

County of Spotsylvania
Department of Planning



Board of Supervisors Staff Report

Rezoning # R17-0002
(Berkeley Voting District)

Planning Commission Recommendation: Approval with proffered conditions

Staff Recommendation: Approval with proffered conditions

I. Overview

Applicant:	Branham Mechanical LLC
Request:	The applicant requests a rezoning of .48 acres from Residential 2 (R-2) to Commercial 1 (C-1) with proffers to allow for a contractor's office and shop.
Tax Map Parcels:	47-A-72
Location:	The property is located at 8818 Courthouse Road which is located along the west side of Courthouse Road (Route 208) adjacent to American Legion Drive (private) and approximately 1,340 feet north of the intersection of Massaponax Church Road (Route 608) and Courthouse Road (Route 208).
Zoning Overlay:	None
Future Land Use Designation:	Institutional
Historic Resources:	None
Date Application Deemed Complete:	12/19/2016

Figure 1: Zoning Map

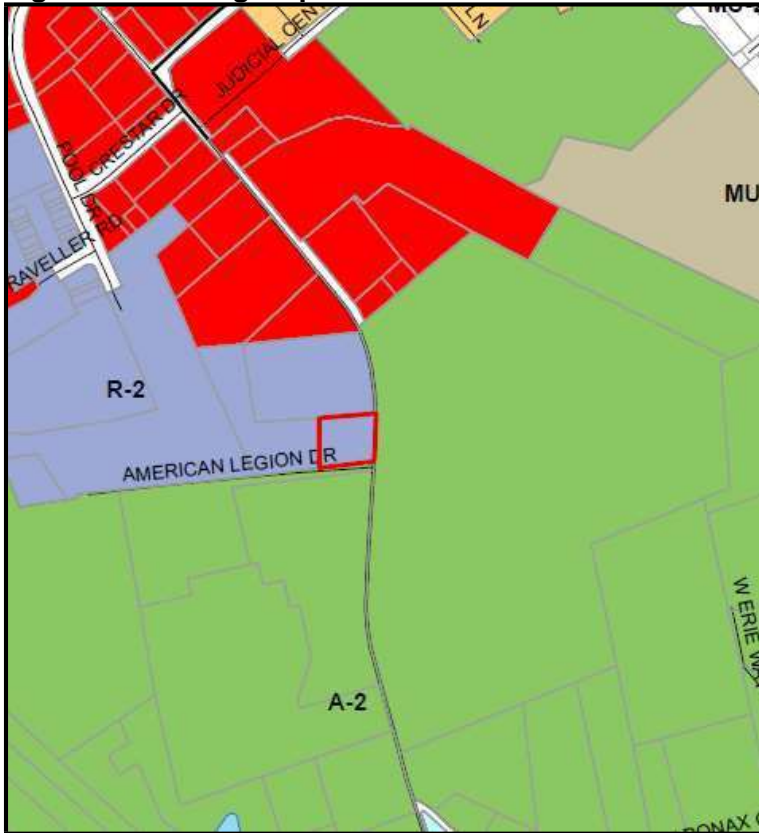


Figure 2: Aerial Map (2013) (subject parcel outlined in red)



II. Analysis

The applicant, Branham Mechanical LLC, is a commercial HVAC contractor business operation which is owned and operated by Rodney T. Branham. Mr. Branham purchased the property located at 8818 Courthouse Road, which is locally known as the old Forestry Building next to the Marshall Center and immediately across Courthouse Road from Spotsylvania Middle School. The Virginia Department of Forestry occupied the property as an outpost, as a permitted use (public facility), from 1989 through September of 2015. The property is zoned Residential 2 (R-2) and the applicant requests to rezone to Commercial 1 (C-1) in order to operate a contractors office and shop. The business operation includes five employees, four of which are issued work vehicles and on most work days dispatched to their job sites from home. While supplies will be shipped to the property 2-3 times per week via delivery trucks (no tractor trailers), there will be no customer traffic as this is a commercial HVAC operation. The property is designated on the Future Land Use Map within the Comprehensive Plan as Institutional but is surrounded by the Mixed Use designation. The Institutional designation is reflective of the former use; therefore, it is most appropriate to consider the project within a mixed-use land use context particularly given that the existing surrounding development consists of County facilities, varying commercial businesses and single family detached and attached residential. As per the Comprehensive Plan the mixed land use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential; commercial uses; light industrial; educational facilities; recreation facilities, and compatible public and other civic facilities (institutional type uses). The Branham Mechanical proposal is consistent with the mixed use land use designation envisioned for the larger area albeit it somewhat lacks in meeting all of the design aspirations as outlined in the mixed use district.

Currently the .48 acre site includes a 2,341 square foot building, gravel parking area and three points of access two of which are located on American Legion Drive and one on Courthouse Road. The contractor office use is expected to generate 11 vehicle trips per day. As part of this proposal, the applicant has agreed to close the access on American Legion Drive closest to Courthouse Road and upgrade the existing access on Courthouse Road to meet the VDOT low volume commercial entrance standards. These improvements address entrance spacing and design concerns raised by both VDOT and the County's traffic engineer. Both improvements are specifically addressed within the proffer statement.

Consistent with similar rezoning applications which include developed sites, staff recommended the site be brought up to current standards as required within the County Code and Design Standards Manual. In this case, staff recommended a landscaped street buffer be installed in addition to a paved parking area in order to meet the dustless surface Code requirement. The applicant intends to complete interior renovations to the building to accommodate the use and has proffered to install a landscaped street buffer within 30 days of Certificate of Occupancy issuance. With respect to the paved parking area, the applicant has proffered the parking lot will be paved upon a change of use on the parcel which results in an increased number of vehicle trips to and from the site. While this is certainly a worthy compromise offered by the applicant, staff must point out there is no guarantee or expected timeline for the site to be completely brought up to County standards with the language as proposed.

In accordance with County policy, the applicant sent notification letters to all property owners within a 1,000 foot radius prior to submission of their application. The

notification letter included details of the proposal and referred all interested parties to the Planning Department. To date, staff has not been contacted by anyone with respect to this proposal.

III. Proffers

1. Generalized Development Plan – development of the property shall be in conformance with the Generalized Development Plan (GDP).

Staff is supportive of the standard proffer language committing to the site development.

2. Landscaping – the applicant agrees to install a landscaped street buffer C per the County's Design Standards Manual requirements. The buffer will be installed within 30 days of Certificate of Occupancy issuance.

Staff is supportive of this language which commits the installation of the landscaped street buffer consistent with County design standards which will enhance the streetscape along Courthouse Road.

3. Property Access Points – the applicant agrees to eliminate the second access point on American Legion Drive which is closest to Courthouse Road. Additionally, the access along Courthouse Road will be improved to meet VDOT requirements for a Low Volume Commercial Entrance, as shown on the GDP.

Staff is supportive of this language which commits the applicant to close one of the access points on American Legion Drive which currently does not meet entrance spacing requirements and is consistent with the County's access management policies. Further the improvements to the entrance on Courthouse Road will bring the entrance up to VDOT standards.

4. Primary Entrance and Parking Lot – the applicant agrees upon a change of use which results in an increased number of vehicle trips the site shall be improved to include a paved parking lot and the entrance on Courthouse Road will be further improved as necessary in accordance with VDOT standards.

Staff recommended the site be brought into compliance with all County standards including a paved parking lot. The applicant's commitment to pave the parking lot upon a change of use which increases the number of vehicle trips is a worthy compromise although staff notes the language as proposed provides no guaranteed timeline for the parking lot to be paved.

5. Property Signage – the applicant agrees all signage shall be monument style.

Staff is supportive of the monument style signage condition as this will assist in maintaining an enhanced streetscape along Courthouse Road.

IV. Key Findings

In Favor:

- The proposal is an adaptive reuse of a currently vacant building in a commercial corridor which will increase tax revenue with no expected negative impacts to adjoining properties.
- The Courthouse Road streetscape will be enhanced with the installation of the landscaped street buffer.
- VDOT and County Access Management concerns will be addressed with the elimination of one of the access points on American Legion Drive and the entrance improvements on Courthouse Road.

Against:

- The proposal falls short in meeting all of the design aspirations as outlined in the mixed use district.
- There is no guaranteed timeline for the site to be completely brought up to County standards with respect to the paved parking area.

V. Summary and Recommendation

Staff notes the proposal falls short in meeting the County's design standards with respect to a paved parking lot. However, the proposal's investment and adaptive reuse of a currently vacant building in addition to the increase in tax revenue, entrance improvements along Courthouse Road and the streetscape enhancement outweighs the lack of a paved parking lot. The Branham Mechanical proposal is consistent with the mixed use land use designation envisioned for the larger area and is not expected to adversely impact adjoining properties. Based on the key findings and analysis contained in this report, staff recommends approval of the request with the proffered conditions dated April 5, 2017.

The Planning Commission held a public hearing on May 3, 2017 and on a motion by Mr. Barnes, seconded by Mr. Smith unanimously voted to recommend approval of the request with the proffered conditions dated April 5, 2017.

Spotsylvania County Government

Appendix A

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 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.

The proposal 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 Branham Mechanical proposal is consistent with the intent of the Primary Development Boundary. The location of the proposal is within area designated as institutional (reflective of its former use) and mixed use as per the Future Land Use element of the Comprehensive Plan. As the proposal does not seek to maintain an institutional type use it is most appropriate to consider the project within a mixed-use land use context. As per the Comprehensive Plan the mixed land use category encompasses a variety of uses, including traditional neighborhoods; higher density residential; non-traditional residential; commercial uses; light industrial; educational facilities; recreation facilities, and compatible public and other civic facilities (institutional type uses). The Branham Mechanical proposal is generally consistent with the mixed use land use designation envisioned for the larger area. Staff acknowledges the project does not meet all the design aspirations as outlined in the mixed use district.

An analysis considering the Branham Mechanical proposal as it relates to Comprehensive Plan Goals, Policies, and Guiding Principles is below:

Introduction and Vision:

Proposal is consistent with County business attraction and retention goals, local employment goals. Proposal will use a commercial type building within a mixed use designation to house its operations on land presently not zoned to complement commercial development. Rezoning effort is favorable to business attraction and retention goals in this location. (Guiding Principles and Policies A, A.1)

Proposal is consistent with industrial and commercial tax base and business diversification goals. (Guiding Principles and Policies B, B.1.)

Development footprint is not expected to result in negative impacts upon significant and/or endangered natural resources. (Guiding Principles and Policies B.4)

Proposal is consistent with the mixed use designation for the area as designated in the future land use element of the Comprehensive Plan. (Guiding Principles and Policies C.2)

Project not expected to have adverse effect on environmental resources. (Guiding Principles and Policies E)

Land Use:

Future Land Use Map Designation: This project is consistent with the intent of the Primary Development Boundary. As a standalone commercial project to repurpose an existing commercial type structure for commercial use this project is consistent with the Mixed Use land use designation. Staff acknowledges the project does not meet all the design aspirations as outlined in the mixed use district.

Existing trees will not be impacted by the proposed condition resulting from this rezoning proposal. Applicant GDP includes addition of a street buffer C landscape area along project frontage, further enhancing onsite landscaping. (Land Use Policies Applicable to All Land Uses 3)

Proposal would result in investment within an existing developed area and site and is not expected to adversely impact adjoining properties. (Land Use Policies Applicable to All Land Uses 8)

A design overhaul of the existing building is not proposed as part of this rezoning. As per project narrative "At this time, the building will not be changed, and no further improvements are anticipated." The result of the rezoning effort will change the land use trajectory of the site to enable commercial uses there; proposed is a combination office and warehouse. This project is not expected to be an architecturally transformative project and no major site alterations are proposed. (Mixed Land Use Policies 1)

Transportation:

Proposal not expected to have a significant impact upon the Rt 208 corridor. (Transportation Policy 1, Policy 2)

Historic Resources:

This project is not detrimental to historic resources of local, state, or national significance. (Historic Resources Policy 1, Strategy 2)

Natural Resources:

Project not expected to have adverse effect on environmental resources. (Natural Resources Policy 1, Policy 3)