



# County of Spotsylvania

## Department of Planning

### Staff Report

Rezoning # R17-0008  
(Berkeley Voting District)

### Board of Supervisors

February 13, 2017

Staff Recommendation: Approval

Planning Commission Recommendation: On December 6, 2017 the Planning Commission recommended approval with a 7-0 vote. The Planning Commission previously closed public hearing on November 15 2017 and continued the vote in order to resolve concerns regarding transportation and land uses.

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

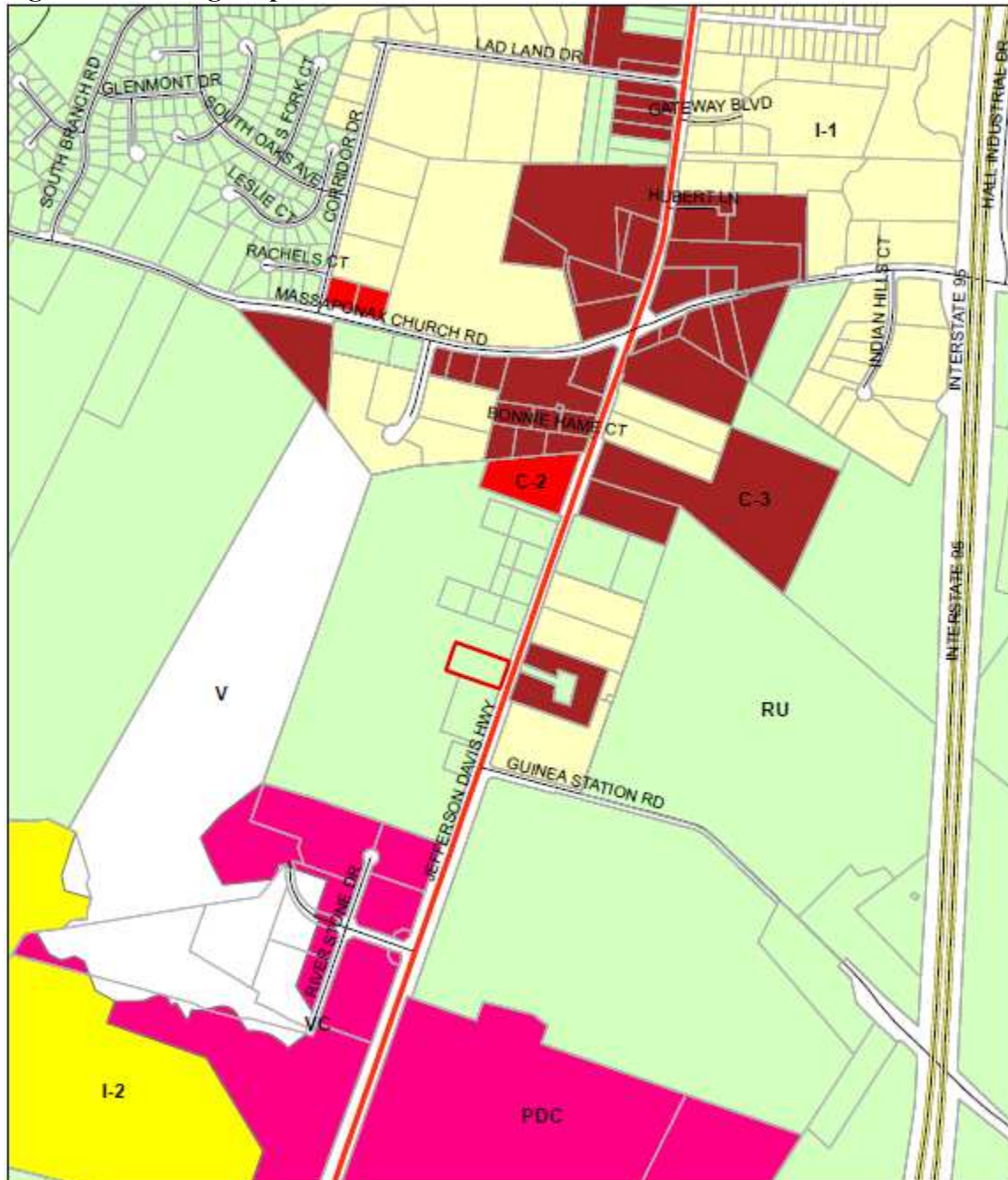
Historic Resources: None

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.

After the Planning Commission's public hearing on November 15, 2017, the Planning Commission continued the vote on this case until December 6, 2017 to resolve transportation and land use concerns. The applicant amended their proffers to restrict tractor trailer traffic to and from the property between school loading and unloading times of 7:00 to 8:00am and 2:00 to 3:00pm. The applicant also proffered out many additional land uses that were available to the I-2 zoning district to reduce the uncertainty of the future use of the property. On December 6, 2017 the Planning Commission recommended approval with a 7-0 vote.

For these reasons and those findings in favor noted above, staff recommends approval of the zoning request.