

Spotsylvania County Planning Commission *(Excerpt)*

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

MINUTES: December 7, 2016

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

Members Present:

Mary Lee Carter	Lee Hill
Michael Medina	Salem
Howard Smith	Livingston
C. Douglas Barnes	Berkeley
C. Travis Bullock	Battlefield
Gregg Newhouse	Chancellor
Richard Thompson	Courtland

Staff Present:

Paulette Mann, Planning Commission Secretary
Kimberly Pomatto, CZA, Planner II
Wanda Parrish, AICP, Director of Planning
B. Leon Hughes, AICP, Assistant Director of Planning
Alexandra Spaulding, Acting Deputy County Attorney
Patrick White, Planner III

Public Hearing(s):

R16-0001 Courthouse Road Auto Center, Ordinance No. RO16-0001: An amendment to the zoning map rezoning 2.36 acres from Residential 1 (R-1) to Commercial 2 (C-2) with proffers to allow certain uses permitted in the C-2 zoning district as well as the development of a vehicle sales, rental, and ancillary service establishment use being requested via a concurrent Special Use application (SUP16-0003). The property is addressed as 10726 Courthouse Road, which is located on the north side of Courthouse Road (Route 208) and approximately 440 feet east of the intersection of Courthouse Road and Rollingwood Drive/Southpoint Parkway. The site is within the County's Highway Corridor Overlay District. The Comprehensive Plan identifies the property as the Primary Development boundary and the Future Land Use Map identifies this area for Commercial Land Use. Tax Parcel 35-A-119. Courtland Voting District.

Mr. White presented the case. 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.

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) as well as the Highway Corridor and Airport Protection Overlay Districts (HCOD, APOD).

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, public water and sewer connections, storm water management facilities, a sidewalk, fencing, screening, and buffering.

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 restricted through the rezoning proffer agreement. 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 agreement. The proffer agreement also includes a commitment to restrict the 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 Road and a voluntary buffer to the church.

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 Drive.

Mr. White discussed the following key findings:

1. From a land use perspective a commercial zoning is appropriate in this location given the adjacent commercial zoning and development and the Future Land Use designation of Commercial for this area.
2. The Comprehensive Plan goals related to access management and pedestrian connections are met through the provision of an interparcel connection and frontage sidewalk.
3. The applicant has proposed perimeter landscaping including transitional screening to neighboring residential uses, street buffers, and voluntary buffering to the neighboring church.
4. The applicant has tempered their rezoning request by not pursuing the more intense C-3 Zoning District which therefore requires the concurrent Special Use request; this demonstrates their commitment to mitigating impacts on neighboring properties.

Mr. Smith inquired what is behind the proposal.

Mr. White stated that the property is residential.

Mr. Smith inquired about the hours of operation.

Mr. White deferred to the applicant.

Mr. Newhouse inquired about the lighting.

Mr. White stated that the lighting would be dark sky compliant.

Ms. Carter inquired if there is any room behind the church to construct an entrance.

Mr. White stated that he feels like there is enough but staff cannot compel the church to do so.

Ms. Carter has concerns regarding the entrance on Courthouse Road and stated that she would like to see the entrance be on Rollingwood so that they go to the light.

Mr. Bullock inquired if there would be a service department for vehicle repairs.

Mr. White stated no.

Applicant, Chuck Floyd, Director of Land Planning at Welford Engineering, representing the applicant: He discussed that the owner operates several car dealerships. He stated that when they began this process, they discussed the idea of interparcel connection with the church prior to the community meeting and it was clear to them that the church was not interested in allowing them access. He stated that they discussed the proposal with VDOT and went through the design process and the entrance was design and essentially approved in concept by VDOT. He stated that they have eliminated any uses that would be detrimental to the church. The fence will be inside of the landscaping. He stated that they began this process over a year ago and that they are adaptively reusing the structure. He asked the Commission for their favorable recommendation to the Board of Supervisors.

Mr. Newhouse inquired if the 69 spaces would be for the sale of used vehicles and whether they would be scrapping and/or storing cars.

Mr. Floyd stated that there would be no storage of vehicles, only those that are for sale.

Mr. Smith inquired about the hours.

Mr. Floyd stated that the hours would be 9-7, Monday- Saturday, closed on Sunday.

Mr. Newhouse opened the public hearing.

Speaking in favor or opposition:

Rev. Craig Muffley, Pastor, Eastland United Methodist Church, 1009 E. Kensington Circle,

Fredericksburg, Va. 22401: He thanked the applicant for their willingness to meet with the church prior to the community meeting. He stated that they would like to see the property remain residential and that there is a plethora of used and new car dealerships all over the county. He discussed that the church owns the adjacent home and leases it out and has concerns that this development would negatively impact their tenant.

Deane Napier, 5100 Phyllis Lane: He stated that he is a trustee of the church and spends much of his time doing maintenance on the church and the rental property. He does not want the development parking lot so close to their property and would like to see a fire hydrant added.

William Todd, 10209 Green Willow Avenue: He stated that the development is not in the best interest of the church.

Mr. Newhouse closed the public hearing.

Mr. Floyd reiterated that the landscaping would be placed on the outside of the fence and that there would be no above ground storage of tanks. He added that he has a minor correction in the hours of operation. He stated that they would be Monday-Saturday 9-7:30.

Mr. Newhouse inquired how many employees would work here.

Mr. Floyd stated at most, 5 employees.

There was further discussion about the zoning of the properties adjacent to this development.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to deny the rezoning request. The motion passed 7-0.

Special Use(s):

SUP16-0003 Courthouse Road Auto Center: Requests special use approval for a 1,360 sq.ft. vehicles sales, rental, and ancillary service establishment with up to sixty-nine (69) vehicle display spaces at 10726 Courthouse Road, a 2.36 acre parcel which is located on the north side of Courthouse Road (Route 208) and approximately 440 feet east of the intersection of Courthouse Road and Rollingwood Drive/Southpoint Parkway. This request is a companion request to Rezoning case R16-0001. The site is within the County's Highway Corridor Overlay District. The Comprehensive Plan identifies the property as within the Primary Development Boundary and the Future Land Use Map identifies this area for Commercial Land Use. Tax Parcel 35-A-119. Courtland Voting District.

Mr. White presented the case. The subject application is for Special Use approval of a Vehicle sale, rental and ancillary service establishment in a Commercial 2 (C-2) zoning district. The project consists of the conversion of an existing single family residence to a 1,360 sq. ft. sales office, the asphalt surfacing of a parking lot and display area for 69 vehicles, and related site improvements including storm water management facilities, landscaping and fencing, curbing, sidewalks, and utility connections.

The existing structure on the property will be modified to accommodate the new office, including some light façade improvements and being connected to the County's central water and sewer system. The GDP contains a depiction of the front elevation on page 2 with a note regarding finishing materials. The project is proposed in one phase with the building conversion and site improvements occurring concurrently.

The landscaping plan within the GDP includes transitional screening as required by the Design Standards Manual with some modifications discussed below. The applicant has also volunteered to provide a screen between the subject property and the abutting church, which is not required by code. Additionally, the applicant has proposed a Street Buffer B with supplemental HCOD street trees as required by the DSM.

The applicant requests to use a narrow but dense transitional screen on the NE property line. The applicant proposes to reduce the width of the Transitional Screen 3 from 50' to 17' which is permissible via a modification to the Design Standards Manual (DSM) provided the applicant install a 7' high brick or architectural wall; instead, the applicant proposes a 6' board on board fence. This board on board fence is also not compliant with the DSM 8-2.4.G, which requires staggering, capping, recessing, inlays, columns, or texturing to break the visual monotony. Staff opines that the board on board will sufficiently screen the use however the breaking of this monotonous surface would be beneficial to adjacent property owners. Therefore staff is recommending a condition that the fence be installed include some regular visual breaks. Staff is also recommending a condition that all plantings needed for transitional screens, inclusive of the voluntarily proposed 15' buffer adjacent to the church, be installed or preserved external to the proposed fence line.

The applicant also requests that wooden board on board enclosure be used to screen the dumpster on site, requiring modification to DSM 8-3.1.O, which requires masonry dumpster enclosures for properties within the HCOD. Staff notes that the dumpster's enclosure is already located within an area screened from any view apart from the front lot line, over 265 feet away; staff has no objection to this modification.

Mr. White presented the following findings:

1. The proposal increases the commercial tax base of the county.
2. The proposal adaptively reuses an existing structure.
3. The proposal satisfies the Special Use Standards of Review.
4. The proposal is consistent with relevant policies of the Comprehensive Plan.

Staff recommends approval of this Special Use with the conditions below.

1. The facility shall be built in conformance with the GDP prepared by Welford Engineering, dated May 3, 2016 and last revised September 21, 2016, except that:
 - a. The finished side of the fence must face outward of the subject property and the fence must have variations in staggering, capping, recessing, or the use of pilasters to break the monotony of the fence wall at least every 50 feet.

- b. Transitional screening landscaping, whether preserved or planted, must be located external to fence.
2. Any electronic signage must have the capability to auto dim and shall not exceed 0.3 footcandles above ambient lighting conditions.

Mr. Floyd, representing the applicant stated that he would be happy to answer any questions that the Commission may have.

Mr. Newhouse opened and closed the public hearing seeing that no one wished to speak.

Ms. Carter expressed her concerns about the traffic coming out onto Route 208.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to deny the special use request. The motion passed 7-0.

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at about 8:40 p.m.

Paulette L. Mann
Commission Secretary

December 21, 2016
Date approved