

**County of Spotsylvania
Department of Planning**



Board of Supervisors Staff Report

Rezoning # R16-0001
(Courtland Voting District)

Staff Recommendation: Approval with the proffer statement dated May 12, 2016, and last revised October 17, 2016.

Planning Commission: The Planning Commission recommended Denial on December 7th, 2016 with a 7-0 vote.

I. Overview

Applicant: Yonus Attai

Request: The applicant requests a rezoning of a 2.36 acre property from Residential 1 (R-1) to Commercial 2 (C-2) with proffers dated 5-12-16 last revised 10-17-16. The applicant has also submitted a concurrent Special Use application to allow a Vehicle sales, rental, and ancillary service establishment in a C-2 zoning district.

Tax Map Parcels: 35-A-119

Location: The property's address is 10726 Courthouse Rd. which is located on the north side of Courthouse Rd. and approximately 440 feet east of the intersection of Courthouse Road and Southpoint Pkwy./Rollingwood Dr.

Zoning Overlay: The property lies completely within the Airport Protection Overlay District and partially within the Highway Corridor Overlay District (HCOD).

Future Land Use Designation: Commercial

Historic Resources: The subject property and abutting parcels to the east and west were evaluated and determined ineligible for inclusion in the Historic Registry by the Department of Historical Resources. The property is not located within any historic district.

Date Application Deemed Complete: 5/25/2016

Community Meeting: A community meeting was held on 4/25/2016. It was well attended with approximately 30 attendees. Concerns

Figure 2: Aerial Map (2013) (subject parcel outlined in red.)



Case Number: R16-0001
 Applicant: Yonus Attai
 Request: Rezone R1 to C2 for Used Vehicle Sales
 Location: 10726 Courthouse RD
 Parcel: 35 (A) 119
 Acreage: 2.36 acres
 Zoning: R-1 proposing C-2
 District: Courtland



Spotsylvania County
 Information Services Department
 GIS Division

Created: May 27, 2016

II. Analysis

The applicant is requesting to rezone the subject property to Commercial 2 (C-2). The applicant is also concurrently requesting Special Use approval to allow the C-2 property to be operated as a used car dealership (SUP16-0003).

The subject property is 2.36 acres, currently zoned Residential 1 (R-1), and has a Future Land Use designation of Commercial. The site lies approximately 1,450 feet west of the Courthouse Rd. crossover of I-95, and 140 feet east of the signalized intersection of Courthouse Rd. and Southpoint Pkwy/Rollingwood Dr. The property is located within the Primary Development Boundary (PDB), is completely within the Airport Protection Overlay District and partially within HCOD.

An existing 1,360 sq.ft. 2-story single family home is located onsite which the applicant proposes to convert to a business office. Additional improvements proposed to the site include a new VDOT approved right-in/right-out commercial entrance, an asphalt parking lot with 69 display spaces, 10 customer spaces, and 5 employee spaces, public water and sewer connections, storm water management facilities, a sidewalk, fencing, and landscaping.

The applicant is requesting to rezone the property to C-2, which allows a considerable amount of additional uses, the majority of which are proposed by the applicant to be prohibited through the rezoning's proffer statement. The applicant has provided a Generalized Development Plan (GDP) showing the existing conditions, demolition plans, and proposed site improvements to accommodate the new use. The development of the site in conformance with the GDP is included within the proffer statement. The proffers also include a commitment to restrict the Vehicle sales, rental, and ancillary service establishment use to only the portion of the property within the HCOD and the prohibition of outdoor servicing of vehicles. Additionally, the applicant has proffered the dedication of 20' of right-of-way along Courthouse Rd consistent with the Comprehensive Plan's Thoroughfare Plan.

Multiple attendees of the community meeting noted their objection to interparcel connectivity with the Eastland Church which abuts this property to the west. Staff opines that this lack of a westerly connection to Rollingwood Dr. should lower the impacts of the proposal on the neighborhood. However, unfortunately it also discourages any potential future collective interconnection of the properties which lie north of Courthouse Rd. between I-95 and Rollingwood Dr.

III. Fiscal and Economic Impact

Although the applicant is requesting a Commercial 2 (C-2) zoning the proffered restriction of most C-2 uses provides a higher level of certainty of how the subject property might be used. The concurrent Special Use application indicates that this property will likely be a used car dealership until a point at which the property might be further redeveloped provided the new use complies with the proffered land uses as noted.

As of 2016 this property is currently taxed as a single family suburban use. The property's assessed value is \$160,600 (\$108,200 for land and \$52,400 for building) and pays \$1,365 in taxes. This rezoning should increase the taxable value of the land.

IV. Key Findings

- A.** From a land use perspective a commercial zoning is appropriate in this location given the Future Land Use designation of Commercial for this area and the property's location on an arterially roadway within the Primary Development Boundary and Highway Corridor Overlay District.
- B.** The Comprehensive Plan goals related to access management and pedestrian connections are met through the provision of an interparcel connection and frontage sidewalk.
- C.** The applicant has proposed perimeter landscaping including transitional screening to neighboring residential uses, street buffers, and voluntary buffering to the neighboring church.
- D.** The applicant has tempered their rezoning request by not pursuing the more intense C-3 Zoning District. The C-2 district requires the concurrent Special Use request for a Vehicle sales, rental, and ancillary service establishment; staff opines that this demonstrates their commitment to mitigating impacts on neighboring properties.

V. Summary and Recommendation

Staff opines that the Commercial 2 (C-2) rezoning request is appropriate based on the location of the property on an arterial roadway, within the Primary Development Boundary and HCOD, due to the Future Land Use Map's designation of Commercial and lastly due to the general compliance of the request with the Comprehensive Plan. The applicant has further proffered to limit future users to a group staff generally classifies as 'light institutional and office' type uses.

Staff recommends approval of the rezoning application and proffers as submitted. The Planning Commission recommended denial on December 7th, 2016 with a 7-0 vote noting concern over the only access being provided by Courthouse Road and it already having too many driveway entrances, Courthouse Road having too much traffic, proximity and potential conflict of the use on neighboring residences and church uses, and that vehicles being serviced inside a building on site could have additional negative impact.

Appendix A:

Comprehensive Plan Analysis.

Comprehensive Plan Analysis

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 the 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.

The proposed rezoning is located in the Courtland voting district of Spotsylvania County approximately 440 feet NE of the intersection of Courthouse Road and Rollingwood Drive/Southpoint Parkway. The intersection of Courthouse Road and Interstate 95 is located 1450 feet to the NE. The proposed rezoning includes one parcel of land which is 2.36 acres, identified as Tax Map # 35-A-119, and addressed as 10726 Courthouse Road. The subject parcel is completely within the Primary Development Boundary. The Airport Protection Overlay District completely overlays the property; additionally, the majority of the property lies within the Highway Corridor Overlay District (HCOD).

The property has a Future Land Use designation of Commercial per the Comprehensive Plan's Land Use element. This Commercial Future Land Use designation is shared by most properties along Courthouse Road in this area with the exception of three nearby properties having a Future Land Use designation of Institutional. The 2013 Comprehensive Plan notes that the Commercial Future Land Use designation is intended for a variety of retail and office uses.

Staff finds the proposed rezoning generally consistent with the Comprehensive Plan for the reasons reported in further detail below.

Introduction and Vision

Guiding Principles and Policy A notes that Spotsylvania County is a "business friendly" community. Fiscal Sustainability sub-policy B.1 encourages the achievement of a 70/30 residential to commercial/industrial tax base. Lastly, Fiscal Sustainability sub-policies B.2 and B.3 support smart upzonings and infrastructure enhancement. Pursuant to these goals and policies staff notes that the applicant has proposed over 2,300 of Right-of-way dedication for Courthouse Road to accommodate a future 6-lane improvement, proposed sidewalks to improve pedestrian infrastructure, are connecting to county utilities. Furthermore, pursuant to sub-policy B.3.e, access management may be improved through the proposed NE interparcel connection to the adjacent eastern property. Staff notes however that this future access will likely not provide any benefit unless this property and its adjoining NE neighbor are redeveloped together; it would be illogical to force a neighboring redeveloping property to traverse a car dealership for its sole access. Sub-policy E.1 regarding protection of environmental resources is also met by this proposal with one caveat. The applicant has voluntarily agreed to keep business operations of the car dealership limited to the portion of the property within the HCOD, which extends into the subject property 400' from the existing property line. This is proffered along with a proffer to limit building construction to within this same HCOD area. Staff notes however that should this property redevelop at a future time, the proffers are worded to accommodate potential development of non-structural uses, for

example customer parking. Staff opines this proffer is structured this way to keep some flexibility for the successful redevelopment of the property in the future. However, while the land is used as a Vehicle sale, rental and ancillary service establishment the property will have over 1.5 acres of open space at the rear of the 2.3 acre parcel.

Land Use

Land Use Policies Applicable to All Land Uses 2 is met as any newly permitted lighting will be required by code to be shielded.

Commercial Land Use Policy 2 is partially met through the proposed potential interparcel connection to the NE. At the request of representatives of the neighboring Eastland United Methodist Church neither staff nor the applicant pursued an interparcel connection between this use and the Church. Policy 3 is met via the applicants proposed sidewalk along Courthouse Road. Policy 4 is not met; this use has a direct connection to Courthouse Road via a right-in/right-out entrance. Policy 6 is met as this is a new business investment and furthermore adaptively reuses an existing residential structure on a property located abutting an arterial roadway.

Transportation

Pursuant to Transportation Policy 2.1.b, cross access is proposed to the parcel located to the NE which was previously discussed. Pursuant to Policy 2.2 right-of-way has been proposed to be dedicated in order to accommodate the future expansion of Courthouse Road. Policy 2.9 is partially met due to the applicant's provision of sidewalks on the property's frontage along Courthouse Road.

Historic Resources

No historical resources are affected by this proposal therefore Historical Resource Policies 1 and 2 are met.