



# County of Spotsylvania

## Department of Planning

### Staff Report

Rezoning # R19-0001  
(Berkeley Voting District)

### Board of Supervisors

May 14, 2019

Planning Commission  
Recommendation: Approval

Staff Recommendation: Approval

Project: R19-0001 Thornburg Towne Centre

Owner/Applicant: Thornburg Towne Centre, L.L.C, and  
Thornburg Enterprises, L.L.C

Request: The applicant requests that a portion of three parcels totaling approximately 10.27 acres be rezoned from Agricultural 2 (A-2) to Commercial 3 (C-3). Parcel 63-A-42 is approximately 48.72 acres with approximately 8.65 acres to be rezoned. Parcel 63-A-43C is approximately 10.56 acres with 0.83 acres to be rezoned. Parcel 63-A-44 is approximately 2.34 acres with 0.79 to be rezoned.

Tax Map Parcel(s): 63-A-42(part), 63-A-43C(part), 63-A-44(part)

Location: The property is located on the south side of Mudd Tavern Road (Route 606) approximately 900 feet west of the I-95 and approximately 1,400 feet south of Mudd Tavern Road (Route 606).

Zoning Overlay: None

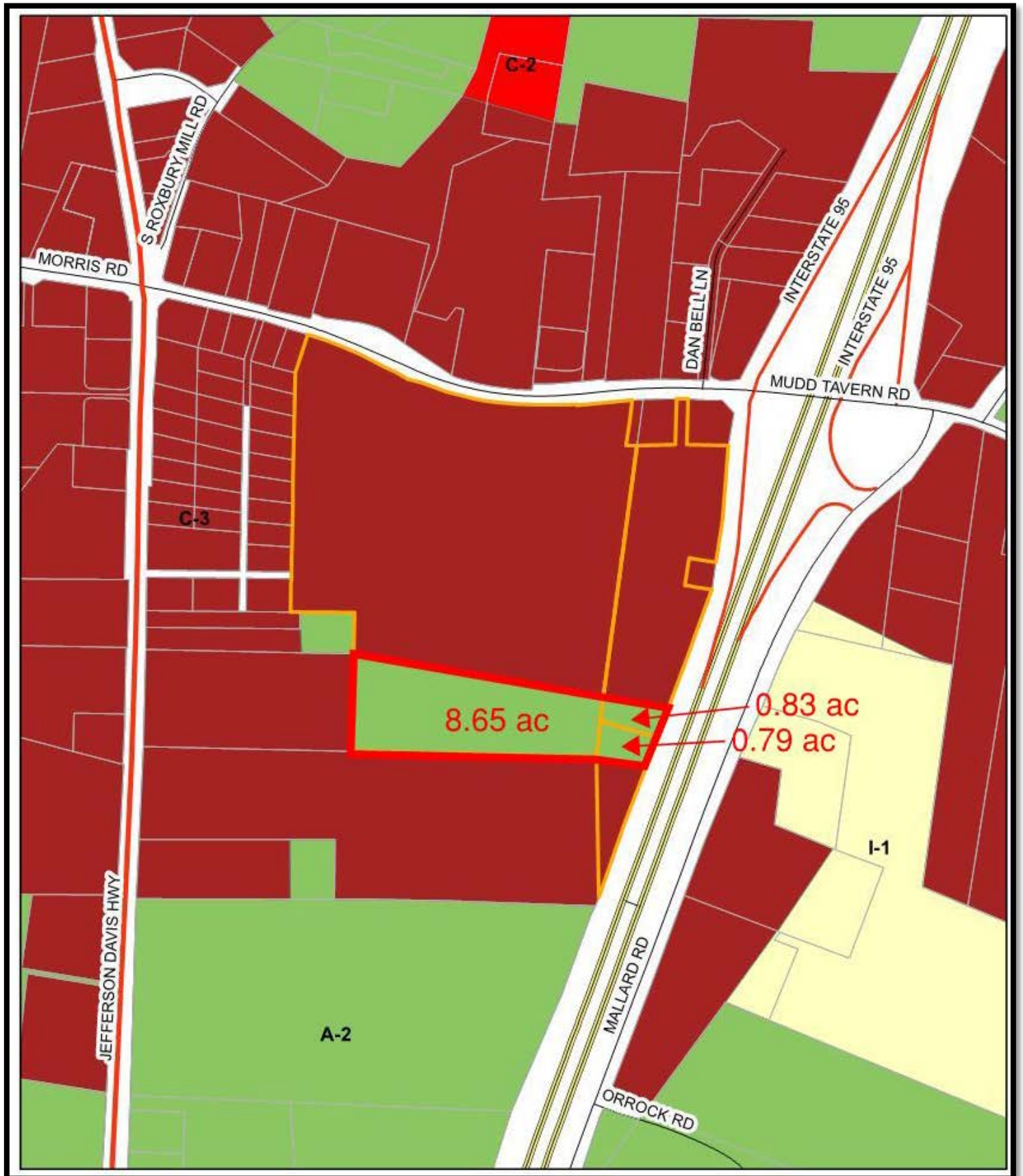
Future Land Use  
Designation: The property has a split land use designation. The frontage along Mudd Tavern Road (Route 606) and Jefferson Davis Highway (Route 1) has a future land use designation of Commercial. The remainder of the parcel is within the Employment Center future land use designation.

Historic Resources: None

Date Application  
Deemed Complete: January 21, 2019

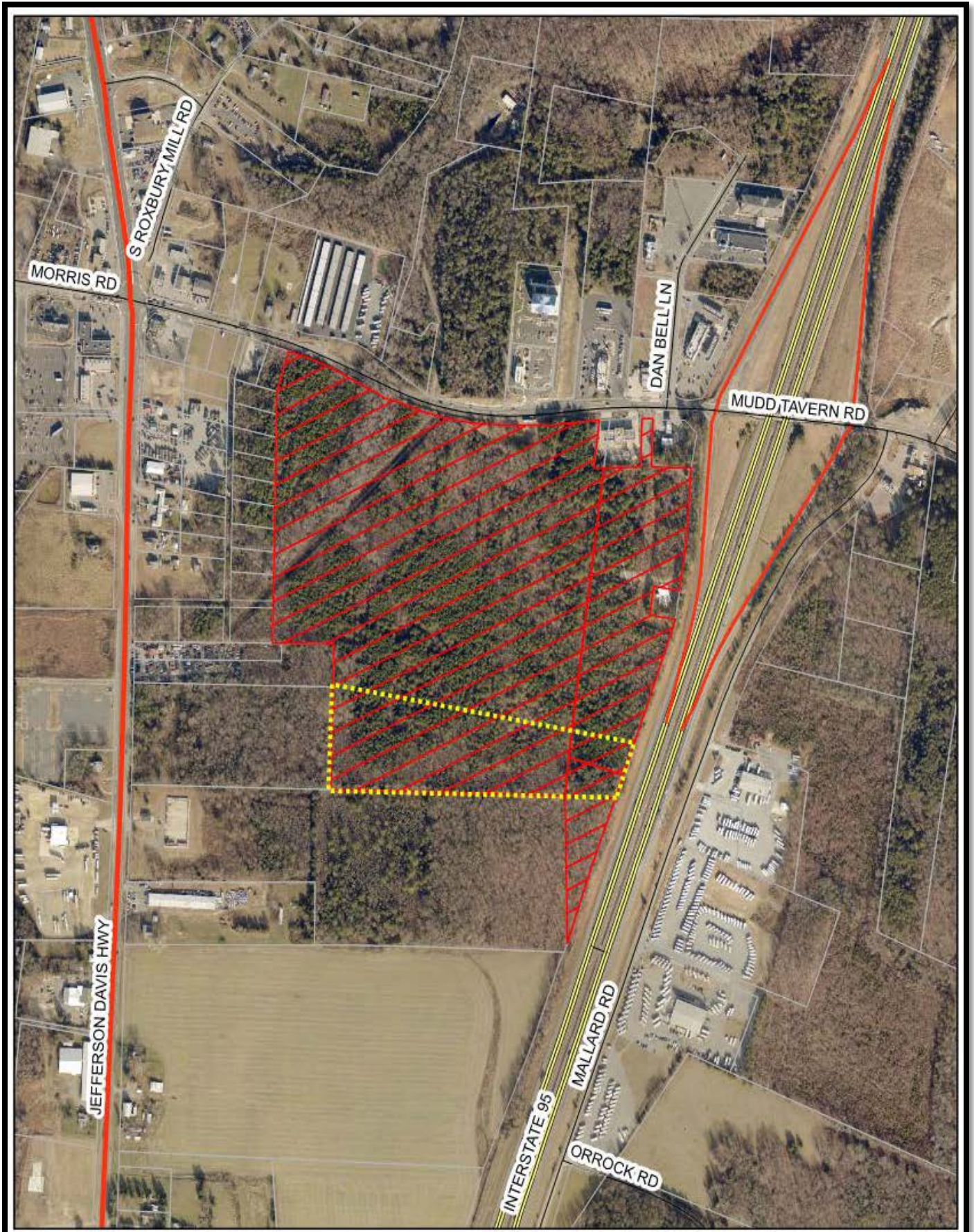
Community Meeting: Adjacent property owner notifications were mailed on February 26, 2019, and an affidavit in lieu of a community meeting was executed on March 20, 2019.

Figure 1: Zoning Map





**Figure 2: Aerial Map (2017)**





## **I. The Site**

The project site is a combination of three vacant and heavily wooded properties which are located approximately 1,400 feet south of Mudd Tavern Road (Route 606), and approximately 900 feet west of Interstate 95. The parcels combined acreages consists of approximately 10.27 acres that is zoned Agricultural 2 (A-2); while the remaining 51.35 acres is zoned Commercial 3 (C-3). The parcels surrounding the subject parcels are vacant and are all zoned Commercial 3 (C-3) with the Commercial and Employment Center Land Use designation on the Future Land Use Map.

## **II. Project Proposal**

The applicant's request is to rezone a portion of three parcels consisting of approximately 10.27 acres from A-2 to C-3. Parcel 63-A-42 is approximately 48.72 acres with approximately 8.65 acres to be rezoned. Parcel 63-A-43C is approximately 10.56 acres with 0.83 acres to be rezoned. Parcel 63-A-44 is approximately 2.34 acres with 0.79 acres to be rezoned. Rezoning of this 10.27 acres, which comprises 16% of the property, will make the zoning of the entire acreage consistent with the existing C-3 zoning designation and consistent with the zoning of the adjacent properties. No proffers are offered with this proposal. Development would occur in accordance with existing regulations.

The subject parcels are undeveloped wooded and have no structures on the properties. The surrounding properties are all undeveloped, and are intended for future commercial development. The subject properties are contiguous and will have access from Mudd Tavern Road (Route 606) and Jefferson Davis Highway (Route 1) when the balance of the properties is developed. The subject properties are located within the Primary Development Boundary. The Generalized Development Plan (GDP) shows one point of access from Mudd Tavern Road utilizing the round-a-bout as proposed by future improvements on Mudd Tavern Road (Route 606). As noted on the GDP, the future transportation network will provide public road access at three locations. Also, the development will be served by public water and sewer and facilities will be provided on site to address stormwater management when developed.

## **III. Staff Analysis**

**Comprehensive Plan** –Below a summary of the Comprehensive Plan.

- A. Land Use** – The Thornburg Towne Centre proposal is within an area of the County designated for Commercial and Employment Center development. A commercial land use designation consists of a variety of retail and office uses and the employment center land use designation is envisioned to be the primary location for new office and industrial development with the focus on larger scale office complexes, industrial users, and business parks. The portion of the three parcels that are the subject of this application is currently zoned A-2 and is not consistent with the future intent of the Comprehensive Plan. The requested zoning classification C-3 is consistent with the intent of the Comprehensive Plan and the zoning of the adjacent parcels. The future land use designations are generally reflective of potential zoning and future land uses. Considering the current land use patterns, zoning, and location, the Comprehensive

Plan is supportive of commercial type development in this location and having consistent zoning on all of the property.

- B. Transportation** –According to the proposed Generalized Development Plan the transportation network will provide public road access at three locations. The projected number of daily trips generated is undetermined at this time and will be addressed once potential users are identified and any necessary improvements will be addressed during the site plan process.

**C. Public Facilities**

- a) **Public Schools** – The proposed development and zoning of the subject parcels would be for commercial purposes; therefore, there will be no impact on the public schools.
- b) **Fire, Rescue, and Emergency Services (FREM)** – The proposed development of the subject parcels are located less than one mile from Spotsylvania County Fire and Rescue Station #8.
- c) **Solid Waste Collection & Disposal** – At the time of site development a description of the methods of solid waste and recycling storage, collection and disposal will be provided in the form of a Solid Waste and Recycling Statement.
- d) **Water and Sewer Facilities** – The Thornburg Towne Centre development is located within the Primary Development Boundary and will be served by public water and sewer with existing connections in close proximity to the site.
- e) **Library Facilities** – The proposed development of the subject parcels would be for commercial purposes; therefore, there will be no impact on the public libraries.
- f) **Parks and Recreation Facilities** – The proposed development of the subject parcels would be for commercial purposes; therefore, there will be no impact on the public parks and recreation facilities.
- g) **Historic Resources** – The Thornburg Towne Centre development is not expected to have any negative impacts on significant natural, historic, and cultural resources. There are no known natural, historic, and cultural resources associated with the project area.
- h) **Natural Resources** – As noted on the GDP wetlands have been identified on site and a wetlands report was prepared by ECS Mid-Atlantic, LLC dated June 15, 2018. The wetlands have been reviewed and a jurisdictional determination was issued by the United States Army Corps of Engineers. A Department of Environmental Quality VWP individual permit has been issued for impacts to certain wetland areas.

#### **IV. Findings**

##### **In Favor:**

- A.** The Thornburg Towne Centre request is consistent with the Comprehensive Plan with respect to land use, public facilities and historic and natural resources goals and policies.
- B.** The portion of the three parcels that is the subject of this application is currently zoned A-2 and is not consistent with the Comprehensive Plan Future Land Use designations of Commercial and Employment Center. The requested zoning classification of C-3 would ensure that the subject parcels are consistent with the Comprehensive Plan and the surrounding commercially-zoned parcels.

##### **Against:**

- A.** No findings against this case have been identified.

#### **V. Conclusions & Recommendations**

The applicant's goal is to rezone portions of three parcels totaling approximately 10.27 acres from A-2 to C-3. The split zoned parcels would then have consistent zoning for the development of commercial uses. While no proffers are offered with this rezoning, proffers would not serve to mitigate any negative impacts of future development due to the small area of the site being rezoned (16%) and its location surrounded by existing C-3 property. Staff recommends approval of request R19-0001 based on consistency with both the Comprehensive Plan, and the zoning of the surrounding parcels.

##### **Planning Commission Meeting Update:**

*The Planning Commission held a public hearing on April 17, 2019. Ms. Maddox made a motion to approve, seconded by Mr. Smith which was passed with a vote of 7-0.*