

**County of Spotsylvania
Department of Planning**



Board of Supervisors Staff Report

Rezoning # R17-0001
(Courtland Voting District)

Staff Recommendation: Approval with the proffer statement dated March 17, 2017, and last revised May 30, 2017.

The Planning Commission recommended approval on July 5, 2017 by a vote of 4-0.

I. Overview

Applicant: SH Development Company, Inc.

Request: The applicant requests a rezoning with proffers of 2.05 acres from Office 1 (O-1) to Commercial 2 (C-2), and 1.26 acres from Rural (RU) to Commercial 2 (C-2). The applicant has also submitted a concurrent Special Use application to allow a fuel dispensing service in a C-2 zoning district.

Tax Map Parcels: 12B-A-3, 12B-3-A, 12B-A-5, and 12B-A-6.

Location: The properties are an unaddressed property on Plank Rd., 12100 Spotswood Furnace Rd., 12228 Spotswood Furnace Rd. and 12224 Spotswood Furnace Rd., which are all located on the northwest corner of the intersection of Plank Rd. and Spotswood Furnace Rd. The Comprehensive Plan identifies the site as within the Primary Development Boundary.

Zoning Overlay: The site is completely within the Reservoir Protection Overlay District. The site is almost completely within the Highway Corridor Overlay District apart from the northernmost corner (approximately 10,000 sq.ft.)

Future Land Use Designation: The Future Land Use Map identifies this area for Commercial and Employment Center Land Uses.

Historic Resources: Although there are no documented resources onsite, the property is located within the Chancellorsville Battlefield Historic District. The Battlefield itself is located approximately 2 miles west of the subject site. No impacts are expected from this proposal.

Date Application Deemed Complete: 02/02/2017

Community Meeting: A community meeting was held on 11/1/2016. It was well attended with approximately 30 attendees. Concerns reported were largely related to pedestrian connectivity, existing traffic difficulties, particularly during school loading and unloading. The abundance of gas stations within the area was also noted as a concern.

Figure 1: Zoning Map (subject parcels outlined in blue).

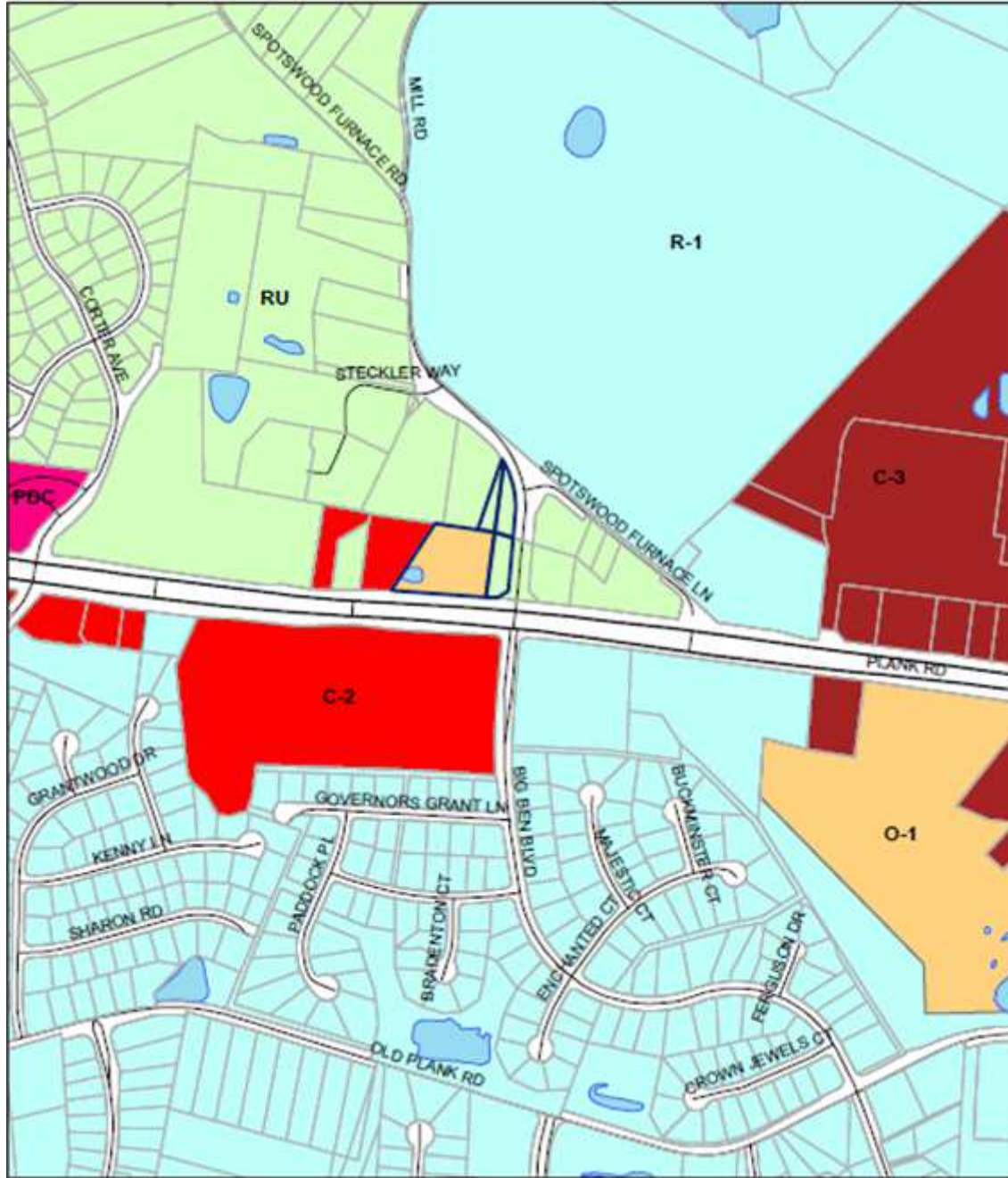


Figure 2: Aerial Map (2013) (subject parcels outlined in blue)



II. Analysis

The applicant is requesting to rezone the subject properties to Commercial 2 (C-2). The applicant is also concurrently requesting Special Use approval to allow a fuel dispensing service which will accompany a proposed Sheetz convenience store.

The subject property consists of four parcels totaling 3.31 acres. The properties have varying Zoning and Future Land Use designations as noted in the table below.

Parcel	Acres	Zoning	FLU	Current Use
12B-A-3	2.05	O-1	Commercial	Vacant
12B-3-A	0.53	RU	Commercial	Single-Family Rental
12B-A-5	0.42	RU	Employment Center	Vacant
12B-A-6	0.31	RU	Employment Center	Vacant

The collective site lies at the NW corner of the intersection of Plank Road a.k.a. Route 3 and Spotswood Furnace Road. The property is located within the Primary Development Boundary (PDB) and the Reservoir Protection Overlay District and is partially within the Highway Corridor Overlay District (HCOD). The property lies diagonally across Spotswood Furnace Rd. from the existing Riverbend High School.

The applicant is requesting to rezone the property to C-2, which allows a considerable amount of uses, a few of which are restricted via the applicant's proposed proffers. These restricted uses are noted within the proffers Section II.A. The applicant has provided a Generalized Development Plan (GDP) showing the existing conditions, demolition plans, and proposed site improvements which will accommodate the companion Special Use Permit case's Fuel Dispensing Service and by-right convenience store. The development of the site is proffered to be in conformance with the GDP, however, the proffers are structured in a manner to allow the site to be redeveloped in the future so long as the future redevelopment is in accordance with the C-2 zoning district codes and use tables.

Multiple attendees of the community meeting noted concerns related to traffic and transportation. Route 3 moves approximately 35,000 vehicles per day and Spotswood Furnace has approximately 6,500 vehicles per day. It is estimated that the proposed convenience store and fuel dispensing service will generate 679 new trips a day and 1,232 "pass-by trips" or stops of convenience for an estimated total of 1,911 trips per day to the Sheetz if approved.

The intersection of Route 3 and Spotswood Furnace Rd. was routinely criticized during the applicant's community meeting. The applicant's conducted a Traffic Impact Analysis (TIA) which noted near failing conditions at the intersection of Route 3 and Spotswood Furnace Rd. The TIA was conducted by Ramey Kemp & Associates, Inc., dated May 30, 2017, and included with this packet. As part of a TIA, the conditions are studied so that a comparison can be made between the current conditions of traffic, a future scenario in which no improvements are made (called a No-Build scenario) and then one or more options which the Traffic Engineer is comparing in an effort to improve conditions. The TIA considered two additional scenarios in which there were three different south bound traffic lanes (instead of the current two southbound lanes). The analysis reported that the most efficient option was to install a third south bound lane and allow dual left bound turn lanes, and a right turn lane that also allows through movements across Route 3. This option was demonstrated to be better than designing the lanes to allow only one left bound lane, a through-left, and a dedicated right. The dual left option is projected to have shorter signal delays during the peak hours studied (which include the windows of 6:30-9:00AM, 1:30 to 4:00 PM, and 4:00-6:00). The additional mid-day peak analysis was conducted due to feedback received during the community meeting noting that the PM peak hour traffic analysis would not adequately assess the school unloading during mid-day hours. In addition to a proposed interparcel connection of the subject site to the neighboring property to the west, the applicant has proffered reasonable improvements to mitigate impacts on the traffic network within the proximity of the site beyond those improvements required by code. These vehicular network improvements are documented within the Proffers and include:

1. A southbound thru-right lane beginning at the exit of the Property to Spotswood Furnace Road and continuing to the intersection with Route 3;
2. Modifications to the Route 3 median to allow for the proposed Spotswood Furnace Road southbound lane configuration (double left turn lanes, thru right turn lane);

3. a northbound left turn lane into the Property (this was designed so as not to allow westbound drivers to become confused at the intersection and attempt to continue through, rather than make the forced right onto Spotswood Furnace Rd., where the 6 lane improvement of Route 3 ends.)

Due to the proximity of the proposed rezoning, potential user, and the nearby Riverbend High School, pedestrian connectivity is also a significant matter for consideration. The applicant has proffered to provide:

1. a new pedestrian crosswalk of across Spotswood Furnace Road across from Riverbend High School as shown on the GDP, to include advanced warning/notification devices and signage subject to VDOT approval;
2. A pedestrian crosswalk across Spotswood Furnace Road at the intersection of Spotswood Furnace Road and Route 3.

County Planning staff, Spotsylvania School staff, and the applicant worked together with the additional cooperation of VDOT to achieve this combination of potential improvements. County staff must note however that the School staff's request to have an additional sidewalk on the east side of Spotswood Furnace Road was not met. The School staff's requests were otherwise accommodated.

Regardless of the proposed improvements to the Transportation network, it must be noted that delays are still expected at this intersection, particularly for eastbound lefts onto Spotswood Furnace Rd; northbound thrus on Spotswood Furnace Rd; and southbound lefts onto Route 3.

In addition to the transportation proffers noted above, the applicant has proffered to limit the future use of the land by proffering out the following uses:

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| 1) Amusement arcades; | 7) Hospital and nursing home; |
| 2) Billiard & pool hall; | 8) Hotels, motels; |
| 3) Contractor's offices and shops; | 9) Indoor athletic facilities; |
| 4) Repair service establishment; | 10) Places of worship; |
| 5) Funeral home; | 11) Repair service establishments; |
| 6) Furniture or carpet store; | 12) Theaters. |

In the future, if and when the site redevelops to a use different than the proposed, there remain 33 different permitted uses and 22 additional uses that could be requested via Special Use Permit. The permitted uses can be generally summarized as light to medium density commercial in the form of offices, restaurants, and retail. The special uses available include uses generally compatible with the C-2 district, but requiring special consideration and conditioning to mitigate impacts; they include wholesale trade establishments, building material yards, vehicle sales establishments, etc.

The applicant has also proffered to extend a new sewer line from Chancellor Elementary School to the west (an approximate 500' run to the proposed Sheetz). Lastly, the applicant has proffered multiple lighting limitations which include auto-dimming of any LED signage, the prohibition of flashing or intermitted lights, and the prohibition of strobe, search, or laser lights (apart from any triggered via a security system); these proffers exceed the requirements of the current County's outdoor lighting standards.

III. Fiscal and Economic Impact

The applicant is requesting a Commercial 2 (C-2) zoning with a concurrent request for a Special Use Permit to allow a Fuel Dispensing Service which will accompany a Sheetz convenience store. According to the applicant's submitted impacts narrative, attached to this packet, as of 2016 these properties are collectively taxed with an assessed value of \$602,900. Using historical tax assessment data the applicant estimates that the collective real estate assessment will climb to \$2,750,000 and be taxed approximately \$23,375 annually. By comparison, the Wawa located at 4527 Plank Rd. is zoned C-2, 2.7 acres, assessed at \$2,932,700 and taxed \$24,928 in 2016. The applicant estimates annual sales of \$12,700,000. Using these two projections the applicant estimates total annual revenue composed of real estate taxes, meal taxes, and sales taxes of \$277,375.

IV. Key Findings

In Favor

- From a land use perspective, a commercial zoning is appropriate in this location given the Future Land Use designation of Commercial and Employment Center of the subject properties and within the surrounding area. Limited commercial uses may be found west of the site containing a small commercial center, the Harrison's Crossing retail center is approximately 1,400 feet east, and a large unimproved commercial site is located immediately south. Furthermore, the subject site is located at the intersection of an arterial and collector roadway, within the Primary Development Boundary and the Highway Corridor Overlay District.
- The Comprehensive Plan goals related to access management and pedestrian connections are met through the provision of an interparcel connection, frontage sidewalks, and proffered pedestrian connectivity to the Riverbend High School.
- The Spotsylvania School District staff noted their support of the new dual left and right-thru lane. Staff from the School District also reported that they would like an additional sidewalk on the east side of Spotswood Furnace Rd. Although the developer declined to propose this additional improvement they were agreeable to a new pedestrian crosswalk to connect the proposed rezoning area to the Riverbend High School.
- The applicant has proposed perimeter landscaping including 35' Transitional Screen 2's, 15' Street Buffer B's along Route 3, and 10' Street Buffer A's along Spotswood Furnace Rd. as depicted in the GDP in order to mitigate aesthetic impacts on neighbors and streets.
- Proposed proffers by the applicant include lighting restrictions beyond code requirements and limitations of the brightness of electronic readerboard signage (LED signs), although none are presently proposed in the GDP or architectural drawing documentation.
- The proposal includes design and architectural commitments within the proffers, although the proffered commitments are constructed to allow flexibility in site and building design upon the property's eventual redevelopment at an unknown future time. It is a near certainty that the immediate use of the land will be as a

Sheetz convenience store and fueling station based on the concurrent application SUP17-0001.

Against

- The Comprehensive Plan goals related to transportation Levels of Service are not met due to the near failing conditions of the intersection of Route 3 and Spotswood Furnace Rd. The applicant has proposed a new southbound lane on Spotswood Furnace Rd. which will accommodate a new traffic pattern consisting of two left turn lanes onto Route 3 and a shared Right-thru lane in an effort to improve the intersection.
- The proffers do not limit the use to only a fuel dispensing service and convenience store; most of the C-2 zoning districts permitted uses remain options if and when the site redevelops. However some uses are proffered out and thereby restricted, including but not limited to arcades, pool halls, funeral homes, and hotels.

V. Summary and Recommendation

The Commercial 2 (C-2) rezoning request is appropriate based on the location of the site at the corner of an arterial roadway and collector roadway, within the Primary Development Boundary, within the HCOD, due to the Future Land Use Map's designation of Commercial and Employment Center, and lastly due to the general compliance of the request with the Comprehensive Plan.

It is the concurrent request for a Fuel Dispensing station combined with a convenience store, that warrant concern, largely due to the additional new trips causing additional strain on the existing intersection. Based on the Traffic Impact Statement, it is staff's analysis that the future use of the site as a convenience store and gas station will negatively affect the intersection during its busiest times due to the intersection serving a large traffic destination (Riverbend High School), and also serving as the western end of the 6-laning of Route 3. However, without the new southbound turn lane proposed by the applicant, the intersection degrades to an even worse condition in 2018. The intersection is better off with the project and its improvements proposed than it would be without the project and its coinciding improvements. The southbound turn lane will be provided by the applicant if they receive their rezoning and special use requests. If approved, the applicant is able to make the best use of their land, and the County receives intersection, transportation, and pedestrian improvements beneficial to the immediate area and the transportation system. If denied, the signal continues to degrade unless the County or VDOT initiate improvements such as additional lanes on Spotswood Furnace Rd. or expanding the 6-laning of Route 3 further west.

Staff recommends approval of the rezoning application and proffers as submitted based on the above and the Findings as noted within this report.

The Planning Commission recommended approval on July 5th, 2017 by a vote of 4-0.

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 at the NW corner of the signalized intersection of Route 3 and Spotswood Furnace Rd. The proposed rezoning includes four parcels of land totaling 3.31 acres. The subject parcels are completely within the Primary Development Boundary and the Reservoir Protection Overlay District. Additionally, the majority of the site lies within the Highway Corridor Overlay District (HCOD).

The properties have Future Land Use designations of Commercial and Employment Center per the Comprehensive Plan's Land Use Element. These two districts are shared by most properties along Route 3. The 2013 Comprehensive Plan notes that the Commercial Future Land Use designation is intended for a variety of retail and office uses, and the Employment Center Land Use designation is intended more so for industrial, office, and business parks. Setting aside the proposed SUP which accompanies this request, the C-2 rezoning request would be a reasonable fit for either of the mapped FLU designations on this property, allowing a variety of office and commercial 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 a project which will upzone the existing corner, generate new business, increase the tax base, and add new lanes and pedestrian connections at a busy intersection. Furthermore, pursuant to sub-policy B.3.c, access management may be improved through the proposed western interparcel connection to the adjacent underutilized property.

Land Use

Staff opines Land Use Policies Applicable to All Land Uses 1 is met. The applicant has documented and made every effort to mitigate the traffic and transportation impacts through substantial proffered improvements to the adjacent transportation system. The applicant will extend and connect the proposed facility to county utilities. The development of the site will be in accordance with Ches. Bay, Reservoir Protection Overlay District, and DEQ permitting requirements for environmental safety.

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 met through the proposed interparcel connection to the west to serve a future development site. Policy 3 is met via the applicant's proposed sidewalk along both frontages as well as the development of two pedestrian crosswalks. Policy 4 is not met; this use has a direct connection to Route 3 as well as Spotswood Furnace Rd. Policy 6 is met as this is a new business investment

Employment Center Land Use Policies 4 and 5 due to the interparcel connection and sidewalk improvements. Policy 11 is met as this rezoning will accommodate new business and investment.

Transportation

Transportation Policy 1 is not met; the intersection of Route 3 and Spotswood Furnace is currently functioning at a Level of Service E, D, and C during AM, Midday, and PM peak hours, respectively. Traffic analysis indicates that the proposed future use of the site improves conditions during AM and Midday peak hours, although not enough to bring the intersection to a Level of Service D during AM peak hours.

Transportation Policy 2 is partially met; the proposed transportation improvements should adequately mitigate new trips and impacts from the proposed use, unfortunately the intersection is at a Level of Service D presently. Policy 2.1.a, 2.2, and 2.5 are met due to interparcel connection, TIA submittal, and pedestrian connectivity improvements. Policy 3.2 is met through the new pedestrian connections and advance warning signaling at the northern crossing of Spotswood Furnace Rd. Policy 4.2 is met, the applicant's proposed sidewalk and crosswalk connection to Riverbend exemplifies context sensitive design.

Historic Resources

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

Natural Resources:

The rezoning is not expected to result in negative impacts upon significant and/ or endangered natural resources. A condition will be proposed in the Special Use Permit regarding tree removal and the Northern Long-eared Bat which may be found in the County pursuant to Policy 1. The development of underground petroleum storage facilities requires additional DEQ permitting to prohibit ground water leaching pursuant to Policy 2.