



**County of Spotsylvania**  
**Department of Planning**  
**Staff Report**

Rezoning # R17-0008  
(Berkeley Voting District)

**Planning Commission**  
**November 15, 2017**

Staff Recommendation: Approval

Project: R17-0008 (RO17-0008) Terry Industrial Park

Owner: John X. Lucente

Applicant: Eldricks LLC

Request: The applicant requests the rezoning of 1.9998 acres from Rural (RU) to Industrial 2 (I-2) with proffers to allow certain uses permitted in the I-2 zoning district. The proposed use is a heavy equipment and specialized vehicle sale, rental and/or service establishment.

Tax Map Parcel: Tax parcel 49B-1-5 is approximately 1.9998 acres and is zoned Rural (RU).

Location: The property is located at 8332 Jefferson Davis Hwy (a.k.a. Route 1), located on the west side of roadway, and is approximately a half of a mile south of the signalized intersection of Route 1 and Massaponax Church Rd.

Zoning Overlay: Highway Corridor Overlay District (HCOD)

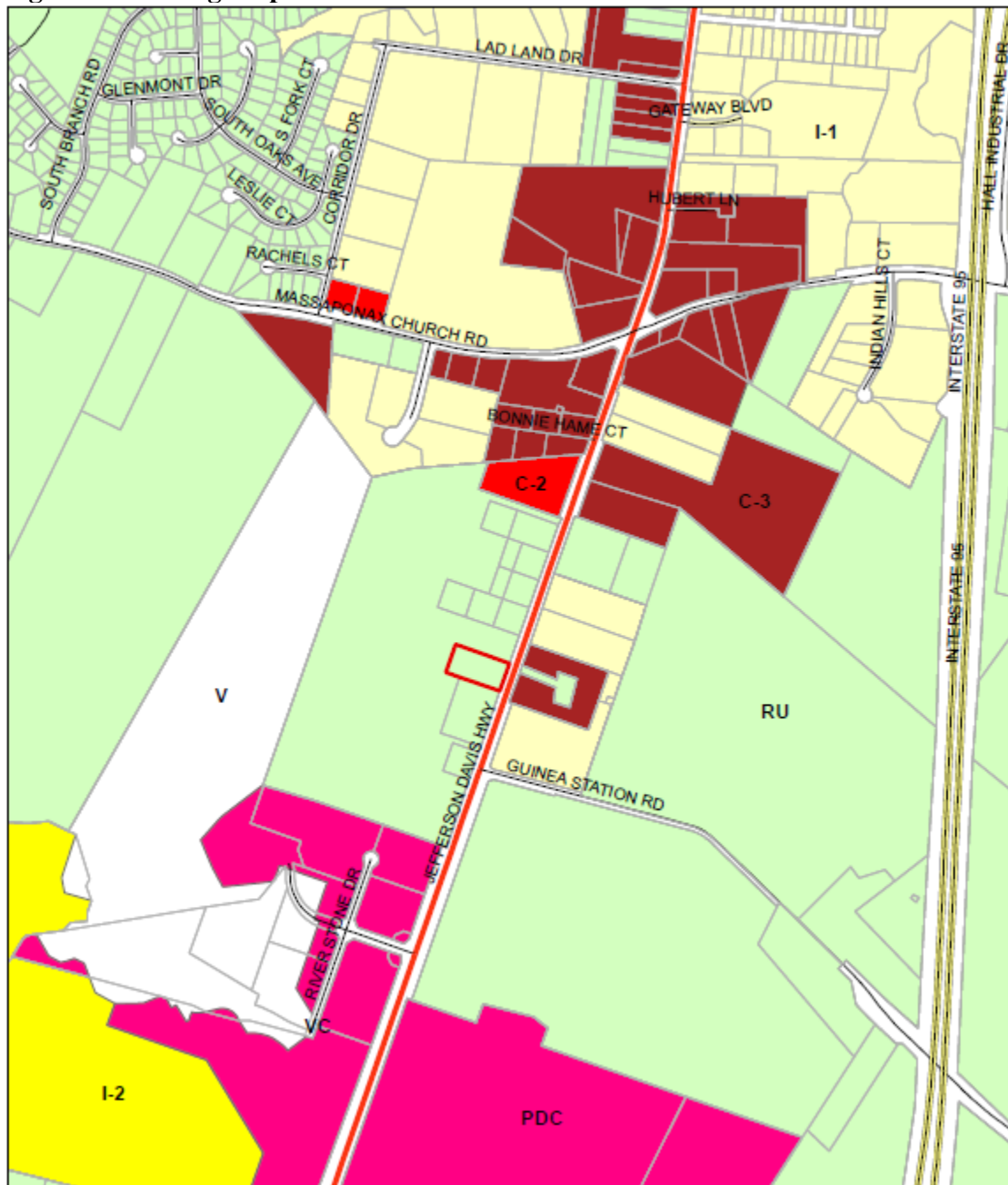
Future Land Use Designation: Employment Center

Historic Resources: None

Date Application Deemed Complete: 6/14/2017

Community Meeting: A notice was provided to property owners within 1000 feet of this project notifying them of the applicant's intent to rezone the property in accordance with the community meeting guidelines effective at the time. Documentation of this mailing was provided to County staff.

**Figure 1: Zoning Map**



**Figure 2: Aerial Map (2013)**



## **I. The Site**

The property subject to the zoning request is 1.9998 acres, is currently zoned Rural (RU), and is located within the Primary Development Boundary. The subject parcel is approximately 0.5 miles south of the signalized intersection of Route 1 and Massaponax Church Rd. The property is located within the HCOD, however due to the proposed rezoning to I-2 the development would be exempt from the HCOD requirements.

The property is currently vacant. Neighboring uses include a gas distributor to the south and a large unimproved tract abutting to the west and north. A small cluster of I-1 zoned properties exist across Route 1 to the east and include a gas distributor and a building supply facility (the Stone Center). The subject property and all abutting properties have an Employment Center Future Land Use designation.

## **II. Project Proposal**

The proposed Generalized Development Plan (proffered by the applicant in Proffers dated September 27, 2017) depicts the development of a Heavy Equipment & Specialized Vehicle Sale, Rental and/or Service Establishment. Per discussions with the applicant the use was described as a U-Haul truck rental location.

- A. Generalized Development Plan (GDP)** - The GDP depicts 4,000 sq.ft. office building, 28 parking spaces for customers, an enclosed outdoor display / storage area for the vehicles, and associated site improvements such as sidewalks, transitional screens, and street buffers. There are no details on the development of the proposed office structure itself. There are no elevations or minimum architectural standards proffered. The applicant previously agreed to relocate the outdoor display area to the rear of the site and pull the building forward and has provided the minimum Street Buffer E along the frontage of the property. The GDP includes two potential future connections points to abutting properties to the north and south, connected via a proposed ingress and egress easement which can provide interparcel access to the propane sales (to the south) or future development of property to the north.

The GDP depicts a right turn lane into the property which consists of a 100' storage lane and a 200' deceleration taper. There are presently no curbs preventing a northbound left turn movement out of the property, nor a left turn into the property. The applicants are requesting an exemption to VDOT Access Management requirements due to the proximity of the proposed driveway in relation to the existing driveway servicing the property immediately south. The proposed ingress and egress easements to the neighboring property are an effort towards mitigating the exception request with VDOT. If this proposed rezoning is approved this exception request will be sought by the applicant during the site plan review process.

The applicant has also agreed to provide a right-of-way dedication as depicted on the GDP.

- B. Fiscal Impact Analysis** – The proposed project is expected to be built out within one phase. The rezoning and subsequent of the property will increase the non-residential tax base of the county through the additional land value from the rezoning, and the new structural value of the proposed office structure.
- C. Proffer Statement Summary** – The applicant has provided a proffer statement dated September 27, 2017 for the consideration of the Planning Commission and Board of



Supervisors. Below is an itemized list of the proffers including a summary and staff analysis in italics.

- i. **General Development** – The applicant commits to develop the property in conformance with the GDP last revised September 27, 2017. Minor modifications may be made in order to address engineering/design requirements to fulfill Federal, State, and local requirements.

*Staff is supportive of the language as proposed.*

- ii. **Use** – The applicant is requesting a rezoning to I-2 for the subject property but has proffered out the following two (2) uses:
  1. Feed Mill
  2. Industry type II

*Industry Type 2 is defined as:*

“(E)nterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.”

*Staff notes that the two restricted uses above are the only two additional uses which would be allowed by right in the I-2 versus the I-1 district. Other properties in the immediate area are zoned I-1 and the proposed use desired by the applicant is available as a permitted use in the I-1 zoning district. Staff encouraged the applicant to pursue the less intense I-1 zoning designation however that recommendation was not agreed to by the applicant. A few additional uses are allowed by Special Use Permit (SUP) in the I-2, but not the I-1 district: Auto Graveyard, Industrial Type III, Junkyards, Landfill, Motor Freight Terminal, Public Utility Heavy, and Recycling Plant. These uses would not be allowed on the property without a supplemental SUP and with the exception of Junk Yards and Auto Graveyards, the remaining additional uses available by SUP would not fit on a property of this size.*

- iii. **Transportation** – The applicant has proffered to dedicate right-of-way as designated on the GDP and provide the two interparcel connections

*Staff is supportive of these proffers.*

### **III. Staff Analysis**

The applicants request to rezone the property to I-2 would generally be compatible with the other uses in the immediate area, and the future land use designation of Employment Center, although staff has concerns regarding the wide degree of use flexibility of the I-2 zoning district. The site is proposed to be developed as a small office with outdoor storage of vehicles, the majority of which should have limited visibility due to the proposed screening and site design. A Transitional Screen 3 will be required along the property north and eastern lot lines line adjacent to potential residential properties. A Street Buffer E, the county's densest street buffer requirement, is proposed on the property's frontage. The vehicles will be secured behind a fence on site and the fence will be composed of vinyl slats (not chain link) where visible from Route 1.

The proposed use should generate a small increase in trips on this road segment. The proposed use is estimated to generate 134 vehicles per day and this road segment of Route 1 is estimated to carry approximately 19,000 vehicles per day. Visibility from the location is clear in both directions, as documented on the sight line diagram within the GDP.

Lastly, the property will be connected to County water and sewer systems and will be required to use shielded lighting pursuant to recently passed dark sky compliant lighting requirements.

### **IV. Findings**

#### **In Favor:**

- A. The zoning designation of Industrial 2 is consistent with the employment center land use category in this area, is compatible with existing development patterns nearby, and is supportive of business expansion goals.
- B. The proposed rezoning will increase the non-residential tax base of the County.
- C. The proposed site is designed to limit the visibility of the outdoor display/storage area of the vehicles.

#### **Against:**

- A. The I-2 zoning district, while not allowing a large variety of additional uses, does have less stringent height, bulk, and Floor to Area Ratio requirements which make it more attractive than the I-1 zoning district. The I-2 district has a 10% open space requirement (vs. 15% for I-1), no side or rear setback requirements (compared to a 10' side and 20' rear requirement in I-1), a FAR increase from 1.0 to 1.5, and no height maximum (vs. 75 feet for I-1). While these benefits of the I-2 district may be valuable to the future redevelopment of this property, they are not necessary to

accommodate the development of this property with the proposed GDP. The property could be developed as proposed with the I-1 zoning district.

- B. The lack of any architectural commitment and the HCOD exemption of industrially zoned properties introduces uncertainty regarding the aesthetic quality of the proposed office building. A Street Buffer E will separate the office from the roadway.

## **V. Conclusions & Recommendations**

While staff acknowledges the concerns with industrial zoning adjacent to residentially zoned properties, the subject property fronts on Route 1 in close proximity to a number of Industrial like uses within a greater Employment Center designated area. The applicant has proposed adequate screening of the use from potential future residential uses which could be developed to the north and west of the site. For these reasons and those findings in favor noted above, staff recommends approval of the zoning request.

Spotsylvania County Government

# Appendix A

Comprehensive Plan Analysis



## **Terry Industrial Park Rezoning Comp 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; area within which public water and sewer utilities will be provided. Lands within the limits of the Primary Development Boundary are 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 and agricultural viability of those portions of the County outside the boundary. This land use proposal is appropriate within the Primary Development Boundary.

The proposal, envisioned to be located at Tax Map # 49B-1-5 has an Employment Center land use designation. As per the Comprehensive Plan the Employment Center designation is to be the primary location for new office and industrial development within the County, with the focus on larger scale office complexes, industrial users, and business parks. The Route 1 corridor south of Massaponax to the Thornburg interchange (area in which this proposal is located), known as the Jackson Gateway, is envisioned to be the economic driver for the County in the future. High end office parks and campus settings with Class A office space is desired. Within the employment center land use category both light and heavy industrial uses are appropriate and should be encouraged within the Employment Center category with the careful consideration of their location and transition to adjoining properties. With attention paid to considering location and transition to adjoining properties, on balance the proposed zoning change from Rural (Ru) to Industrial 2 (I-2) is consistent with the intent of the employment center land use. Proposed is an office with outdoor storage yard; uses that are permitted and complementary to the Industrial 2 zoning district.

The proposal is generally CONSISTENT with the Employment Center land use designation.

After conducting an analysis of applicable Comprehensive Plan Goals, staff has identified application strengths, deficiencies, and policy concerns worthy of consideration as outlined in the Comprehensive Plan policy analysis below:

### **Introduction and Vision:**

**Guiding Principles and Policies A. Spotsylvania County is a "business friendly" community and local job creation is a priority. A.3. Encourage the rezoning of land to industrial/ office uses in areas designated for Employment Center uses and the revitalization of older, underperforming commercial, office, and**

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**industrial developments.** Proposal is business friendly and complementary to the employment center land use designation.

**Guiding Principles and Policies B.1. Achieve a 70/30 mix of residential to commercial/ industrial development (based on assessed value), and the annual growth of the industrial and commercial tax base at a rate greater than 2%.** Proposal is consistent with commercial tax base growth goals and expected to be revenue positive.

**B.2. Development projects seeking increased residential density and/or non-residential intensity should address impacts that are specifically attributable to the proposed development; B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the County.** Proposal has been designed to mitigate expected project impacts upon the surrounding community and infrastructure.

**Guiding Principles and Policies B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties.** As per project GDP, sidewalks will be provided across the project frontage along Route 1.

**Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination.** The applicant notes no known historic resources or cemeteries on the subject property. The site has no identified resources documented by the Virginia Department of Historic Resources noted in the Virginia Cultural Resource Information system. Staff does not believe this site warrants further investigation and is not a candidate for preservation as a significant historic or cultural site.

**Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID).** Project not expected to degrade environmental quality in the area.

### **Land Use:**

**Future Land Use Map Designation:** The proposal is generally consistent with the Employment Center land use designation. The proposal is generally consistent and complementary to uses of the area that are uses characteristic of the employment center area including propane gas facility to the south, small engine repair shop, used car sales.

**Land Use Policies Applicable to All Land Uses #1. Rezoning proposals should address impacts that are specifically attributable to the development.** The proposal considers and mitigates impacts upon public facility demands and public infrastructure specifically attributable to the proposed development.

**Land Use Policies Applicable to All Land Uses #8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties.** Development transition is appropriate considering the development proposal,

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existing development and uses nearby, land use designation, environmental features. The applicant has included vegetative buffering to adjacent Rural zoned parcels (all fall within the employment center land use designation).

**Employment Center Land Use Policies #6.a. Direct access to existing roads by individual uses or lots should be discouraged.** Absent a larger development plan to allow shared access by multiple users or multiple property owners, this single 1.9 acre site will result in a single point of access. The GDP does provide for the opportunity for interparcel connections in the future to adjacent lots to the north and south.

**Employment Center Land Use Policies #8. Development should proceed sequentially along and back from major thoroughfares.** This project is consistent with the goal.

**Employment Center Land Use Policies #11. Encourage the retention and expansion of existing business operations as well as the attraction of new business and investment.** Proposal is consistent with business retention and attraction goals.

### **Transportation:**

**Transportation Policy #1.2., Achieve no less than a “D” Peak Hour Level of Service on the VDOT Primary Street System. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network.** The applicant has mitigated transportation impacts as warranted. Right-of-way dedication along the Route 1 project frontage helps advance improvements to the corridor in the future.

**Transportation Policy #2.5. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network.** As per project GDP, sidewalks will be provided across the project frontage along Route 1.

### **Historic Resources:**

**Historic Resources Policy #1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy #1.2. Support the preservation of resources with local, state, or national significance. Historic Resources Policy #2. The County should support projects that consider and mitigate the impact of development projects on historic and cultural resources during the rezoning, special use, and capital project planning process. Historic Resources Policy #2.1. Development applications and staff reports should identify historic and cultural resources in proximity to proposed rezoning, special use, or capital project, and evaluate the impacts of the project on the resources in question. Historic Resources Policy #2.3. The County should support the preservation of scenic and historic lands as a component of the rezoning actions through placing these resources in easements or dedicated open space.** The applicant notes no known historic resources or cemeteries on the subject property. The site has no

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identified resources documented by the Virginia Department of Historic Resources noted in the Virginia Cultural Resource Information system. Staff does not believe this site warrants further investigation and is not a candidate for preservation as a significant historic or cultural site.

### **Natural Resources:**

**Natural Resources Policy #1. Balance the protection of environmental resources and natural wildlife habitats with development. Policy #1.1. The County should support the mitigation of impacts upon unique and/or endangered resources including rare species and their habitats as part of the development review process.** The project site has not been identified by the Virginia Department of Conservation and Recreation's Natural Heritage Resources predictive models for unique and/or endangered species. The site is contiguous to many acres of forested land and is considered valuable as a potential land conservation area within the larger context as part of an ecological core area vulnerable to development.

**Natural Resources Policy #1.3. Encourage land development practices, which minimize impervious cover to promote groundwater recharge, and/or tree preservation.** As per project GDP, 20% of the Property will be maintained as open space as per GDP. The open space will be used for stormwater management facilities and landscaping including transitional screening and street buffer.