



County of Spotsylvania
Department of Planning
Staff Report

Special Use Permit # SUP18-0009
(Berkeley Voting District)

Board of Supervisors
November 27, 2018

Planning Commission
Recommendation: Approval of the Special Use Permit with conditions

Staff Recommendation: Approval of the Special Use Permit with conditions

Project: SUP18-0009 DMS Properties, LLC

Owner/Applicant: DMS Properties, LLC

Request: Special use permit approval to allow a contractor's office and shop on approximately 10 acres of Agriculture 3 (A-3) property

Tax Map Parcel: 76-A-15A

Location: The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road (Route 603) and Jefferson Davis Highway (Route 1) intersection.

Zoning Overlay: None

Future Land Use
Designation: Rural Residential

Historic Resources: VDOT/DHR roadside historic marker along the frontage of the parcel. The marker notes "Turn in Sheridan's Raid". There is also a 2 story domestic dwelling on the property documented with the Department of Historic Resources as constructed in 1870.

Date Application Deemed
Complete: 6/28/2018

Community Meeting: 5/31/2018

Figure 1: Zoning Map



Figure 2: Aerial Map (2017)



I. Analysis

The applicant, DMS Properties, LLC, is requesting special use approval to allow a contractor's office and shop on approximately 10 acres of Agriculture 3 (A-3) property. The property is located at 5730 Jefferson Davis Highway, which is located on the west side of Jefferson Davis Highway (Route 1) approximately 530 feet north of the Arcadia Road. The property currently includes two residential structures and several accessory buildings. The proposal is to locate the applicant's excavating business to the site utilizing the existing house for the office and develop a storage yard with a storage/barn building and employee parking on the rear portion of the property. The equipment will be stored on the property when not in use on job sites. The equipment consists of several small work trucks, small trailers, skid steer loaders, mini excavators, two roll-off type vehicles and two pump trucks. Additionally there may be small quantities of building lumber, rebar and pvc pipe stored on site. The storage yard will be screened from the right of way with a minimum eight foot (8') fence with a storage/barn building inset within the fence line. The Design Standards Manual requires a transitional screen to be installed along the property boundaries to buffer more intense uses from the existing and future adjacent residential uses. Given the amount of existing dense vegetation along the rear and side yards, staff is recommending a modified transitional screen which includes the solid fence and the installation of evergreen plantings along the fenceline. The proposed use will be screened from the adjacent residential properties to the west, north and south with 50' of existing vegetation. The only gap in the transitional screen is located on the north end of the property which triggers the transitional screening modification. Given the distance of the nearest residence to the north (approximately 630'), staff supports the transitional screening modification with the fencing and landscaping as proposed. The proposal's design preserves the rural character of the surrounding area and the site will appear unchanged except for the addition of the fence, storage/barn building and the new commercial entrance. The applicant has requested a waiver to the dustless surface Code requirement for the driveway and storage areas and proposes to utilize millings rather than asphalt. Given the size and bulk of the equipment to be stored on site a heavy duty asphalt would be necessary to withstand the weight of the equipment. Considering the use and the fact no customers will be using the parking lot, staff has identified no identified no concerns with waiving the dustless surface requirement in this instance. The current driveway is located adjacent to a VDOT/DHR roadside historic marker along the frontage of the parcel. The proposal is to relocate the entrance approximately 160' north and provide a VDOT approved entrance design. The existing driveway will be closed creating a pull off area for the roadside marker. Approximately 15 to 20 employees will report to the facility each day generating approximately 33 trips per day with no significant impact to the Route 1 corridor.

A community meeting was held on May 31, 2018 with the only concern raised related to light pollution. The applicant stated in their narrative that they would install only downward directed lighting in order to preserve the existing rural atmosphere. It should be noted that down lighting/night-sky friendly lighting is a Code requirement.

Staff has conducted a Comprehensive Plan analysis and determined the proposed project to be consistent with the goals and objectives of the Plan. Please see Appendix A for the complete analysis.

II. Standards of Review for Special Use Approval

The Planning Commission shall not recommend, nor shall the Board of Supervisors approve, the proposed special use unless it satisfies the following standards:

STANDARDS OF REVIEW FOR SPECIAL USE APPROVAL	
STANDARD	STAFF COMMENT
1. Proposed use is in accord with the comprehensive plan and other official plans adopted by the county.	The proposal is consistent with the Comprehensive Plan's business attraction and local employment goals. The proposal will not impact any natural resources and will improve the accessibility to the existing historic marker along Route 1. The proposal will not have significant impact on traffic along the Route 1 corridor and the applicant is providing fencing and landscaping around the storage yard in an effort to preserve the rural character of the corridor.
2. Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area.	The subject property and surrounding area is Rural Residential. Besides the addition of the storage/barn building and fencing, the site will appear unchanged. The proposed fencing and landscaping is consistent with other residential properties and screens the proposed use from the public right of way and adjacent residential properties.
3. Proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.	The impact to the adjacent residential uses is mitigated by the 50' transitional screen along the perimeter.
4. Proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.	The proposed use is not expected to adversely affect the health or safety of the surrounding neighborhood given the mitigation efforts provided by the applicant including fencing, landscaping and the relocation of the access which provides a safer pull off area for the roadside marker.
5. Proposed use will not be detrimental to the public welfare or injurious to property or improvements within the	The proposed use is not expected to adversely affect the health or safety of the surrounding neighborhood given the

neighborhood.	mitigation efforts provided by the applicant including fencing, landscaping and the relocation of the access which provides a safer pull off area for the roadside marker.
6. Proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities.	The proposed use is served by a private well and septic system and is located approximately 2 miles from Fire Station #8.
7. Proposed use will not cause undue traffic congestion or create a traffic hazard.	The proposed use is expected to generate 33 vehicles per day which is a minimal impact to Route 1. The site access must meet VDOT design standards.
8. Proposed use will have no unduly adverse impact on environmental or natural resources.	There are no identified adverse impacts on environmental or natural resources.

III. Findings

In Favor:

- A. The proposal is consistent with applicable goals and objectives in the Comprehensive Plan.
- B. Visual impacts have been mitigated with the proposed landscaping and screened fencing surrounding the storage area.
- C. Access and a pull off area to the existing historic roadside marker will be improved with the relocation of the entrance driveway to the north.

Against:

- A. While the applicant has made great efforts to mitigate impacts, the introduction of a commercial operation is not entirely in keeping with the rural character of the surrounding area.

IV. Conclusions & Recommended Conditions

Based on consistency with the Comprehensive Plan and the findings in favor above, staff recommends the Planning Commission recommend approval of the Special Use Permit to allow a contractor's office and shop on Agriculture 3 (A-3) zoned property with the following conditions:

1. The property shall be developed in accordance with the Generalized Development Plan (GDP) titled, "Special Use Permit Generalized Development Plan DMS Properties, LLC" dated June 24, 2016 and last revised October 30, 2018.
2. Landscaping and fencing as identified on the GDP shall be maintained for the life of the use in order to provide a visual screen of the storage yard from the public right of way.
3. All site entrance design shall be approved by VDOT prior to site plan approval.

Planning Commission Update:

The Planning Commission held a public hearing on November 7, 2018 and several citizens spoke in favor of the request. On a motion by Ms. Maddox, seconded by Mr. Thompson, the Planning Commission voted 5-0 to recommend approval with conditions.

SUP18-0009: Sedlak Construction Office and Yard

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. 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 outside of the Primary Development Boundary in an area designated as rural residential within the future land use element. The rural residential category encompasses most of the area outside the Primary Development Boundary. In general the land use category is described as rural residential development with a density of one unit per two acres and greater, including large lot residential, cluster development, farms, and forestland. These properties are served by private wells and septic systems. The preservation of land through conservation easements or preservation methods defined by the County Code may also be appropriate within this land use. The Comprehensive Plan also speaks to commercial services within the Rural Residential land use category as it relates to provision of services to citizens via rezoning process. As a Contractor's Office and Shop, the proposal requires a special use permit under Rural Zoning. Rural Zoning is considered appropriate and complementary to the Rural Residential land use category in the Comprehensive Plan. As per County Code Section 23-4.5.1, Special uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

After conducting an analysis of applicable Comprehensive Plan Goals, on balance the proposed project **is consistent** with the Comprehensive Plan. Comprehensive Plan findings are below:

Introduction and Vision:

- Proposal is consistent with County business attraction and retention goals, local employment goals. (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. The site is located outside of the limits of Department of Conservation and Recreation Predictive Models. Considering historic resources, staff notes there is a VDOT/DHR roadside historic marker along the frontage of this parcel. Marker notes "Turn in Sheridan's Raid". There is also a fairly basic 1987 Phase 1 Reconnaissance Survey on the structures on this lot documented at Virginia Department of Historic Resources. One Construction noted from 1870 for a 2 story domestic dwelling. Based on available information staff does not believe the proposal would have a negative impact upon historic resources. Staff notes access to the historic marker would be enhanced by this project. (Guiding Principles and Policies 4)

SUP18-0009: Sedlak Construction Office and Yard

Land Use:

- As per County code, special uses are considered generally compatible with other land uses within the zoning district provided they are able to address design, configuration, and/or operational concerns considering neighboring land uses. The Rural Zoning district is considered appropriate and complementary to the Rural Residential Land Use designation of the Comprehensive Plan and provided certain design and operational conditions are met, this proposal is generally consistent with the Rural Residential Land Use category. (Future Land Use Map)

Transportation and Thoroughfare Plan:

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

Historic Resources:

- Considering historic resources, staff notes there is a VDOT/DHR roadside historic marker along the frontage of this parcel. Marker notes "Turn in Sheridan's Raid". There is also a fairly basic 1987 Phase 1 Reconnaissance Survey on the structures on this lot documented at Virginia Department of Historic Resources. One Construction noted from 1870 for a 2 story domestic dwelling. Based on available information staff does not believe the proposal would have a negative impact upon historic resources. Staff notes access to the historic marker would be enhanced by this project. (Historic Resources Policy 2)

Natural Resources:

- Development footprint is not expected to result in negative impacts upon significant and/ or endangered natural resources. The site is located outside of the limits of Department of Conservation and Recreation Predictive Models. (Natural Resources Policy 1)
- The equipment storage footprint is set far back off the Route 1 corridor and much of it is located to the rear of existing structures. Screening fence has been employed to reduce rural character impacts that might result from build out. (Natural Resources Policy 1.10)