

**Courthouse Road Auto
Rezoning & Special Use Permit Narrative**

Owner/Applicant: Yonus Attai

Representative: Charles A. Floyd, AICP

Engineer: Welford Engineering Associates, Inc.

Property: 35 - A - 119

Current Zoning: Residential 1 (R-1)

Proposed Zoning: Commercial 2 (C-2)

Current Use: Single-Family Detached Residential

Proposed Use: Vehicle Sales, Service and Ancillary Service Establishment

Requests: 1) Rezoning from Residential 1 to Commercial 2 (C-2); and
2) Special Use permit to allow operation of a vehicle sales, rental and ancillary service establishment in the C-2 zoning district.

Date: May 13, 2016

Revised: September 15, 2016

Overview

Mr. Yonus Attai (the "Applicant"), owner of parcel 35-A-119, located at 10726 Courthouse Road in Spotsylvania County is requesting rezoning approval to change the zoning of the property to Commercial 2 (C-2) from its current designation of Residential 1 (R-1). In conjunction with the rezoning application, Mr. Attai has also filed a Special Use Permit ("SUP") application to operate a vehicle sales, rental and ancillary service establishment pursuant to Section 23-6.18.3.20 of the Spotsylvania County Zoning Ordinance. The property contains approximately 2.3645 acres and is located within the Courtland Magisterial District and the Courtland Voting District.

The Property is located just west of Interstate 95 (I-95) on the north side of Courthouse Road (Route 208) just east of its intersection with Rollingwood Drive/Southpoint Parkway. The Property is situated within the County's Primary Development Boundary ("PDB") with a future land use designation of Commercial. The Property has direct access to Courthouse Road, with a new commercial entrance being proposed. The Property is within the primary development Highway Corridor Overlay District ("HCOD") and is therefore subject to the design requirements contained in Article 8 of the Design Standards Manual ("DSM").

The Applicant is seeking a rezoning of the property to C-2 consistent with the Property's future land use designation of Commercial as shown on the submitted generalized development plan entitled "Rezoning/Special Use Permit, Generalized Development Plan for Courthouse Road Auto Center", dated May 3, 2014, as last revised, and prepared by Welford Engineering Associates, Inc. and signed by Christopher M. Kowalski, P.E. The Applicant has provided a proffer statement, which limits the use of the Property within the C-2 district, and commits to developing the property in conformance with the submitted Generalized Development Plan ("GDP"). In conjunction with the rezoning application, the Applicant has submitted a companion Special Use Permit ("SUP") application to operate a vehicle sales, rental and ancillary service establishment ("used car dealership") on the Property.

The Applicant is proposing to reuse the existing single-family detached house located on the Property by converting it to a commercial sales office for the used car dealership. The Applicant's plan for the used car dealership includes up to sixty-nine (69) spaces for the display of used car inventory, with additional parking for customers and employees. A new commercial entrance will be constructed onto Courthouse Road (Route 208) in conformance with current County and VDOT standards. The dealership's hours of operation are proposed as being 9:00 AM to 7:30 PM, Monday through Saturday, with the facility being closed on Sundays. Any and all parking lot and vehicle display lighting will be Dark Sky compliant with a commitment to such contained in the Applicant's proffer statement submitted herewith.

Land Use

The Applicant is proposing two (2) applications at this time. The first is a rezoning application to change the zoning of the property from Residential 1 (R-1) to Commercial 2 (C-2). The second application is for a Special Use Permit ("SUP") to allow the operation of a vehicle sales, rental and ancillary service establishment, which is permitted with a SUP pursuant to Section 23-6.18.3.20 of the Zoning Ordinance. As previously mentioned, the operation would utilize the existing single-family detached house built in 1936 by converting it to a commercial sales office. The house contains approximately 1,360 square feet. The Applicant has provided a proffer statement limiting the use of the property to the following permitted uses and special uses in the C-2 district:

- Assisted Living Facility;
- Child Care Center;
- Financial Institution;
- Funeral Home;
- Medical Care Facility;
- Nursing Home;
- Office;
- Private School; and
- Vehicle Sales, Rental and ancillary Service Establishments.

All of the aforementioned uses are permitted by-right in the C-2 district, with the exception of vehicle sales, rental and ancillary service establishments, which requires approval of a Special Use Permit.

The Property contains approximately 2.36 acres, with a maximum floor area ratio ("FAR") of 0.70. No additional buildings are being proposed with this application, and as such the corresponding FAR is 0.01, which is well below the maximum allowable under the ordinance.

One of the most important factors taken into consideration during site design was the zoning and use of adjoining properties and the need to buffer those uses from the Applicant's proposed used car dealership. First and foremost all landscaping and buffers for the site will be in conformance with the requirements of the applicable sections of the Zoning Ordinance and the Design Standards Manual (DSM) as shown on the GDP. The Applicant has provided a six foot (6') tall board on board fence around the perimeter of the property, which requires a modification to the transitional screening standard as a masonry wall is required. The use of a board-on-board fence is appropriate, in the Applicant's opinion, as the adjacent property will most likely be converted to commercial use in the near future as the Route 208 corridor develops. A fifteen (15') voluntary buffer is proposed to the west along the Property's common boundary line with Eastland United Methodist Church. This buffer is being provided to soften the impact the proposed used car dealership may have on the neighboring institutional church use, and will be planted in accordance with the transitional screening 1 standards.

The maximum height of any buildings constructed on the property shall not exceed fifty-five (55) feet, with the proposed building height for this use not exceeding thirty-five (35) feet. The site will not contain any special amenities and it is anticipated that the project will be constructed in a single phase. There are no known cultural or historic resources on site, nor are there any environmentally sensitive features located on the Property. A stormwater management (SWM) facility is proposed towards the rear of the Property, as depicted on the GDP. This facility is designed to accommodate the stormwater runoff generated by the development of the site. The site does not contain any wetlands, floodplains or resource protection areas ("RPAs"). The development of the Property, as depicted on the GDP, should not have any adverse impacts on the environment.

Currently, a private well and drainfield provide water and sewer service to the existing single-family detached house. With the conversion of the Property to commercial use, the utility system will be upgraded to use both public water and sewer service provided by the County. The existing facilities will be abandoned and use discontinued in conformance with Health Department regulations. The Applicant believes the connection to public water will help with Fire and Rescue service, as a fire department connection will be required during construction. Beyond this improvement, the Applicant does not believe there will be any additional impacts to fire and rescue services as the establishment will be constructed in conformance with all applicable regulations. The proposed development should impact schools in a positive manner as the change to commercial from residential will lessen the Property's impact through the elimination of school seats. The loss of one single-family detached house should not have an impact on housing matters in the County.

It is anticipated that the project will generate approximately one hundred and six (106) vehicle trips per day ("VPD") with five (5) trips being generated in the PM Peak hour. The AM peak hour was not analyzed as facility will not open until 9:00 AM, which is after the AM peak hour. The current single-family detached house generates approximately ten (10) VPD. Consequently, the proposed use equates to a slight increase in traffic, but with just over one hundred (100) trips per day the impact will be minimal on Courthouse Road. Currently, this section of Courthouse Road has approximately 42,000 VPD based on the

most recent trip number published by VDOT. The proposed use equates to a 0.2% increase in traffic along this section of Courthouse Road, which is almost non-existent. In addition, the Applicant will have to construct a right-in/right-out commercial entrance onto Courthouse Road as there is a median at this location on Courthouse Road with no crossover. Lastly, the Applicant is providing an additional twenty (20) feet of right-of-way dedication for the future improvement and/or widening of Courthouse Road.

In our opinion both the Rezoning and Special Use Permit applications are consistent with the goals and objectives set forth in the Spotsylvania County Comprehensive Plan. The 2.36 acre parcel is located within the primary development boundary, which is the area identified by the County for more intense use as it is the place where public utilities are provided. The Property is designated Commercial on the Future Land Use Map ("FLUM") and is located along Courthouse Road, which is planned to be a six (6) lane divided section with up to one hundred fifty (150) feet of right-of-way at this location according to the Thoroughfare Plan. The Applicant has provided right-of-way dedication in conformance with the desires articulated in the Comprehensive Plan. The uses being proposed by the Applicant furthers the commercial land use policies identified in the Comprehensive Plan. The proposal replaces an existing residential use with a commercial business furthering the County's desires in having a 70/30 split between the residential and commercial tax bases. Additionally, the Comprehensive Plan calls for the orderly development of the primary settlement boundary starting along major roadways and branching out from there, which the Applicant's plan implements.

Lastly, amending the zoning from Residential to Commercial will have a positive fiscal impact to Spotsylvania County. As previously mentioned, the property contains a 1,360 square foot single-family detached structure with several old and dilapidated outbuildings. A majority of the outbuildings have already been removed with the remaining to be removed in the near future. Eliminating a residential use and substituting a commercial use not only has a positive tax impact it also has positive impact on the cost of services the County provides. In the end approving the rezoning to commercial along with the SUP to allow used car dealership will have a positive fiscal impact to Spotsylvania County.