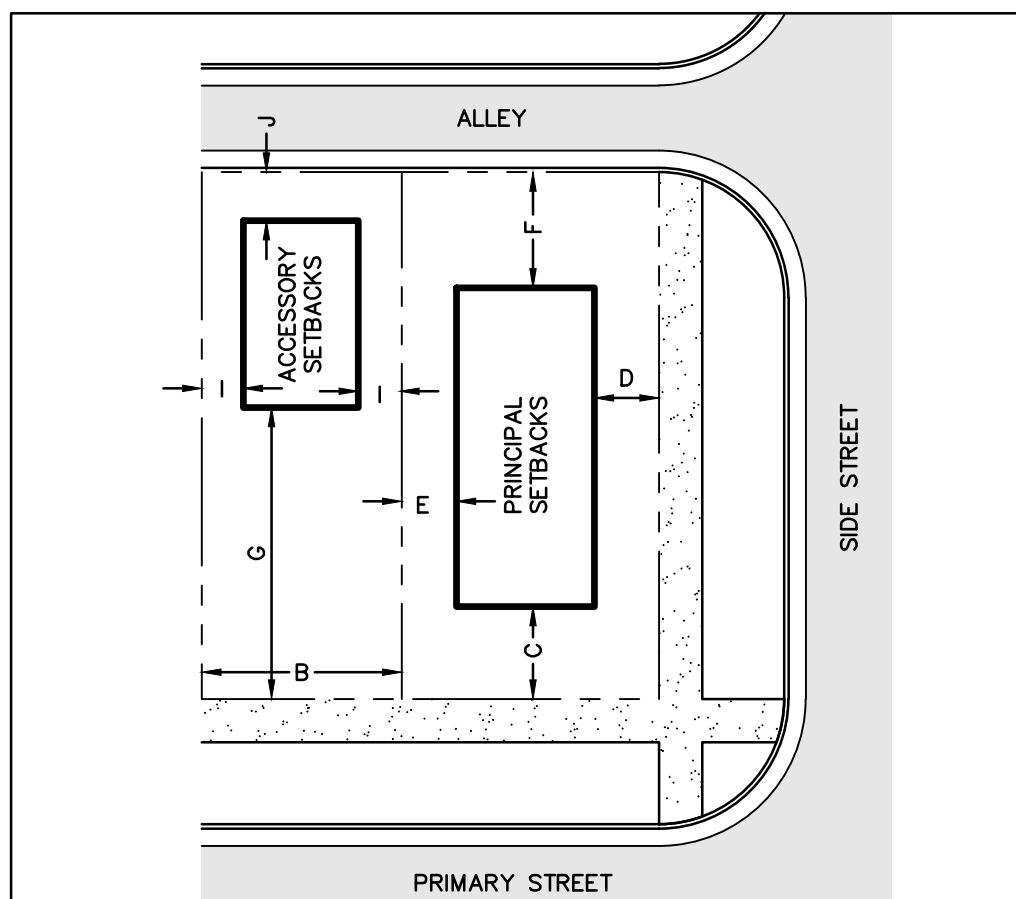
GENERAL NOTES (CONTINUED):

- THE PEDESTRIAN CONNECTIONS SHOWN WITHIN THIS GDP DEMONSTRATE THE GENERAL INTENT RELATIVE TO THE PEDESTRIAN INTERCONNECTIVITY OF THIS PROJECT. POINTS OF CONNECTION ALONG EXISTING STREETSCAPES SHALL BE SPECIFIED AS DEFINED IN THE PROFFERS.
- WHERE TREES ARE BEING PRESERVED ALONG EXISTING STREETS, THE EXISTING TREES SHALL BE COUNTED TOWARD THE REQUIRED STREET BUFFER.
- STREET LIGHTS ALONG EXISTING STREETS SHALL ONLY BE REQUIRED WHERE THERE IS ALSO AN ASSOCIATED PEDESTRIAN CONNECTION AS DEPICTED ON THIS GDP.
- APPLICANT WILL REQUEST A WAIVER PURSUANT TO 6-7.4.A OF THE SPOTSYLVANIA COUNTY DESIGN STANDARDS MANUAL FOR INTERIOR TRANSITIONAL SCREENING REQUIREMENTS BETWEEN USES.



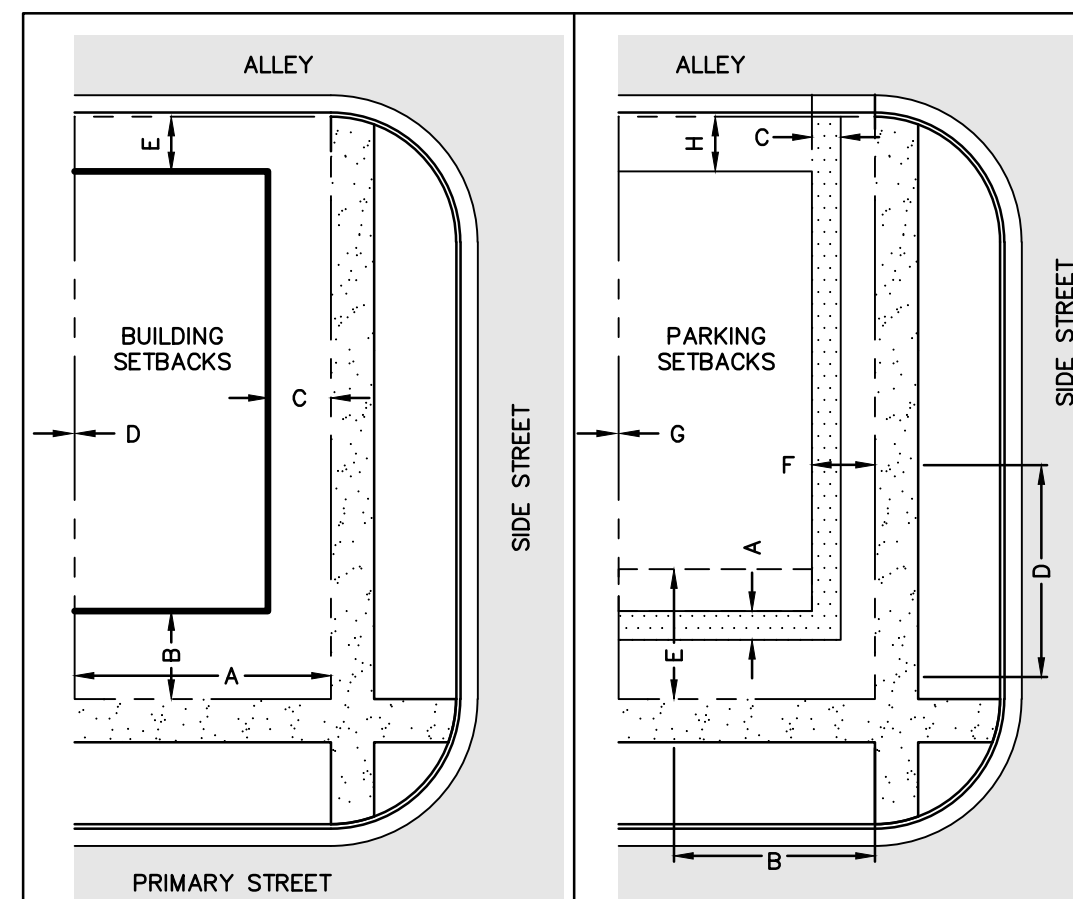
(1) LOT STANDARDS	(2) BUILDING PLACEMENT	
LOT DIMENSIONS	BUILD-TO-ZONE (BTZ)	
A SITE AREA (MIN)	N/A	A PRIMARY STREET (MIN/MAX)
B SITE WIDTH (MIN)	N/A	B PERCENTAGE OF BUILDING IN PRIMARY STREET BTZ
BUILDING SETBACKS	OPEN SPACE	
E PRIMARY STREET (MIN)	5'	% OF OPEN AREA ON THE LOT ON AVERAGE
F SIDE STREET (MIN)	5'	
G SIDE, COMMON LOT LINE (MIN)	0' OR 5'	
H REAR COMMON LOT LINE (MIN)	15'	
H REAR ALLEY (MIN)	4' OR 18'	
(3) HEIGHT		
BUILDING HEIGHT		
PRINCIPAL BUILDING (MAX)	3 STORIES	
ACCESSORY BUILDING (MAX)	*	
* SHALL NOT EXCEED THE HEIGHT OF THE PRINCIPAL BUILDING		

SINGLE FAMILY ATTACHED
MU-2, MU-3, MU-4



(1) LOT STANDARDS	(2) BUILDING PLACEMENT	
LOT DIMENSIONS	BUILD-TO-ZONE (BTZ)	
A LOT AREA (MIN/MAX)	3,000 SF / 21,780	PRIMARY STREET (MIN/MAX)
B LOT WIDTH (MIN/MAX)	30'/110'	B PERCENTAGE OF BUILDING IN PRIMARY STREET BTZ
PRINCIPAL BUILDING SETBACKS	OPEN SPACE	
C PRIMARY STREET (MIN)	10'	% OF OPEN AREA ON THE LOT ON AVERAGE
D SIDE STREET (MIN)	5'	
E SIDE, COMMON LOT LINE (MIN)	4'	
F REAR, COMMON LOT LINE / ALLEY (MIN)	18'	
ACCESSORY BUILDING SETBACKS		
G PRIMARY STREET (MIN)	50'	
H SIDE STREET (MIN)	5'	
I SIDE, COMMON LOT LINE (MIN)	3'	
J REAR, COMMON LOT LINE (MIN)	3'	
J REAR, ALLEY (MIN)	4' OR 18'	
(3) HEIGHT		
BUILDING HEIGHT		
PRINCIPAL BUILDING (MAX)	3 STORIES	
ACCESSORY BUILDING (MAX)	*	
* SHALL NOT EXCEED THE HEIGHT OF THE PRINCIPAL BUILDING		

SINGLE FAMILY DETACHED
MU-2, MU-3



(1) LOT STANDARDS	(2) BUILDING PLACEMENT	
LOT DIMENSIONS	BUILD-TO-ZONE (BTZ)	
A LOT WIDTH (MIN)	20'	A PRIMARY STREET (MIN)
BUILDING SETBACKS		B PERCENTAGE OF BUILDING IN PRIMARY STREET BTZ (MIN)
B PRIMARY STREET (MIN)	0'	C SIDE STREET (MIN)
C SIDE STREET (MIN)	0'	D PERCENTAGE OF BUILDING IN SIDE STREET BTZ (MIN)
D SIDE, COMMON LOT LINE (MIN)	0'	E PRIMARY STREET (MIN)
E REAR, COMMON LOT LINE / ALLEY (MIN)	0'	F SIDE STREET (MIN)
		G SIDE, COMMON LOT LINE (MIN)
		H REAR, COMMON LOT LINE (MIN)
(3) HEIGHT		
BUILDING HEIGHT		
PRINCIPAL BUILDING (MAX)		PERCENTAGE OF OPEN AREA ON THE LOT ON AVERAGE
MU-3	4 STORIES	
MU-4	4 STORIES	

MULTIPLE FAMILY (CONDOMINIUMS)
MU-3, MU-4



REVISIONS	DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION	
01-06-2021	REVISE TO SUIT APPLICATION	
08-25-2021	REVISE TO SUIT APPLICATION	
10-15-2021	REVISE TO SUIT APPLICATION	
10-29-2021	REVISE TO SUIT APPLICATION	

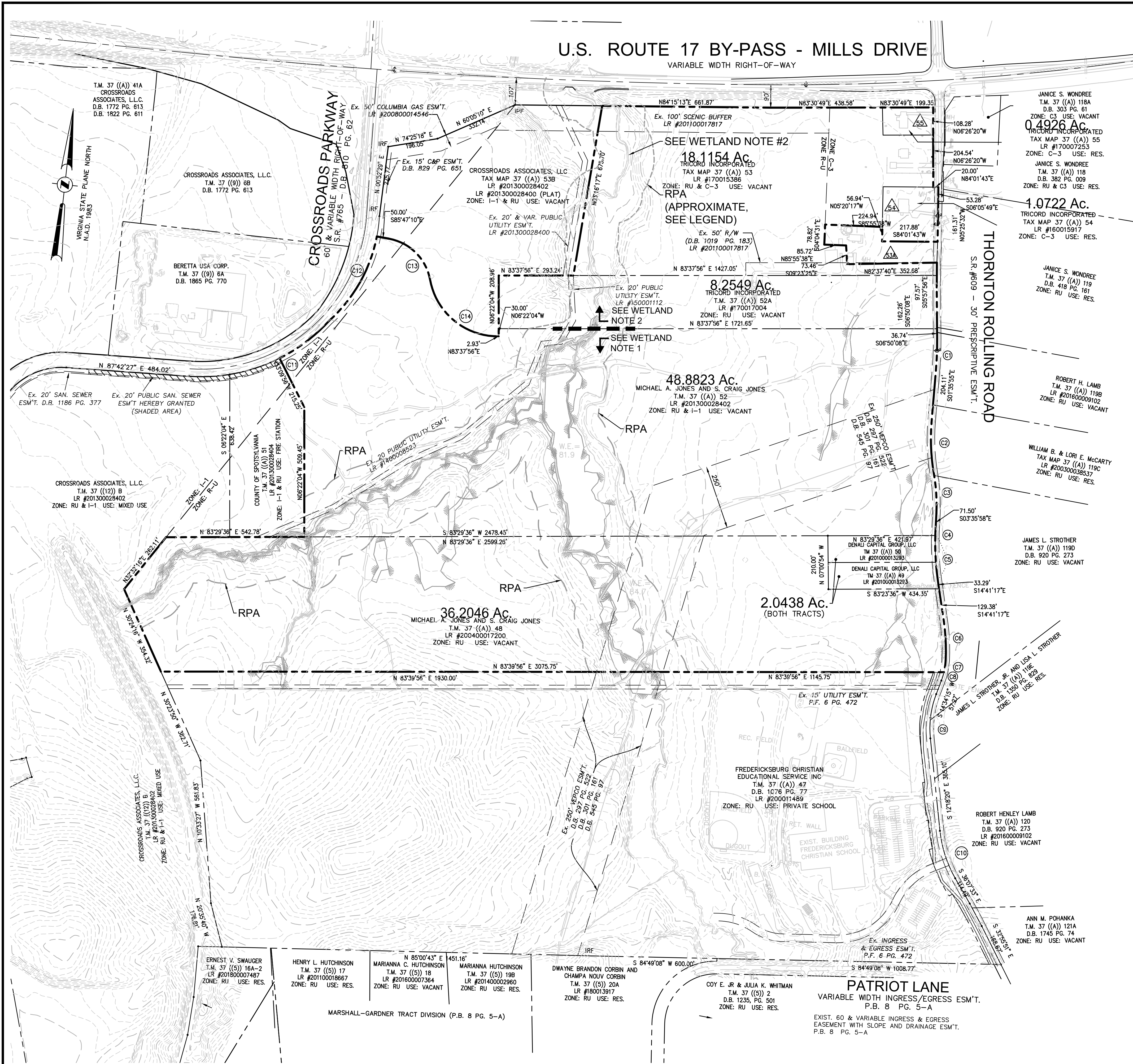
ENGINEERS, SURVEYORS & ENVIRONMENTAL SERVICES
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10720 COLUMBIA DRIVE
FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5876

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DONAHOE &
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SDI

VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

NOTES

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: NONE



53A THOMAS F. SELF ESTATE
T.M. 37 ((A)) 53A
D.B. 427 PG. 327
ZONE: RU USE: RES.

55 TRICORD INCORPORATED
T.M. 37 ((A)) 55
LR #201700007253
ZONE: C3 USE: RES.

54 TRICORD INCORPORATED
T.M. 37 ((A)) 54
LR #201600015917
ZONE: C3 USE: RES.

OWNER AREA SUMMARY VILLAGE AT CROSSROADS STATION

TAX MAP I.D.	TRACT OWNER	EXISTING ZONE	PROPOSED ZONE	REZONE AREA (GDP)	RIGHT-OF-WAY DEDICATION AREA
	PROPERTY ADDRESS				
37 ((A)) 48	MICHAEL A. JONES AND S. CRAIG JONES 9410 THORNTON ROLLING ROAD	RU	MU-2 MU-3	34.6834 AC. 1.2185 AC.	0.3027 AC.
37 ((A)) 49	DENALI CAPITAL GROUP, LLC 9416 THORNTON ROLLING ROAD	RU	MU-2	0.9313 AC.	0.0965 AC.
37 ((A)) 50	DENALI CAPITAL GROUP LLC 9418 THORNTON ROLLING ROAD	RU	MU-2	0.9195 AC.	0.0965 AC.
37 ((A)) 52	MICHAEL A. JONES AND S. CRAIG JONES 9508 THORNTON ROLLING ROAD	RU & I-1	MU-2 MU-3	10.8576 AC. 37.1819 AC.	0.8428 AC.
37 ((A)) 52A	TRICORD INCORPORATED 9514 THORNTON ROLLING ROAD	RU	MU-3 MU-4	4.1645 AC. 3.8309 AC.	0.2595 AC.
37 ((A)) 53	TRICORD INCORPORATED 9606 THORNTON ROLLING ROAD	RU & C3	MU-4	17.8796 AC.	0.2358 AC.
37 ((A)) 54	TRICORD INCORPORATED 9602 THORNTON ROLLING ROAD	C3	MU-4	0.7855 AC.	0.2867 AC.
37 ((A)) 55	TRICORD INCORPORATED 9608 THORNTON ROLLING ROAD	C3	MU-4	0.4036 AC.	0.0890 AC.
TOTAL				115.0658 AC.	

CURVE TABLE						
CURVE	RADIUS	DELTA	ARC	CHORD	CH. BEARING	TANGENT
C1	1387.84'	5°14'13"	126.85'	126.81'	N4°13'01"W	63.47'
C2	794.46'	14°43'07"	204.09'	203.53'	S8°57'28"E	102.61'
C3	699.22'	12°43'03"	155.20'	154.88'	N9°57'30"W	77.92'
C4	994.37'	0°54'10"	15.67'	15.67'	S4°03'03"E	7.63'
C5	994.37'	10°11'09"	176.77'	176.54'	S9°35'42"E	88.62'
C6	784.05'	11°18'34"	154.76'	154.51'	N9°02'00"W	77.63'
C7	255.46'	10°14'04"	45.63'	45.57'	N1°44'20"E	22.88'
C8	255.46'	7°42'53"	34.40'	34.37'	N10°42'48"E	17.22'
C9	376.67'	26°52'35"	176.69'	175.07'	S10°7'57"W	90.00'
C10	474.12'	23°49'13"	197.11'	195.70'	S24°12'56"E	100.00'
C11	680.00'	20°38'17"	244.94'	243.61'	N46°32'04"E	123.81'
C12	600.00'	37°00'18"	387.51'	380.81'	N23°08'22"E	200.79'
C13	199.65'	69°04'52"	240.71'	226.39'	N51°14'44"W	137.42'
C14	271.16'	79°39'46"	377.01'	347.37'	S56°32'11"E	226.17'

SURVEY NOTES

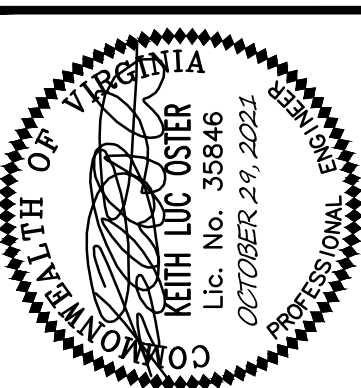
- NO TITLE REPORT FURNISHED.
- THIS PLAT IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.
- IT APPEARS THAT NO LAND SHOWN HEREON IS LOCATED IN THE F.I.R.M. 100 YEAR SPECIAL FLOOD AREA ZONE "A", AS SCALED FROM MAP NO. #510308 0125 C, DATED FEBRUARY 18, 1998. THIS LAND IS LOCATED IN ZONE "X" AREAS OUTSIDE OF THE 500 YEAR FLOOD PLAIN.
- THIS PLAT DOES NOT REPRESENT THAT ALL EXISTING UTILITIES ARE SHOWN OR THAT THOSE SHOWN ARE LOCATED CORRECTLY.
- SULLIVAN, DONAHOE, & INGALLS DOES NOT CERTIFY AS TO THE LOCATION OF ANY UNDERGROUND UTILITIES.
- BOUNDARY BASED ON FIELD RUN SURVEY BY SDI AND THE FOLLOWING:
 - PLAT BY SULLIVAN, DONAHOE AND INGALLS DATED REVISED JULY 11, 2013 AND RECORDED IN LR #201300028400.
 - PLAT BY SULLIVAN, DONAHOE AND INGALLS DATED REVISED JULY 17, 2011 AND RECORDED IN LR #201100017817.
 - VDOT PROJECT VA ROUTE 17, PROJECT 0017-088-655, M501, RW 201

LEGEND

- 1. DENOTES WETLANDS DELINEATED BY STANTEC CONSULTING SERVICES, INC.
- 2. RPA AS IDENTIFIED BY STANTEC CONSULTING SERVICES, INC.
- 3. RPA APPROXIMATED FROM AVAILABLE GIS INFORMATION

WETLANDS NOTES

- DENOTES WETLANDS DELINEATED BY STANTEC CONSULTING SERVICES, INC.
- STREAM/WETLAND INFORMATION ON THESE PARCELS APPROXIMATED FROM AVAILABLE GIS INFORMATION



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

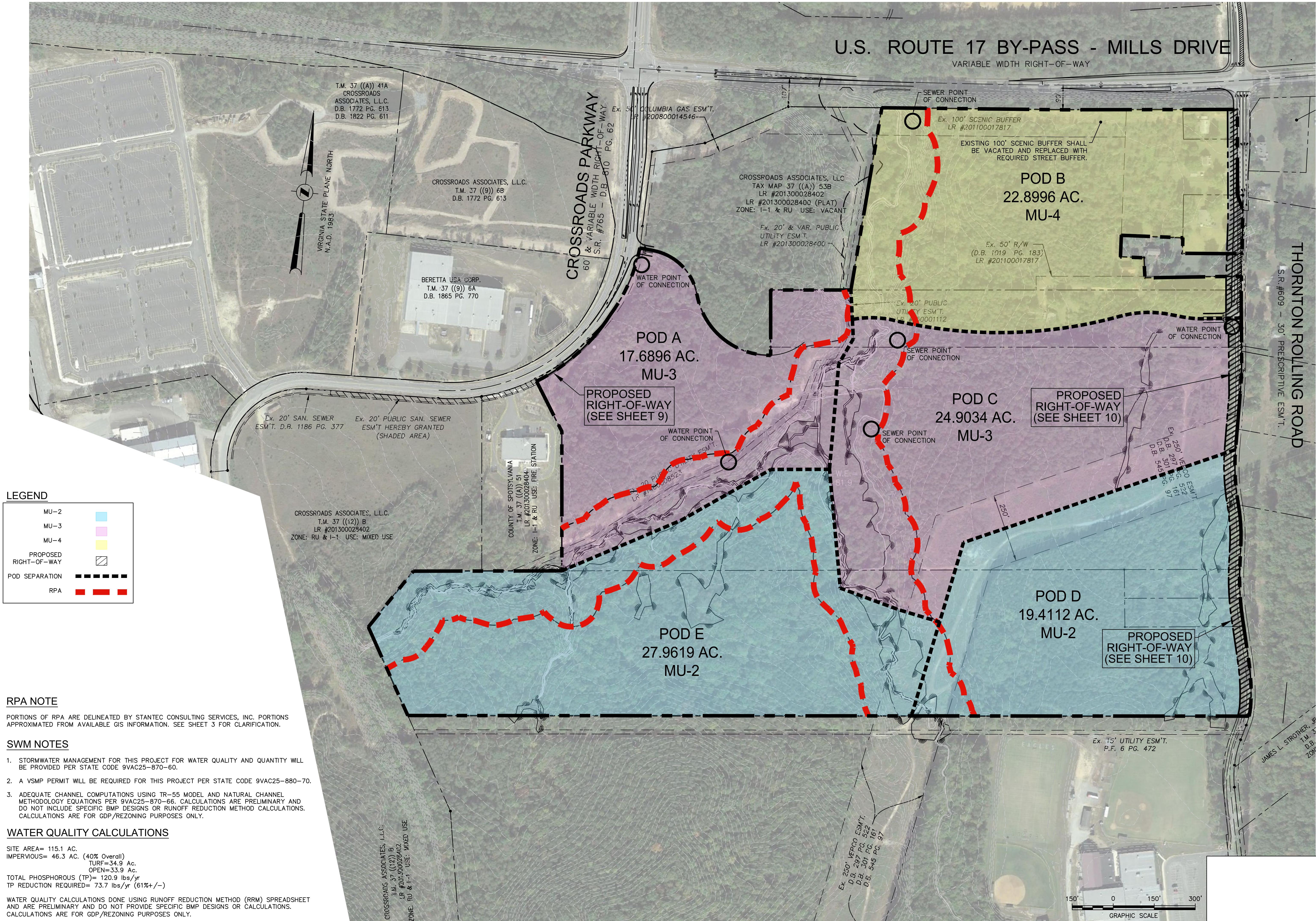
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TELEPHONE 540-898-5876

SDI
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DONAHOE &
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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=200'

SHEET **3**
OF **12** SHEETS



LEGEND

MU-2	
MU-3	
MU-4	
PROPOSED RIGHT-OF-WAY	
POD SEPARATION	
RPA	

RPA NOTE

PORTIONS OF RPA ARE DELINEATED BY STANTEC CONSULTING SERVICES, INC. PORTIONS APPROXIMATED FROM AVAILABLE GIS INFORMATION. SEE SHEET 3 FOR CLARIFICATION.

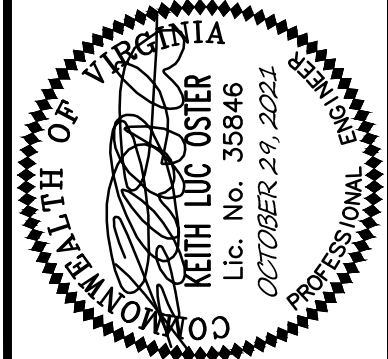
SWM NOTES

- STORMWATER MANAGEMENT FOR THIS PROJECT FOR WATER QUALITY AND QUANTITY WILL BE PROVIDED PER STATE CODE 9VAC25-870-60.
- A VSMP PERMIT WILL BE REQUIRED FOR THIS PROJECT PER STATE CODE 9VAC25-880-70.
- ADEQUATE CHANNEL COMPUTATIONS USING TR-55 MODEL AND NATURAL CHANNEL METHODOLOGY EQUATIONS PER 9VAC25-870-66. CALCULATIONS ARE PRELIMINARY AND DO NOT INCLUDE SPECIFIC BMP DESIGNS OR RUNOFF REDUCTION METHOD CALCULATIONS. CALCULATIONS ARE FOR GDP/REZONING PURPOSES ONLY.

WATER QUALITY CALCULATIONS

SITE AREA= 115.1 AC. (40% Overall)
IMPERVIOUS= 46.3 AC. (40% Overall)
TURF=34.9 Ac.
OPEN=33.9 Ac.
TOTAL PHOSPHOROUS (TP)= 120.9 lbs/yr
TP REDUCTION REQUIRED= 73.7 lbs/yr (61%+/-)

WATER QUALITY CALCULATIONS DONE USING RUNOFF REDUCTION METHOD (RRM) SPREADSHEET AND ARE PRELIMINARY AND DO NOT PROVIDE SPECIFIC BMP DESIGNS OR CALCULATIONS. CALCULATIONS ARE FOR GDP/REZONING PURPOSES ONLY.



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10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

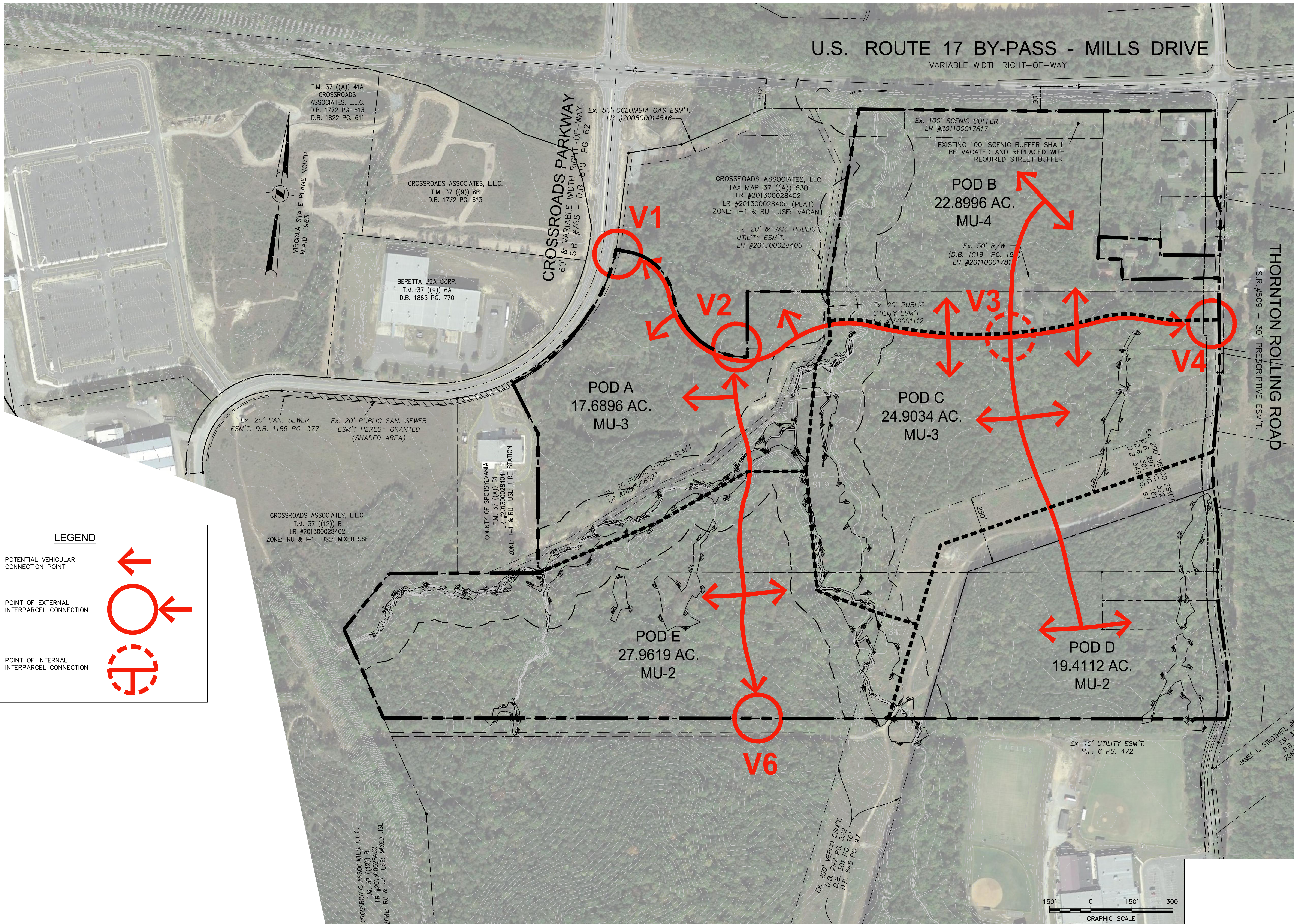
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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
GENERAL LAYOUT

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=150'

SHEET 4
OF 12 SHEETS

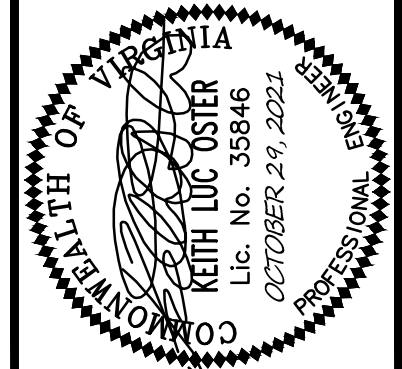


LEGEND

POTENTIAL VEHICULAR CONNECTION POINT

POINT OF EXTERNAL INTERPARCEL CONNECTION

POINT OF INTERNAL INTERPARCEL CONNECTION



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
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08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

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INGALLS

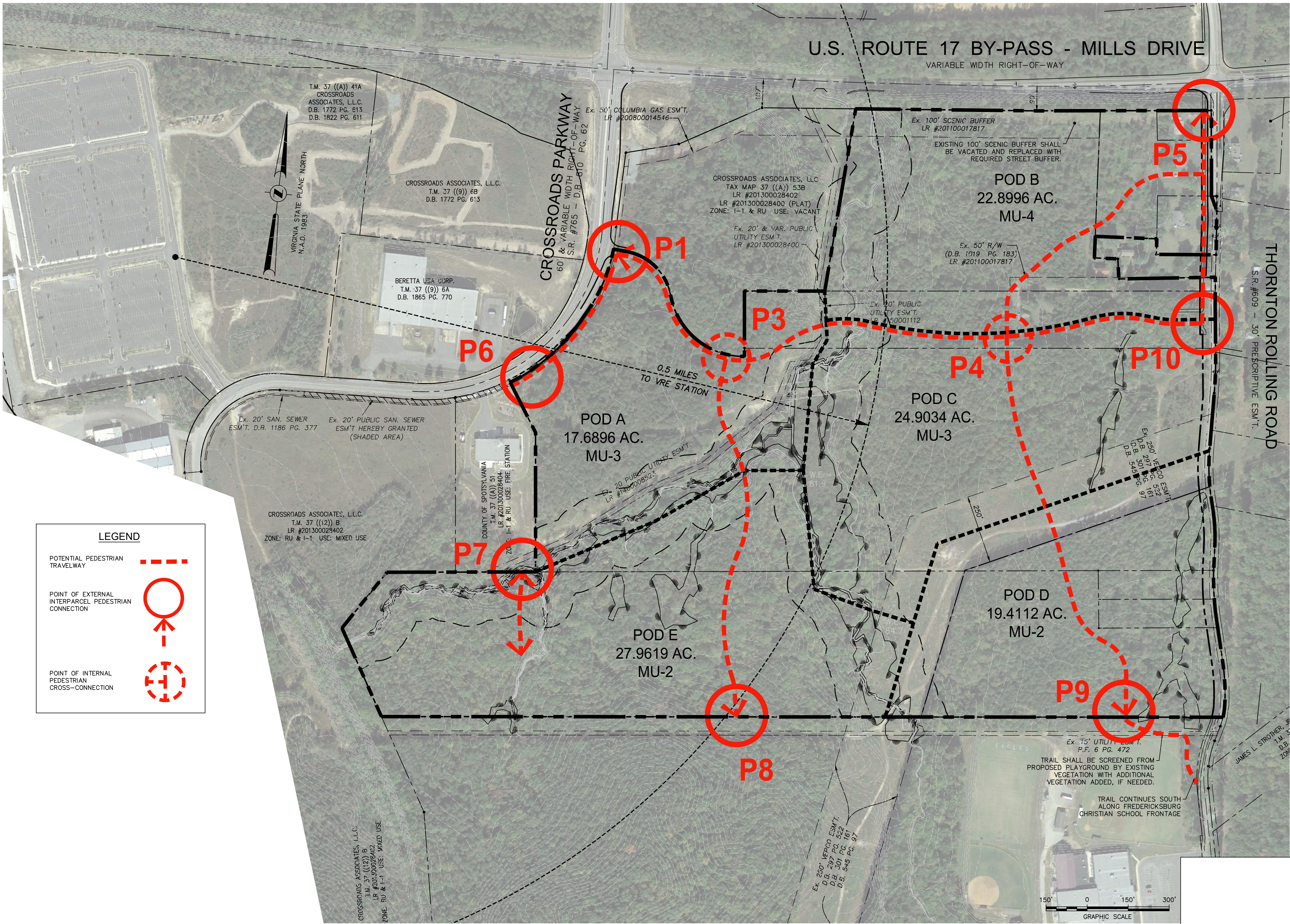
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FREDERICKSBURG, VIRGINIA 22404
TELEPHONE 540-898-5876

VILLAGE AT CROSSROADS STATION

LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

CONCEPTUAL VEHICULAR CONNECTION PLAN

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=150'

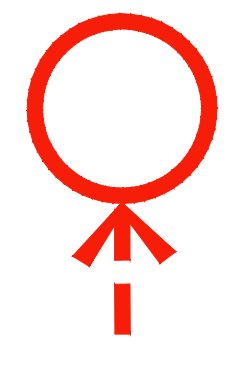


LEGEND

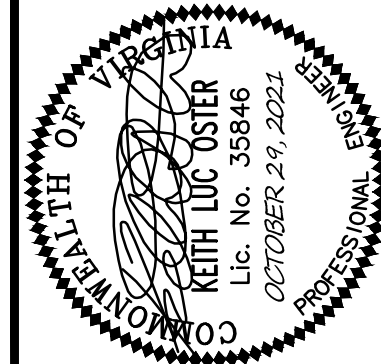
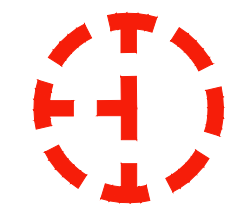
POTENTIAL PEDESTRIAN
TRAVELWAY



POINT OF EXTERNAL
INTERPARCEL PEDESTRIAN
CONNECTION



POINT OF INTERNAL
PEDESTRIAN
CROSS-CONNECTION



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
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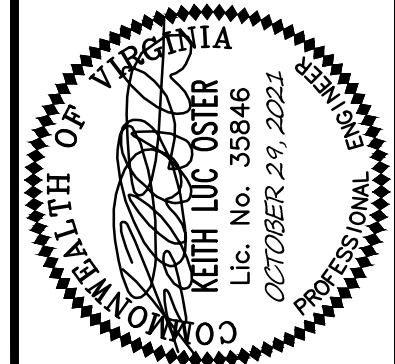
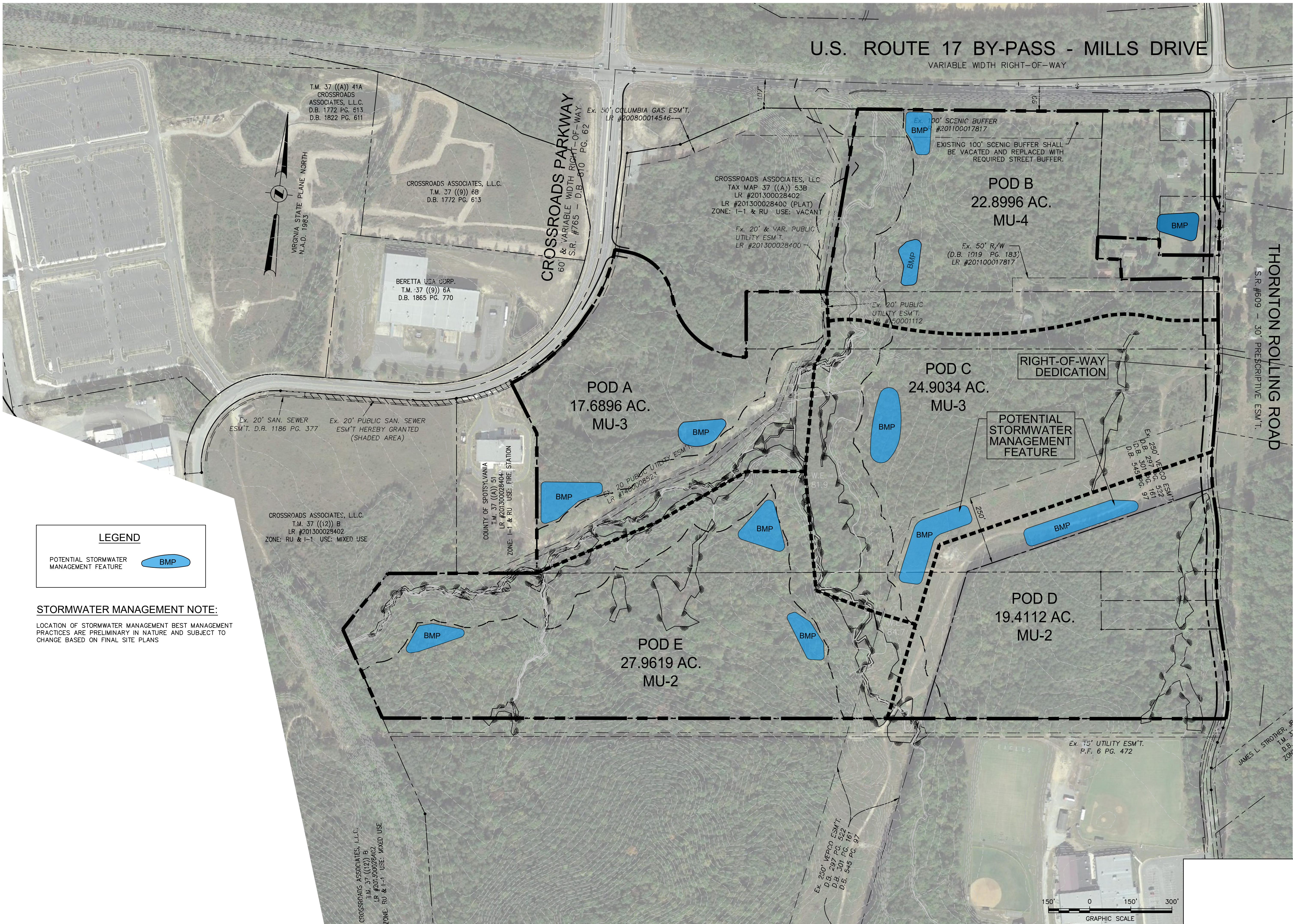
VILLAGE AT CROSSROADS STATION

LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

CONCEPTUAL PEDESTRIAN
CONNECTION PLAN

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=150'

SHEET **6**
OF **12** SHEETS



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

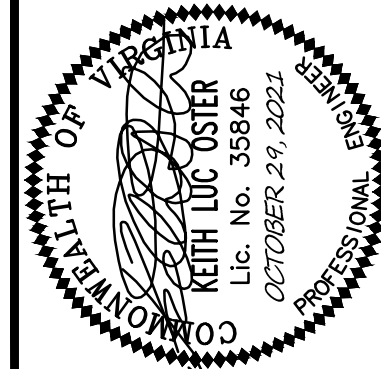
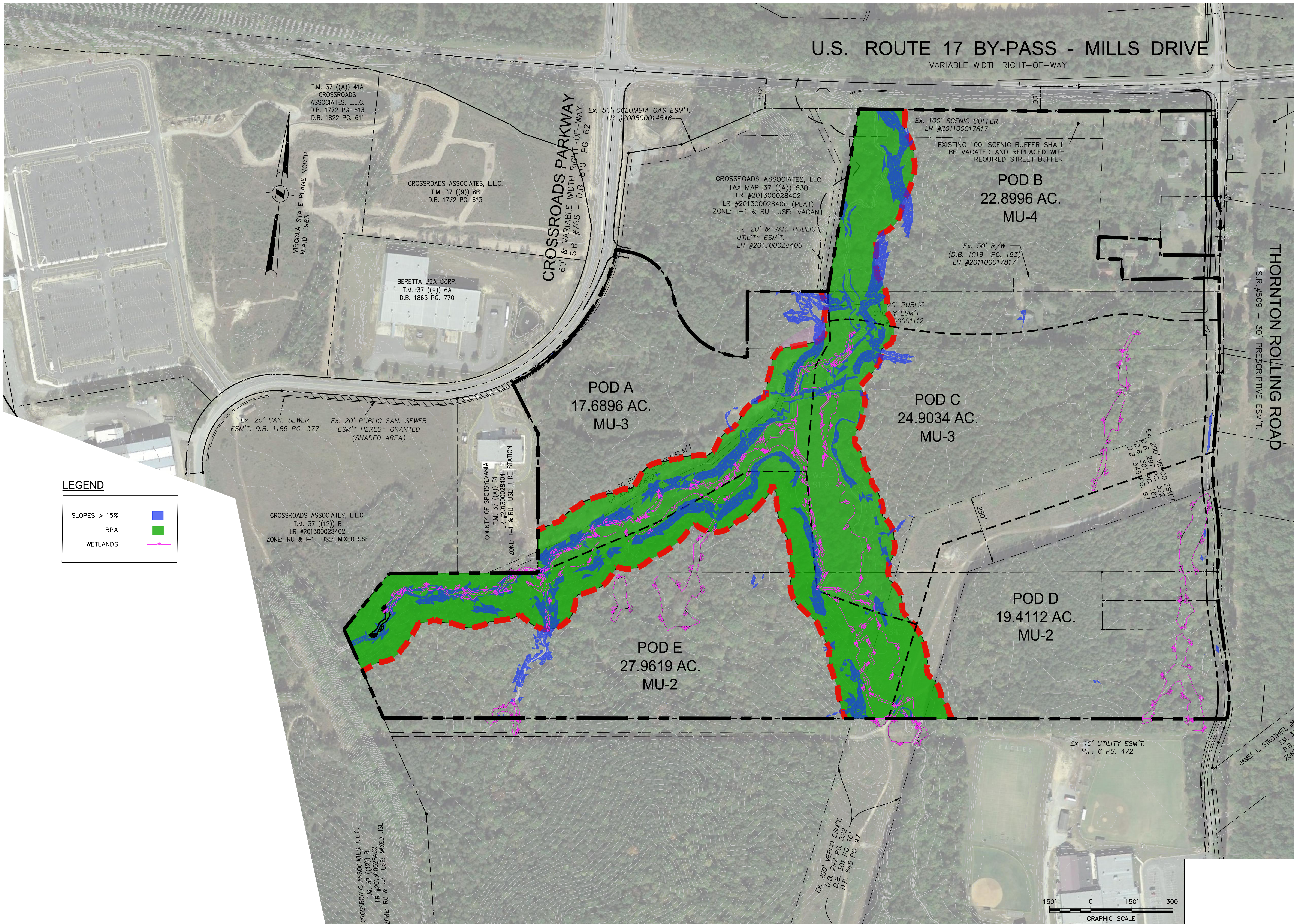
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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

CONCEPTUAL STORMWATER
MANAGEMENT PLAN

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=150'



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
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08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

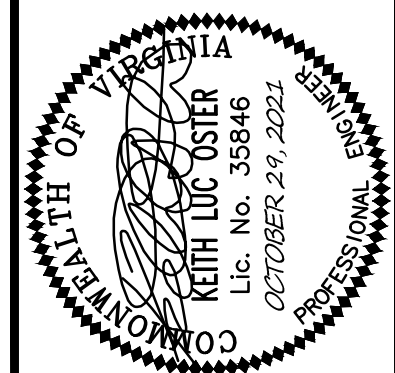
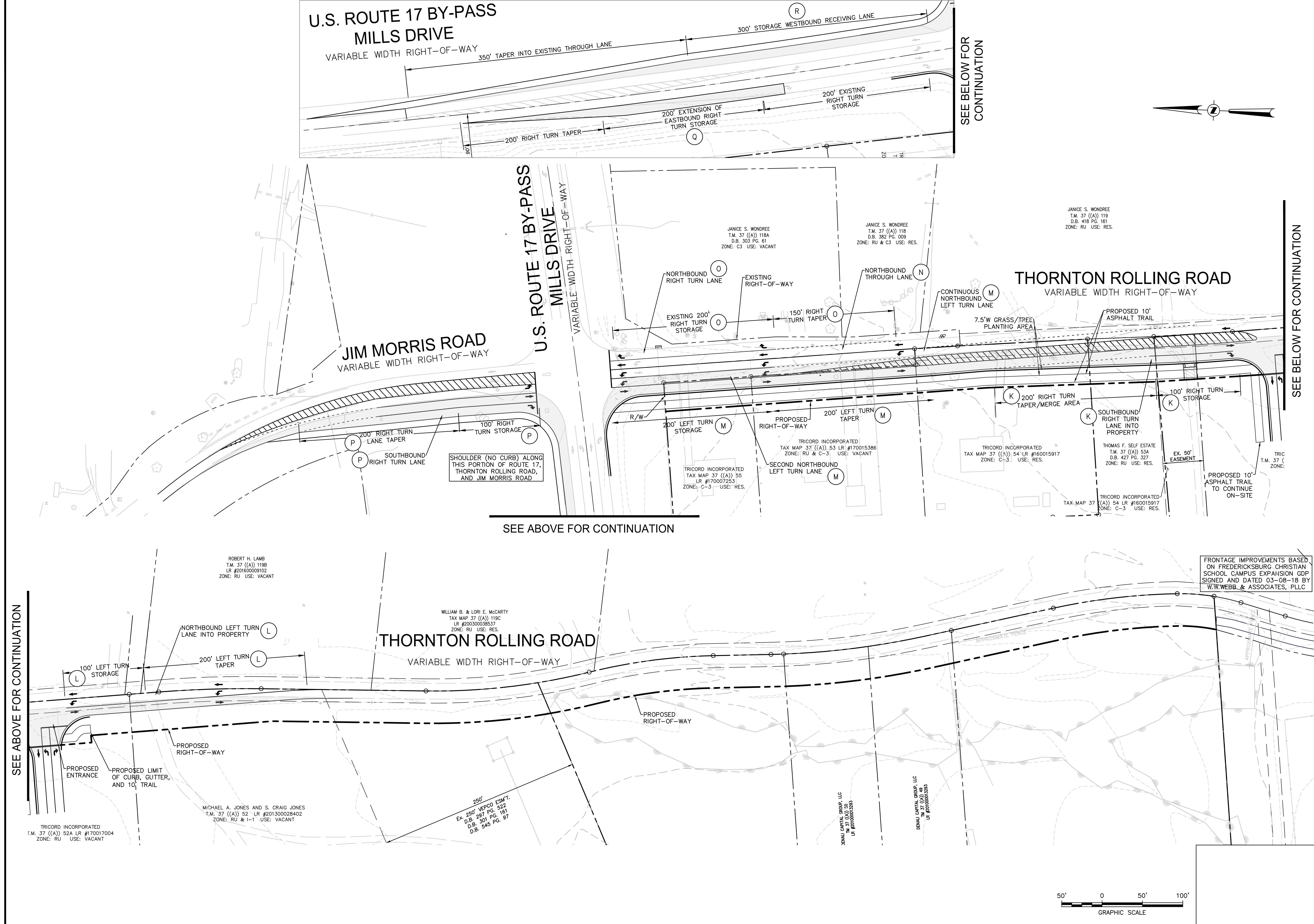
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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

ENVIRONMENTALLY SENSITIVE AREAS

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=150'



DATE	REVISIONS
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01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

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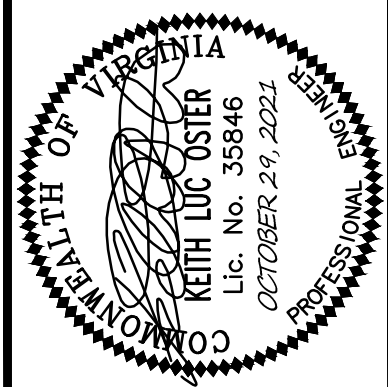
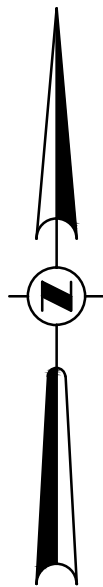
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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA

**TRANSPORTATION IMPROVEMENTS -
THORNTON ROLLING ROAD**

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=50'

SHEET **10**
OF **12** SHEETS



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
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10-29-2021	REVISE TO SUIT APPLICATION

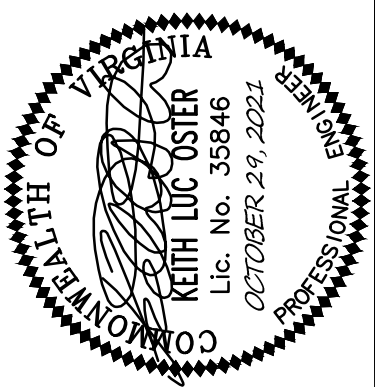
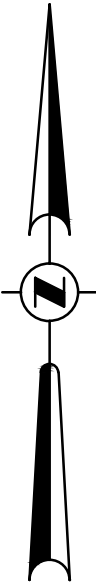
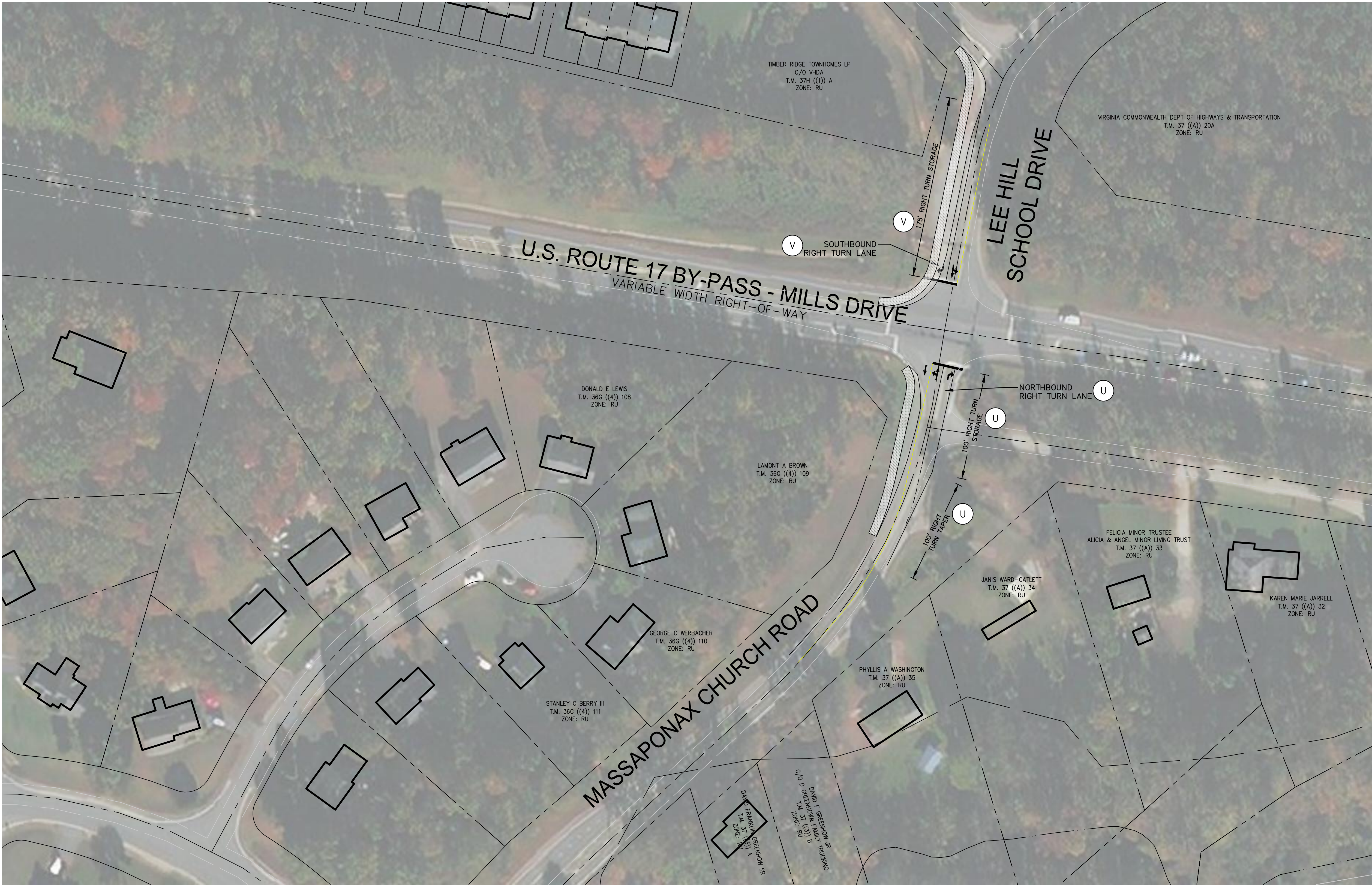
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INGALLS

VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
OFF-SITE TRANSPORTATION IMPROVEMENTS -
COSNER DRIVE

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=50'

SHEET 11
OF 12 SHEETS



DATE	REVISIONS
04-22-2020	REVISE TO SUIT APPLICATION
01-06-2021	REVISE TO SUIT APPLICATION
08-25-2021	REVISE TO SUIT APPLICATION
10-15-2021	REVISE TO SUIT APPLICATION
10-29-2021	REVISE TO SUIT APPLICATION

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VILLAGE AT CROSSROADS STATION
LEE HILL MAGISTERIAL DISTRICT
SPOTSYLVANIA COUNTY, VIRGINIA
OFF-SITE TRANSPORTATION IMPROVEMENTS -
MASSAPONAX CHURCH ROAD

DES/DRFT: NSO/JRH
CHECKED: RHF
APPROVED: KLO
JOB NO.: 14-SP-0337
DATE: 06-05-2019
SCALE: 1"=50'
SHEET 12
OF 12 SHEETS

Village at Crossroads Station

Generalized Development Plan Narrative

June 6, 2019, revised May 20, 2020, November 30, 2020, January 14, 2021, and June 25, 2021.

The following Generalized Development Narrative provides additional information that can be used in interpreting the Generalized Development Plan ("GDP") submitted in conjunction with the Village at Crossroads Station rezoning application ("Application"). The Applicant will develop and submit conditional proffers ("Proffers") in the course of finalizing the Application. This narrative is not a part of the GDP or the Proffers and shall not be interpreted as being a part of the GDP or the Proffers. It provides some detail as to the likely development of the Property but shall not be interpreted as creating or identifying any uses that are prohibited or restricted in any way other than those restrictions or prohibitions that are specifically identified within the MU Zoning District or the GDP or the Proffers.

1. Proposed Use

The property consists of a total of approximately 115.07 acres. The proposed use is a mix of residential units. Residential uses are to include a mix of single family detached, single family attached and multi-family condominiums not to exceed a total of 770. The proposed uses are compatible with the Future Land Use Map recommendation for the area, which is located within or directly adjacent to areas designated for Mixed-Use in the Future Land Use element of the Comprehensive Plan. It is important to consider, that while a portion of the proposed project is located outside of the Mixed Use designation, the guidance provided in the Comp Plan shows that the proposed uses are compatible, as the plan states: "The Map is not intended to be parcel specific, but rather provides a flexible guide for the County's desired future development patterns", and "*Each application should be evaluated within the context of its surrounding existing and proposed development...*"(emphasis added). Two of the largest parcels in the proposed project are split between the mixed use designation and the Employment Center designation. When taking the context of the current development (the VRE Station and Crossroads Station) into account, coupled with the vehicular and pedestrian connections proposed in the project, the significance of the drainage way used to arbitrarily draw the boundary distinguishing the mixed use designation and the Employment Center designation is eliminated.

From a land use perspective, the dominant feature in the immediate area of the Application is the Spotsylvania Virginia Railway Express Station (the VRE Station). All development in the area should be considered based on the capacity of the proposed development to leverage this asset (and the significant investment by the County in it). As seen below, the current zoning and development around the VRE Station does little to do so. The Federal Department of Transportation and the Federal Transit Administration,

Village at Crossroads Station

Generalized Development Plan Narrative

through the Center for Transit Oriented Development has published several guides for assessing proposed development around transit assets like the VRE Station. One is titled “Why Transit Oriented Development and Why Now”? According to that publication, properly planned development around an asset such as the VRE Station:

- Increases “location efficiency” so people can walk, bike and take transit;
- Boosts transit ridership and minimizes the impacts of traffic;
- Provides a rich mix of housing, jobs, shopping and recreational choices;
- Provides value for the public and private sectors, and for both new and existing residents;
- Creates a sense of community and place.

In summary, properly planned development maximizes the existing transit asset to reduce traffic and drive economic development.

Another guide published by the Center for Transit Oriented Development is titled “Station Area Planning, How to Make Great Transit-Oriented Places”. It details a very practical framework for assessing planned development around a transit asset, recognizing, among other things, that the housing density must be within the proper range (neither too high nor too low) to accomplish the TOD goals.

Given that the County has already approved a rezoning directly adjacent to the VRE Station (Crossroads Station) and the broader context of the station within Spotsylvania County, development in the area should follow the recommendations for a Transit Town Center, seen on page 10 of the guide and summarized in the table below in the far right column. In assessing the potential future development of the area, the Station Area considered should be increased to 0.75 mile, as identified as appropriate in the note on Page 11 of the guide. This increase is appropriate because several large parcels in close proximity to the VRE Station are already occupied by valuable industrial uses as illustrated in Graphic A. The increase in Station area size allows for a lower density creating a better transition between the surrounding rural areas and the new station, while also providing the raw numbers of people and employment opportunities to make the Transit Town Center successful. Given the extensive commitment to pedestrian access in this application, the high-quality multi modal transportation connections required to make the last mile connections will be accomplished.

The table below outlines the potential development of the area, with the approved development, the current application, and the future development of the surrounding area within the context of the development recommendations for a Transit Town Center.

	Crossroads Station	Village at Crossroads Station	Balance of Station Area under current Future Land Use recommendations*			Total	Recommended Per Station Area Planning Guide
			0.25 Mile	0.5 Mile	0.75 Mile		
Acreage	45.9	115.1	31.7	246.5	202.6	642	500
Housing Mix (New Development)	Mid Rise apartments	Multi Family Condos, Townhomes, Single Family	Mid Rise Apartments	Townhomes, small-lot single family	Small-lot Single Family	Mid Rise Apartment, Townhome, Small Lot Single Family	Mid Rise Apartment, Townhome, Small Lot Single Family
Station Area Total Units Target	610	770	421	2,465	810	5,077	3,000-7,500
Commercial Square Feet	950,000		656,100			1,606,100	NA
Station Area Total Jobs Target**	2,850		1,968			4,818	2,000-7,500
* See Graphic A for Map of Station Area							
** Assumes that 60% of Commercial Square Feet will be Office Use and 200 square feet of Office Use per job							

Graphic A



Village at Crossroads Station
Generalized Development Plan Narrative

As seen above, the Village at Crossroad Station will play a significant role as part of a properly planned development around the Spotsylvania VRE Station, and should be evaluated based on its role within the context of the region. As the Comprehensive Plan specifically states for the Mixed Use Future Land Use category: "...developers may propose smaller projects that are or will be integrated into a larger mixed use area."

2. Comprehensive Plan Analysis

As a significant part of a properly planned TOD surrounding the existing VRE station, Village at Crossroads Station would positively address eighteen of the Guiding Principles and Policies of Spotsylvania County as defined in the Comprehensive Plan; all seven General Objectives of the Land Use component of the Comprehensive Plan; four Land Use Policies Applicable to All Land Uses; and nine Mixed Land Use Policies. These are detailed below:

2.1. Guiding Principles and Policies

The Village at Crossroads positively addresses eighteen of the Guiding Principles and Policies of Spotsylvania County as defined in the Comprehensive Plan.

A. Spotsylvania County is a "business friendly" community and local job creation is a priority.

A.1. Encourage business investment in the County and promote the relocation of federal and state agencies to the County, providing more opportunities for Spotsylvania County residents to work in the County.

The presence of a transit asset like the VRE Station is a unique opportunity, if properly planned and developed, to create development that will attract government agencies and high tech knowledge based industries. A 2011 study by the Center for Transit Oriented Development titled "Transit and Regional Economic Development" found that, in regions where access to transit like commuter rail systems was available, 23% of all employment was located within a half-mile of a transit station. Within those regions, the study concluded that "the government sector has the greatest affinity for transit locations...with 42% of all public sector jobs located in transit zones (the area within one half-mile of a transit station)". The sector with the second highest affinity for locations in Transit Oriented Developments was knowledge-based industries with "36% of jobs in Professional, Scientific and Technical Services... located within a half-mile of a transit station." Within the region served by VRE, the Spotsylvania VRE station is the only station south of Woodbridge that has the opportunity to seize the advantage reflected in these employment numbers to create a destination for government and high tech jobs. Establishing a high quality TOD embodies

Village at Crossroads Station
Generalized Development Plan Narrative

the best opportunity to encourage business investment in the County and promote the relocation of federal and state agencies to the County.

A.3. Encourage the rezoning of land to industrial/office uses in areas designated for Employment Center uses and the revitalization of older, underperforming commercial, office, and industrial developments.

While this application does not directly rezone land designated as Employment Center for Industrial/Office uses, it does rezone land in a manner that is supportive in making the existing office zoning in the core area of the TOD viable.

A.5. Promote gateway signage and landscaping to encourage visitation, business, and tourism and consider establishing an I-95 overlay that sets a development standard that promotes Spotsylvania County as an attractive, orderly, and business friendly location.

The proposed development will include a coordinated signage and landscaping plan. This plan will be particularly intensive along Crossroads Station Parkway between points of vehicular connection V1 and V4, as shown on Sheet 5 of the GDP, and the major pedestrian connections associated with Crossroads Station Parkway, between points P1 and P10 and between P5 and P9, as shown on Sheet 6. This is important gateway signage for visitation, business and tourism because the pedestrian connection will be the link between the East Coast Greenway and the Spotsylvania VRE Station, which is a key ECG destination within the County. The ECG boasts over 10 million visitors annually for recreation and commuting. For many of those visitors using the ECG for visitation and tourism, the Village at Crossroads Station signage and landscaping will be their primary exposure to Spotsylvania County.

B. Spotsylvania County is fiscally sustainable.

B.1. Achieve a 70/30 mix of residential to commercial/industrial development (based on assessed value), and the annual growth of the industrial and commercial tax base at a rate greater than 2%.

The TOD envisioned in this application is a unique opportunity to leverage the investment that the County has made in the VRE Station to create an exciting economic development opportunity. Looking at existing and proposed development around other VRE Stations, this TOD will be the only one of its type in the entire VRE system.

B.1.a. The County should identify priorities to achieve this goal through incentives, infrastructure improvements and extensions, etc.

Village at Crossroads Station
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This application includes significant transportation improvements that will greatly enhance both the vehicular and pedestrian access to the VRE Station. These improvements represent critical enhancements to the last mile connections available to the station, and therefore, to the success of development around the station.

B1. b. Consider proactively rezoning certain areas to promote business development.

This application is an important second step (after the Crossroads Station zoning) to create a functioning TOD, by providing the housing opportunities that are needed, in close proximity, to support business development. As such, it represents a proactive step by the County to create a unique Economic Development opportunity that will promote business development.

B.1.c. Diversify the non-residential tax base by encouraging a wide variety of businesses to locate in the County.

If planned, zoned and developed properly, a successful TOD would be a unique community within the VRE region. It creates a destination for the type of businesses that are specifically looking for this opportunity. As stated above, recent studies suggest that jobs in government and high tech industries show a strong tendency to cluster within exactly these types of destinations.

B.2. Development projects seeking increased residential density and/or non-residential intensity should address impacts that are specifically attributable to the proposed development.

Through the transportation improvements proposed in this application, the project goes well beyond addressing the impacts specifically attributable to Village at Crossroads Station. The proposed improvements represent a significant upgrade to vehicular and pedestrian access to the VRE Station and from Fire and Rescue Station 11 to Route 17 to provide service to the rest of the County. Through the submitted proffers, the proffer analysis demonstrates that the project is addressing those impacts that are specifically attributable to the proposed development.

B.2.a. Each development proposal should include sufficient information to fully evaluate its impacts.

The complete application for this development proposal includes detailed Transportation Impacts Analysis dated November 20, 2020, TIA Addendum dated May 20, 2021, Proffer Analysis dated June 14, 2021, and Financial Impacts Analysis dated June 22, 2021.

Village at Crossroads Station
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B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the county.

Through the transportation improvements proposed in this application, the project goes well beyond addressing the impacts specifically attributable to Village at Crossroads Station. The proposed improvements represent a significant upgrade to vehicular and pedestrian access to the VRE Station and from Fire and Rescue Station 11 to Route 17 to provide service to the rest of the County. Through the submitted proffers, the proffer analysis demonstrates that the project is addressing its impacts on the infrastructure of the County.

B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties.

This application includes approximately 1.5 miles of dedicated trail facilities, as shown on the GDP. Using New Post, which is nearby with similar zoning, as a guide, Village at Crossroads Station will also include approximately 15 miles of sidewalk that will connect into the trail system. This accomplishes three important connections to neighboring properties:

- 1) The trail system directly connects the homes in the proposed development to the VRE Station and the commercial core of the TOD.
- 2) It creates the multi-modal infrastructure for the “last-mile” connections that recent research shows are critical to maximizing the success of transit stations.
- 3) A portion of the trail system will directly construct a 2,850 lf portion of the East Coast Greenway (ECG), which boasts over 10 million visitors annually using the trail for recreation and commuting. Additionally, the trail system will be the link between the ECG and the Spotsylvania VRE Station, which is a key ECG destination within the County.

B.3.b. Support the expansion of transit systems to link employment centers with residential areas and transportation nodes.

This application directly links the VRE Station, and the commercial core zone adjacent to it, with the proposed new homes by multiple pedestrian and vehicular routes. This should expand the use of the transit system, without requiring any additional infrastructure (parking lots) to be added to the station. It also supports the viability of the development of an employment center within the commercial core. Additionally, with the right combination of residential, commercial, and employment center uses, (as identified in the guide “Station Area Planning, How

to Make Great Transit-Oriented Places”) these elements will not only support each other, but provide for the potential use and expansion of the VRE Station as an employment center.

B.3.c. “Access management” in the form of systematic control of the location, spacing, design, and operation of entrances, median openings, traffic signals and interchanges should be utilized for arterial and major collector roads in order to minimize the vehicular traffic impacts of new development.

With the proposed development, no new entrances, median openings, traffic signals or interchanges are proposed on arterial or major collector roads. The proposed development includes the creation of an alternative route to connect Route 17 with Crossroads Boulevard which will increase the efficiency of existing access, both from the perspective of transit users to the VRE station, and emergency vehicles having reliable access to Route 17.

B.5. Diversify and enhance the tourism opportunities in the County.

A portion of the trail system proposed within this application will construct 2,850 linear feet of the East Coast Greenway, which boasts over 10 million visitors annually using the trail for recreation and tourism. Additionally, the trail system will be the link between the East Coast Greenway and the Spotsylvania VRE Station, which is a key ECG destination within the County.

C. Spotsylvania County is a family friendly community.

C.1. The County should support a diverse housing inventory, providing a mix of units that can accommodate housing needs for all stages of life. This would involve a range of housing from affordable units for young families just entering the housing market in the form of condominiums, townhouses, and small single family homes to larger homes, and active adult and assisted care facilities.

This application would address several important segments of a diverse housing inventory in Spotsylvania County. There will be a mix of housing types, including multi-family condominiums, townhouses and small lot single family detached homes. Generally, these options will be more affordable than what is currently available in the new home market in Spotsylvania County. Notably, the FIA projects that the multi-family condominiums would have a price of \$255,676, which would create a much more affordable price point than currently exists to purchase a home in a community with significant amenities in the Primary Settlement District of Spotsylvania. In addition to the cost of the house itself, the Village at Crossroads Station will also be more affordable to families across the housing spectrum by reducing the cost of commuting that Spotsylvania families

Village at Crossroads Station
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currently bear. A 2019 Bloomberg study identified Spotsylvania as the County with the seventh highest cost of commuting in the entire United States. Both the time and money required to complete the typical commute for a Spotsylvania family would be significantly reduced if they had the opportunity to live within walking distance of the VRE Station or jobs located within the commercial core approved in the Crossroads Station rezoning.

C.2. The County should support mixed use communities with varied housing types, civic buildings, shops, and active and passive recreation opportunities.

The proposed application includes varied housing types across a wide variety of price points. Village at Crossroads Station location make it an important component of what should, with proper planning, become a significant mixed use area extending beyond the boundaries of this application. The VRE Station is already in place, and some of the commercial core zoning is also in place. Fredericksburg Christian School provides an important civic presence that integrates nicely with the proposed residential uses. The school provides educational, cultural, athletic and employment opportunities to the community. Village at Crossroads Station creates an excellent transition between the school and the denser core around the train station. An outstanding trail system is proposed that will provide over 1.5 miles of improved and natural trails for active recreation and, over 29 acres of open space for recreation.

C.3. Plan for and provide public facilities that meet the needs of the community as it grows.

This application includes proffers that will provide for improved public parks and safety. It also includes significant transportation improvements. These improvements will: provide important “last mile” connections to the VRE Station; provide an additional connection for better emergency access from Station 11 to Route 17; construct approximately 1.5 miles of trails accessible to everyone in the County. When the county recently polled county residents to determine the needs/wants of the community, 94.9% of respondents responded that they would like to see additional trailways.

C.4. Ensure that Spotsylvania County continues to provide excellent educational and recreational, and cultural opportunities.

As stated above, the application will commit cash proffers for school construction to provide educational opportunities. The approximately 1.5 miles of trail connections provide an important recreational opportunity. According to the Virginia Outdoor Survey, the act of walking for pleasure was found to be the most

prevalent recreational pursuit among Virginians with 72% of responding households participating in the activity statewide.

2.2. **Land Use Component, General Objectives**

- Plan for the orderly development of the County

This rezoning achieves well recognized and documented standards for the highest quality orderly development around an established transit asset, in terms of type of use, density of use and the provision of amenities in the form of multi-modal transit connections.

- Promote a diverse and vibrant economic base

As previously noted, commercial development is a significant component of a well-planned TOD. That component should generally occur within a core area of the TOD closest to the transit asset. The Crossroads Station rezoning approval put the entitlements in place to allow for a commercial core. But, without the necessary residential density to support it, the commercial core is unlikely to ever fully develop. Village at Crossroads Station will promote a diverse and vibrant economic base by providing the necessary residential density to develop and support the previously approved commercial core.

- Maximize the use of existing infrastructure and public facilities to ensure the most efficient operation of facilities and the provision of services.

The residential uses proposed in this application are a significant opportunity to maximize use of the VRE Station infrastructure, which (based on parking) was operating at approximately 47% of capacity (Pre COVID 19). Village at Crossroads Station residents will be able to access the station using pedestrian access created through the extensive sidewalk and trail system that is proposed. Access to the VRE Station will also be facilitated by a second connection created through Village at Crossroads Station from Mills Drive/Route 17, making use by existing users, driving to the station, more efficient. This application potentially reduces the amount of traffic on the surrounding roads, increasing the efficiency of the entire transportation network. This application will facilitate service by Fire and Rescue Station 11 with the construction of an additional turn lane on Crossroads Boulevard (shown on Sheet 9 of the GDP) and provision of secondary access to Route 17 through Village at Crossroads Station. Currently the only access available for Station 11 is through the intersection of Route 17 and Crossroads Parkway, which is projected to fail badly within twenty years. Therefore, without the proposed improvements, Station 11 could easily be isolated from providing service to the rest of the County by traffic issues at that

intersection, due to the lack of access. Development in this portion of the County will benefit the existing commercial infrastructure in the County. The region in which Village at Crossroads Station is proposed (within a 10-minute drive of the site) showed a significant oversupply of Retail Trade (pre COVID 19) in 2018, amounting to an excess of \$81,281,975 per year of expected sales. In the first quarter of 2021 there was also 947,355 square feet of vacant retail space available in the region.

- Accommodate projected residential growth in a manner that is fiscally responsible

The Financial Impact Analysis, dated June 22, 2021 (Table E), submitted as part of the application shows a net benefit to the County of \$67,932,875 over thirty years.

- Strive for safe and affordable housing for people of all ages

The provision of denser residential lots in this area, will, by its design, result in smaller homes that should be more affordable. The FIA projects, based on comps in the area, a value of \$255,676 for the multifamily condominiums in the community. This is well below the price range at which housing would be judged to be affordable to two first year teachers. In addition, a significant cost of housing in Spotsylvania County is the cost of commuting to the DC region. A 2019 Bloomberg study identified Spotsylvania as the County with the seventh highest cost of commuting in the entire United States. Providing housing in such close proximity to one of the best, most economical commuting options available will provide an option that will make the cost of housing much more affordable in Spotsylvania County.

- Ensure land use policies recognize and accommodate anticipated population increases

The U.S. Census Bureau estimated the population of Spotsylvania County to be 136,215 in 2019 and projections by the Weldon Cooper Center estimates that the population will grow to 158,025 in 2030 and 177,369 in 2040. Per the “Approved Developments with Unbuilt Units” table from page 47 of the proposed 2022 County Budget, there are 12,049 units approved but not yet built. All of these units, if constructed, would still not provide the housing that would be needed for the estimated population growth through 2040. To accommodate the population growth that is expected and provide new homes that will be required in Spotsylvania County, Village at Crossroads Station offers the housing types, mix, densities, and location to appropriately meet future residential demands.

- Encourage a community service sector and a commercial base that meets the needs of the citizens and businesses in Spotsylvania County

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There is a significant oversupply of Retail Trade in the proximity of Village at Crossroads Station. Providing additional residential units in this area will increase the viability of existing businesses and the potential absorption of vacant commercial space by new tenants in existing projects. As detailed above, creating a well-planned Town Center around the existing infrastructure of the VRE Station also creates a unique economic development opportunity. With zoning already in place at the core of the Town Center in Crossroads Station, the County will have an exciting opportunity to market this area to the high tech business, government contracting, and government agencies who see a TOD (and the mix of the housing it provides) as an increasingly important component and amenity.

2.3. **Land Use Policies Applicable to All Land Uses**

The Village at Crossroads Station also positively addresses four Land Use Policies Applicable to All Land Uses detailed below:

1. Rezoning proposals should address impacts that are specifically attributable to the development.

Per the TIA, the FIA and the Proffer Analysis submitted with this application all impacts specifically attributable to this development have been addressed through the provision of cash or on-site and off-site proffers.

2. There is an identified need, especially proximate to Fort A. P. Hill, to minimize light pollution.

All lighting will consist of full cutoff light fixtures to minimize light pollution.

4. Provide Fort A.P. Hill an opportunity to comment on rezoning proposals within the Fort A.P. Hill Approach Fan (Map in Appendix A). There is an identified concern with residential development within the Approach Fan which may be impacted by noise associated with Fort A.P. Hill.

The application will include a proffer to provide real estate disclosures as recommended in Section 7.3.2 of the Fort A.P. Hill Joint Land Use Study.

5. The County is supportive of the Fort AP Hill Joint Land Use Study recommendations. The study is incorporated by reference into the Comprehensive Plan.

The application will include a proffer to provide real estate disclosures as recommended in Section 7.3.2 of the Joint Land Use Study.

Village at Crossroads Station
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2.4. **Mixed Land Use Policies**

The Village at Crossroads Station also positively addresses the nine Mixed Land Use Policies detailed below:

1. Mixed land use developments should display characteristics that provide a unique sense of place (examples could include: design guidelines, architectural features, or common color palette, among others).

The application includes commitments to an extensive trail and parks system that connects the entire development. The trails and parks will be identified with a community logo, an integrated signage plan and common color palette. All elements will be designed to complement existing branding for the Crossroads Station development. This will create a common sense of place for all future residents, who will use the trail and park system for both recreation, commuting to the VRE Station, and commercial core in Crossroads Station. This also creates commonality and unity among two adjacent, but separate developments to form a cohesive TOD. In addition to providing important internal connectivity, the trail and parks system will also provide important external connections, both from a vehicular and pedestrian perspective. For the 10 million annual users of the East Coast Greenway that visit Spotsylvania, the trail and park system, with associated signage, will be the sole indication that they are in Spotsylvania, thereby achieving a placemaking opportunity that will be significant in marketing the County.

2. Appropriate transitions in scale of building and/or buffering should be provided from mixed land use developments to adjoining existing developments.

A great deal of thought has been put into the transitions between this development and the adjoining developments. Generally, this project and the Transit Oriented Development of which it is a part are surrounded by rural zoning and less developed property. For this reason, the decision was made to plan the development based on a Station Area of 0.75 mile as opposed to a half mile. This will provide the mix of uses and density of residential units needed to achieve a functional TOD, without density levels that cannot be appropriately transitioned at the development's perimeter. In this case, proper planning starts with the trail system and pedestrian connections, which extend the functional distance for pedestrian use of the VRE station and the commercial core. Thought was then put into how transitions at the perimeter are treated. The development pods with the greatest density are located at the western edge adjacent to the approved commercial core in Crossroads Station, or along the northern edge adjacent to Route 17 and at the intersection of Route 17 and Thornton Rolling Road. The

Village at Crossroads Station
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lower density pods are located at the eastern boundary of the development, adjacent to the existing less developed property, where there is a substantial buffer shown on the GDP.

3. Vehicular and pedestrian connections should be made to adjoining developments at appropriate locations, including at existing interparcel access points.

The GDP shows 4 external vehicular connections and 7 external pedestrian connections. As has been discussed, these connections are particularly important given the location of the property to be rezoned relative to the surrounding infrastructure, including the VRE Station, the existing commercial core at Crossroads Station, Fire and Rescue Station 11 and the East Coast Greenway.

4. A grid pattern of connected streets should be supported by the County. Cul-de-sacs should be discouraged and only employed in rare instances.

The proposed connection shown on the GDP between Crossroads Parkway and Thornton Rolling Road creates a grid pattern of connected streets that would not be possible under by-right development of the property. The grid street pattern is important for traffic movement because it provides a hierarchy of streets and multiple options for access in situations when intersections fail. In this case, the grid pattern of streets created is particularly significant because the only existing outlet for the VRE Station, the Crossroads Station development and Fire and Rescue Station 11 is the intersection of Crossroads Parkway and Route 17. That intersection, according to the TIA, already operates poorly and is projected to fail badly by 2028, without construction of this project and related improvements. With this project, emergency services and all VRE users would have a secondary outlet in the case of extensive traffic congestion or an accident/closure at the existing access.

5. The County should support public open space and pedestrian accommodations integrated throughout the development.

The proffers and GDP commit to extensive open space and pedestrian accommodations throughout the project.

6. Mixed Use developments should be designed so that multiple vehicle trips can be combined into one stop by providing several destinations within easy walking distance. This can be encouraged by closely monitoring the provision of parking and ensuring that there is not an excess supply that encourages additional auto trips. Drive-through's should be limited and carefully designed to ensure integration into the character of the development.

The proposed development is a positive and integral component to a regional plan in which a commercial core and well-designed residential development would support each other to create a functional TOD. The application includes extensive commitments to interparcel connections and pedestrian trails. The pedestrian friendly design of the proposed development and the mixed use nature of the region will combine daily vehicle trips and eliminate many.

9. The County should support a diverse housing mix with a range of housing sizes and types that meet the needs of citizens throughout all stages of life and income levels.

As proposed, Village at Crossroads Station would consist of a wide variety of housing sizes and types. As stated above, the FIA projects, based on comps in the area, a value of \$255,676 for the multi-family condominiums in the community, which will make up a significant portion of the development. This is an important segment of a diverse housing mix, as recently constructed houses with amenities in the Primary Settlement District in the County tend to be much more expensive. It will also provide single family detached housing that the FIA projects would have a market value of approximately \$435,582. The proposed development would introduce a design in neighborhoods with unique walkability opportunities for Spotsylvania County, dramatically adding to the diversity of the current housing mix. The unique walkability aspect for Village at Crossroads Station would suggest that projections for the market value of the single family detached housing is low, as that is a difficult factor to account for in assessing comparable sales. This affords the potential for an even greater range and diversity of housing types.

10. Promote the construction of market rate affordable housing units.

As stated above, the FIA projects, based on comps in the area, a value of \$255,676 for the multi-family condominiums in the community, which will make up a significant portion of the development. This is an important segment of a diverse housing mix, as recently constructed houses in the County tend to be much more expensive.

11. Quality open spaces should be integrated into developments and may include passive and active areas, pavilions, walking paths, gardens, forested areas, and lakes, among other features.

The GDP shows extensive active recreation through the provision of walking trails and the connection to the East Coast Greenway. There will be approximately 29 acres of active and passive recreation area, through which the trails have access. These areas will be owned by the community and directly accessible or available to enjoy from the walking paths themselves.

Village at Crossroads Station
Generalized Development Plan Narrative

3. Public Facilities

3.1. Public Safety

Public safety contributions have been addressed in the Proffer Analysis and the Proffer Statement. Village at Crossroads Station would be served by Fire and Rescue Station 11, which currently only has one access to the rest of the County. As detailed above and in the Transportation Impact Analysis, the proposed improvements would improve the existing access and add a second access point, dramatically improving the nature of the access between Station 11 and the rest of the County.

3.2. Schools

Children living in the proposed project would attend Cedar Forest Elementary School (with excess capacity of 206 students), Thornburg Middle School (with excess capacity of 74 students), and Massaponax High School (with excess capacity of 104 students). Based on current County estimates, within the proposed development there would be a maximum of 160 elementary school students, 71 middle school students, and 88 high school students. The projected number of students, above by right, will not exceed existing capacity.

3.3. Parks and Open Space

Contributions to public parks facilities will be addressed in the Proffer Analysis and Proffer Statement. As shown on the GDP, and detailed above, proposed improvements include significant additions to the County trail system. The project will also include amenities to improve open space with elements such as pickle ball courts, disc golf, dog park, community garden, tot lots, and a system of linear and pocket parks.

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Authorization for Public Hearing - Telecommunications Ordinance

Type: Action, Ordinance

Agenda Title: Authorization for Public Hearing - Telecommunications Ordinance

Recommendation: Staff recommends that the Planning Commission authorize CA22-0002/Ord. No. 23-182 for public hearing.

Summary: Staff is proposing amendment to the Zoning Ordinance, Chapter 23, to include definitions and Article 7A, which is proposed to be repealed in its entirety and replaced. The changes are related to Wireless Telecommunications Facilities and bring the County's ordinance in compliance with federal and state regulations.

Committee/Commission Summary:

Review Date: Status:

Financial Impact:

Staff Contacts: Wanda Parrish, Assistant County Administrator - Community Development

Legal Counsel: Alexandra Spaulding, Senior Assistant County Attorney

Additional Background/Other Considerations:

Consequence of Denial/Inaction:

ATTACHMENTS:

Name:	Description:	Type:
 CA22-0002_Wireless_Telecommunication_Facilities_Ordinance_PC.pdf	Draft Ordinance Amendment	Ordinance

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 23-182

CA22-0002: Wireless Telecommunication Facilities

To amend County Code (“Code Amendment”) Chapter 23, Zoning, as part of an ongoing effort to review and update the Spotsylvania County zoning ordinances. The proposed amendment includes: Section 23-2.1.4, Definitions and Article 23-7A, Wireless Telecommunication Facilities.

PUBLIC HEARING: Date

WHEREAS, staff has reviewed the ordinance amendments and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

WHEREAS, good zoning practice and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Article 2, consisting of Section 23-2.1.4, be and is hereby amended and reordained as follows:

Article 2. – DEFINITIONS AND RULES OF CONSTRUCTION

Sec. 23-2.1.4. - Definitions.

The following definitions shall be used in the interpretation and administration of this chapter. The definitions of various terms as presented herein do not necessarily represent the same definitions as may be found for the same terms in other chapters of the Code.

~~*Abandonment* means any component of a wireless telecommunication facility (e.g., antenna support structure, antenna, transmission cable, equipment shelter, etc.) is deemed abandoned when not utilized for the provision of wireless service for a period of twelve (12) consecutive months.~~

Abandonment in the context of wireless telecommunications means any component of a wireless telecommunications facility (e.g. telecommunications tower, antenna support structure, antenna, base station, etc.) not utilized for the provision of wireless service for a period of twelve (12) consecutive months.

Abattoir means a type of agricultural processing facility, established as a commercial slaughterhouse.

Above ground level (AGL) means the distance measured from ground level at the base of a structure to the highest point of an object on the structure.

Accessory use means any use which:

1. Is subordinate to and serves a principal use;
2. Is subordinate in purpose, area and extent to the principal use served;
3. Contributes primarily to the comfort and convenience of the occupants, business enterprise or industrial use served; and
4. Is generally located within the building housing the principal use served, except as qualified by the provisions of section 23-5.3.2.

Accessory structure means any structure which:

1. Is subordinate to, customarily found in association with, and serves a principal use;
2. Is subordinate in purpose, area or extent to the principal building served;
3. Contributes to the comfort, convenience or necessity of the occupants, business enterprise or industrial operation within the principal building served; and
4. Is located on the same lot as the principal building, except (1) any building that is customarily incidental to any agricultural use shall be deemed to be an accessory structure, whether or not it is situated on the same lot with the principal building; (2) except a mass drainfield serving multiple lots shall not be required to be on the lot it is serving.

Adult book stores shall mean an establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, other printed matter, and other media including, but not limited to films, video tapes, video cassettes or video disks, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material. For purposes of this subsection, substantial or significant portion shall mean at least twenty-five (25) percent or more of stock in trade.

Adult booth means a separate enclosure inside an adult oriented business accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth or other booth used to view "adult merchandise." The term "adult booth" does not include a foyer through which any person can enter the establishment or a restroom.

Adult day care center. As defined in the Code of Virginia § 63.2-100, Definitions.

Adult theater shall mean an enclosed building or outdoor facility used for presenting live performances or recorded material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by

patrons therein, and including any so-called "peep show" or individual motion picture machines or similar viewing devices.

Adult entertainment shall mean dancing, modeling, live exhibition or performance, or other live entertainment if the entertainment is characterized by an emphasis on specified sexual activities or specified anatomical areas or is intended for the sexual stimulation or titillation of patrons; or the showing of films, motion pictures, videotapes, slides, photographs, CD-ROMs, DVD-ROMs streaming video, or other media, or other visual representations that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult merchandise shall mean magazines, books, other periodicals, and other printed matter, videotapes, films, motion pictures, photographs, slides, CD-ROMs, DVD-ROMs, virtual reality devices, or other similar media that are characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas; instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs; or, lingerie or leather goods marketed or presented in a context to suggest their use for sadomasochistic practices.

Adult model studio shall mean a commercial establishment, including a lingerie store or novelty store in which a person performs, or simulates specified sexual activities, exposes specified anatomical areas, or engages in other performances intended for the sexual stimulation or titillation of patrons.

Adult motel shall mean a motel, hotel, or similar commercial establishment that: provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to newspapers, magazines, pamphlets, or leaflets, radio or television, internet web pages; or offers a sleeping room for rent for a time period of less than ten (10) hours; or allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult nightclub shall mean a restaurant, bar, club, or similar establishment that regularly features adult entertainment.

Adult oriented business shall mean any adult book store, adult theater, massage parlor/health club adult video store, adult model studio, adult motel, adult nightclub, adult store, business providing adult entertainment, or any other establishment that regularly exploits an interest in matter relating to specified sexual activities or specified anatomical areas or regularly features live entertainment intended for the sexual stimulation or titillation of patrons.

Adult store shall mean establishment dealing in adult merchandise as a principal portion of its business.

Agreement in lieu of plan means an agreement with the county signed by the property owner and contractor, if applicable, setting forth the minimum standards for construction of:

- (i) A single-family detached dwelling, or
- (ii) An accessory structure, where the land disturbance is less than two thousand five hundred (2,500) square feet; and includes an attached plan, commonly referred to as a "plot plan," which is a drawing showing the location of proposed and existing structures on the lot and the setback of the structures from the property lines.

Agricultural and forestal district means a district created by local ordinance under the authority of Chapter 43 of the Code of Virginia, 1950, as amended, the Agricultural and Forestal Districts Act.

Agricultural processing facility means higher intensity commercial agricultural operations for the processing of food, forestry products, organic fiber or fur for purposes of packaging and distribution for wholesale and/or retail sale.

Agriculture means the use of a tract of land not less than five (5) acres for the raising of poultry and livestock; (2) pasturage; (3) dairying. Agricultural activities not including poultry and livestock includes the use of a tract of land not less than two (2) acres in size for agricultural purposes outdoors, within an agricultural structure or within a greenhouse/plant nursery, including, but not limited to: (a) the tilling of the soil; (b) the cultivation of crops or plants and trees of any kind; (c) horticulture; (d) floriculture; (e) agroforestry; (f) aquaculture; (g) forestry; (h) hydroponic cultivation; (i) agritourism; (j) farm winery; (k) farm brewery; (l) farm cidery; (m) farm distillery; (n) farm juicery; (o) farm cannery.

The term "agriculture" shall not include the following uses: the maintenance and operation of a: (a) garden center; (b) agricultural processing facility; (c) the feeding of garbage to animals. However, the definition of agriculture shall not be deemed to preclude: (a) retail and/or wholesale sales of agriculture products primarily (more than fifty-one (51) percent) sourced onsite.

Agritourism means any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.

Agroforestry means growing of both trees and agricultural/horticultural crops on the same piece of land. Operations are designed to provide tree and other crop products and at the same time protect, conserve, diversify and sustain vital economic, environmental, human and natural resources. Agroforestry differs from traditional forestry and agriculture by its focus on the interactions among components rather than just on the individual components themselves.

Airport, public or private means a place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

~~*Alternative support structure* means any structure not designated for the primary purpose of supporting one (1) or more antennae but may be modified for such purpose, including, but not limited to, water towers and silos.~~

Alternative support structure in the context of wireless telecommunications means any structure not designated for the primary purpose of supporting one (1) or more antennas but may be modified for such purpose, including, but not limited to, water towers, silos, building facades, rooftops, light and power poles. See Base Station.

Amusement arcade means any location, premises, building, parcel, plot or lot where more than seven (7) amusement machines (devices) are placed for use for entertainment purposes.

ANSI means the American National Standards Institute, Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, as amended or superseded.

~~*ANSI Collapse Zone* means American National Standards Institute established area within which an antenna support structure must be engineered to fall if damaged or overloaded.~~

Animal shelter, as differentiated from a *kennel* as defined herein, means any place so designed to provide for the temporary indoor accommodations and/or housing for sale and/or adoption of five (5) or more common household pets which are stray or not wanted by their owner(s) until appropriate disposition of such pets can be effectuated. The use includes facilities similar to the Society for the Prevention of Cruelty to Animals (SPCA).

Antenna means communication equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

~~any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communications.~~

Antenna support structure means any structure designed for the primary purpose of supporting one (1) or more antennae including but not limited to self-supporting lattice towers, guyed towers and monopoles.

Anti-climbing device means a minimum six-foot high chain link fence shall surround the antennae support structure and appurtenances. The fence fabric shall have maximum one and one-quarter (1¼) inch openings or be provided with enclosing slats attached at the top and bottom restricting openings to one and one-quarter (1¼) inch or less. The fence fabric shall be minimum 11-gauge hot dipped galvanized. The fence fabric shall be installed so that at no point is the fabric or any portion of the fence enclosure more than four (4) inches above grade. The fence shall enclose the tower structure and appurtenances such that the vertical and horizontal distances from the top of the fence to the enclosed elements is not less than four (4) feet. All gates and access openings shall be equipped with locking arrangements to restrict unauthorized access.

Antique shop means a retail sales establishment of collectables, or aged materials that are at least fifty (50) years old.

Applicant means any means any person submitting any application required or permitted pursuant to any of the provisions of this chapter, including its successors and assigns.

Aquaculture means the farming of freshwater and/or saltwater aquatic organisms such as fish, crustaceans, mollusks and aquatic plants under controlled conditions.

Architectural feature means a distinguishing or defining element of a structure, which contributes to the appearance and character of the structure or assists in defining the style of architecture. Windows, shutters, doors, chimneys, porches, roofs, columns, and decorative details are examples of architectural features.

Art and craft studio means the workshop of an artist, sculptor, photographer, crafts person, furniture maker, glass blower, potter or cabinet maker primarily used for on-site production of unique custom goods by hand manufacturing involving the use of hand tools and small-scale equipment, which may include an accessory gallery. The primary use of art and craft studios is the retail sale of the custom goods as produced on-site, as evidenced through allocation of customer floor area or gross sales receipts of the business. The studio may include an onsite owner occupied residential dwelling.

Assisted living facility means a residential facility for the elderly that provides living areas, meals, personal services, and supervision of self-administered medication. They may provide other services, such as recreational activities, financial services, and transportation. Services may be provided on a fee for service basis or as part of monthly rents.

Auction establishment means a place where objects of art, furniture, antiques and collectibles, and other goods are offered for sale to persons within a competitive bidding process. The term shall not include a *livestock exchange*.

Automobile graveyard means any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated are placed, located or found.

Balloon test means a technique utilizing a lighter-than-air balloon flown above ground-level to the height of a proposed structure to provide an accurate visual representation of the proposed structure. The balloon may be tethered to the ground or to a vertical support, such as a crane.

~~*Balloon test* means a technique utilizing a balloon to demonstrate the height above ground level of a proposed antenna support structure.~~

Banner sign means any sign of lightweight fabric or similar material. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Basement means a portion of a building partly underground, but having less than one-half (½) its clear height below the grade plane.

Base station means a station that includes a structure that supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

Bed and breakfast I means a stand-alone owner occupied dwelling, of sufficient capacity in terms of sewage treatment and parking needs in which up to five (5) guest rooms with private or shared bathroom facilities are available as lodging for persons, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Bed and breakfast II means a stand-alone dwelling and/or collection of other accessory buildings on the same lot that is occupied by the owner operators, of sufficient capacity in terms of sewage treatment and parking needs in which more than five (5), up to twenty (20) guests rooms total with private or shared bathroom facilities are available as lodging for persons onsite, either individually or as families or groups, for specific periods of time not to exceed thirty (30) days, with one or more meals offered to lodging patrons and their guests (but not the general public).

Billiards/pool hall means an indoor establishment whose principal use is pool/billiard tables available for play and/or tournament.

Biosolids means a sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable levels of pollutants, such that it is acceptable for use for land application, marketing or distribution consistent with state law and regulations. For purposes of this article, biosolids does not include prepackaged biosolids sold commercially that are not otherwise regulated by Virginia Code § 5-585.10 et seq. Land application of biosolids is not permitted in the primary settlement area as defined in the Spotsylvania County Comprehensive Plan.

Brewery, winery, cidery, distillery means a type of industrial establishment where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by all applicable regulations. Beer production capacity may exceed fifteen thousand (15,000) barrels per year, distilled spirits, wine, or alcoholic cider may exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite restaurant, brewpub, retail sales, office, tasting rooms and uses as otherwise permitted in the zoning district.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building, accessory. See *Accessory use*.

Building group means a group of two (2) or more main buildings and any uses accessory thereto, occupying a lot in one (1) ownership and having any yard in common.

Building height. See *Height, building*.

Building, principal means a building in which is conducted the primary use of the lot on which it is situated.

Building materials yard means any facility that is designated to provide building materials either new, raw or reclaimed to contractors and/or homeowners.

Bulk regulations means regulations controlling the size of structures and the relationship of structures and uses to each other and to open areas and lot lines. Bulk regulations include provisions controlling (a) maximum building height, (b) maximum floor area ratio, (c) minimum yard requirement and (d) minimum angle of bulk plane.

Bus station/depot/terminal means a transportation system distribution facility used for the loading and unloading of passengers and/or passenger luggage for transport from buses and temporary parking of buses, incidental to the primary use. For the purpose of this chapter, a bus stop shall not be deemed a bus station/depot/terminal.

Business service and supply service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the provision of services or supplies principally to the business, commercial, industrial or institutional community, but not including retail sales to the general public except as a secondary and subordinate ancillary activity. This term shall also include establishments such as catering and printing establishments which serve the general public. Business service and supply service establishments shall not involve the use of more than three (3) vehicles other than passenger cars.

Camp or recreation ground means an area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents and/or lodges. With such accommodations are normally to be found facilities for picnicking, boating, fishing, swimming, outdoor games and other sports and activities, but not including miniature golf courses, golf ranges or any mechanical amusement device. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a *manufactured home park* as defined herein.

Car wash means a structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.

Carport means a roofed structure providing space for parking of motor vehicles and enclosed on not more than three (3) sides.

Cemetery means property used for the burial or interment of the deceased.

Chicken coop includes any fully enclosed and covered hen house, and associated run space providing a predator resistant shelter that is thoroughly ventilated, provides adequate sun and shade and all season protection from the elements, designed to be easily accessed and cleaned where poultry and/or chicken lives.

Chicken tractor means a movable fully enclosed structure commonly used for pastured chickens who graze on fresh grass daily. The tractor is moved every day or week as needed for the chickens to have fresh grass underneath them. Chicken tractors can be used as permanent or temporary housing for chickens; and are considered a type of chicken coop.

Child care center means any facility licensed and operated in accordance with the provisions of section 63.1-195 of the Code of Virginia, 1950, as amended, for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during a part of the day only.

Church. See *Place of worship*.

Civic, social or fraternal facility means a building or meeting facility which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses, such as

temporary rental of the facility to nonmembers, recreational facilities, banquet facilities but not including the sale of goods or services to the general public on the premises on a regular basis.

Civic and sports arena means a large open or enclosed facility used for sports games and major events either partly or completely surrounded by tiers of seating for spectators.

Cluster subdivision/development. See *Subdivision, cluster*.

Co-location means the installation, mounting, maintenance, modification, operation, or replacement of wireless facility equipment on, under, within, or adjacent to a base station or an eligible support structure for the purpose of transmitting and/or receiving radio signals for wireless communications purposes.

Co-location means the shared use of an antenna support structure by two (2) or more wireless service providers or other entities operating antennae.

College or university means an educational institution, including medical schools, authorized to award higher education, certification, associate, baccalaureate, masters or doctorate degrees.

Community center means a publicly- or privately-owned and operated facility open to the public where people can meet for, among other things, social, educational, business, or recreational activities. These activities may be conducted by, among others, individuals, businesses, or organizations. Such facilities may be rented and can include on-site kitchens or provide for catered meals. A clubhouse which serves only the members of a condominium association or a property owners' association is not considered a community center. A hotel that has meeting facilities is not considered a community center.

Contractor's offices and shops means establishments for the installation and servicing of such items as air conditioners, electrical equipment, flooring, heating, painting, plumbing, roofing, tiling and ventilating and establishments for the planting and maintenance of gardens, grounds and yards such as landscape contractors and lawn maintenance services.

Contributing building, structure, or landscape means a building, structure, or landscape which has historic or cultural significance by reason of type, period, design, style, workmanship, form, materials, architectural details, or historic association to a significant event, or person, or has or may yield information important to prehistory or history.

Convenience store means any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, fresh fruits and vegetables, sandwiches and other freshly prepared foods, such as salads, for off-site consumption and containing less than seven thousand five hundred (7,500) square feet of gross floor area. The definition of convenience store shall not include fuel dispensing facilities unless such facilities are permitted or approved through special use permit consistent with zoning district provisions.

Convent, monastery, seminary and nunnery means an establishment of a religious order for the housing and/or education of male or female members.

Conventional subdivision. See *Subdivision, conventional*.

Correctional facility means a public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

Country club means a recreational facility, restricted to members and their guests, which generally includes a clubhouse, dining, eating and/or drinking establishment, and recreational facilities including but not limited to golf course(s), tennis courts, and swimming pools.

Crematory or crematorium means a facility containing a furnace for cremation of deceased human bodies.

Cultural center, museum or similar facilities means establishments that document the social, environmental, or religious structures and intellectual and artistic manifestations that characterize a society including museums, art galleries, botanical and zoological gardens of a natural, historic, educational, or cultural interest.

Dam means a manmade structure across a watercourse use to retain water.

Dam break inundation zone, as defined by the Code of Virginia, § 10.1-604 means the area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be shown on the dam break inundation zone map filed with the state department of conservation and recreation and the county.

Deck line means the intersection of two (2) roof surfaces of a mansard roof forming the highest horizontal line of the steeper roof slope.

Design standards means the County Design Standards Manual, adopted concurrently with this chapter, as the same may be amended from time to time, and incorporated by reference in this chapter.

Diameter at breast height means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Direct line of sight means the ability to directly view an area without the benefit or assistance of a mirror, video camera or similar aid.

Domestic laying hens include any varietal of egg laying chicken, either fertile or barren.

Dormitory, fraternity, sorority houses, or other residence halls means a building used as group living quarters for a student body as an accessory use to a college, university, boarding school, or similar institutional use. Such units may utilize shared bathrooms for unrelated residents, do not have individual kitchen units and are not designed for cooking.

Drive-in theater means an open lot devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles.

Driveway means that space or area of a lot that is specifically designated and reserved for the movement of motor vehicles within the lot or from the lot to a public street.

Dustless surface means a surface adequately covered in accordance with good practice with a minimum of either two (2) applications of bituminous surface treatment, concrete, bituminous concrete or suitable material approved by the director.

Dwelling means a building or portion thereof, but not a *mobile home*, designed or used for residential occupancy. The term "dwelling" shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

Dwelling, manufactured home means a structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on-site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

For the purpose of this chapter, a manufactured home shall not be deemed a single-family detached dwelling.

Dwelling, modular unit means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure that will be a finished building in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated

sub-elements incorporated into a structure at the site. For the purpose of this chapter, a modular unit shall be deemed a *single-family dwelling* and shall not be deemed a *manufactured home*.

Dwelling, multiple-family means a residential building containing three (3) or more separate dwelling units located on a single lot or parcel of ground. A multiple-family dwelling, commonly known as an apartment house, generally has a common outside entrance(s) for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this chapter, a multiple-family dwelling shall not be construed to mean a *single-family attached dwelling* as defined herein.

Dwelling, single-family means a residential building for one (1) family containing only one (1) dwelling unit.

Dwelling, single-family attached means a group of two (2) or more closely placed, interrelated single-family dwelling units for one (1) family which are generally joined to one another by a common party wall, a common floor-ceiling or garage and/or, with the specific approval of the director in each case, connecting permanent and architecturally unified structures such as breezeways, carports, or walls, which structures continue the design, pattern and/or materials of the facade from one dwelling unit to another, whether or not such a group is located on a single parcel or on adjoining individual lots. Connecting structures and outdoor living space may be so designed as to provide access between front and rear yards. Each unit shall have its own outside entrance. The total length of any one (1) group of units shall not exceed one hundred eighty (180) feet. The total number of units in any one (1) group of units shall not exceed nine (9). Architectural facades or treatment of materials in a townhouse development shall be varied from one (1) group of units to another; and no more than three (3) abutting units in a row shall have the same front and rear setbacks with a minimum setback offset being one (1) foot. For the purpose of this chapter, dwellings such as semidetached, garden court, patio house, zero lot line, "piggyback" town house, "back to back" town house and town house shall be deemed single-family attached dwellings.

Dwelling, single-family, detached means a single dwelling unit for one (1) family, which is entirely surrounded by open space or yards on the same lot.

Dwelling, two-family means a building designed for or intended to be occupied by not over two (2) families living independently of each other. This includes both duplexes, one (1) dwelling unit above another, and semi-attached, two (2) dwelling units having a common vertical party wall.

Dwelling unit means one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of section of this chapter.

Eating establishment means any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment.

An eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. Entertainment which is provided for the enjoyment of the patrons shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth ($\frac{1}{8}$) of that part of the floor area available for dining. Provisions for dancing made available under this definition shall be subject to the licensing requirements of chapter 11 of the County Code.

Eating establishment, carry-out/fast food means any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings primarily for off-premises consumption including all eating establishments providing drive through service.

Electrical engineer means an individual or firm licensed by the Commonwealth of Virginia to practice electrical engineering.

Eligible facilities request means any request for modification of an *eligible support structure* that does not substantially change the physical dimensions of such structure, involving:

1. Co-location of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment.

Eligible support structure means a wireless facility or base station as defined in this section, provided it is existing at the time the application is filed with the County, which is eligible for co-location.

Employees of adult oriented businesses shall mean an individual working or performing services for any adult business, including any independent contractor who provides services on behalf of any adult business to the patrons of such business, whether or not the individual receives any remuneration, gratuity, or tips of any kind, or pays the permittee or manager for the right to perform or entertain in the adult business.

Entity means any natural person, firm, partnership, association, corporation, company or other legal entity, private or public, whether for profit or not for profit.

Equestrian event facility means a type of indoor and/or outdoor facility used for the for the display of equestrian skills and the hosting of events including but not limited to, show jumping, dressage, rodeos, and similar equestrian disciplines. Equestrian event facility may also include uses associated with an equestrian facility and accessory uses such as a clubhouse, dining, snack bar. Such facilities may be open to the public, may be lighted, and may be developed in conjunction with a public stable or developed separately.

Equestrian facility means a facility used for any of the following: (1) equestrian education and/or instruction, (2) boarding, (3) horseback riding and rentals, (4) tack sales as an accessory use occupying no more than two thousand five hundred (2,500) square feet of gross floor area, in conjunction with any of the foregoing activities.

Existing ~~facility~~ structure means any existing or proposed wireless telecommunication facility for which valid county permits ~~has~~ have been issued.

Exterior wall means any exposed non-interior wall of a building including the principal facade.

Family means a group of people living together as a single housekeeping unit consisting of:

- (1) One (1) or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses, or therapists, and no more than two (2) roomers or boarders; or
- (2) No more than three (3) unrelated persons, provided that the foregoing limitation on the number of unrelated persons in a housekeeping unit shall be increased to no more than eight (8) persons, where such persons have a handicap within the meaning of section 3602 of the Fair Housing Act (42 USC 3601, et seq., as amended) and may also include one (1) resident counselor, supervisor or other staff; or
- (3) Any group identified in section 15.2-2291 of the Code of Virginia, or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of the Code of Virginia, § 15.2-2291.

Farm Brewery is an establishment licensed as a limited brewery under Virginia Code 4.1-208(2) which may include accessory uses including, but not limited to, an onsite eating establishment and

offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3:1.

Farm Cannery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cannery or its owner and (ii) agricultural products for the canning operation are grown on the farm, devoted to the production and storage for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Cidery means an establishment (i) located on a farm in the Commonwealth owned or leased by such cidery or its owner and (ii) agricultural products, including cultivating fruit used by such cidery in the manufacture of its cider, either alcoholic or non-alcoholic, devoted to the production and storage of cider for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Distillery means an establishment (i) located on a farm in the Commonwealth owned or leased by such distillery or its owner and (ii) agricultural products, including cultivating grains used by such distillery in the manufacture of its distilled spirits, devoted to the production and storage of spirits for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Juicery means an establishment (i) located on a farm in the Commonwealth owned or leased by such juicery or its owner and (ii) agricultural products, including cultivating fruits and vegetables used by such juicery in the manufacture of juices, devoted to the production and storage of juice for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia and any other applicable law. Such establishments may include accessory uses such as onsite eating establishment, retail sales, office, tasting rooms.

Farm Winery is an establishment licensed as a farm winery under Virginia Code 4.1-207(5) which may include accessory uses including, but not limited to, an onsite eating establishment and offices. Usual and customary activities such as production and storage, wholesale or retail sales, tasting rooms and events at such licensed farm breweries shall not be regulated herein except as set forth in Virginia Code 15.2-2288.3. Farm winery to also include the production of fruit wine or honey mead.

Federal Aviation Administration (FAA) means an agency of the federal government that regulates all activities affecting air navigation.

Federal Communications Commission (FCC) means an agency of the federal government that regulates all intrastate, interstate and international wire, wireless, satellite and cable communications.

Feed mill means a type of agricultural processing facility, established as a commercial enterprise engaged in the production of animal feed, which may include storing, processing and milling grain for agricultural use. Ancillary sales of bedding and accessories and farm and garden supplies (such as seed, hardware, pesticides, and fertilizers) to agricultural operations may be permitted.

Feed yard means a type of agricultural processing facility, established as a commercial operation, either part of (accessory to), or near a *livestock exchange*, where livestock are gathered to be fattened for market.

Financial institution means any establishment, to include an unmanned bank teller machine(s) and/or drive through window(s), wherein the primary occupation is concerned with such state regulated businesses as banking, savings and loans, loan companies and investment companies.

Floodplain means those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one-percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area greater than seventy (70) acres.

Floodplains shall include all areas of the county which are designated as a floodplain by the Federal Insurance Administration, by the United States Geological Survey or by the county. Areas designated as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Floor area, gross means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term "gross floor area" shall include basements; elevator shafts and stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.

The term "gross floor area" shall not include cellars, or outside balconies which do not exceed a projection of six (6) feet beyond the exterior walls of the building. Parking structures below or above grade and rooftop mechanical structures are excluded from gross floor area.

Floor area, net means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls and from the centerline of walls separating two (2) or more buildings. The term "net floor area" shall include outdoor display areas for the sale, rental and display of recreational vehicles, boats and boating equipment, trailers, horticultural items, farm or garden equipment and other similar products, but shall exclude areas designed for permanent uses such as toilets, utility closets, malls enclosed or not, truck tunnels, enclosed parking areas, meters, rooftop mechanical structures, mechanical and equipment rooms, public and fire corridors, stairwells, elevators, escalators, and areas under a sloping ceiling where the headroom in fifty (50) percent of such area is less than six (6) feet, six (6) inches. For purposes of determining off-street parking requirements, the term "net floor area" shall exclude cellars used exclusively for storage.

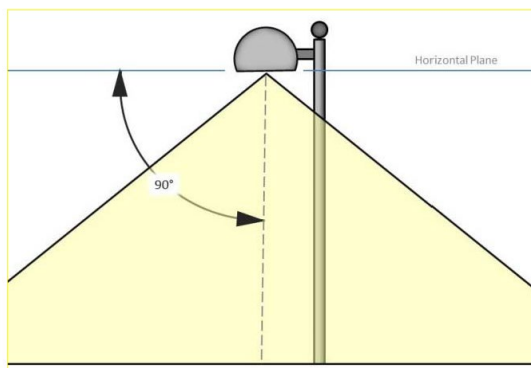
Floor area ratio. Determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Forestry, also known as silviculture, means developing, caring for, cultivating forests or timbering operations associated with forest management.

Front yard. See *Yard, front*.

Fuel dispensing service means an establishment where liquids and gases used as motor fuels are stored and dispensed into the fuel tanks of motor vehicles. A fuel dispensing service may include an onsite convenience store.

Full cutoff luminaire means an outdoor light fixture, independently certified by lighting manufacturers, shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane.



Fully shielded luminaire means a fixture constructed and installed in such a manner that all light emitted by it, either directly from the lamp (bulb) or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. This can be determined by a "field test" or visual assessment of an operating sample, or fixture photographs and/or diagrams.

Funeral home means a facility primarily used for human funeral services. Such a building may contain facilities for: (a) embalming and the performance of other services used in the preparation of deceased human bodies for burial, (b) the storage of caskets, funeral urns, and other related funeral supplies, (c) storage of funeral vehicles, and (e) cremation of deceased human bodies.

Game land preserve, wildlife sanctuary and fish hatchery. A wildlife refuge or areas where human activities are limited and the natural environment is protected and preserved for game, vegetation and fish.

Garden center means a retail and/or wholesale sales establishment with or without a *greenhouse/plant nursery*, for the sale of plants, vegetation, trees and shrubs primarily (more than fifty-one (51) percent) sourced elsewhere or off-site and maintained and cared for onsite temporarily until sale. Accessory retail sales complementary to the primary use, including, but not limited to, (1) florist, (2) garden tools, (3) garden accent items, (4) lawn and garden care items (5) bulk landscaping materials; and, (6) water gardening, including sale of ornamental fish and aquatic plants, are also permitted.

Golf course and clubhouse is a tract of land so designed for at least nine (9) holes for playing the game of golf. Golf course and clubhouse may include accessory uses such as a clubhouse, *golf driving range*, dining, snack bar, pro-shop, or other practice facilities.

Golf driving range means an area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots. Golf course and clubhouse [driving range] may include accessory uses such as a clubhouse, dining, snack bar, pro-shop.

Grade means a reference plane representing the average of finished ground level adjoining a building at all exterior walls.

Grade plane. See definition of *Grade*.

Greenhouse, commercial means a type of horticulture, floriculture, hydroponic cultivation or aquaculture growing operation within a *greenhouse/plant nursery* and wholesale sales and distribution. Accessory offices and retail sales of such of *greenhouse, commercial* products are also permitted.

Greenhouse/plant nursery means a structure or structures, primarily of glass or plastic, in which temperature and humidity can be controlled for the cultivation or protection of plants.

Group home means a type of medical care facility for developmentally disabled persons licensed by the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one or

more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code § 54.1-3401 is neither a mental illness nor a developmental disability.

Heavy equipment and specialized vehicle sale, rental and/or service establishment means buildings and premises for the sale, rental and servicing of trucks, buses, boats, manufactured homes, trailers and farm and construction machinery or equipment, but not including any vehicle designed primarily for the transportation of nine (9) or less passengers. For the purpose of this chapter, heavy equipment and specialized vehicle sale, rental and service establishments shall not be deemed to include *vehicle sale, rental and ancillary service establishments*; however, vans and recreational vehicles may be sold, rented and serviced.

Height, building means the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the *grade* in all other cases.

Height, effective building means the vertical distance from that elevation on a lot line where the angle of bulk plane is established to the highest point on any building.

Heliport means an area designed to accommodate all phases of operation of helicopters with suitable space and facilities for a terminal, loading, unloading, service and storage of such aircraft, to include facilities for such accessory uses as are commonly associated with an airport terminal.

Helistop means an area designed to accommodate touch-down and lift-off of helicopters, for the purpose of picking up and discharging passengers or cargo. Such an area shall contain no operation facilities other than one (1) tie down space and such additional facilities as are required by law, ordinance or regulation.

Home enterprise means a low impact home based business within any dwelling unit within zoning districts as permitted including but not limited to uses such as *art and craft studio*, cottage industry, photographic studio, custom gun-smith, schools of special education, beauty parlor or other personal service establishments. Home enterprise may include access by employees, customers or clients, subject to use limitations as defined. Such operations are clearly incidental and subordinate to the principle residential use permitted on the parcel, subject to development standards as established in chapter 23, division 4A, Home enterprises.

Home occupation means low impact home based business activities for individuals within any *dwelling* such as but not limited to home office, artist space, home crafts, internet sales, completely contained within residential dwellings that chiefly serve as a place of residence, subject to development standards as established in chapter 23, division 4, Home occupations.

Home Owners Association means a common interest community association registered with the Virginia Department of Professional and Occupational Regulation (as defined under Sec. 55-510 et. seq. of the Code of Virginia).

Hospital means an institution for health care providing patient medical testing and treatment for the sick, aged or infirmed, including care of mental illness, drug and alcohol addiction cases by specialized staff and equipment, providing both inpatient and outpatient medical care services in the treatment of a wide variety of medical conditions. Such an institution is largely staffed by professional physicians, surgeons and nurses. This terminology shall include, but not be limited to mental health sanitariums.

Hotel, motel means a building or portion thereof or a group of buildings which provide sleeping accommodations in six (6) or more separate units or rooms for transients on a daily, weekly or similar short-term basis, whether such establishment is designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court, tourist home or otherwise. A hotel or motel shall be deemed

to include any establishment which provides residential living accommodations for transients on a short-term basis, such as an apartment hotel. A hotel or motel may contain one (1) or more eating establishments as a subordinate use, provided that such establishment is located within the principal hotel/motel structure.

Hydroponic cultivation means a method of growing plants using mineral nutrient solutions, in water, without soil.

Impounding structure means a man-made structure, whether a dam across a water course or other structure outside a watercourse, used or to be used to retain or store waters or other materials as defined by Code of Virginia, § 10.1-604.

Indoor, commercial recreation/athletic facility means an indoor sports building or activity facility in which are conducted recreational, therapeutic or athletic activities, whether or not under instruction. These include, but are not limited to, the following: roller or ice skating rink, batting cages, bowling alley, miniature golf, golf driving range, shooting ranges, tennis and other court games, swimming, aerobics and weight lifting, canine, feline, companion animal sporting event or exhibition, excluding livestock or *equestrian event facility*, but does not include *billiard hall*, bingo or dance hall.

Industrial/flex means any structure occupied by two (2) or more of the following uses: contractor's offices and shops; establishments for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products; warehousing establishments; wholesale trade establishments; and offices; provided however that the combined area of all office, both as a principal use and as an accessory use, shall not exceed thirty-five (35) percent of the total gross floor area of the structure. For the purpose of this chapter, when any of the above uses are permitted by right in the applicable zoning district, such uses may be combined within a single structure in accordance with the provisions of that district, and shall not be deemed industrial/flex.

Industry, type I means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Included are assembly of electrical appliances, bottling and printing plants, brewery, winery, cidery, distillery, and the manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical production of items made of stone, metal or concrete.

Industry, type II means enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Industry, type III means an establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Integrated photovoltaic material or *integrated PVM* means photovoltaic material incorporated into building materials, such as shingles.

Junk yard means the use of any space, whether inside or outside a building, for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided that this definition shall not apply to outside storage as permitted as an accessory use as provided for in this chapter. A junk yard shall also be inclusive of an *automobile graveyard* as defined herein.

Kenel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, training, renting, buying, boarding, selling, or showing for the purpose of sale or rental.

Lamp means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land disturbance activity as defined in chapter 8, erosion and sediment control, Spotsylvania County Code, including the disturbance of land areas two thousand five hundred (2,500) square feet in size or more. The term shall not include minor activities such as home gardening, planting of trees and shrubs and home maintenance.

Landfill means a disposal site in which refuse and earth, or other suitable cover material are deposited and compacted in alternating layers of specified depth.

Live entertainment, indoor shall mean entertainment or concert venues located within an enclosed building intended for musical performances, music played by disc jockeys, public speaking, performance art including dancing, modeling and similar uses, or comedy performances, whether operated for profit or not, providing live performances, entertainment, including dance halls/dance clubs, and bingo halls, but not including adult oriented business as defined herein. Outdoor deck or patio entertainment events may also be held accessory to the primary use.

Live entertainment, outdoor shall mean any permanent commercial establishment, excluding *civic and sports arena*, where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building in structures such as but not limited to a band shell or pavilion, outdoor stage. Live entertainment, outdoor shall be limited to no more than one thousand five hundred (1,500) attendees and shall not include music festivals or other outdoor special events of a temporary and/or infrequent nature, regulated elsewhere in chapter 3, article 2, Outdoor music or entertainment festivals.

Livestock includes all domestic or domesticated: bovine animals, equine animals, ovine animals, porcine animals, cervidae animals, caprae animals, animals of the genus lama, ratites, enclosed domesticated rabbits or hares raised for food or fiber, or any other individual animal specifically raised for food or fiber, except companion animals as defined in § 3-2.6500, Code of Virginia.

Livestock exchange means a type of agricultural processing facility, established as a commercial operation in which the public may consign livestock for sale by auction open to public bidding, or sold on a commission basis. Such use may include accessory uses, such as an eating establishment, for which service is generally provided for the convenience of patrons of the primary use itself. A *feed yard*, if part of the same operation, can be accessory to a *livestock exchange*.

Lot for the purpose of this chapter, a parcel of land that is designated at the time of application for a special permit, a site plan, a building permit, or occupancy permit, as a tract all of which is to be used, developed or built upon as a unit under single ownership. A parcel of land shall be deemed to be a lot in accordance with this definition, regardless of whether or not the boundaries thereof coincide with the boundaries of lots or parcels as shown on any map of record.

Lot area means the total horizontal area included within the lot lines of a lot.

Lot boundary. Same as *Lot line* as defined herein.

Lot, cluster subdivision. See *Subdivision, cluster*.

Lot, conventional subdivision. See *Subdivision, conventional*.

Lot, corner means a lot at the junction of and abutting on two (2) or more intersecting streets when the interior angle of intersection does not exceed one hundred thirty-five (135) degrees; provided, however, that when one of the intersecting streets is an interstate highway, the resultant lot shall not be deemed a corner lot.

Lot depth means the average horizontal distance between the front and rear lot lines.

Lot, interior means any lot, including a through lot, other than a corner lot.

Lot line means any boundary line of a lot as defined herein. Where applicable, a lot line shall coincide with a *street line*. Where a lot line is curved, all dimensions related to said lot line shall be based on the chord of the arc.

Lot line, front means a street line which forms the boundary of a lot; or, in the case where a lot does not abut a street other than by its driveway, or is a through lot, that lot line which faces the principal entrance of the main building.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

Lot line, rear means that lot line that is most distant from, and is most nearly parallel with, the front lot line. If a rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a ten-foot line parallel to the front lot line, lying wholly within the lot for the purpose of establishing the required minimum rear yard.

Lot line, side means a lot line which is neither a front lot line nor a rear lot line as defined herein.

Lot, pipestem means a lot approved in accordance with the provisions of the subdivision ordinance which does not abut a public street other than by its driveway which affords access to the lot.

Lot, reverse frontage means a residential through or corner lot, intentionally designed so that the front lot line faces a local street rather than facing a parallel major thoroughfare.

Lot, through means an interior lot, but not a corner lot, abutting on two (2) or more public streets, but not including an alley. For the purpose of this chapter, a through lot shall be subject to the regulations of an *interior lot*.

Lot width means the width of a lot along a line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard on said lot.

In the case of a lot which has an area in excess of five (5) acres, the width may be measured at any point where the minimum lot width is at least two hundred (200) feet, provided that such point shall also be where the front yard is established by location of the principal structure.

Lumberyard means a type of agricultural processing facility including area and structures used for the storage of any of lumber, either finished or rough cut, for transport to other locations, wholesale or retail sale from site.

Luminaire means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Manufactured home. See *Dwelling, manufactured home*.

Manufactured home park means any area of fifteen (15) acres or more, however designated, that is occupied or designed for occupancy by one (1) or more manufactured homes.

Marina, dock and boating facility, commercial. A marina, dock, or bating facility designed and intended to be used for mooring and launching of boats, hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, and storage or any combination of these are provided.

Medical care facility means any specialized institution, place, building, or agency, whether or not licensed or required to be licensed by the state board of health or the state hospital board, by or in which

facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical. This terminology shall include, but not be limited to medical clinic, medical laboratory, cosmetic surgery and laser center, oral surgery center, urgent and outpatient care center, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This definition shall not include a physician's office, dentist's office, assisted living facility, nursing home, group home, hospital or a first aid station.

Medical clinic means a type of medical care facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. Medical clinic includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Medical laboratory means a type of medical care facility in a building or part thereof devoted to bacteriological, biological, x-ray, pathological and similar analytical or diagnostic services to medical doctors or dentists including incidental pharmaceuticals; and production, fitting and/or sale of specialized or custom medical devices.

Micro-brewery, winery, cidery, distillery means a type of small scale brewery, winery, cidery, distillery where the primary use is the production of alcoholic beverages including beer, wine, cider, or other spirits on site for retail or wholesale sale in accordance with any manufacturing or wholesale license requirements by the Code of Virginia or other applicable law. Beer production capacity shall not to exceed fifteen thousand (15,000) barrels per year. Production of distilled spirits, wine, or alcoholic cider shall not exceed twenty thousand (20,000) gallons per year. Permitted accessory uses may include accessory uses such as onsite eating establishment, brewpub, retail sales establishment, office, tasting rooms and uses as otherwise permitted in the zoning district.

~~*Mini/micro cell* means an antenna support structure not exceeding eighty (80) feet in height.~~

~~*Micro wireless facility* means a wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height; and any exterior antenna no longer than eleven (11) inches.~~

Mini-warehousing establishment means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods, or contractors' supplies.

Miniature golf means an establishment for golf designed on a miniaturized scale and which may include accessory structures in which an accessory office, snack bar, facility for the retail sale of golf-related items and supplies, and video games or a video arcade may be located.

Mitigate means to reduce or eliminate adverse impacts.

Modular unit. See *Dwelling, modular unit.*

Motel. See *Hotel.*

Motor freight terminal means terminals with the capability of handling a large variety of goods involving various forms of transportation and providing multimodal shipping capabilities, such as rail to truck, ship to truck, and truck to air.

Multi-tenant complex is a group of buildings either housing one (1) tenant with multiple structures or multiple tenants on one (1) parcel. A multi-tenant complex is characterized by multiple buildings under one (1) controlling body. Government and university campuses are examples of multi-tenant complexes.

Multi-tenant structure is a structure with more than one (1) occupant, characterized by multiple exterior entrances into the structure. Office buildings (or non-residential condominiums) and strip malls with separate tenant spaces are examples of multi-tenant structures.

Non-contributing building, structure, or landscape means a building, structure, or landscape that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because it was not present during the period of significance or does not relate to the documented significance of the district; or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity, cultural value, or is capable of yielding important information about the period.

Nude means any state of dress less than seminude.

Nursing home means a type of medical care facility for extended or intermediate care for persons of advanced age, chronic illness, convalescent or infirmity are unable to care for themselves.

Office means any room, studio, clinic, suite or building wherein the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, computer programmers, financial advisors, auditors, travel agents, real estate brokers, insurance agents, dentists or physicians, psychologists, urban planners and landscape architects.

Any use shall be deemed an office use which: (a) involves the administration and conduct of investigation, examination or experimentation, but which does not include the operation of laboratory facilities, pilot plants, prototype production, or the assembly, integration, testing, manufacture or production of goods and products on-site; or (b) involves prototype production limited to computer software development, demographic and market research, technical or academic consulting services, data processing facilities, and data centers. Office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and/or delivery of any materials, goods or products which are physically located on the premises unless such activities are otherwise permitted within the zoning district. Veterinary hospital/services shall not be deemed to be an office use.

Office building means a building used for conducting the affairs of a business, service, industry, or government.

Office complex means a tract of land that contains two (2) or more buildings designed and constructed for occupancy of, or occupied by, general, medical/dental and/or professional businesses and/or personnel.

Open air market means a site where outdoor stalls, booths, tables and/or the like that may be set aside and rented or otherwise provided that are intended for use by various retail vendors at which articles that are either homemade, homegrown (farmers market), handcrafted, antique, or collectible are displayed and sold.

Open space means that area within the boundaries of a lot that is intended to provide light and air, and is designed for either scenic or recreational purposes. Open space shall, in general, be available for entry and use by the residents or occupants of the development, but may include a limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Open space may include, but need not be limited to lawns, decorative planting, walkways, active and passive recreation areas, children's playgrounds, fountains, swimming pools, undisturbed natural areas, agriculture, wooded areas, water bodies and those areas where landscaping and screening are required by the provisions of article 5, division 5; provided, however, that the area required for

interior parking lot landscaping shall not comprise more than twenty-five (25) percent of the total required open space; and provided further, however, that the area within wetlands, resource protection areas, floodplains and slopes greater than fifteen (15) percent shall not comprise more than fifty (50) percent of the total required open space. Open space shall not include driveways, parking lots, or other vehicular surfaces, any area occupied by a building, nor areas so located or so small as to have no substantial value for the purposes stated in this definition. Within a residential subdivision, open space shall be composed of only those areas not contained in individually owned lots. In cluster subdivisions, the limitations related to slopes and to vehicular surfaces for the purpose of access to the cluster development shall not apply.

Open space, landscaped means that open space within the boundaries of a given lot that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to lawns, decorative planting, flower beds, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural or artificial objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Outdoor luminaire means a luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign, except that it does not include an internally illuminated sign.

Outdoor sports and recreation, commercial means a commercial sports or activity establishment open to the general public in an open or partially enclosed or screened facility; these include but are not limited to: batting and pitching cages, hard and soft courts, swimming pools, water slides, go-carts, pony rides, and ice skating rinks, canine, feline, companion animal sporting event or exhibition, excluding livestock or equestrian event facility, competitive racing facilities, shooting ranges, paintball or similar game fields.

Parking, commercial off-street means a facility, lot or structure used for the sole purpose of parking operative motor vehicles.

Personal service establishment means any building wherein the primary occupation is the repair, care of, maintenance or customizing of personal properties that are worn or carried about the person or are a physical component of the person. For the purpose of this chapter, personal service establishments shall include but are not limited to barber shops, beauty parlors, tanning salons, day spas, tattoo parlors, piercing studio, pet grooming establishments, laundering, cleaning and other garment servicing establishments, tailors, dressmaking shops, shoe cleaning or repair shops, and other similar places of business; but not including offices of physicians, dentists, and veterinarians, or dry cleaning plants or laundries containing more than three thousand (3,000) square feet of net floor area devoted to cleaning, processing, etc., or linen or diaper service establishments.

Photovoltaic material or *PVM* means materials and devices that absorb sunlight and convert it directly into electricity.

Piercing studio shall mean any establishment where the piercing of body parts is performed for purposes of allowing the insertion of jewelry.

Pipestem driveway means a driveway or means of access to a lot or several lots which do not abut a street other than by the pipestem driveway which is a part of the lot(s).

Pipestem lot. See *Lot, pipestem.*

Place of worship means a use located in permanent building(s) and providing regular organized religious worship and related incidental activities, except primary or secondary schools and child day care centers.

Principal use means the main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this ordinance.

Private school means a school primarily devoted to giving instruction in vocational, professional, musical, dramatic, artistic, dance, linguistic, scientific, religious, or other subjects, but not including (a) a child care center or adult day care center; or (b) a riding school, however designated. Private school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Property owner means any entity with fee simple title to any parcel of land within the county.

Public facility/use means any area, building or structure held, used or controlled exclusively for public purposes by any department or branch of the Federal Government, Commonwealth of Virginia, or the county government under the direct authority of the board of supervisors, without reference to the ownership of the building or structures or the realty upon which it is situated. For the purpose of this chapter, uses sponsored by agencies such as the industrial development authority, the social services department or the juvenile court shall not be deemed public uses and shall be subject to the applicable zoning ordinance provisions for the proposed use; provided, however, if such uses are implemented under the direct authority of the board of supervisors, they shall be deemed public uses.

Public school means any area, building or structure held, used or controlled for public education purposes by the Spotsylvania County School Board. Public school may also include offering space for public assemblies including but not limited to community meetings, services as an accessory use.

Public street. See *Street, public*.

Public utility means a business or service having an appropriate franchise from the state, which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need such as electricity, gas, water, transportation or communications.

Public utility, heavy means the following shall be deemed to be heavy public utilities:

1. Electrical generating plants and facilities.
2. Sewage treatment and disposal facilities.
3. Solid waste disposal and treatment facilities including incinerators and landfills.
4. Storage facilities for natural gas, oil and other petroleum products.
5. Supply yards for any public utility.
6. Water purification facilities.
7. Local office space and maintenance facilities incidental to any use set forth above.

Public utility, light means the following shall be deemed to be light public utilities:

1. Electric substations and distribution centers including transformer stations.
2. Natural gas, oil and other petroleum product metering, regulating, compressor, control and distribution stations, and local office space incidental thereto and necessary for the operation of such station, but not including any storage facilities.
3. Radio and television broadcasting tower facilities, microwave facilities and satellite earth stations.
4. Sewerage pumping facilities.

5. Utility transmission facilities, including but not limited to poles, structures, wires, conduits, cables, vaults, laterals, pipes, mains, valves or other similar equipment for the transmission of telephone or other communication, electricity, gas or water.

For the purpose of this part, utility transmission facilities shall not include:

- (a) Ordinance distribution facilities for delivery of such utilities to customers where such facilities are located in the public right-of-way or are located in easements, or strips of property owned in fee simple not more than twenty-five (25) feet in width; or
 - (b) Transmission lines approved by the state corporation commission pursuant to section 56-46.1 of the Code of Virginia, as amended.
6. Water storage, control, and pumping facilities.
 7. Mobile and land based telecommunication facilities.

Quasi-public park, playground, athletic field and related facility means a use owned or operated by a nonprofit or religious institution and providing educational, recreational or similar types of programs.

Railroad station/depot/terminal means a transportation facility used for the loading and unloading of passengers and/or passenger luggage from railroad cars and temporary parking of rail cars and engines, incidental to the primary use.

Railway yard means an area having a network of railway tracks and sidings for the storage, loading and unloading of bulk goods in transport, maintenance, and switching of railroad cars and engines.

Rear yard. See *Yard, rear*.

Recreational vehicles means a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recycling collection center means a lot or parcel of land, with or without buildings, upon which used recyclable materials are collected from the general public, are separated and shipped to a landfill, recycling plant or other similar facility.

Recycling plant means a facility in which recyclables, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may be used again in new products.

Religious retreat center means a facility, owned and operated by a non-profit corporation, at which said corporation provides services, including food and lodging, for religious retreats consisting of such customary religious retreat activities as quiet prayer, meditation, study, discussion, worship and contemplation. Each retreat shall be under the personal direction of (i) a cleric or member of a religious order, or (ii) a spiritual director, pastoral counselor or religious retreat master, all of whom shall be certified by an accredited college, university or seminary to conduct religious retreats.

Repair service establishment means any establishment containing no more than five thousand (5,000) square feet of net floor area wherein the primary occupation is the repair and general service of common home appliances such as musical instruments, sewing machines, computers, televisions and radios, washing machines, vacuum cleaners, power tools, electric razors, refrigerators and lawnmowers not exceeding five (5) horsepower; or any establishment wherein the primary occupation is interior decorating services which include reupholstering and/or the making of draperies, slipcovers and other similar articles, but not to include furniture or cabinet-making establishments. Repair service establishments shall not include the use of more than three (3) vehicles other than passenger cars.

Restaurant. See *Eating establishment*.

Retail sales means the sale of goods, merchandise and commodities for use or consumption by the immediate purchaser.

Retail sales establishment means any establishment wherein the primary occupation is the sale of merchandise in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. This term shall also include establishments such as television and tool rental establishments and photographic and portrait studios, convenience stores. For the purpose of this chapter, however, retail sales establishment shall not be deemed to include *heavy equipment and specialized vehicle sale, rental and/or service establishments, vehicle, light service establishments, or vehicle sale, rental and ancillary service establishments.*

Reverse stacking means extending the height of a tower in order to accommodate co-location starting with the lowest height possible.

Road. See *Street*.

Rooming/boarding houses means a residential use in which: (a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or (b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A *rooming/boarding house* shall not include a use that meets the definition of a *hotel, motel, dormitory, fraternity, sorority house or other residence hall, bed and breakfast, nursing home, convent, monastery, seminary and nunnery.* A *rooming/boarding house* may either involve or not involve the providing of meals to residents. A *rooming/boarding house* shall primarily serve persons residing on-site for five (5) or more consecutive days.

Sawmill means a type of agricultural processing facility intended for processing of raw timbers into usable wood products including but not limited to lumber, planks, posts, poles, paneling or shavings. Sawmill may also include lumberyard.

Scientific research and development establishment means a facility for investigation into the natural, physical, or social sciences, which may include engineering and product development.

Seasonal wayside stand means the sale from a structure to the public of crafts and agricultural products grown or collected on the parcel on which the stand is located, or on a contiguous parcel under the same ownership. The stand shall have direct access to a public road and be on one (1) ground floor which shall not exceed two hundred fifty (250) square feet. The stand shall not provide facilities for on-premises food consumption by the public nor for public seating, but may provide overhead shelter of customers while they are inspecting or purchasing goods. The stand shall be open to the public on at least one (1) side, which may be by way of doors or other openings in a wall. The stand shall be closed at least three (3) months of the year. The stand may be of a permanent or nonpermanent construction.

Seminude means any state of dress with less than completely and opaquely covered male and/or female pubic region, buttocks, or female breasts below a point immediately above the top of the areolae excepting any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areolae are not exposed, but under no circumstances less than completely covered male and/or female genitals, anus, or areolae of the female breast.

~~*Secondary support structure* means any structure designed primarily for other purposes that can be utilized to support antennae including but not limited to buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks and silos.~~

Setback. Except for division 28, Mixed use district, in this chapter the term setback is not used, as such term represents a distance that is established in like manner as that for a *yard*.

Shopping center means any group of two (2) or more commercial uses which (a) are designed as a single commercial group, whether or not located on the same lot; (b) are under common ownership or are subject to reciprocal parking and ingress and egress agreements or easements; (c) are connected by party walls, partitions, canopies or other structural members to form one (1) continuous structure, or if located

in separate buildings, are interconnected by common parking areas, travel lanes, walkways or accessways designed to facilitate customer interchange between the uses on-site; (d) share common points of vehicular access; and (e) otherwise present the appearance of one (1) continuous commercial area. For the purpose of this chapter, a grouping of predominantly office uses which meet the characteristics specified herein shall not be deemed to be a shopping center.

Side yard. See *Yard, side*.

Sight triangle means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign means any display of letters, words, numerals, figures, devices, emblems or pictures or any combination thereof, by any means which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

Sign, building-mounted means any sign affixed to a building. A sign, tenant is a type of a sign, building-mounted.

Sign, electronic or digital display means any portable or permanent sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged electronically through light, digital, LED or other display.

Sign, freestanding means any permanently mounted monument or pylon sign not attached to a building facade.

Sign, ground-mounted means any sign affixed to or supported off of the ground. A sign, monument is a type of a sign, ground-mounted.

Sign, monument means a permanent, freestanding sign mounted on a base or other supports and where the bottom of the sign face is located within three (3) feet or less of ground level.

Sign, pinnacle means a sign, building mounted placed on the exterior wall of the top floor or parapet above the top floor of a multi-story building within a single uniform horizontal band running the length of an exterior wall to advertise primary tenants or building name. Roof signs shall not be considered sign, pinnacle.

Sign, pylon means a freestanding sign supported from the ground by one or more supports where the sign face is mounted on the top of the support.

Sign, roof means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, temporary means any sign, valance, or advertising display constructed of plastic, cardboard, wallboard or other materials with or without frames intended to be displayed for a period of not more than sixty (60) consecutive days.

Sign, tenant means a permanent, building-mounted sign, not exceeding one (1) square foot in size. A sign, tenant is used to demarcate an entrance to or the tenants of a building.

Silviculture. See *Forestry*.

Site plan means the proposal for a development or subdivision, except:

- (i) Individual single-family detached dwellings, and

- (ii) Accessory structures where the land disturbance is less than two thousand five hundred (2,500) square feet, including all covenants, grants or easements and other conditions relating to use location and bulk of buildings, density of development, common open space, public facilities and other information as required by the zoning ordinance to which the proposed development is subject.
- (iii) Building or structure additions that disturb less than two thousand five hundred (2,500) square feet unless it amends other site features or utilities, which shall require a minor site plan.

Site plan, building addition is a plan for modification to an existing building or structure that disturbs less than two thousand five hundred (2,500) square feet, and does not require amendments to parking, landscaping, or the extension of public water or sewer lines and may be completed with approval of building plans, zoning use approval, and meeting the Chesapeake Bay water quality standards.

Site plan, linear trail is a plan for land disturbance of equal to or greater than two thousand five hundred (2,500) square feet exclusively for trail construction. A plan that includes parking or accessory structures shall be submitted as a site plan, major or minor.

Site plan, infrastructure is a plan which demonstrates that all required infrastructure is feasible within the proposed project and that shows the location of all property lines, topography, and monuments and the possible locations of rights-of-way, water and sewer lines, and vehicle and pedestrian access.

Site plan, major is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than ten thousand (10,000) square feet.

Site plan, minor is a plan for development, redevelopment, or accessory structures where the land disturbance is equal to or greater than two thousand five hundred (2,500) square feet but less than ten thousand (10,000) square feet and for development projects proposing modification to public water and sewer lines, access onto a public right-of-way, or parking.

Small cell facility means a wireless facility that meets both of the following qualifications: each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet; and all other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Solar energy facility or *SEF* means a renewable energy facility that generates electricity from sunlight, consisting of one or more photovoltaic material (PVM) systems and other appurtenant structures and facilities within the boundaries of the site, and which is interconnected with the local transmission or distribution system for the purposes of wholesale electric generation. A solar energy facility shall not include net metered solar energy systems installed in accordance with the Code of Virginia, § 56-594.

Specified anatomical areas means:

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttock; and
 - (c) Female breast below a point immediately above the top of the areola.

- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means:

- (1) Human genitals in a stage of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stealth technique means any technique designed to conceal or disguise wireless telecommunication facilities.

Storage yard means a facility used for outdoor storage of products as delineated on an approved site plan.

Street means a strip of land intended primarily for vehicular traffic and providing the principal means of access to property, including but not limited to road, lane, drive, avenue, highway, boulevard, or any other thoroughfare.

Street line means the dividing line between a street and a lot; same as a right-of-way line of a public street, or the curb line of a parking bay, travel lane or private street.

Street, private means a local or collector street, not a component of the state primary or secondary system, which is guaranteed to be maintained by a private corporation and is subject to the provisions of the Design Standards Manual.

Street, public means a platted street, dedicated for the use of the general public, graded and paved in order that every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

Structure means that which is built or constructed. The term "structure" shall be construed as though followed by the word "or parts thereof."

Structural alteration means a change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

Structural engineer means an individual or firm licensed by the Commonwealth of Virginia to practice structural engineering.

Subdivider means any person who subdivides land pursuant to chapter 20 of this Code, the subdivision ordinance.

Subdivision means the land subdivided as defined in chapter 20 of this Code, the subdivision ordinance, and when appropriate to the context, the process of subdividing or resubdividing.

Subdivision, cluster means an alternate means of subdividing a lot premised on the concept of reducing lot size requirements for the provision of open space within the development, all in accordance with the provisions of article 6 of this chapter.

Subdivision, conventional means a conventional subdivision of a lot in accordance with the lot size requirements and bulk regulations specified in the district regulations.

[Substantial change in the context of wireless telecommunications means a modification which substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:](#)

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten (10) percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater; for the other eligible support structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater;
2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
3. For any eligible supportive structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site, except that, for towers other than towers in the public right-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than thirty (30) feet in any direction. The site boundary from which the 30 feet is measured excludes any access of utility easements currently related to the site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds of identified (1) – (4) of this definition.

Summer camp means any area or place, which is operated or used (1) for the entertainment, education, recreation, religious instruction or activities, physical education or health of persons under eighteen (18) years of age, or (2) for the bona fide members of a civic, charitable or fraternal organization exempt from state or federal taxation.

Tannery means a type of agricultural processing facility where hides are tanned to make leather.

Tasting room means a facility, or portion of a facility, accessory to a brewery, winery, cidery, distillery, cannery where customers may sample the manufacturer's products.

Tattoo parlor means a type of personal service establishment involving the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin.

Telecommunications tower means any self-supporting lattice, guyed, or monopole structure that is designed and constructed for the purpose of supporting one (1) or more telecommunication facilities and equipment utilized by commercial telecommunication companies, governmental, or other public and quasi-public users, including all infrastructures and equipment including but not limited to antenna support structures, antennae, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of radio frequencies. The term "tower" does not include commercial or home use radio and television antennas and supporting structures, satellite dishes or antennas and support structures of amateur radio operators licensed by the Federal Communications Commission. These shall be considered as accessory uses and structures.

Telecommunications tower means any structure built for the sole or primary purpose of supporting FCC-licensed or FCC-authorized antennas and their associated facilities, including structures that are constructed for wireless communications services. This include, but is not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwaves. May also be referred to as wireless support structure.

Temporary wireless facility is a support structure or antenna less than one hundred thirty (130) feet in height that is erected for ninety (90) consecutive days or less within a 365-day period.

Theater means a building or structure designed for the enactment of dramatic performances and/or showing of motion pictures. For the purpose of this ordinance, a dinner theater shall be deemed an eating establishment and a drive-in motion picture theater shall be deemed a separate and distinct use as defined herein.

Tower developer means any entity that develops structures for the purpose of leasing space to entities operating antennae.

Transportation facility means a facility for the purpose of repair, storing or dispatching of fleet vehicles for either public or private transportation needs.

Truck stop means any building, premises, or land involving the maintenance, servicing, storage, or repair of commercial vehicles including the dispensing of motor fuel or other petroleum products directly into commercial motor vehicles and the sale of accessories or equipment for trucks or other similar commercial vehicles. A truck stop may also include overnight accommodations and/or restaurant facilities primarily for the use of truck crews and accessory retail sales.

Use means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on, in or on a structure or on a tract of land.

Use, accessory. See *Accessory use*.

Use, public. See *Public use*.

Vehicle, light service establishment means buildings and premises wherein the primary use is the sale, servicing, repair and/or installation of motor vehicle and boat accessories, such as the following: sparks plugs, batteries, distributors and distributor parts, tires, brakes, brake fluid, mufflers, tail pipes, water hoses, fan belts, light bulbs, fuses, floor mats, windshield wipers, wiper blades, grease retainers, wheel bearings, and mirrors. Vehicle light service establishments may also include greasing, lubrication and radiator flushing, minor servicing and repair of carburetors, fuel pumps, oil pumps, water pumps and lines, electrical systems, and minor motor adjustments not involving removal of the head or crankcase or racing the motor. Uses permissible at a *vehicle light service establishment* shall not include major mechanical and body work, the repair of transmissions or differentials, straightening of body parts, painting, welding, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle major service establishment means buildings and premises wherein major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting, welding or other similar work is performed on vehicles. Vehicle light service establishments may be permitted as an ancillary use, however, vehicle major service establishments shall not be deemed to include heavy equipment and specialized vehicle sale, rental and service establishments. Accessory retail sales are permitted provided that they are associated with such business.

Vehicle sale, rental, and ancillary service establishment, large scale means any use of two (2) acres or greater of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in

operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Vehicle sale, rental, and ancillary service establishment, small scale means any use of fewer than two (2) acres of land whereon the primary occupation is the sale, rental, and ancillary service of vehicles in operating condition including, but not limited to, automobiles, motorcycles, ambulances, taxicabs, vans, and recreational vehicles.

Veterinary hospitals/services means a place where animals are given medical care and may include the boarding of animals as a secondary use. This use includes veterinary clinics.

Viewing area means any area within an adult oriented business where a motion picture, film, videotape, moving picture, live entertainment, live exhibition or performance is taking place, being shown, and/or viewed. Viewing area shall also include an adult booth.

Warehouse means a building used primarily for the holding or storage of goods and merchandise. For the purpose of this chapter where a warehousing establishment is permitted a mini-warehousing establishment shall also be permitted.

Wayside stand means a temporary structure or use designed for the retail sale of agricultural products, subject to the following limitations:

1. Shall be permitted only on a lot containing at least two (2) acres.
2. Structures shall not exceed four hundred (400) square feet in gross floor area.
3. Shall be permitted only during crop-growing season, and such structures shall be removed except during such season.
4. Shall be for the expressed purpose of sale of agricultural products grown on the same property, or the sale of products of approved home occupations conducted on the same property. For the purpose of this chapter, plants which are balled, burlapped and bedded shall not be considered as growing on the same property.
5. Shall be located so as to provide for adequate off-street parking spaces and safe ingress and egress to the adjacent street.
6. Notwithstanding the provisions of article 5, division 8, a wayside stand may have one (1) building-mounted sign, mounted flush against the stand, which does not exceed ten (10) square feet in area, but no other signs shall be permitted.
7. A tent may not be used as a wayside stand.

Wetland mitigation bank means an area of land on which wetlands are to be restored, created, enhanced or preserved in a manner that will qualify the land for the purpose of engaging in the sale, exchange or transfer of wetlands mitigation credits required by federal or state authorities to compensate for adverse impact to wetlands. This definition shall not include wetlands mitigation banks owned and controlled by the United States, the Commonwealth of Virginia, the county, or any department or agency thereof.

Wholesale sales means the sale of goods, merchandise and commodities in gross, primarily for purposes of resale.

Wholesale trade establishment means any building wherein the primary occupation is the sale of merchandise in gross for resale, and any such building wherein the primary occupation is the sale of merchandise to institutional, commercial and industrial consumers. For the purpose of this chapter, a warehouse shall not be deemed a wholesale trade establishment.

Width, lot. See *Lot, width*.

Wildlife refuge. See *Game preserves, wildlife sanctuaries and fish hatchery.*

Winery means a facility utilized for growing or processing grapes into wine for bottling, tasting and selling.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless services means (i) "personal wireless services" as defined in U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

Wireless service provider means any entity providing commercial mobile radio services a provider of wireless services.

Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Wood by-products means a substance, which is principally composed of woody materials such as stumps, logs, limbs, brush, leaves, and similar items that can be chipped or ground into smaller components.

Wood by-products recycling center means a type of agricultural processing facility in a building and/or associated land area and equipment primarily used for the processing of wood by-products into mulch, wood chips, topsoil and similar materials. On-site retail sales of the processed materials and other similar commodities such as sand, gravel and rock shall be considered an auxiliary use.

Yard means any open space on the same lot with a building or building group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowner's association, condominium, or by the public.

For the purpose of this chapter, there shall be a distinction between "yard" and "minimum yard required." The minimum yard requirements set forth in this chapter represent that minimum distance which the principal building(s) shall be set back from the respective lot lines.

On a non-residential lot where a service drive is to be dedicated to the county or to the department of highways and transportation, such dedication shall not affect the applicable minimum yard requirements. The minimum required yard shall be established from the original lot line, except in no instance shall a building be erected closer than fifteen (15) feet from the nearest street line.

In instances where future roadway improvement plans have been listed on the VDOT Primary or Secondary Road 6-year Improvement Plan, Comprehensive Plan, or are on a county approved road bond project list, for the widening, opening, or relocation of any street or highway within the county, it shall be

required that the minimum yard required for any new construction be calculated based on the planned right-of-way in order to protect and preserve the right-of-way for such proposed street or highway. The zoning administrator may consider modifications to minimum front, rear, or side yards on a case by case basis in instances where it compromises the by-right development, code compliance of a lot.

Yard, front means a yard extending across the full width of a lot and lying between the front lot line and the principal building.

On a corner lot, the two (2) yards lying between the principal building and the intersecting streets shall both be deemed to be front yards.

On a through lot, the two (2) yards lying between the principal building and the two (2) or more public streets shall be deemed to be front yards and shall be controlled by the provisions for same, except as qualified in section 20-5.2.1, subdivision regulations for residential lots having reverse frontage, and except in those instances where one (1) of the public streets is an alley. On a pipestem lot or a lot abutting a pipestem driveway, any yard contiguous to the pipestem driveway shall be deemed a front yard and shall be subject to the provisions of article 6 of this chapter.

Yard, privacy means a small area contiguous to a building and enclosed on at least two (2) sides with either a wall or fence of six (6) feet minimum height.

Yard, rear means a yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.

Corner lots shall be considered to have two (2) fronts and are subject to front yard requirements for both fronts. Rear yard requirements shall apply to the yard opposite the shorter front street line; the remaining yard shall be considered a side yard and shall be subject to side yard requirements.

Yard, residential manufactured home park means any open space on the same lot within a manufactured home park lying between any manufactured home or group of manufactured homes or other building or building group and the nearest lot line of a residential manufactured home park parcel, unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such open space by the provisions of this chapter.

Yard, side means a yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines, as may be.

Zoning administrator means the administrative officer designated by the board to administer the zoning ordinance and issue zoning certificates.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-78, 2-9-99; Ord. No. 23-79, 4-13-99; Ord. No. 23-82, 8-24-99; Ord. No. 23-89, 12-12-00; Ord. No. 23-95, 9-25-01; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-111, 1-11-05; Ord. No. 23-119, 9-11-07; Ord. No. 23-120, 10-9-07; Ord. No. 23-124, 2-12-08; Ord. No. 23-126, 9-23-08; Ord. No. 23-131, 3-10-09; Ord. No. 23-135, 12-8-09; Ord. No. 23-142, 2-8-11; Ord. No. 23-144, 11-10-11; Ord. No. 23-151, 1-8-13; Ord. No. 23-153, 2-12-13; Ord. No. 23-154, 2-26-13; Ord. No. 23-160, 1-13-15; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-163, 9-13-16; Ord. No. 23-166, § 1, 12-13-16; Ord. No. 23-173, § 1, 11-9-17; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-177, § 1, 9-11-18; Ord. No. 23-178, § 1, 10-29-19; Ord. No. 23-180, § 1, 7-28-20; [Ord. No. X](#))

State law reference(s)—Definitions and rules of construction generally, § 1-2.

§ 2. That Chapter 23, Article 7A, be and is hereby **repealed** as follows:

~~ARTICLE 7A.—WIRELESS TELECOMMUNICATION FACILITIES~~

~~DIVISION 1.—PURPOSE~~

~~Sec. 23-7A.1.1.—Purpose.~~

~~The purpose of this section is to establish general guidelines for the siting, design and operation of wireless telecommunication facilities. Due to the unique characteristics or potential impacts of these facilities on the surrounding neighborhood and the county as a whole, wireless telecommunication facilities require individual consideration of their design, appearance, and/or configuration at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the facility is appropriate at a particular location.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.1.2.—Goals.~~

~~The goals of this section are:~~

- ~~1.—Accommodate wireless telecommunication services while minimizing the impact of tower sites on the community.~~
- ~~2.—Require wireless telecommunication facilities to be sited and designed in a way that minimizes infringement upon and degradation of the scenic and historical resources of the county and adjacent properties.~~
- ~~3.—Encourage co-location of antennae on towers and/or alternative support structures.~~
- ~~4.—Comply with applicable federal, state and local rules and regulations so as to accommodate the provision of a broad range of wireless telecommunication services in a safe, effective and efficient manner.~~
- ~~5.—Encourage economic development of Spotsylvania County to ensure the prosperity of future generations. Most cities and counties do not have the resources to provide a costly telecommunications infrastructure, thus the role of local government has evolved into providing an environment that encourages the development of this crucial infrastructure. Spotsylvania County takes seriously its responsibility for investing in and shaping the economic development of its communities, while, at the same time, protecting residential areas and land uses from potential adverse impacts of wireless telecommunications facilities.~~
- ~~6.—Promote the public health, safety and general welfare of the community.~~
 - ~~(a)—To avoid potential damage to adjacent properties from tower failure and falling objects through engineering structural standards and setback requirements.~~
 - ~~(b)—To mitigate and address the potentially adverse effects of wireless telecommunications facilities on human health and safety.~~
 - ~~(c)—To require compliance of safety standards consistent with applicable federal and state regulations.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~DIVISION 2.— SPECIAL USE PERMIT~~

~~Sec. 23-7A.2.1.— Uses excluded from the requirements of this section.~~

- ~~1.— *Public safety/service radio.* County wireless telecommunication facilities are exempt from the requirements of this section but are expected to adhere to the extent reasonably possible to the goals described herein.~~
- ~~2.— *Television reception antennae.* High definition TV (HDTV) towers shall be placed in an area with minimal historic or scenic impact and must meet all federal and state requirements.~~
- ~~3.— *Amateur radio.* The requirements set forth in this article shall govern amateur radio station operations in accordance with § 15.2-2293.1 of the Code of Virginia.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.2.2.— Special uses permit; required approvals.~~

- ~~1.— Except as provided in subsection 2. below, all wireless telecommunication facilities require a special use permit obtained in accordance with the provisions of this article. An administrative permit will be required for all applications not requiring a special use permit.~~
- ~~2.— A special use permit shall not be required for:~~
 - ~~(a)— The installation of antennae and equipment on an existing antenna support structure provided the installation does not result in an increase in the overall height of the structure.~~
 - ~~(b)— The installation of antennae and equipment on an alternative support structure provided it does not result in an increase in the overall height of the structure of more than ten (10) feet.~~
 - ~~(c)— The replacement in kind of an existing, conforming antenna support structure provided it does not result in an increase in the overall height of the structure.~~
 - ~~(d)— Mini or micro cells provided that they are less than or equal to eighty (80) feet AGL. Co-location of additional antennae should be sought. The county reserves the right to require "stealth technology" to hide or camouflage wireless facilities for mini or micro cells.~~
 - ~~(e)— Temporary wireless telecommunications facilities. Temporary towers or antennae less than eighty (80) feet in height that are erected for ninety (90) days or less within a three hundred sixty five day period.~~
- ~~3.— Depending on the nature and location of the proposed facility, the following approvals may also be required:~~
 - ~~(a)— Site plan approval in accordance with chapter 23 of the County Code;~~
 - ~~(b)— A building permit in accordance with chapter 23 and chapter 5 of the County Code;~~
 - ~~(c)— A certificate of appropriateness in accordance with chapter 23 of the County Code;~~
 - ~~(d)— A land disturbing permit for land disturbing activities in accordance with chapter 8 of the County Code.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~DIVISION 3.— PERMIT REVIEW PROCESS~~

~~Sec. 23-7A.3.1. Administrative permit review process application requirements.~~

~~The applicant shall submit a complete application package and review fee to the county. A complete application includes the following information:~~

- ~~1. Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, ANSI collapse zone, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed necessary to assess the siting and design shall be included.~~
- ~~2. A statement from an electrical engineer attesting that the cumulative effect of all existing and proposed antennae will not result in a ground-level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.~~
- ~~3. For applications proposing new structures, an engineering report by a structural engineer describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE 222, and any subsequent amendment thereto.~~
- ~~4. For applications proposing new structures or resulting in an increase in height, a FAA air navigation hazard determination report shall be required. A consultant study will not be accepted as a substitute to this requirement.~~
- ~~5. FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).~~
- ~~6. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office (SHPO).~~
- ~~7. FCC radio station license for each wireless service provider associated with the application.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.3.2. Staff review and report.~~

~~Upon review of the proposal, the director of planning may request additional information deemed necessary to adequately review the proposal. The director of planning may request that certain design elements and other site plan modifications be incorporated into the design. If the applicant does not agree to requested changes, the application shall proceed through the special use permit review process. In the event an application is denied, the applicant is permitted to resubmit the application under the special use permit review process. Upon review, the director of planning may determine that the request is not appropriate for the administrative review process due to the specifics of the request itself, site conditions, and/or the character of the area and may require that the applicant resubmit the application under the special use permit review process. Any fees paid for administrative review shall apply toward the fee for the special use permit application.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.3.3. Special use permit review process.~~

~~Prior to submitting an application for a special use permit, the applicant shall:~~

- (a) ~~Meet with the director of planning to discuss all aspects of the proposal.~~
- (b) ~~Conduct a balloon test:~~
- ~~• The balloon shall be a minimum five (5) feet in diameter and be of a highly visible color.~~
 - ~~• The balloon shall be flown during daylight hours for two (2) consecutive days.~~
 - ~~• An alternate date shall be planned for in the event that the weather is not conducive to a balloon test.~~
 - ~~• The applicant is responsible for securing all FAA approvals prior to this demonstration.~~
- (c) ~~Hold a community meeting in compliance with the County of Spotsylvania Community Meeting Policy:~~
- ~~• Notice of the meeting and balloon test shall be advertised in the local newspaper twice no more than fourteen (14) and no less than five (5) days prior to the balloon test.~~
 - ~~• Notification shall be mailed to all properties within two thousand (2,000) feet of the subject property no less than fourteen (14) days prior to the balloon test.~~
 - ~~• Discussion shall include the balloon test, photo simulations, and current plans.~~
 - ~~• Results of the meeting shall be reasonably incorporated into applicant's filing submission package.~~
- (d) ~~The applicant shall submit a complete application package and review fee to the county. A complete application includes the following information:~~
- ~~1. Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, ANSI collapse zone, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed necessary to assess the siting and design.~~
 - ~~2. Photographs of the site from a minimum of four (4) points surrounding the site as designated by the director of planning that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show the impact on other predominate land uses. The photograph with the simulated image shall include the foreground, mid-ground and the background of the site. A map shall be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.~~
 - ~~3. A statement from an electrical engineer attesting that the cumulative effect of all existing and proposed antennae will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.~~
 - ~~4. An inventory of the existing wireless telecommunication facilities owned and/or operated by the applicant and other entities associated with the application that are located within the jurisdiction of Spotsylvania County or within twenty (20) miles of the border thereof, including specific information about the location and height of each antenna and/or antenna support structure.~~
 - ~~5. A radio frequency engineer's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions;~~

constraints and other factors used in the design. The engineer's statement shall be supported by propagation maps that include a legend referencing signal strength. At a minimum, the following coverage maps shall be presented:

- (a) Existing network coverage (minimum twenty (20) mile radius surrounding the proposed site).
 - (b) Proposed coverage from the proposed site.
 - (c) Composite network coverage (existing and proposed coverage).
 - (d) Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments to a minimum height of eighty (80) feet AGL.
 - (e) Capacity.
- 6. Evidence demonstrating the inadequacy or unavailability of other structures within a three (3) mile radius of the proposed site. In assessing the adequacy of existing structures, the applicant should consider the use of one (1) or more existing structures or a combination of an existing structure and a new structure at a lower height than proposed as a means to achieve coverage objective.
 - 7. An engineering report by a structural engineer describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE 222.
 - 8. For new structures, a copy of the owner's co-location policy.
 - 9. FAA air navigation hazard determination report. A consultant study will not be accepted as a substitute to this requirement.
 - 10. FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
 - 11. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office (SHPO).
 - 12. FCC license for each wireless service provider associated with the application.
- (e) The Spotsylvania County Cable Commission shall review and provide comments on the application to the planning commission.

(Ord. No. 23-111, 1-11-05)

~~DIVISION 4. GENERAL STANDARDS~~

~~Sec. 23-7A.4.1. General standards.~~

~~The following general standards shall apply to all applications proposing wireless telecommunication facilities:~~

- 1. A report prepared by a structural engineer certifying that the proposed structure is capable of supporting similar users, including the primary user. All new structures shall be built with the intent of allowing the maximum number of co-locaters possible.
- 2. The following setback requirements shall apply:

- (a) ~~All antenna support structures must maintain a minimum setback of one hundred ten (110) percent of the ANSI collapse zone standard from the nearest legally occupied structure and from all adjoining property lines. In the event that the same person(s) own several parcels, the setback shall be to the peripheral property lines created by the aggregate of the parcels.~~
 - (b) ~~All wireless telecommunication facilities must satisfy the minimum zoning district setback requirements for primary structures.~~
- 3. ~~Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one (1) wireless service provider agreeing to install and operate his equipment continuously on the proposed structure upon its construction for a minimum period of one (1) year.~~
- 4. ~~The county is particularly mindful of the uniqueness of its historic resources. Every effort shall be made to minimize adverse impacts on such resources in the siting of telecommunication facilities. Every effort should be made to make each facility as aesthetically pleasing as possible. All stealth techniques when appropriate must be utilized.~~
- 5. ~~All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height, equipped with an appropriate anti-climbing device.~~
- 6. ~~The following requirements shall govern the landscaping surrounding wireless telecommunications facilities. The board of supervisors may waive or allow modified screening with a special use permit.~~
 - (a) ~~Any combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunication facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the compound.~~
 - (b) ~~Existing mature tree growth and natural landforms shall be preserved at a minimum radius depth of one hundred (100) feet from the base of the structure except as necessary to accommodate the proposed facilities and vehicular access.~~
 - (c) ~~The wireless telecommunication facility owner is responsible for maintaining all landscape plant material in a healthy condition. Dead plants shall be removed and replaced in kind.~~
- 7. ~~The treatment, color and lighting system for wireless telecommunication facilities shall be as follows:~~
 - (a) ~~Antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.~~
 - (b) ~~Antennae shall be a neutral, non-reflective color with no logos.~~
 - (c) ~~The design of wireless telecommunication facilities shall to the extent possible use materials, colors, textures and screening that will blend the facilities with the natural setting and the built environment.~~
 - (d) ~~If an antenna is installed on a structure other than an antenna support structure, the antenna and ancillary equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.~~

- (e) ~~Antenna support structures at least eighty (80) feet in height that are not required to be lit by federal regulations shall be equipped with beacon strobe lights that can be remotely activated.~~
 - (f) ~~Advertising without prior approval of the board of supervisors is not permitted on any component of the wireless telecommunication facility.~~
 - (g) ~~Utility lines shall be placed underground.~~
8. ~~Applicants shall submit with the intent to occupy the lowest height possible to meet their coverage objectives. Reverse stacking is encouraged in order to reduce the number of taller towers.~~
 9. ~~Wireless telecommunication facilities shall be designed and installed so as not to interfere with the county's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless telecommunication facilities determined to interfere with the county's or another jurisdiction's public safety radio system shall take corrective action immediately upon discovery. All wireless providers must check prior to network deployment and annually thereafter with the director of emergency communications to insure compliance.~~
 10. ~~All new towers, monopoles, or like structures hereafter constructed in the county shall include, at no cost to the county, space, as the county may require, for installation by the county of components for its communication system(s) (including both tower space and sheltered equipment space on the ground.)~~
 11. ~~All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate their operation. If such standards and regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required by law. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.~~
 12. ~~At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such facility shall remove same or opt to convey tower to county within ninety (90) days of receipt of notice from the department of planning of the removal requirement. The applicant shall post a performance bond equivalent to the cost of removal of the said tower facility from existence with the director of planning prior to issuance of a permit. If removal to the satisfaction of the department of planning does not occur within ninety (90) days, the county may remove and salvage the telecommunications facility or tower and all supporting equipment and building(s) at the owner's expense.~~
 13. ~~The owner of each antenna support structure shall have a safety inspection conducted annually by a registered professional engineer licensed by the Commonwealth of Virginia. A copy of the inspection report shall be filed annually in March with the director of planning. The report shall state the current user status of the antenna and/or support structure and the overall condition of the facility in accordance with the latest revision of ANSI EIA/TIA-222, and any subsequent amendment thereto.~~
 14. ~~The owner of the antenna support structure shall provide the name and address of a contact person during the approval process and shall notify the department of planning in writing of any changes. The name and address of a registered agent for each lessee of tower space shall also be provided to the department of planning and the commissioner of revenue by January 1st of each year.~~

~~15.—The board of supervisors may waive or modify any of the general standards with a special use permit.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.2.—Accordance with applicable regulations.~~

~~This article shall be interpreted in accordance with all applicable federal, State and local statutes, ordinances and regulations. In the event that a court of competent jurisdiction determines that a provision of this article is invalid, the remaining provisions of this article shall be interpreted as if such unenforceable provisions(s) were not included.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.3.—Fees.~~

~~In order to recover all costs associated with the use of an outside consultant to provide technical review services, a review fee will be charged to the applicant at the time an application is filed. The applicant shall reimburse any additional costs relating to additional reviews, errors, omissions, discrepancies, delays or extensions as the result of actions or requests by the applicant. The fee amount shall be established by resolution of the board of supervisors in the fee schedule: Land use and building.~~

~~(Ord. No. 23-111, 1-11-05)~~

~~Sec. 23-7A.4.4.—Consultant inspection services.~~

~~In order to recover all costs associated with the use of an outside consultant to provide construction inspection services, a construction inspection fee shall be charged to the applicant at the time the building permit is requested.~~

~~(Ord. No. 23-111, 1-11-05)~~

§ 3. That Chapter 23, Article 7A, consisting of Divisions 1 through 5, be and are hereby **enacted** and reordained as follows:

ARTICLE 7A. - WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES

DIVISION 1. - GENERALLY

Sec. 23-7A.1.1. – Purpose and intent.

The purpose of this section is to regulate the siting, design, and use of wireless facilities and wireless support structures. Due to the unique characteristics or potential impacts of these facilities and structures on the surrounding neighborhood and the county as a whole, wireless facilities and wireless support structures require individual consideration of their design, appearance, and/or configuration at the particular location proposed. Such individual consideration may also call for the imposition of

individualized conditions in order to ensure that the facility is appropriate at a particular location. The intent of this section is to:

- a) Accommodate wireless services while minimizing the impact of wireless facility sites on the community.
- b) Minimize the visual impact of wireless facilities on scenic and historical resources of the County and on nearby properties.
- c) Encourage co-location of antennas on towers and/or alternative support structures to reduce tower needs.
- d) Comply with applicable federal, state and local rules and regulations so as to accommodate the provision of a broad range of wireless services in a safe, effective, and efficient manner.
- e) Encourage economic development of Spotsylvania County to ensure the prosperity of future generations.
- f) Promote the public health, safety, and general welfare of the community.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 2. - Permitting

Sec. 23-7A.2.1. – Exemptions.

The following uses are exempt from Article 7A:

- a) *Public safety/service radio.* County wireless facilities, including any leasing or licensing agreements, are exempt from the requirements of this section but are expected to adhere to the extent reasonably possible to the goals described herein to allow erection of County Emergency Facilities and the leasing of space to Commercial uses on County facilities.
- b) *Television reception antennas.* Personal High Definition TV (HDTV) towers must meet all federal and state requirements.
- c) *State of Emergency towers.* Temporary government owned, non-profit, or commercial wireless facilities upon declaration of a state of emergency by federal, state, or local government and subsequent determination of public necessity by the Board of Supervisors or their designated coordinator of emergency management. Erected wireless facilities shall be exempt for up to six (6) months after the duration of the emergency.
- d) *Micro-wireless facility suspended on cables.* The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from County-imposed permitting requirements and fees.
- e) *Maintenance and replacement.* Routine maintenance or the replacement of wireless facilities or wireless support structures within a six (6) foot perimeter with wireless facilities or wireless support structures that are substantially similar or the same size or smaller.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.2.2. - Special use and administrative permits; required approvals.

The following permits are available and required for wireless facilities:

- a) All wireless facilities require a special use permit obtained in accordance with the provisions of Sec. 23-7A.3, except as exempted or allowed below with an administrative permit.
- b) An administrative permit will be issued for the following uses:
 - 1. The installation or construction of a new structure that is not more than fifty (50) feet above ground level provided that the facility is designed to support small cell facilities.
 - 2. Eligible facilities request as defined in Sec. 23-2.1.4.
 - 3. Temporary wireless facility as defined in Sec. 23-2.1.4.
- c) Depending on the nature and location of the proposed facility, the following approvals may also be required:
 - 1. Site plan approval in accordance with Chapter 23 of the County Code for new wireless facilities or base stations.
 - 2. A building permit in accordance with Chapter 23 and Chapter 5 of the County Code for structural or electrical improvements.
 - 3. A certificate of appropriateness in accordance with Chapter 23 of the County Code for any proposals located within a Historic Overlay District.
 - 4. A land-disturbing permit in accordance with Chapter 8 of the County Code for land-disturbing activities.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 3 – SPECIAL USE PERMIT REVIEW PROCESS AND STANDARDS

Sec. 23-7A.3.1. – Pre-application requirements.

Prior to filing an application, the applicant is strongly encouraged to meet with County staff at a pre-application meeting to discuss the proposed use and to become more familiar with the applicable requirements and approval procedures of the County.

- a) Prior to submitting an application for a special use permit, the applicant must conduct a balloon test:
 - 1. The balloon must be a minimum five (5) feet in diameter and be of a highly visible color.
 - 2. The balloon must be flown or erected by crane or other machine for a minimum of nine (9) hours during daylight hours for two (2) consecutive days at or as close as possible to the location of the proposed wireless facility.
 - 3. An alternate date must be planned for in the event that the weather is not conducive to a balloon test.
 - 4. The applicant is responsible for securing any FAA approvals required prior to this demonstration.
 - 5. The balloon and foreground must be photographed from a minimum of four (4) different perspectives and varying distances in preparation for photographic simulation of the

wireless facility, including from neighboring homes, parks, historic areas, and rights-of-way.

- b) The applicant is encouraged to conduct a community meeting following the Spotsylvania County Community Meeting Recommended Guidelines.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.2. – Special Use Permit application requirements.

The applicant must submit a complete special use permit application package and review fee to the Planning and Zoning Department. A complete application package includes the following information and the review fee:

- a) Application for approval of a special use may be filed by any property owner, person, or by any government official specifically authorized to file such application in writing by the owner of the lot on which the use is to be located.
- b) Application for approval of a special use must be filed with the County on a form provided and must contain or be accompanied by such information and plans as required on the form.
- c) The application must be accompanied by a generalized development plan drawn to the size and scale specified on the application form. Preparation of the plan by a licensed architect, engineer, landscape architect, or surveyor is required. The generalized development plan must include the following information unless the submission requirements have been waived or modified by the Director of Planning due to the scope and nature of the proposed development:
 1. A title block denoting the type of application, name of project, name of property owner, tax map reference, and street address;
 2. The name, address and phone number of the applicant;
 3. The name, address, phone number, signature, and registration number of the plan preparer, and the preparation date of the plan;
 4. Vicinity map, 1" = 2,000', a north arrow, scale, and scale graphic;
 5. The identification of and distance to all major intersections within one-half mile of the proposed development;
 6. The boundary of the entire parcel with courses and distances;
 7. Any existing and proposed parcel lines, easements, or rights-of-way within the subject parcel;
 8. The present zoning and principal use of the subject parcel and all contiguous properties;
 9. The boundaries of any overlay zoning districts described in Sec. 23-6;

10. The location and dimensions of all improvements associated with the wireless facility, including the wireless support structure, base station, equipment, utilities, grounding, concealment, breakpoints, setbacks, access, parking, fencing, lighting, and other information deemed necessary to assess the location, siting, and design of the proposal;
11. The boundaries of any lakes, rivers, streams, ponds, floodplains, resource protection areas, dam break inundation zones, and wetlands;
12. A generalized landscape plan showing existing vegetation, proposed clearing limits, and indicating the location, and types of vegetation to be installed under the landscaping and requirements of Sec. 23-7A.3.3.(c);
13. The general location, and material descriptions of all other existing and proposed screens, bufferyards, or landscaping and the security fence required in Sec. 23-7A.3.3.(b);
14. Topographic contour lines at ten-foot intervals using United States Geologic Survey 7.5 minute quadrangles for the existing site;
15. Any known historic buildings or features;
16. Any known places of burial;
17. Latitude and longitude of the wireless facility denoting whether coordinate description is in decimal degrees, or degrees, minutes, and seconds; and
18. Signature and seal of professional person certifying the plan.
- d) Photographs of the site from a minimum of four (4) points surrounding the site that include simulated photographic images to scale of the proposed wireless facility showing the visual impact from nearby properties.
1. The photographic simulations must be aligned with the balloon test and must include a statement describing adjustments for distance between the balloon's tether location and the proposed wireless facility base, if any; and include the foreground, mid-ground, and the background of the site.
 2. A map must be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.
- e) A radio frequency engineer's Letter of Non-interference which attests that the wireless facility will not interfere with the public safety radio system.
- f) Documentation showing other structures evaluated as support structures within a three (3) mile radius of the proposed site.
- g) An engineering report or signed statement by a structural engineer describing the wireless support structure height, design, any breakpoints, and colocation capacity of the proposed wireless facility identifying the number and type of antenna existing, proposed, and which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI tower standards. The report or statement must attest that the wireless facility has sufficient structural integrity to support the wireless facility, existing and proposed antennas, feedlines, and all mounted equipment.

- h) Letter(s) containing Federal approval and or findings related to impacts on environmental and historic resources, and including any conditions of approval.
- i) The attendance sheets, notes, and materials from any community meeting held.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.3. – Special Use Permit General Standards.

New wireless facilities permitted by special use permit must meet the following general minimum standards:

- a) All wireless facilities must satisfy the minimum zoning district setback requirements for primary structures.
- b) Any wireless facility base station must be enclosed by security fencing not less than six (6) feet in height and must be equipped with an appropriate anti-climbing device.
- c) The landscaping surrounding wireless facilities must be as follows, at a minimum:
 - 1. A mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the fencing surrounding the wireless facility to screen the view of the facility from surrounding properties and public areas.
 - 2. Existing mature tree growth and natural landforms must be preserved at a minimum radius depth of 100 feet from the base of the facility except as necessary to accommodate the proposed facility and vehicular access.
- d) The treatment and lighting system for wireless facilities must be as follows:
 - 1. Advertising, including the use of logos or other signage, is not permitted on any component of the wireless facility.
- e) Wireless facilities must be designed, installed, and operated so as not to interfere with the County's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless facilities determined to interfere with the County's or another jurisdiction's public safety radio system must take corrective action immediately upon discovery. All wireless facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate their operation.
- f) The name and address of a registered agent for each lessee of wireless support structure space must be provided to the Commissioner of Revenue by January 1st of each year.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.4. – Special Use Permit Application Review Period; Determination of Completeness.

An application for a wireless facility must be approved or disapproved by the Spotsylvania County Board of Supervisors within 150 days of submission of a complete application, in accordance with Section 332(c)(7) of the Communications Act of 1934 ("Telecommunications Act"), as amended, as interpreted by the Federal Communications Commission's Declaratory Ruling FCC 09-99:

- a) Within ten (10) business days after receiving an incomplete application, the County will notify the applicant if the application is incomplete. The notice will specify any additional information required to complete the application. The notice will be sent by electronic mail to the contact email address provided in the application. If the County fails to provide such notice within such ten (10)-day period, the application will be deemed complete.
- b) Once the application is deemed complete, the County must act on the application within 150 days.
- c) The review period may be extended by mutual agreement in writing between the applicant and the Director of Planning and Zoning or his/her designee.
- d) Following a supplemental submission, the Director of Planning and Zoning or his/her designee will notify the applicant within ten (10) business days if the supplemental submission did not provide the documents and information identified in the original notice delineating missing documents and information. The review period is tolled in the case of second or subsequent notices pursuant to the procedures noted above. Second or subsequent notices of incompleteness cannot specify missing documents or information that were not delineated in the original notice of incompleteness.
- e) A complete application for a project shall be deemed approved if the County fails to approve or disapprove the application within 150 days of submission of a complete application or any agreed extension thereof pursuant to Sec. 23-7A.3.3(b).

(Ord. No. 23-111, 1-11-05; Ord. No. X)

State Law reference – Zoning; other wireless facilities and wireless support structures, Code of Virginia Sec. 15.2-2316.4:1

Sec. 23-7A.3.5. – Staff review and report.

- a) Once an application for special use approval is determined to be complete, County staff will schedule the application for a public hearing before the Planning Commission and will review the application and development plan for compliance with the requirements of Sec. 23-7A.
- b) The Director of Planning and Zoning shall transmit the application and other information to any state, county, or other government agencies for review and comment as appropriate.
- c) After the application is determined to be complete in accordance with Sec. 23-7A.3.4 and all agency comments have been received in accordance with Sec. 23-7A.3.5(b), County staff shall submit a written staff report to the Planning Commission on the proposed special use.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.6. - Review and recommendation by the Planning Commission.

The Planning Commission shall conduct a public hearing, after giving notice in accordance with Sec. 23-4.2.1, and shall submit a written report and recommendation on the proposed special use to the Board of Supervisors no later than sixty (60) days after the public hearing, unless requested sooner by the Board of Supervisors, or as required to comply with Sec. 23-7A.3.4.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.7. - Review and decision by the Board of Supervisors.

(a) Upon receipt of the report and recommendation of the Planning Commission and the staff report, the Board of Supervisors shall conduct a public hearing, after giving notice in accordance with Sec. 23-4.2.1.

(b) The Board of Supervisors shall make a decision upon the application within a time not to exceed 150 days from the date that the application is determined to be complete, unless the applicant requests or consents to action beyond such period or the applicant withdraws the application.

(c) The Board of Supervisors may:

1. Approve the special use, with or without conditions, if the Board finds that the proposed use complies with the standards set out in section 23-7A.3.8; or
2. Disapprove the special use if the Board finds that the proposed use does not comply with the standards set out in Sec. 23-7A.3.8;
3. Refer the application back to the Planning Commission for further study and review.

(d) The Board of Supervisors may attach such conditions to the approval as it deems necessary to have the proposed use meet the standards set forth in Sec. 23-7A.3.8 and to prevent or minimize adverse impacts on other property. Such conditions may be stricter than any requirement or limitation stated elsewhere in this chapter for the proposed use. No minimum standards are waived.

(e) The Board of Supervisors will give the applicant written notice of its decision and any conditions to which its decision is subject.

(f) If the Board disapproves an application, it must provide the applicant with a written statement provided under Sec. 23-7A.3.7(e), of the reasons for such disapproval and, if the Board is aware of any modifications to the project as described in the application that if made would permit the Board to approve the proposed project, the Board must identify them in the written statement.

(g) Any disapproval of an application must not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and must

be supported by substantial record evidence contained in a written record publicly released within thirty (30) days following the disapproval.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.8. - Standards of review.

The Planning Commission shall not recommend, nor shall the Board of Supervisors approve, the proposed special use unless it satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the County;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.9. - Effect of decision.

Once a special use is approved, the applicant is then eligible to apply for site plan approval under the provisions of Sec. 23-4.11.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.10. - Changes to approved special uses.

After a special use has been approved, any significant changes to the terms or conditions of approval of the special use will require separate review and approval by the Board of Supervisors. Any application for approval of such a change must be filed, processed, reviewed, and approved or denied in the manner set

forth in Sec. 23-7A for an application for special use approval. An application for approval of modifications to the approved site plan for the special use shall be filed separately under the provisions of Sec. 23-4.11.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.3.11. - Expiration or revocation of special use approval.

(a) Special use approval shall lapse, and become null and void, where the applicant or a successor-in-interest has failed to establish the use authorized thereby or to commence and diligently pursue the construction authorized thereby within two (2) years after the date of approval of the special use unless otherwise indicated in the special use permit. The Board of Supervisors may grant a one (1) year extension of this time limit, for good cause shown, upon receiving a written request from the applicant at least thirty (30) days before the expiration of the original time limit.

(b) If at any time after a special use is approved, and the applicant is found to be in violation of any of the conditions to the approval, the standards of this division, or other standards or requirements of Chapter 23, the recipient of the special use approval shall be subject to the penalties described in Sec. 23-9, including revocation of the special use approval.

(c) Special use approval may be revoked by the Board of Supervisors for unremedied or repeated violations of special use conditions or failure to satisfy the requirements of Sec. 23 only after conducting a public hearing and giving written notice in accordance with Sec. 23-4.2.

Sec. 23-7A.3.12. - Waiting period for subsequent applications.

If a special use is denied, refile of substantially the same application shall not be permitted until one (1) year after the date of the disapproval.

DIVISION 4 – ADMINISTRATIVE PERMIT REVIEW PROCESS AND STANDARDS

Sec. 23-7A.4.1. – Administrative Permit application requirements; determination of completeness.

The applicant must submit a complete application package and review fee to the County. A complete application includes the following information and the review fee:

- a) A description of the proposed improvements and whether the application is an eligible facilities request.
- b) Latitude and Longitude of the tower or alternative support structure. The applicant must specify whether coordinate description is in decimal degrees or degrees, minutes, and seconds.
- c) A sealed statement by a structural engineer identifying the wireless support structure's height, design, breakpoints, number and type of existing and proposed antenna and how many could be accommodated in accordance with the requirements set forth in the latest revision to ANSI standards. The statement must attest that any alternative structure has sufficient structural

integrity to support the tower, existing and proposed antennas, feedlines, and all mounted equipment.

- d) For a new wireless support structure or changes to a base station: Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, base station, equipment, utilities, grounding, topography, any concealment, breakpoints, setbacks, drives, parking, fencing, landscaping, lighting, adjacent uses, and other information deemed necessary to assess the location, siting, and design of the proposal.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

State Law reference – Application reviews, Code of Virginia Sec. 15.2-2316.4:2.

Sec. 23-7A.4.2. – Administrative Permit Application Review Period.

Administrative permits must be reviewed by the Zoning Administrator in accordance with the following timelines and guidelines:

- a) Within ten (10) business days after receiving an incomplete application, the County will notify the applicant that the application is incomplete. The notice shall specify any additional information required to complete the application. The notice shall be sent by electronic mail to the applicant's email address provided in the application. If the County fails to provide such notice within such ten (10) day period, the application shall be deemed complete.
1. A complete application to construct a new wireless support structure must be reviewed and approved or disapproved within 150 calendar days.
 2. A complete application for a small cell facility or an eligible facilities request must be reviewed and approved or disapproved within sixty (60) calendar days. The sixty (60) day period may be extended by the County in writing for a period not to exceed an additional thirty (30) days. The application shall be deemed approved if the County fails to act within the initial sixty (60) days or an extended thirty (30) day period.
 3. All other complete applications must be reviewed and approved or disapproved within ninety (90) calendar days.
- b) The review period may be tolled by mutual agreement by the Zoning Administrator or his/her designee and the applicant.
- c) Any disapproval of an application shall include a written statement of the reasons for such disapproval and if the County is aware of any modifications to the project as described in the application that if made would permit the County to approve the proposed project, the County must identify them in the written statement.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

Sec. 23-7A.4.3. – General Standards for Administrative Applications.

Administrative applications will be approved for the following facilities if the following facilities meet the applicable development standards set forth below.

- a) An administrative application for a new wireless support structure will be approved if the proposed telecommunications tower meets the following standards.
1. The tower must not exceed fifty (50) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. Tower must be set back from the property line at a distance equal to or greater than the minimum yard required of primary structures in the zoning district of the parcel on which the tower is to be constructed.
 3. Any combination of landscaped vegetative buffers, landscaped earthen berms, or preservation of existing vegetation must be provided around the perimeter of the site of any tower to effectively screen the view of the tower base and any equipment area from surrounding properties, except as necessary to accommodate access. The standard buffer must consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the equipment area.
 4. No signs are to be placed on the property except those signs required by other applicable law or regulation related to the construction or maintenance of the tower.
- b) An administrative application for a new amateur radio tower will be approved if the proposed radio tower meets the following standards:
1. The tower must not exceed seventy-five (75) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. The minimum setback must equal or exceed the height of the tower.
 3. The tower must only be located in the rear or side yard of a property.
- c) An administrative application for a new roof mounted base station facility will be approved if the proposed facility meets the following standards:
1. The facility must not exceed fifteen (15) feet in height, individual zoning district maximum height requirements notwithstanding.
 2. Antennas, equipment, and feedlines must be designed and located to not be readily visible from public rights-of-way or residential units through the use of camouflage or screening including but not limited to paint, parapet walls, cupolas, enclosures or other compatible architectural treatments. Equipment may alternatively be located on the ground in accordance with the requirements for equipment areas, further regulated below.
- d) An administrative application for a new wall mounted base station facility will be approved if the proposed facility meets the following standards:
1. Only flush mounted panel style or small cell antennas will be permitted.
 2. The top of the antenna must not extend above the uppermost point of the principal structure.
- e) An administrative application for a base station facility on an electrical transmission tower or water tower will be approved if the proposed facility meets the following standards:
1. The facility must not extend more than fifteen (15) feet above the existing structure, individual zoning district maximum height requirements notwithstanding.
- f) An administrative application for a base station not otherwise covered in Sec. 23-7A.4 will be approved if the proposed facility meets the following standards:
1. The height of the facility must not exceed the uppermost point of the existing structure.
- g) New colocation on existing approved communication towers or existing base station:

1. The maximum height increase permitted is 10 percent of the approved height of the communication tower or base station, individual zoning district maximum height requirements notwithstanding.
 2. The addition will not extend more than 20 feet from the tower or base station.
- h) Equipment Areas:
1. The equipment area must be setback from the property line at a distance equal to or greater than the minimum yard required of primary structures in the zoning district of the parcel on which the equipment area is to be constructed.
 2. Equipment areas must be enclosed by security fencing not less than six (6) feet in height, equipped with an appropriate anti-climbing device.
 3. A required landscape buffer must be maintained at least fifteen (15) feet wide surrounding the equipment area, measured from the exterior security enclosure, exclusive of breaks necessary for access. The buffer must be a mix of native trees and shrubs. The facility owner is responsible for maintaining all landscape plant material in a healthy condition. Dead plants must be removed and replaced in-kind.
 4. Only timed or motion activated lighting must be used.
 5. No signs will be allowed apart from security, safety, and identification signage.
- i) An application for a temporary wireless facility will be approved if the proposed facility meets the following standards:
1. The tower must not exceed 130 feet in height, individual zoning district maximum height requirements notwithstanding.
 2. The tower must be removed within ninety (90) days of its erection.
 3. No signs will be allowed on the tower apart from security, safety, and identification signage.
- j) Eligible facilities requests will be approved provided the modification of the tower or bases station does not substantially change the physical dimensions of such.
- k) Small cell and micro-wireless facility:
1. Any small cell facility proposed within a Historic Overlay District will require a Certificate of Appropriateness approved by the Historic Preservation Commission.
 2. The County may disapprove a proposed location or installation of a small cell or micro-wireless facility only for the following reasons:
 - a. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
 - b. The public safety or other critical public service needs;
 - c. Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or
 - d. Conflict with an applicable local ordinance adopted pursuant to § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108.

3. Nothing will prohibit an applicant from voluntarily submitting, and the County from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell or micro-wireless facilities.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

DIVISION 5. – CONTINUITY

Sec. 23-7A.5.1 - Accordance with applicable regulations.

Sec. 23-7A will be interpreted in accordance with all applicable federal, state, and local statutes, ordinances, and regulations. In the event that a court of competent jurisdiction determines that a provision of this Article is invalid, the remaining provisions of Sec. 23-7A will be interpreted as if such unenforceable provisions(s) were not included.

(Ord. No. 23-111, 1-11-05; Ord. No. X)

§ 4. This ordinance will be in force and effect upon adoption.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Authorization for Public Hearing - Chesapeake Bay Ordinance

Type: Action, Ordinance

Agenda Title: Authorization for Public Hearing - Chesapeake Bay Ordinance Amendments

Recommendation: Staff recommends that the Planning Commission authorize CA22-0003/Ord. No. 6A-6 for public hearings, as well as the amendments to the Zoning and Subdivision Ordinances to update Code of Virginia references.

Summary: Spotsylvania County is under a Corrective Action Agreement with DEQ related to the County's Chesapeake Bay program. One corrective action is to update the County's ordinance by the end of August, 2022. Staff is requesting that the Planning Commission authorize public hearings to consider amendments to Chapter 6A, Chesapeake Bay Ordinance and Chapters 20 and 23 to update Code of Virginia references in the Subdivision and Zoning Ordinances.

Committee/Commission Summary:

Review Date: Status:

Financial Impact:

Staff Contacts: Wanda Parrish, Assistant County Administrator - Community Development

Valerie Tyler, Interim Deputy of Environmental Codes

Legal Counsel: Susan Cooke, Deputy County Attorney

Additional Background/Other Considerations:

Consequence of Denial/Inaction: The public hearings will not proceed and the County will not be able to meet the terms of the Corrective Action Agreement.

ATTACHMENTS:

Name:	Description:	Type:
☐ Chapter_6A___CHESAPEAKE_BAY_PRESERVATION_PC_Draft_for_Authorization.pdf	Draft Ordinance Amendment Ches Bay	Ordinance
☐ Subdivision_Ord_Amendment_ChesBay.docx	Draft Subdivision Amendment	Ordinance
☐ Zoning_Ordinance_Amendments_ChesBay.docx	Draft Zoning Amendment	Ordinance

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 6A-6

To repeal CA22-0002: Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, 6A-22, and 6A-23, and reordain CA22-0002: Chapter 6A, Chesapeake Bay Preservation Ordinance, Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, and 6A-22.

PUBLIC HEARING: _____

WHEREAS, staff has reviewed the ordinances and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, on ____, 2022, and ____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, good environmental, planning, and zoning practice, health and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA
HEREBY ORDAINS:

§ 1. That the Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, 6A-22, and 6A-23, be and is hereby **repealed and reordained as** Chapter 6A, Chesapeake Bay Preservation Ordinance, consisting of Sections 6A-1, 6A-2, 6A-3, 6A-4, 6A-5, 6A-6, 6A-7, 6A-8, 6A-9, 6A-10, 6A-11, 6A-12, 6A-13, 6A-14, 6A-15, 6A-16, 6A-17, 6A-18, 6A-19, 6A-20, 6A-21, and 6A-22, as follows:

Chapter 6A CHESAPEAKE BAY PRESERVATION¹

Sec. 6A-1. Title.

This Chapter shall be known and referenced as the "Chesapeake Bay Preservation Ordinance" of Spotsylvania County.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:67, et seq.; 9VAC25-830, et seq.

Sec. 6A-2. Purpose and intent.

This Section is enacted to implement the requirements of Code of Virginia § 62.1-44.15:67 et seq., the Chesapeake Bay Preservation Act. The purpose and intent of this Chapter is to:

- (a) Protect existing high-quality state waters;
- (b) Restore state waters to a condition or quality that will permit all reasonable public uses and will support the propagation and growth of aquatic life, including game fish, which might reasonably be expected to inhabit them;
- (c) Safeguard the clean waters of the Commonwealth from pollution;
- (d) Prevent increases in pollution;
- (e) Reduce existing pollution;
- (f) Protect and enhance the wise use of environmental resources through management of development;
- (g) Promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of Spotsylvania County;
- (h) Prevent a net increase in nonpoint source pollution from new development;
- (i) Achieve a ten (10) percent reduction in nonpoint source pollution from redevelopment; and
- (j) Achieve a reduction in nonpoint source pollution from agricultural uses.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

¹Editor's note(s)—Ord. No. 6A-3, adopted Feb. 10, 2004, amended and reordained Chapter 6A to read as herein set out. Formerly, said chapter pertained to similar subject matter as enacted by an ordinance of Nov 26, 1991; as amended.

Cross reference(s)—Buildings and building regulations, Ch. 5; erosion and sediment control, Ch. 8; subdivisions, Ch. 20; zoning, Ch. 23.

State law reference(s): Va. Code Section 62.1-44.15:67, *et seq.*; 9VAC25-830, *et seq.*

Sec. 6A-3. Definitions.

The following words and terms used in this chapter have the following meanings unless the context clearly indicates otherwise. Words and terms not defined in this Chapter, but defined in Chapter 23, Zoning, or Chapter 20, Subdivisions, of County Code, shall be given the meanings set forth therein.

Act means the Chesapeake Bay Preservation Act, Article 2.5 (§ 62.1-44.15:67 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

Administrator means the County Administrator or designee.

Agricultural lands means those lands used for the planting, growing, and harvesting of crops of any kind in the open; pastures; horticulture; dairying; floriculture; or raising of poultry and/or livestock. Buildings and structures are not included in this definition.

Applicant means any property owner submitting any application required or permitted pursuant to any provision of this chapter and shall include successors and assigns.

Best management practice(s) (BMP(s)) means a practice, or a combination of practices, that is determined by a state, local, or designated area-wide planning agency to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Buffer area means an area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances.

Chesapeake Bay Preservation Area (CBPA) means any land designated by Spotsylvania County pursuant to Part III of the Chesapeake Bay Preservation Area Designation and Management Regulations, 9VAC25-830-70 et seq., and Code of Virginia §§ 62.1-44.15:72 and 62.1-44.15:74. A Chesapeake Bay Preservation Area shall consist of a resource protection area and a resource management area.

Construction footprint means the area of all impervious surface including, but not limited to, buildings, roads and drives, parking areas, and sidewalks and the area necessary for construction of such improvements.

Development means the construction, installation, or substantial alteration of any improvement upon a parcel of land, any land disturbance, or any disturbance of vegetation.

Diameter at breast height (DBH) means the diameter of a tree measured outside the bark at a point four and one-half (4.5) feet above ground.

Dripline means a vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

Floodplain means all lands that would be inundated by floodwater as a result of a storm event of a 100-year return interval.

Highly erodible soils means soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight (8). The erodibility index for any soil is defined as the product of the formula $RKLS/T$, where R is the rainfall and runoff; K is the soil susceptibility to water erosion in the surface layer; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

Highly permeable soils means soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six (6) inches of water movement per hour in any part of the soil profile to a depth of seventy-two (72) inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Survey Handbook", November 1996 version, Field Office Technical Guide of the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS), or as found on the USDA NRCS website.

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Hydric soils means soils that are saturated, flooded, or ponded long enough during the growing season to support wetland vegetation.

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to roofs, buildings, streets, parking areas, and any concrete, asphalt, and compacted gravel surface.

Improvement means a valuable addition made to property (usually real estate) or amelioration in its condition, amounting to more than mere repairs or replacement of waste, costing labor or capital, and intended to enhance its value, beauty, or utility or to adapt it for new or further purposes.

Land disturbance means any activity upon land which causes, contributes to, or results in the removal or covering of the vegetation upon such land, including, but not limited to, clearing, dredging, filling, grading or excavating. The term shall not include minor activities such as home gardening, planting of trees and shrubs, and home maintenance.

Natural Resources Inventory (NRI) means an assessment of a site's natural resources such as wetlands, floodplains, steep slopes, hydric soils, RPAs, RMAs, and other notable environmental features.

Nonpoint source pollution means pollution consisting of constituents such as sediment, nutrients, and organic and toxic substances from diffuse sources, such as runoff from agriculture and urban land development and use.

Nontidal wetlands means those wetlands other than tidal wetlands that are "inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions," as defined by the U.S. Environmental Protection Agency, pursuant to Section 404 of the federal Clean Water Act, 33 C.F.R. 328.3b.

Noxious weeds means plants that are difficult to control effectively, such as Johnson grass, kudzu, and multiflora rose. A complete list is contained in the Virginia Department of Conservation and Recreation, Division of Natural Heritage, publication entitled Virginia Invasive Species Plant List (<https://www.dcr.virginia.gov/natural-heritage/invspdflist>).

Plans of development means plans, including but not limited to, development plans, conceptual development plans, final development plans, generalized development plans, special exception plats, variance plats, minor site plans, site plans, preliminary subdivision plats, final subdivision plats, subdivision waivers and exceptions, conservation plans, construction plans, rough grading plans, grading plans, and plans associated with wetlands permits submitted pursuant to section 6A-13 of this Chapter to ensure compliance with this Chapter and Code of Virginia § 62.1-44.15:74.

Plat is a map, plan, plot, re-plat or re-plot, prepared by a registered surveyor, licensed engineer or certified landscape architect, in accordance with Titles 15.2 and 54.1 of the Code of Virginia and regulations governing those professions, which delineates the property lines of a lot that is to be or that has been subdivided, the location and boundaries of easements and rights-of-way and the location of any monuments used to identify the property. When used as a verb the word "plat" is synonymous with the word "subdivide."

Public road means a publicly-owned road designed and constructed in accordance with water quality protection criteria at least as stringent as the requirements applicable to the Virginia Department of Transportation (VDOT), including regulations promulgated pursuant to: (i) the Erosion and Sediment Control Law (Code of Virginia § 62.1-44.15:51 et seq.); and (ii) the Virginia Stormwater Management Act (Code of Virginia § 62.1-44.15:24 et seq.). This definition includes those roads where VDOT exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by the County in accordance with the standards of the County. For purposes of this chapter, public roads do not include roads that are designed and/or constructed by a private developer using VDOT standards.

Qualified expert means a professional wetland scientist or professional hydrologist or state licensed wetland delineator, engineer, soil scientist, and geologist. This may also include individuals with specialized training as approved by the Administrator.

Redevelopment means the process of developing land that is or has been previously developed.

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Resource management area (RMA) means that component of the Chesapeake Bay Preservation Area that is not classified as the RPA. RMAs include land types that, if improperly used or developed, have the potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

Resource protection area (RPA) means that component of the Chesapeake Bay Preservation Area comprised of lands adjacent to waterbodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation to the quality of state waters. RPAs shall include tidal wetlands, tidal shores, nontidal wetlands connected by surface flow and contiguous to tidal wetlands and/or adjacent to water bodies with perennial flow, and a one hundred (100) foot-wide buffer area as defined in this chapter adjacent to and landward of other RPA components and along both sides of any perennial channel.

Shore see Tidal shore.

Sight line means a line extending from a fixed point to a viewed object or area through an opening or passageway.

Sign, Resource Protection Area (RPA) means a sign identifying the landward limits of the CBPA.

Silvicultural activities means forest management activities, including, but not limited to, the harvesting of timber, the construction of roads and trails for forest management purposes, and the preparation of property for reforestation that are conducted in accordance with the silvicultural best management practices developed and enforced by the state forester pursuant to Code of Virginia § 10.1-1105 and are located on property defined as real estate devoted to forest use under Code of Virginia § 58.1-3230.

Substantial alteration means expansion or modification of a building or development that would result in a disturbance of land exceeding an area of two thousand five hundred dollars (2,500) square feet in the RMA only.

Tidal shore means land contiguous to a tidal body of water between the mean low water (MLW) elevation and the mean high water (MHW) elevation.

Tidal wetlands means vegetated and non-vegetated wetlands as defined in Code of Virginia § 28.2-1300.

Use means an activity on the land, other than development, including, but not limited to, agriculture, horticulture, and silviculture.

Water body with perennial flow means a body of water that flows in a natural or manmade channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal embayments, and may include drainage ditches or channels constructed in wetlands or from former natural drainage ways, which convey perennial flow. Lakes and ponds, through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the stream bed for most of the year and groundwater is often the primary source for stream flow. The methodology to determine perennial flow shall be in accordance with Section 6A-8(a) of this Chapter.

Water-dependent facility means development of land that cannot exist outside of the RPA and must be located on or near the shoreline by reason of the intrinsic nature of its operation. These facilities include but are not limited to: (1) ports; (2) the intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers; (3) marinas and other boat-docking structures; (4) beaches and other public water-oriented recreation areas; and (5) fisheries or other marine resources facilities. The Administrator reserves the right to determine if any development meets the provisions of this subsection.

Wetlands means tidal and non-tidal wetlands, as defined in this Section.

(Ord. No. 6A-3, 2-10-04; Ord. No 6A-6 ____)

State law reference(s): Va. Code Section 62.1-44.15:68; 9VAC25-830-40

Sec. 6A-4. Designation of Chesapeake Bay Preservation Area (CBPA).

The Board of Supervisors hereby designates the following areas of Spotsylvania County, Virginia, as Chesapeake Bay Preservation Areas (CBPAs):

(a) All lands within the Spotsylvania County boundaries.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-5. Resource Protection Area (RPA).

At a minimum, RPAs shall consist of lands adjacent to water bodies with perennial flow that have an intrinsic water quality value due to the ecological and biological processes they perform or because they are sensitive to impacts which may cause significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments, nutrients and potentially harmful or toxic substances in runoff entering the bay and its tributaries and minimize the adverse effects of human activities on state waters and aquatic resources.

RPAs shall consist of:

- (a) Tidal wetlands;
- (b) Nontidal wetlands connected by surface flow that are contiguous to tidal wetlands or water bodies with perennial flow;
- (c) Tidal shores;
- (d) A 100-foot vegetated buffer area located adjacent to and landward of the environmental features listed in subdivisions (a) through (c) and (e) of this subsection, and along both sides of any water body with perennial flow. All applicable components of the RPA buffer area shall be designated as the entire landward component of the RPA, notwithstanding the presence of permitted uses, encroachments, and permitted vegetation clearing in compliance with 9VAC25-830-120 and this chapter; and
- (e) Such other lands determined by the Administrator to meet the provisions of this section and to be necessary to protect the quality of state waters.

Designation of the components listed in this section shall not be subject to modification unless based on reliable, site-specific information as provided for in 9 VAC 25-830- 110 and Subdivision 6 of 9 VAC 25-830-140.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6-)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-80

Sec. 6A-6. Resource Management Area (RMA).

RMAs shall include land types that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the RPA.

An RMA shall be provided contiguous to the entire inland boundary of the RPA. Resource management areas consist of one or more of the following:

- (a) 100-year floodplains;
- (b) Highly erodible soils, including steep slopes;
- (c) Highly permeable soils;
- (d) Nontidal wetlands not included in RPAs; and/or
- (e) 100-foot buffer area of land located adjacent to and landward of every RPA.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-7. Chesapeake Bay Preservation Areas Maps.

CBPAs include RPAs and RMAs. Subject to any adjustments by the Administrator pursuant to Section 6A-8, the general boundaries of RPA areas are included on the Spotsylvania County RPA map. A site-specific natural resource inventory is required except as otherwise described in this Chapter.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-60

Sec. 6A-8. Site-Specific Refinements of Chesapeake Bay Protection Area Boundaries and Boundary Adjustments.

Site-specific refinements of CBPA boundaries and boundary adjustments shall be made in the following circumstances:

- (a) As part of, or prior to, the zoning application or plan review processes, or during the review of a water quality impact assessment pursuant to Section 6A-12(f), the applicant shall conduct a reliable, site-specific perennial flow evaluation to determine whether water bodies on or adjacent to the proposed development site have perennial flow. The determination of perennial flow may be accomplished by the use of an approved and recognized, scientifically valid method using field indicators of perennial flow. The applicant shall provide one paper copy and one digital copy of the report to the Administrator for review. The RPA boundaries for the site shall then be adjusted, as necessary, based on this evaluation. Evaluations may be rejected for cause if they do not meet the minimum standards of Chapter 6A-8.
- (b) The Administrator may adjust the delineation of any RPA boundaries when a Natural Resources Inventory prepared by a qualified expert indicates a need for change based on the environmental features listed in Section 6A-5(a) through 6A-5(d) and as applicable, 6A-(e). The Natural Resources Inventory shall be drawn to scale and shall clearly delineate such features. Wetland delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and applicable Regional Supplements for piedmont (2012) and coastal plain

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(2010) areas.

- (c) The Administrator may adjust the delineation of any RMA boundaries when a Natural Resources Inventory prepared by a qualified expert indicates a need for such change based on the environmental features listed in Section 6A-6. The Natural Resources Inventory shall be drawn to scale and shall clearly delineate such environmental features. Wetland delineations shall be performed in accordance with the procedures specified in the most recently approved edition(s) of the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and applicable Regional Supplements for piedmont (2012) and coastal plain (2010) areas.
- (d) The Administrator may perform an RPA delineation when requested by an applicant wishing to construct a single-family residence. The Administrator may use an approved site-specific perennial flow evaluation, or the Administrator may waive the requirement and complete the delineation based on all available County information. In addition, the Administrator may waive the requirement for a site-specific perennial flow evaluation if no evidence of possible RPA features are identified through the evaluation of all available information examined by the Administrator. This information includes topographic maps, soil surveys, and any other applicable mapping.
- (e) Any person aggrieved by the Administrator's decision concerning the boundaries of an RPA or RMA may appeal such decision in accordance with Section 6A-19.
- (f) Boundary adjustments shall not be available to property that is undergoing redevelopment if, due to previous development of the property, the CBPA features listed in Section 6A-5 or Section 6A-6 cannot be determined.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-110

Sec. 6A-9. Use regulations.

Permitted uses, special permit uses, accessory uses, and special requirements shall be as established by County Code Chapter 23, unless specifically modified by the requirements set forth in this Chapter.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-10. Lot size.

Lot size shall be subject to the requirements of the underlying zoning district(s), provided that any lot shall have sufficient buildable area outside of the RPA to accommodate an intended development.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-11. Conflict with other regulations.

In any case where the requirements of this chapter conflict with any other provision(s) of the Spotsylvania County Code, whichever code imposes the more stringent restrictions shall apply.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-12. Resource Protection Area Regulations.

In addition to the general performance criteria set forth in Section 6A-13, the criteria in this Section are applicable in RPAs.

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- (a) Land development. Land development may be allowed in an RPA, subject to the approval of the Administrator, only if it:
- (1) Is water dependent.
 - (2) Is an allowed encroachment to the RPA buffer area established pursuant to Section 6A-12(d).
 - (3) A new or expanded water dependent facility may be allowed, provided that:
 - a. It does not conflict with the comprehensive plan;
 - b. It complies with the performance criteria set forth in Sections 6A-12 and 6A-13;
 - c. Any non-water dependent component is located outside any RPA; and
 - d. Access to the water-dependent facility will be provided with minimum disturbance necessary. If possible, a single point of access shall be provided.
 - (4) Constitutes redevelopment. Redevelopment shall be permitted in the RPA only if there is no increase in the amount of impervious cover and no further encroachment within the RPA, and it shall conform to applicable erosion and sediment control and stormwater management criteria set forth in Section 6A-13; the Erosion and Sediment Control Law and the Virginia Stormwater Management Act and their attendant regulations; and Chapters 8 and 19A of this code as well as all applicable stormwater management requirements of other state and federal agencies.
 - (5) Roads and driveways not exempt under Section 6A-15 may be constructed in or across RPAs only if each of the following conditions are met:
 - a. The Administrator makes a finding that there are no reasonable alternatives to aligning the road or driveway in or across the RPA;
 - b. The alignment and design of the road or driveway are optimized, consistent with other applicable requirements, to minimize both the encroachment in the RPA and adverse impacts on water quality;
 - c. The design and construction of the road or driveway satisfies all applicable criteria of this chapter, including submission of a water quality impact assessment; and
 - d. The Administrator reviews the plan for the road or driveway proposed in or across the RPA in coordination with site plan, subdivision, and plan of development approvals.
 - (6) Is a flood control or stormwater management facility that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in RPAs provided such facilities are allowed and constructed in accordance with the Virginia Stormwater Management Act and its attendant regulations, and provided that:
 - a. The Administrator has conclusively established that the location of the facility within the RPA is the optimum location;
 - b. The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
 - c. The facility must be consistent with a comprehensive stormwater management plan developed and approved in accordance with 9VAC25-870-92 of the Virginia Stormwater Management Program (VSMP) regulations;
 - d. All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the U. S. Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission;
 - e. Approval must be received from the Administrator prior to construction; and
 - f. Routine maintenance is allowed to be performed on such facilities to assure that they continue to function as designed. It is not the intent to allow a best management practice that collects and treats runoff from only an individual lot or some portion of the lot to be located within an RPA.

- (b) A water quality impact assessment in accordance with Section 6A-12(f) shall be required for any proposed land disturbance.
- (c) RPA buffer area requirements. The 100-foot RPA buffer area shall be the landward component of the RPA as set forth in Section 6A-5(d). Notwithstanding allowed uses and encroachments, as set forth in Section 6A-12(a) and Section 6A-12(d), the 100-foot RPA buffer area shall not be reduced in width. To minimize the adverse effects of human activities on the other components of the RPA, state waters, and aquatic life, a 100-foot-wide RPA buffer area of vegetation that is effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff shall be retained, if present, and established where it does not exist. The following criteria shall apply to the 100-foot RPA buffer area. Where such buffer must be established, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
- (1) The 100-foot RPA buffer area shall be deemed to achieve a seventy-five percent (75%) reduction of sediments and a forty percent (40%) reduction of nutrients.
 - (2) Where land uses such as agriculture or silviculture within the area of the RPA buffer area cease and the lands are proposed to be converted to other uses, the full 100-foot RPA buffer area shall be reestablished. In reestablishing the RPA buffer area, management measures shall be undertaken to provide woody vegetation that assures the RPA buffer area functions set forth in this chapter. . Where such buffer must be reestablished, the planting of trees shall be incorporated as appropriate to site conditions and in such a manner to maximize the buffer function. Inclusion of native species in tree planting is preferred.
 - (3) Existing vegetation in the RPA buffer area shall not be cleared or disturbed except as provided in Section 6A-12(a) and (d) and with the prior approval of the Administrator.
- (d) Permitted modifications of the RPA buffer area.
- (1) In order to maintain the functional value of the RPA buffer, existing vegetation may be removed, subject to the approval of the Administrator, only to provide for reasonable sight lines, access paths, general woodlot management and best management practices, including those that prevent upland erosion and concentrated flows of stormwater, as follows:
 - a. Trees may be pruned or removed at ground surface level (i.e., no grading or grubbing) if necessary to provide for sight lines and vistas. If trees are removed in this manner, they shall be replaced with other vegetation that, in the judgment of the Administrator, is equally effective in retarding runoff, preventing erosion and filtering nonpoint source pollution from runoff. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and any removal should be limited to the fewest number of trees feasible. When trees are removed to provide for sight lines and vista, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function. Inclusion of native species in tree replanting is preferred.
 - b. Any path shall be constructed and surfaced to effectively control erosion.
 - c. Dead, diseased, or dying trees or shrubbery and noxious (such as Johnson grass, kudzu, and multiflora rose) may be removed, and thinning of trees may be allowed, pursuant to sound horticultural practices.
 - d. For shoreline erosion control projects, trees and woody vegetation may be removed, necessary control techniques employed, and appropriate vegetation established to protect or stabilize the shoreline in accordance with the best available technical advice and applicable permit conditions or requirements. Mature trees shall be preserved and trimmed or pruned in lieu of removal as site conditions permit and any removal should be limited to the fewest number of trees feasible. When trees are removed to provide for sight lines and vista, they shall be replaced with trees as appropriate to site conditions and in such a manner as to maximize the buffer function. Inclusion of native species in tree replanting is preferred.
 - (2) On agricultural lands, the RPA buffer area shall be managed to prevent concentrated flows of surface

water from breaching the RPA buffer area and appropriate measures may be taken to prevent noxious weeds (such as Johnson grass, kudzu, and multiflora rose) from invading the RPA buffer area. Agricultural activities may encroach into the RPA buffer area only as follows:

- a. Agricultural activities may encroach within the landward 50 feet of the 100-foot wide RPA buffer area when at least one agricultural best management practice which, in the opinion of the local soil and water conservation district board, addresses the more predominant water quality issue on the adjacent land is being implemented on the adjacent land provided that the combination of the undisturbed RPA buffer area and the best management practice achieves water quality protection, pollutant removal, and water resource conservation at least the equivalent of the 100-foot RPA buffer area. If nutrient management is identified as the predominant water quality issue, a nutrient management plan, including soil tests, must be developed consistent with the Virginia Nutrient Training and Certification Regulations (4VAC50-85) administered by the Virginia Soil and Water Conservation Board.
- b. Agricultural activities may encroach within the landward 75 feet of the 100-foot-wide RPA buffer area when agricultural best management practices which address erosion control, nutrient management, and pest chemical control, approved by the Tri-County Soil and Water Conservation District, are being implemented on the adjacent land. The erosion control practices must prevent erosion from exceeding the soil loss tolerance levels, referred to as "T," as defined in the National Soil Survey Handbook of November 1996, as amended, in the Field Office Technical Guide of the U.S. Department of Agriculture Natural Resource Conservation Service ("NRCS"), or as found on the USDA NRCS website sources. A nutrient management plan, including soil tests, must be developed, consistent with the Virginia Nutrient Management Training and Certification Regulations (4VAC50-85) administered by the Virginia Soil and Water Conservation Board. In conjunction with the remaining RPA buffer area, this collection of best management practices shall be presumed to achieve water quality protection at least the equivalent of that provided by the 100-foot RPA buffer area.
- c. The RPA buffer area is not required to be designated adjacent to ~~for~~ agricultural drainage ditches associated with agricultural land if the adjacent agricultural land has in place at least one best management practice which, in the opinion of the Tri-County Soil and Water Conservation District, addresses the more predominant water quality issues on the adjacent land – either erosion control or nutrient management.
- d. If specific problems are identified pertaining to agricultural activities that are causing pollution of the nearby water body with perennial flow or violate performance standards pertaining to the vegetated buffer area, the Administrator, in cooperation with the Tri-County ~~s~~Soil and ~~w~~Water ~~e~~Conservation ~~d~~District, shall recommend a compliance schedule to the landowner and shall require the problems to be corrected consistent with that schedule. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.
- e. Where the landowner or his agent or operator refuses assistance from the Tri-County Soil and Water Conservation District in complying with or documenting compliance with the agricultural requirements of this chapter, the district shall report the noncompliance to the County. The Administrator shall require the landowner to correct the problems within a specified period of time not to exceed eighteen (18) months from the date of initial Administrator notification of the deficiencies to the landowner. The Administrator, in cooperation with the Tri-County Soil and Water Conservation District, shall recommend a compliance schedule to the landowner. This schedule shall expedite environmental protection while taking into account the seasons and other temporal considerations so that the probability for successfully implementing the corrective measures is greatest.

(e) Permitted encroachments into the RPA buffer area.

- (1) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel

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recorded prior to October 1, 1989, encroachments into the RPA buffer area may be allowed by the Administrator. A written request shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through the completion of a water quality impact assessment that complies with Section 6A-12(f) and shall be in accordance with the following criteria:

- a. Encroachments into the RPA buffer area shall be the minimum necessary to achieve a buildable area for a principal structure and necessary utilities;
- b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the RPA buffer area encroachment, and is equal to the area of encroachment into the RPA buffer area shall be established elsewhere on the lot or parcel. Such vegetated area where established shall include the planting of trees as appropriate to site conditions. Inclusion of native species in tree planting is preferred; and
- c. The encroachment may not extend into the seaward 50 feet of the RPA buffer area.

(2) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the RPA buffer area may be allowed by the Administrator. A written request shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through the completion of a water quality impact assessment that complies with Section 6A-12(f) and shall be in accordance with the following criteria:

- a. The lot or parcel was created as a result of a legal process conducted in conformity with the County's subdivision ordinance;
- b. Conditions or mitigation measures imposed through a previously approved exception shall be met;
- c. If the use of a best management practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and
- d. The requirements of Section 6A-12(e)(1) shall be met.

(3) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel created as the result of bankruptcy, condemnation or threat of condemnation, judicial partition or judicial action relating to a decedent's estate, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the requirements of Sec. 6A-12(e) and (f).

(f) *Water quality impact assessments and RPA restoration plans.*

A water quality impact assessment (WQIA) shall be submitted to, and approved by, the Administrator for any proposed development within an RPA, including any RPA buffer area modification or encroachment authorized as provided by Section 6A-12(d), and may be required by the Administrator for any other development in Chesapeake Bay Preservation Areas based on the site's unique characteristics or the intensity of the proposed use or development. The purpose of the water quality impact assessment is to identify and, where applicable, quantify the impacts of proposed development on water quality and lands in the RPAs consistent with the goals and objectives of the Chesapeake Bay Preservation Act, this Chapter, and to determine specific measures for the mitigation of those impacts. There shall be two types of water quality impact assessments: a minor assessment and a major assessment.

(1) *Minor water quality impact assessment.* A minor water quality impact assessment shall be required for a development or redevelopment which causes no more than five thousand (5,000) square feet of land disturbance and requires any encroachment into the landward fifty (50) feet of the 100-foot buffer area. The minor water quality assessment must demonstrate that the combination of undisturbed RPA buffer area, restoration plantings, and identified best management practices or measures will be effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The minor water quality impact assessment shall include a site drawing, to scale, which shows the following:

- a. The location of both the landward 50-foot buffer area and 100-foot RPA buffer area;

- b. The location, nature and quantification of proposed encroachments into the RPA, including type of material proposed to be used for access paths, areas of clearing or grading, location of any structures, drives or other impervious surfaces;
 - c. Justification for the proposed encroachment;
 - d. Type and proposed location of any best management practice facilities or measures;
 - e. Existing and proposed runoff outfalls from the property;
 - f. Location and density of existing vegetation on site, including the number and type of trees, shrubs, ground cover or other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification; and
 - g. A restoration plan that includes the replacement of vegetation that has been removed from the RPA buffer area. The type, quantity and density of vegetation shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff.
- (2) Major water quality impact assessment. A major water quality impact assessment shall be required for a development which exceeds five thousand (5,000) square feet of land disturbance within RPAs and requires any encroachment into the landward fifty (50) feet of the 100-foot buffer area or disturbs any portion of the seaward fifty (50) feet of the 100-foot buffer area or any other components of an RPA or is located in an RMA and is deemed necessary by the Administrator. The major water quality impact assessment shall be prepared by a qualified expert and shall include:
- a. All information required for a minor water quality impact assessment;
 - b. A description of the proposed encroachment including:
 - 1. A description of the proposed improvements, including structures (including the type and size), roads, access paths, irrigations systems, lighting systems, and utilities; and
 - 2. If an access path is proposed, an identification of the location of the path and the materials that will be used for the path.
 - c. A description of the encroachment site's physical characteristics including:
 - 1. The site's existing topography, soil characteristics, erosion potential and hydrology;
 - 2. A description of any wetland areas including their functions and values;
 - 3. A description of delineated streams and wetlands as approved by the U.S. Army Corps of Engineers, the NRCS for agricultural property, and/or the Virginia DEQ (state surface waters determinations); and
 - 4. Location and areal density of existing vegetation on site, including the number and type of trees and other vegetation categorized by type (for example shrubs, trees, groundcover) within 50 feet of the proposed land disturbance.
 - d. A discussion of the potential water quality impacts of the proposed encroachment, including:
 - 1. A quantification of any identified impacts on streams or wetlands delineated by a qualified expert, including potential erosion and sedimentation that could enter those waters as a result of the encroachment;
 - 2. An identification and quantification of any permanent, temporary, or vegetative conversion impacts on wetlands, including impacts on wetland hydrology;
 - 3. An identification of temporary or permanent impacts to other water bodies such as springs, seeps, ditches, piped/culverted discharges, and/or ponds;
 - 4. An identification of any areas to be disturbed outside the RPA that have the potential to adversely affect the RPA;

5. The limits of clearing and grading, and the percent of the site to be cleared;
 6. Where applicable, calculations that estimate the pre-construction and post-construction pollutant loads;
 7. Estimation of the percent increase in impervious cover;
 8. A discussion of the number and type of trees and other vegetation to be removed in the RPA buffer area as a result of the encroachment or modification;
 9. A discussion of proposed changes to the site topography and hydrology and the impacts of those changes on water quality; and
 10. A construction schedule, including the anticipated estimated duration of construction.
- e. A description of measures to mitigate the identified impacts, including:
1. A Restoration Plan that includes the replacement of vegetation (woody, non-woody, and seeding) that has been removed from the RPA buffer area. The Plan shall include the schedule for replanting, which shall take into account the appropriate ecological compatibility and season for replanting. The type, quantity and density of vegetation specified shall be capable of retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. The vegetation specified plantings shall, to the maximum extent practicable, consist of native species, and contain no species otherwise prohibited in state or federal permits;
 2. A listing of proposed erosion and sediment control measures, including additional measures that are beyond those required in Chapter 8 of the Spotsylvania County Code. A listing of best management practices and measures to reduce impacts on water quality;
 3. A description of that demonstrates, in a quantifiable manner, that the combination of revegetation and best management practices will achieve pollutant removal that is equivalent to that which is achieved without the encroachment; and
 4. A listing of other mitigation measures that may be required by the Administrator.
- (g) Violations of this section may result in court action being taken that may result in fines and/or an order to abate the violation and bring the property into compliance with this section, which may include the violator being required to submit an RPA restoration plan (as defined in 6A-12(f) and an appropriate surety in an amount equivalent to the purchase and plant price any vegetation required by the restoration plan which does not survive for one year from date of planting. The amount and form of the surety must be in a form approved by the County attorney's office and may consist of a certified check, cash escrow, a surety bond, or a letter of credit from a financial institution. More than one Restoration Plan may be necessary or required by the Administrator.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-140

Sec. 6A-13. General Performance Criteria.

Any use, development, or redevelopment of land within a CBPA shall meet the following performance criteria:

- (a) No more land shall be disturbed than is necessary to provide for the proposed use or development.
- (1) The limits of land disturbance, including limits of clearing or grading shall be strictly defined by the approved site plan, construction plan, or individual site location plan for a parcel. These limits shall be

- clearly shown on submitted plans and physically marked on the development site in accordance with Subsections(b)(1) and (2) of this Section. The construction footprint shall not exceed the limits designated by the zoning district of the lot or parcel.
- (2) Ingress and egress during construction shall be limited to the approved access point(s).
- (b) Indigenous vegetation shall be preserved to the maximum extent practicable, consistent with the use or development allowed. Mature trees shall be protected during development and only removed when necessary, including to provide for allowed use or development.
- (1) Diseased trees or trees weakened by age, storm, fire, or other injury (hazard trees) may be removed.
- (2) Site clearing for construction activities shall be allowed as approved by the Administrator through the plan of development review process under section 6A-16 of this Chapter. Land disturbance shall not occur within ten (10) feet of the drip line of any stand of trees to be preserved. Protective barriers shall remain erected throughout all phases of construction, and until approved to be removed. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- (c) All development and redevelopment exceeding 2,500 square feet of land disturbance shall be subject to the site plan or subdivision review processes.
- (d) Land development shall minimize impervious cover consistent with the allowed use or development.
- (e) Any land disturbing activity that exceeds an area of 2,500 square feet (including construction of all single-family houses, and access for and installation of septic tanks, piping, and approved drainfields, but otherwise as defined in § 62.1- 44.15:51 of the Code of Virginia) shall comply with the requirements of Chapter 8 of the County Code.
- (f) Any Chesapeake Bay land-disturbing activity as defined in Code of Virginia § 62.1-44.15:24 shall comply with the requirements of the Virginia Stormwater Management Program (VSMP) Regulations found in 9VAC25-870-51 and 9VAC25-870-103 and Chapter 19A of the County Code.
- All on-site sewage disposal systems not requiring a Virginia Pollution Discharge Elimination System (VPDES) permit shall be pumped out at least once every five (5) years.
- (g) For new construction, Aa reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided. This requirement shall not apply to any lot or parcel recorded prior to October 1, 1989, if the lot or parcel is not sufficient in capacity to accommodate a reserve sewage disposal site. Building or construction of impervious surface shall be prohibited on the area of all sewage disposal sites until the structure is served by public sewer or on an on-site sewage treatment system which operates under a permit issued by the State Water Control Board. All sewage disposal site records shall be administered to provide adequate notice and enforcement.
- (h) RMA performance criteria shall not apply to land used for agricultural purposes. Land on which agricultural activities are being conducted, including but not limited to crop production, fallow rotation, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this Chapter.
- (i) The Administrator may authorize the land disturber/developer to use an approved retention or detention basin or alternative best management practice facility to achieve the performance criteria set forth in this Chapter.
- (j) Prior to authorizing grading or other onsite activities on any portion of a lot or parcel, all surface water/wetlands permit required by federal, state, and local laws and regulations shall be obtained and evidence of issuance submitted to the Administrator.
- (k) For sites subject to subdivision review, the subdivider shall post conspicuous signs demarcating the limits of the RPA, so builders and homeowners are visually informed as to the limitations imposed on these areas. Specific plans for the exact number and placement of the signs shall be approved by the Administrator.

- (l) All new construction and substantial improvements of residential structures shall, where feasible, establish minimum setbacks from an RPA which encroaches within a lot or parcel that is the lesser of the applicable yard setback requirement of the underlying zoning district or twenty-five (25) feet. Specifically, setbacks shall be measured from the closest boundary of the RPA to the principal structure and the required setbacks shall be determined by the lot/yard in which the RPA boundary is located.
 - (m) All new construction and substantial improvements of residential dwellings shall have a minimum setback of at least twenty-five (25) feet horizontal distance from the outermost boundaries of nontidal wetlands not located within RPAs.
 - (n) All new construction and substantial improvements of nonresidential structures and accessory buildings shall meet requirements of Section 23-7.2.12 of County Code.
- (Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-130

Sec. 6A-14. Exemptions in Resource Protection Areas.

- (a) The following land disturbances in RPAs may be exempt from the criteria of Section 6A-12 provided that they comply with the conditions listed below and follow the administrative review process: water wells, passive recreation facilities such as boardwalks, trails and pathways, and historic preservation and archaeological activities.
 - (1) Any required permits, except those to which this exemption specifically applies, shall have been issued;
 - (2) Sufficient and reasonable proof is submitted that the intended use shall not result in an adverse impact on water quality;
 - (3) The intended use does not conflict with nearby planned or approved uses; and
 - (4) Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of Chapter 8.
 - (b) Silvicultural activities in CBPAs shall be exempt from this Chapter's requirements, provided that such activities adhere to water quality protection procedures prescribed by the Virginia Department of Forestry's Virginia's Forestry Best Management Practices for Water Quality Technical Manual, Fifth Edition (March 2011), as amended. The Virginia Department of Forestry will oversee and document installation of best management practices and will monitor in-stream impacts of forestry operations in CBPAs. This exemption shall not apply to land disturbing activities on silvicultural land in an agriculturally zoned district which is not used directly for the management of agricultural crops, forest crops and livestock, or land which has been rezoned or converted to an open or non-forestry use, or proposed to be rezoned or converted, at the request of the owner or previous owner, from an agricultural to a residentially, commercially or industrially zoned district or use. This silvicultural exemption does not provide an exemption or exclusion from regulation from any other applicable state or federal silvicultural land activity that involves impacts to regulated surface waters that involves grading, contouring, discharge of materials to change bottom or existing land surface or channel elevations, stumping, grubbing or similar land moving activities.
- (Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

Sec. 6A-15. Exemptions and Exceptions.

(a) Exemptions. Public utilities, railroads, public roads, and facilities exemptions.

- (1)** Construction, installation, operation and maintenance of electric, natural gas, fiber-optic and telephone transmission lines, railroads and public roads and their appurtenant structures in accordance with the Erosion and Sediment Control Law (§62.1-44.15:51 et seq.), and the Stormwater Management Act (§62.1-44.15:24 et seq.), or an erosion and sediment control plan and stormwater management plan approved by the Virginia Department of Environmental Quality. The exemption of public roads is further conditioned as follows: optimization of the road alignment and design, consistent with other applicable requirements, to prevent or otherwise minimize encroachment in the RPA and adverse impacts on water quality.
- (2)** Construction, installation and maintenance of water, sewer, natural gas, and underground telecommunications and cable television lines owned, permitted, or both, by Spotsylvania County or a regional service authority shall be exempt from this Chapter's requirements, provided that:
 - a.** To the maximum extent practicable, the location of exempt/excluded utilities and facilities should be outside RPAs;
 - b.** No more land than necessary shall be disturbed to provide for the proposed utility installation;
 - c.** All construction, installation and maintenance of such utilities and facilities shall be in compliance with any applicable federal, state and Spotsylvania County requirements and permits and designed and conducted in a manner that protects water quality; and
 - d.** Any land disturbance exceeding an area of 2,500 square feet shall comply with all erosion and sediment control requirements of Chapter 8 of County Code.

(b) Exceptions.

- (1) Findings.** Exceptions to the requirements of Sections 6A-12 and 6A-13 may be granted, subject to the procedures set forth in Section 6A-15(b)(2) if a finding is made that:
 - a.** The requested exception is the minimum necessary to afford relief;
 - b.** Granting the exception shall not confer any special privileges upon the applicant that are denied by this chapter to other property owners who are subject to its provisions and who are similarly situated;
 - c.** The exception is consistent with the purpose and intent of this Chapter and will not result in a substantial detriment to water quality;
 - d.** The exception request is not based on conditions or circumstances that are self-created, self-dealing, or self-imposed;
 - e.** Reasonable and appropriate conditions are imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality; and
 - f.** The request is being made because of the particular physical surroundings, use, shape or topographical conditions of the specific property involved or property adjacent to or within 100 feet of the subject property, or a particular hardship to the owner will occur, as distinguished from a mere inconvenience, if the strict letter of this Chapter is carried out.

(2) Exception process.

Board of Supervisors of Spotsylvania County

Adopted _____

a. Exceptions to Requirements of Section 6A-12.

1. Except for an encroachment permitted under Section 6A-12(d), a request for an exception to the requirements of Section 6A-12, shall be made in writing to the Administrator for action by the Spotsylvania County Planning Commission. It shall identify the impact of the proposed exception on water quality, on public safety, and on lands within the RPA through development of a water quality impact assessment which complies with Section 6A-12(f).
2. The Administrator shall notify the affected public of any such exception requests and the Spotsylvania County Planning Commission shall consider these requests during a single public hearing held in accordance with Va. Code § 15.2-2204.
3. The Spotsylvania County Planning Commission shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Chapter only if the Planning Commission makes the findings set forth in Section 6A-15(b)(1).
4. If the Spotsylvania County Planning Commission cannot make the required findings or refuses to grant the exception, it shall return the request for an exception together with the water quality impact assessment and the written findings and rationale for the decision to the applicant.

b. Exceptions to the Requirements of Section 6A-13. Upon written request, the Administrator may approve exceptions to the requirements of Section 6A-13 when the Administrator finds, in addition to the findings required by 6A-15(b)(1), that the criteria of Section 6A-16(b) have been satisfied.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:74; 9VAC25-830-150

Sec. 6A-16. Plan of development process.

In addition to the requirements specified in County Code Chapters 8, 20, and 23, the plan of development process in CBPAs for County approval shall consist of the information identified below. The Administrator may determine that some of the following information is unnecessary due to the location, scope, or nature of the proposed development. The following information shall be submitted, unless otherwise provided for:

(a) Natural Resources Inventory. A natural resources inventory shall be submitted in conjunction with any plan of development. The Administrator may waive the requirement for a Natural Resources Inventory, in accordance with Subsection 6A-8(d) of this Chapter.

(1) The Natural Resources Inventory shall be drawn to a scale of 1:200 or less;

(2) Clearly delineate the following RPA features:

- a. Tidal wetlands;
- b. Tidal shores;
- c. Non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;
- d. Water bodies with perennial flow; and
- e. A 100-foot buffer area located adjacent to and landward of the components listed in Sec. 6A-5(a) through (d) and (e), if applicable.

(3) Clearly delineate the following RMA features:

- a. 100-year floodplains;

Sec. 6A-19. Appeals.

An administrative decision, order, requirement, or inaction under this Chapter shall become final unless appealed by the applicant by submitting a written application for review to the County Planning Commission no later than sixty (60) days from the rendering of such decision, order, requirement, or deadline. The Planning Commission shall hear the appeal as soon as practical after receipt of the application. The appellant, the Board of Supervisors, the Zoning Administrator, the Planning Director, and any person or agency expressing an interest in the matter shall be notified by the Planning Commission not less than ten (10) days prior to the date of the hearing. Published notice of the Planning Commission public meeting shall state that an appeal from a decision under the Chesapeake Bay Preservation Ordinance will be considered.

The Planning Commission may grant an appeal with or without modifications or conditions upon finding that such grant meets the standards in this Chapter. If the Planning Commission finds that the application does not meet the requirements of this Chapter, the Planning Commission shall deny approval of the application.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

Sec. 6A-20. Application of chapter.

The requirements of this Chapter shall apply to all development. Any development approved prior to the effective date of this Chapter, or any amendment thereto shall comply with the requirements set forth herein to the greatest extent possible.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:79

Sec. 6A-21. Violations.

- (a) Any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any local governmental bodies or officials final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed five thousand dollars (\$5,000.00) for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the County for the purpose of abating environmental damage to or restoring CBPAs therein, in such a manner as the court may direct by order, except that where the violator is the County, itself or its agent, the court shall direct the penalty to be paid into the state treasury.
- (b) With the consent of any person who: (i) violates any provision of this ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey the Administrator's notice, order, rule, regulation, or variance or permit condition authorized under this ordinance, the Administrator may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed ten thousand dollars (\$10,000.00) for each violation. Such civil charges shall be paid into the treasury of the County for the purpose of abating environmental damage to or restoring CBPAs therein, except that where the violator is the County, itself or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision (a) of this subsection. Civil charges may be in addition to the cost of any restoration required or ordered by the Administrator.
- (c) In addition to, and not in lieu of, the penalties prescribed in subsection (a) hereof, the Administrator may apply to the circuit court for an injunction against the continuing violation of any of the provisions of this chapter and may seek any other remedy authorized by law.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6)

State law reference(s): Va. Code Section 62.1-44.15:73

Sec. 6A-22. Severability.

The provisions of this Chapter shall be deemed to be severable, and if any of the provisions hereof are adjudged to be invalid or unenforceable, the remaining portions of this Chapter shall remain in full force and effect and their validity shall remain unimpaired.

(Ord. No. 6A-3, 2-10-04; Ord. No. 6A-6 ____)

§ 2. This ordinance shall be in force and effect upon adoption.

(Ord. 22-____,)

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 20-_____

To amend Chapter 20, Subdivisions, Section 20-1.1.2. General purposes and authority, to update Code of Virginia references related to Local Planning, Subdivision and Zoning legislation and the Chesapeake Bay Preservation Act.

PUBLIC HEARING: _____

WHEREAS, staff has reviewed the ordinances and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, good environmental, planning, and zoning practice, health and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Code of Virginia references contained in Spotsylvania County Code Chapter 20, Subdivisions, Article 1, Purpose and Applicability, Sec. 20-1.1.2, General purposes and authority, is hereby amended and reordained as follows:

Sec. 20-1.1.2. General purposes and authority.

These regulations establish standards and procedures to assure the orderly subdivision and development of land within Spotsylvania County, to further the goals and objectives of the Spotsylvania County Comprehensive Plan and to implement the Chesapeake Bay Preservation Act. The regulations set forth in this chapter are adopted in accordance with the provisions of the Code of Virginia, including but not limited to the following statutory authority:

- (a) Virginia Local Planning, Subdivision and Zoning legislation, title 15.2, chapter 22, of the Code of Virginia (1950) as amended; and
- (b) The Chesapeake Bay Preservation Act, title 62.1, chapter 3.1, article 2.5, of the Code of Virginia (1950) as amended.

Any section of the Code of Virginia cited herein shall include any subsequent amendment to such section.

(Ord. No. 20-38, 1-12-10; Ord No. 20-X)

At a meeting of the Spotsylvania County Board of Supervisors held on _____ on a motion by _____, seconded by _____ and passed _____, the Board adopts the following ordinances:

AN ORDINANCE No. 23-_____

To amend Chapter 23, Zoning, Section 23-1.1.2. General purposes and authority, to update Code of Virginia references related to Local Planning, Subdivision and Zoning legislation and the Chesapeake Bay Preservation Act.

PUBLIC HEARING: _____

WHEREAS, staff has reviewed the ordinances and recommends approval as stated in the Executive Summary dated _____; and

WHEREAS, the Spotsylvania County Planning Commission held a public hearing on this item on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, the Spotsylvania County Planning Commission recommended _____ of the ordinance amendments with a vote of _____; and

WHEREAS, the Spotsylvania County Board of Supervisors held a public hearing on _____, which was duly advertised in a local newspaper for a period of two weeks, on _____, 2022, and _____, 2022, and interested citizens were given an opportunity to be heard; and

WHEREAS, good environmental, planning, and zoning practice, health and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Code of Virginia references contained in Spotsylvania County Code Chapter 23, Zoning, Article 1, Purpose and Applicability, Sec. 23-1.1.2, General purposes and authority, is hereby amended and reordained as follows:

Sec. 23-1.1.2. General purposes and authority.

- (a) The regulations set forth in this chapter are adopted pursuant to the following statutory authority, in addition to other provisions of the Code of Virginia:
 - (1) Virginia Local Planning, Subdivision and Zoning legislation, title 15.2, chapter 22, of the Code of Virginia (1950) as amended; and
 - (2) The Chesapeake Bay Preservation Act, title 62.1, chapter 3.1, article 2.5, of the Code of Virginia (1950) as amended.
- (b) The regulations set forth in this chapter are adopted for the following purposes:
 - (1) To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
 - (2) To reduce or prevent congestion in the public streets;
 - (3) To facilitate the creation of a convenient, attractive and harmonious community;

- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- (5) To protect against destruction of or encroachment upon historic areas;
- (6) To protect against the following: overcrowding of land, undue density of population in relation to community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;
- (7) To encourage economic development activities that provide desirable employment and enlarge the tax base;
- (8) To provide for the preservation of agricultural and forested lands and other lands of significance for the protection of the natural environment;
- (9) To protect approach slopes and other safety areas of licensed airports;
- (10) To promote the health, safety or general welfare of the public and accomplish the objectives of the Spotsylvania County Comprehensive Plan; and
- (11) To protect surface water and groundwater, especially within areas designated as Chesapeake Bay Preservation Area Overlay Districts, in accordance with requirements of the Virginia Chesapeake Bay Preservation Act.

(Ord. No. 23-66, 10-24-95; Ord No. 23-X)

Spotsylvania County
Planning Commission
Executive Summary

 **Print**

Meeting Date: June 15, 2022

Title: Closed Session

Type: Closed Meeting

Agenda Title: Closed Session

Recommendation: N/A

Summary: N/A

Committee/Commission Summary:

Review Date: Status:

Financial Impact: N/A

Staff Contacts: B. Leon Hughes, AICP, Director of Planning & Zoning

Legal Counsel: Alexandra Spaulding, Senior Assistant County Attorney

Additional Background/Other N/A

Considerations:

Consequence of Denial/Inaction: N/A

ATTACHMENTS:

Name:	Description:	Type:
 Adjourn to Closed Meeting Resolution.pdf	Adjourn to Closed Meeting Resolution	Resolution
 Return to Open Meeting Resolution.pdf	Return to Open Meeting Resolution	Resolution

DRAFT

At a meeting of the Spotsylvania County Planning Commission held on June 15, 2022, on a motion by _____, seconded by _____, and passed _____, the Planning Commission adopted the following resolution:

RESOLUTION NO. 2022-

To Adjourn into Closed Meeting

WHEREAS, the Spotsylvania County Planning Commission desires to adjourn into Closed Meeting for consultation with legal counsel employed or retained by public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically related to case R22-0003; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(7), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Planning Commission does hereby authorize discussion of the aforesaid matters.

(SEAL)

A COPY TESTE:

Paulette Mann
Clerk to the Planning Commission

DRAFT

At a meeting of the Spotsylvania County Planning Commission held on June 15, 2022, on a motion by _____, seconded by _____ and passed _____ the Commission adopted the following resolution:

RESOLUTION NO. 2022-

Return to Open Meeting

WHEREAS, the Spotsylvania County Planning Commission has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Va. Code §2.2-3712(D) (1950, as amended), requires a certification by this Commission that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Planning Commission hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into Closed Meeting were heard, discussed or considered in the Closed Meeting.

(SEAL)

A COPY TESTE:

Paulette Mann
Clerk to the Planning Commission