



# County of Spotsylvania

## Department of Planning

### Staff Report

Rezoning # R18-0004 (RO18-0004)  
(Battlefield Voting District)

### Planning Commission

June 5, 2019

Staff Recommendation: Approval with proffers dated April 19, 2019

Project: R18-0004 (RO18-0004) Jefferson Davis Highway Property

Owner/Applicant: 11.684 Acres Ladysmith Rd. L.L.C.

Request: The applicant requests a rezoning of approximately 4.79 acres from Residential 2 (R-2) to Commercial 3 (C-3) with proffers to allow commercial development.

Tax Map Parcel(s): 35-A-102

Location: The property is located on the west side of Jefferson Davis Highway (Route 1) approximately 820 feet north of the Spotsylvania Parkway (Route 628) and Jefferson Davis Highway (Route 1) intersection. The property is located within the Primary Development Boundary. The property is identified for Commercial development on the Future Land Use Map of the Comprehensive Plan.

Zoning Overlay: Highway Corridor Overlay District

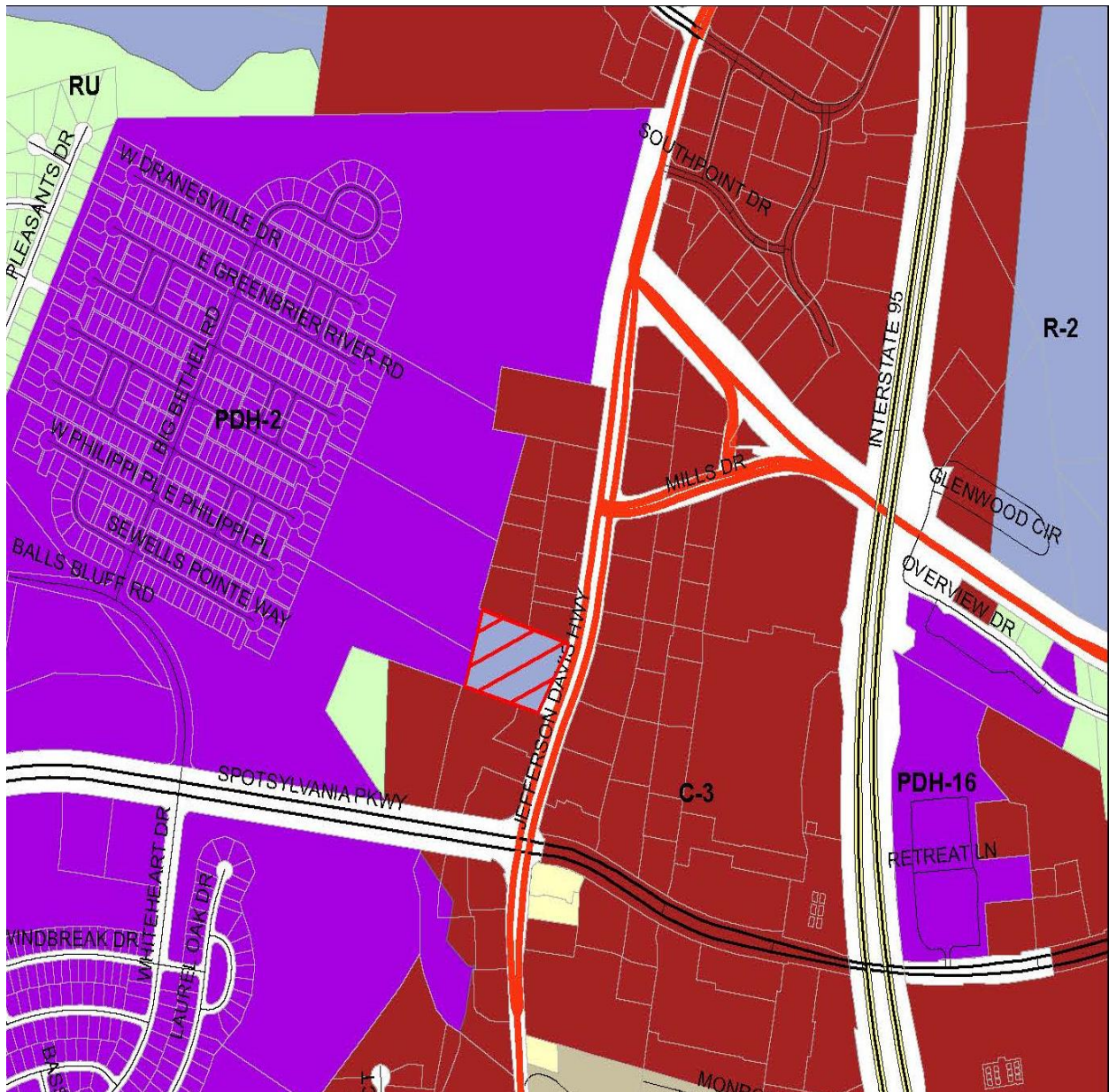
Future Land Use Designation: Commercial

Historic Resources: None

Date Application Deemed Complete: March 20, 2018, with extension to August 2019

Community Meeting: Since there are no residential uses adjacent, the applicant sent letters to property owners within a 3,000-foot radius of the property in accordance with the Community Meeting Policy. To date we have not received any comments from anyone that was on the mailing list.

**Figure 1: Zoning Map**



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



## **I. The Site**

The property subject to the rezoning request is located at 9624 Jefferson Davis Highway which is on the west side of Jefferson Davis Highway (Route 1) approximately 820 feet north of the Spotsylvania Parkway (Route 628) and Jefferson Davis Highway (Route 1) intersection. The property totals approximately 4.79 acres is currently zoned Residential 2 (R-2). The total by-right development potential for the property is one (1) single-family detached home. The property is vacant and is adjacent to and north of the AutoZone and south of the strip shopping center with several restaurants and other consumer service establishments. Across Jefferson Davis Highway is the Cosner's Corner Shopping area and to the northwest, near the rear corner of the subject parcel, is a retail location of the Rappahannock Goodwill. The proposed rezoning applies to the only remaining parcel along the corridor between Spotsylvania Parkway and the signalized intersection of Route 17 and Jefferson Davis Highway that does not have a commercial zoning classification. The area available for development on the site is limited because of significant

slopes and wetlands on the southern and western sides of the property. The property is located in the County's Primary Development Boundary which includes areas intended to develop with more intensive non-residential uses than outside of the boundary. The property is designated on the Comprehensive Plan's Future Land Use Map for Commercial development, which consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses. The future land use designation in this area is generally reflective of existing zoning and the commercial node in the immediate area.

## **II. Project Proposal**

The applicant is the owner of the subject parcel and is making the request to rezone the property from Residential 2 (R-2) to Commercial 3 (C-3) to allow commercial development that is similar to the existing commercial development pattern of the immediate area. The applicant has submitted a proffer statement that prohibits several uses permitted by-right and by special use. Staff and the applicant agree that the uses prohibited by the proffer statement are not compatible with the current development pattern of primarily consumer services and retail uses. The prohibited uses are Heavy equipment and specialized vehicle sale, rental and service establishment; Vehicle sale, rental and ancillary service establishment, large scale; Building Materials yard; and Auction establishments.

**A. Generalized Development Plan (GDP)** – The applicant's Generalized Development Plan (GDP) shows the potential for the parcel to be developed with two pad sites that can meet the bulk requirements for floor area ratio, parking and building height. The GDP shows a 9,000 square foot retail building and a pad site that will support a five-story 75 room hotel, with a 40 seat conference room and a one-thousand square foot restaurant within a building footprint of approximately 17,000 square feet. Provision for parking is consistent with and exceeds the County off-street parking requirement. The applicant has not committed to these specific uses in the proffer statement, but these uses are illustrative of the potential development the parcel can support. The GDP also includes a landscaping plan that is consistent with the requirements for landscaping in the Highway Corridor Overlay District. In addition to the proffered GDP the applicant's proffer statement includes design criteria that will control the colors, exterior finishing, roofing standards and identification signage with the intent of being consistent with the character of the adjacent commercial development. The GDP also shows two points of access to the parcel. The access from Route 1 is a shared access with the parcel to the north and there is an interparcel connection that joins the existing drive isle at the rear of the property that also provides access to the Goodwill retail store. This connection allows traffic to either leave or gain entry to the site from the signalized intersection at Route 1 and Route 17 between the Wawa and the Rite Aid.

**B. Fiscal Impact Analysis** – The parcel is currently vacant with a residential zoning classification. If approved the change to a commercial zoning classification will have an immediate positive fiscal impact with the increased land value.

**C. Proffer Statement Summary** – The applicant has provided a proffer statement dated April 19, 2019 for the Planning Commission and Board of Supervisors’ consideration. Staff evaluated the proffers according to the parameters established in VA Code Section 15.2-2303.4, consistent with Comprehensive Plan Levels of Service and identified projects within the County’s FY 2019 – FY 2023 Capital Improvements Plan (CIP). Below is an itemized list of the submitted proffers including a summary and staff’s analysis in italics.

**1. General Development** – The applicant commits to develop the property in conformance with the Generalized Development Plan (GDP) dated September 21, 2018. 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 as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed.*

**2. Use** – The applicant commits the property shall be developed for Commercial 3 (C-3) uses prohibiting (A) Heavy equipment and specialized vehicle sale, rental and service establishment, (B) Vehicle sale, rental and ancillary service establishment, large scale (C) Building Materials yard and (D) Auction establishments.

*Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed. The prohibition uses permitted in the C-3 District will require a proffer amendment for any of the prohibited uses to occur on the site.*

**3. Design Criteria** – The applicant commits to design criteria that will control the colors, exterior finishing, roofing standards and identification signage with the intent of being consistent with the construction of the adjacent commercial development.

*Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed. The proffered design criteria are intended to be similar to existing construction of the existing commercial development.*

**4. Covenants** – The applicant will encumber the property with a declaration of conditions and covenants, restrictions and easements and establish a homeowner’s association. The homeowner’s association will be responsible for the maintenance of all fencing, landscaping, on-site amenities, storm water management facilities and common areas.

*Staff is supportive of the language as proposed as this is an “onsite proffer” which addresses the impacts within the boundaries of the property to be developed.*

### III. Staff Analysis

**A. Transportation Analysis** – Levels of Service along Route 1 South Bound will not degrade due to this development. Frontage improvements have been completed that accommodate development of the subject parcel. The project comports with access management goals by utilizing a shared right-in right-out movement onto Route 1 with the existing commercial development. The interparcel connection near the middle of the parcel will provide access to a signalized intersection for traffic that needs to travel north on Route 1 or access Interstate 95 at exit 126. Pedestrian safety and connectivity will be enhanced along the Route 1 corridor through frontage sidewalks connecting existing sidewalks to the north and south. The project area presently creates a gap in the sidewalk system and a topographical barrier to safe pedestrian movement. Pedestrian activity has been witnessed within the Route 1 curb and gutter in front of an existing guard rail across the front of the site.

**B. Comprehensive Plan** – Below is a summary of the project impact on each component of the Comprehensive Plan. A complete Comprehensive Plan Analysis can be found in Appendix A.

**1. Land Use** – Overall this project is expected to result in minimal impact to County public facilities. The rezoning is somewhat speculative in nature though the generalized development plan has been designed with a particular user mix in mind and proffered use restrictions are expected to result in the development of uses considered complementary to the surroundings.

**2. Transportation** – Level of Service along Route 1 South Bound will not be degraded due to this development. However, transportation staff acknowledge that over time if everything that was previously approved in the vicinity of the project is built out, looking to 2035. The Route 1 Level of Service would decline to a “D”, still within Comprehensive Plan policy parameters.

#### **3. Public Facilities**

- a) **Fire, Rescue, and Emergency Services (FREM)** – The first response station for this section of the Route 1 corridor is Company 4.
- b) **Sheriff** – For purposes of the Public Facilities Plan, the Level of Service indicator is to maintain a 1: 1,500 ratio of Deputies per capita. The County’s current ratio is 1:1,138 of Deputies per capita which exceeds the Level of Service standard. Consistent with the Code of Virginia, Sec. 15.2-2303.4, the applicant has not offered any proffer to offset the impact of their development on the Sheriff’s Office nor is a facility planned.
- c) **Water and Sewer Facilities** – The proposed 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.

**C. Historic Resources** – The proposed development is not expected to have any negative impacts on significant natural, historic, and cultural resources.

**D. Natural Resources** – The project is not expected to negatively impact threatened or endangered species. The site has prior disturbance and surrounding areas are commercially developed. A search of the Virginia Natural Heritage Data Explorer turned up no threatened or endangered species in its predictive models for the immediate area.

#### **IV. Findings**

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

- a. This parcel is the lone parcel in this section of the Route 1 corridor without a commercial zoning classification.
- b. The proposal is consistent with the intent of the Primary Development Boundary and Commercial Land Use designation.
- c. Development of the parcel will add to the County's tax base in a fiscally positive manner.
- d. The proposal will have limited impacts on public facilities.
- e. The proposal and is consistent with the development pattern of the area, includes proffered design criteria, provides a missing link in the pedestrian network, and restricts non-compatible uses.
- f. The proposal will not decrease the Levels of Service on the transportation network as improvements are in place to accommodate this proposal.

##### **Against:**

- a. The project does not have commitments from tenants, so it is not possible to know what the ultimate user(s) will be.

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

The project is consistent with the Comprehensive Plan and will allow a vacant parcel to be developed in a manner that is consistent with the current development to the north and south. If approved, all of the zoning classifications along this section of Route 1 will be commercial. Although the applicant does not have tenants, the proffers commit to development of a similar character to the existing development pattern. The GDP shows more intense commercial development on which the public facility and traffic analysis was based and found to result in minimal impacts. Based on the findings in favor, Staff recommends approval of R18-0004 with proffers.

Spotsylvania County Government

# Appendix A

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 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. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is 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. The Route 1 Commercial proposal is consistent with the intent of the Primary Development Boundary. The proposed rezoning would result in a change of zoning designation from Residential 2 (R-2) to Commercial 3 (C-3) zoning, consistent with adjacent zoning to the north and south. The project location has commercial designation as per the Future Land Use Element of the Comprehensive Plan. As per the Comprehensive Plan, the commercial land use area consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses. The Route 1 Commercial rezoning request is consistent with the commercial land use designation envisioned for the area.

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. Guiding Principles and Policies A.1. Encourage business investment in the County and promote the relocation of federal and state agencies to the County, providing more opportunities for Spotsylvania County residents to work in the County.** This proposal is business friendly. The proposed zoning district is favorable for commercial and office type development and therefore complementary to business investment and job creation goals. Commercial development resulting from the Commercial zoning is expected to be fiscally more favorable than the Residential 2 (R-2) zoning now onsite. The proposed Commercial 3 (C-3) zoning district is consistent with adjacent zoned properties to the north and south with Route 1 frontage.

**Guiding Principles and Policies B. Spotsylvania County is fiscally sustainable. 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%. Guiding Principles and Policies B.2. Development projects seeking increased residential density and/ or non-residential intensity should address impacts that are specifically attributable to the proposed development.** The proposed zoning district supports development of a variety of potential commercial uses, commercial tax base growth, and is expected to result in positive fiscal impacts.

**Guiding Principles and Policies B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the county.** As a commercial rezoning, overall this project is expected to result in minimal impact to County public facilities. Transportation staff believe the proposal has effectively mitigated its potential impacts on the transportation system. Transportation related impact mitigations are of most importance as traffic generation comparing the project areas existing Residential 2 zoning to proposed Commercial 3 is expected to result in added vehicular activity to and from the site. Traffic volumes are not great enough to warrant a VDOT 527 requirement for a Traffic Impact Assessment (TIA). Concerning this rezoning application, the transportation related details provided in the generalized development plan including trip generation calculations and depicted accesses are adequate. Staff notes the transportation scenario provided is somewhat speculative and dependent upon final users. However, staff believes the uses depicted likely represent the highest intensity potential for the site and traffic impacts for alternative commercial uses would be similar or less impactful. The rezoning application at this time identifies restaurant, retail, and hotel scenario but these are not absolute certainties. VDOT will ultimately need to approve any roadway design features as part of their review of construction plans.

**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.**

Pedestrian safety and connectivity will be enhanced along the Route 1 corridor through frontage sidewalks connecting existing sidewalks to the north and south. The project area presently creates a gap in the sidewalk system and a topographical barrier to safe pedestrian movement. Pedestrian activity has been witnessed within the Route 1 curb and gutter in front of an existing guard rail across the front of the site. Site development will result in favorable transportation alternatives improvements consistent with required sidewalks.

A sidewalk spur is also proposed to link the Route 1 frontage sidewalk to the internal site development. Onsite sidewalks will be constructed along building frontages for building access and parking lot separation.

**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.**

This site is not expected to have any negative impacts on significant natural, historic, and cultural resources. This property has been documented by historic resource study under DHR ID 088-5208. The 2003 survey (Cultural Resource Survey of Proposed Spotsylvania Parkway, Spotsylvania, Virginia VDOT Project R000-966-103, PE 101) documented the 1920s through 50s structures that had been onsite and deemed them as not eligible for National Register of Historic Places. No additional study of the site was deemed warranted.

**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).** This rezoning request is not expected to negatively impact sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality through the site plan review process. A stormwater management area has been depicted to collect onsite runoff with pervious paving proposed within 100' RPA buffer areas to the rear of the property. Within the C-3 zoning district proposed there is a 15% open space requirement by Code. In all, as per the Generalized Development plan 40% open space has been proposed of which nearly 18% is outside constrained areas such as resource protection areas and steep slopes. The open space provided for as part of the development plan exceeds the open space requirement and is consistent with open space as defined in Code Sect. 23-2.1.4.

**Guiding Principles and Policies E.2. The County should support integration of required onsite drainage and stormwater features as an amenity or landscape feature that is incorporated into the overall design of the site.** The project GDP specifically addresses the stormwater features landscape goal on Sheet 1 noting that through final site design the stormwater facility will be incorporated *as an amenity into the landscape plan and overall site design.*

#### Land Use:

**Future Land Use Map Designation.** The proposal is located within the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is 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. The Route 1 Commercial proposal is consistent with the intent of the Primary Development Boundary. The proposed rezoning would result in a change of zoning designation from Residential 2 (R-2) to Commercial 3 (C-3) zoning, consistent with adjacent zoning to the north and south. The project location has commercial designation as per the Future Land Use Element of the Comprehensive Plan. As per the Comprehensive Plan, the commercial land use area consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses. The Route 1 Commercial rezoning request is consistent with the commercial land use designation envisioned for the area.

**Land Use Policies Applicable to All Land Uses 1. Rezoning proposals should address impacts that are specifically attributable to the development.** Overall this project is expected to result in minimal impact to County public facilities. The rezoning is somewhat speculative in nature though the generalized development plan has been designed with particular user mix in mind. Concerning this rezoning application, the transportation related details provided in the generalized development plan including trip generation calculations and depicted accesses are adequate. Staff notes the transportation scenario provided is somewhat speculative and dependent upon final users. However, staff believes the uses depicted likely represent the highest intensity potential for the site and traffic impacts for alternative commercial uses would be similar or less impactful. The

rezoning application at this time identifies restaurant, retail, and hotel scenario but these are not absolute certainties. VDOT will ultimately need to approve any roadway design features as part of their review of construction plans.

**Land Use Policies Applicable to All Land Uses 2. There is an identified need, especially proximate to Fort A. P. Hill, to minimize light pollution.** As a commercial project this development will be subject to Spotsylvania County's 2016 amended outdoor lighting "night sky" friendly ordinance (under CA16-0002) that requires full cut-off or fully shielded luminaires.

**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.** The character of the Route 1 corridor is overwhelmingly that of commercial development including retail, hotel, food service, financial, personal and vehicular services. The project site is bounded by commercially zoned and developed parcels to the north and south. The Route 1 corridor makes up the eastern boundary with extensive commercial development associated with Cosner's Corner located across the street. An extensive HOA owned and managed wetland and forested parcels buffer is along the west side of the project area, providing a natural vegetation gap of approximately 1,100 feet to the nearest residences located in the Virginia Heritage Community at Lee's Parke. This rezoning is not expected to adversely impact adjoining properties and appears to be well positioned for the zoning and potential uses that could result there. As per project GDP, two points of interparcel connectivity to commercial developments located to the north help enhance accessibility and traffic distribution within commercial areas and away from the Route 1 corridor. This project will be subject to Highway Corridor Overlay District enhanced design standards meant to be sensitive to the development aesthetic of commercial corridors. Additionally, the applicant has proffered a number of architectural design elements to lend greater assurance concerning "what to expect" once development takes place.

**Commercial Land Use Policies 2. New development should provide interparcel connections to adjoining properties, where appropriate, and should connect to existing interparcel access points. Commercial Land Use Policies 4. The County should encourage development patterns that redirect traffic patterns to alleviate congestion. Direct access to existing roads by individual uses or lots should be discouraged.** As per project GDP, two points of interparcel connectivity to commercial developments located to the north help enhance accessibility and traffic distribution within commercial areas and away from the Route 1 corridor. The interparcel connector nearest to Route 1 also serves as a shared access point between the proposed project and existing commercial development to the north.

**Commercial Land Use Policies 3. Sidewalks and paths between commercial and office buildings and through parking lots should be provided to ensure safe pedestrian routes and, when possible, connect to FRED bus routes.** As depicted in the generalized development plan, a sidewalk will be constructed along project frontage (as required by the Design Standards Manual), effectively closing a sidewalk gap that exists along the Route 1 corridor. Existing sidewalks exist adjacent along Route 1 commercial frontages associated with the recently constructed AutoZone, and a multi-tenant strip retail building to the north. A sidewalk spur is also proposed to link the

Route 1 frontage sidewalk to the internal site development. Onsite sidewalks will be constructed along building frontages for building access and parking lot separation.

**Commercial Land Use Policies 6. Encourage the retention and expansion of existing business operations, as well as the attraction of new businesses and investment.** Rezoning away from a Residential 2 zoning district to a Commercial 3 zoning district is complementary to business attraction and investment goals.

**Commercial Land Use Policies 7. Encourage non-retail commercial operations.** Except for proposed proffer exclusions of uses, the Commercial 3 zoning designation proposed offers a wide variety of non-retail commercial uses to potentially occupy the site. The project Generalized Development Plan envisions a hotel to be constructed to the rear of the project area that would be favorable to local tourism efforts and benefit the County by attracting out of town guests to the area helping support the hotel operation, hotel employment, and consumer spending at local businesses in the area.

#### Transportation:

**Transportation Policy 1, Strategy 1. 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.** Level of Service along Route 1 South Bound will not be degraded due to this development. However, transportation staff acknowledge that over time if everything that was previously approved in the vicinity of the project is built out, looking to 2035. The Route 1 Level of Service would decline to a “D”, still within Comprehensive Plan policy parameters.

**Transportation Policy 2, Strategy 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 depicted in the generalized development plan, a sidewalk will be constructed along project frontage (as required by the Design Standards Manual), effectively closing a sidewalk gap that exists along the Route 1 corridor. Existing sidewalks exist adjacent along Route 1 commercial frontages associated with the recently constructed AutoZone, and a multi-tenant strip retail building to the north. A sidewalk spur is also proposed to link the Route 1 frontage sidewalk to the internal site development. Onsite sidewalks will be constructed along building frontages for building access and parking lot separation.

#### 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, Strategy 2. Support the preservation of resources with local, state, or national significance.** This site is not expected to have any negative impacts on significant natural, historic, and cultural resources. This property has been documented by historic resource study under DHR ID 088-5208. The 2003 survey (Cultural Resource Survey of Proposed

Spotsylvania Parkway, Spotsylvania, Virginia VDOT Project R000-966-103, PE 101) documented the 1920s through 50s structures that had been onsite and deemed them as not eligible for National Register of Historic Places. No additional study of the site was deemed warranted.

#### Natural Resources:

**Natural Resources Policy 1. Balance the protection of environmental resources and natural wildlife habitats with development. Natural Resources Policy 1, Strategy 1. The County should support the mitigation of impacts upon unique and/ or endangered resources including rare species and their habitats.** Rear portions of the project area contain 100-year floodplain and resource protection areas. As noted in the GDP Narrative, “any encroachment into the RPA buffer area will be specifically addressed during the development stage through submittal of applicable site plans and permits”. Intrusion into sensitive environmental areas will be addressed through technical review of environmental staff to assure potential impacts mitigations. As depicted in the GDP the applicant has been considerate of the RPA area with use of pervious pavement in the rear parking areas associated with the non-seaward buffer area of the RPA. NO RPA within the seaward buffer (first 50’) is expected to be impacted by this project.

The project is not expected to negatively impact threatened or endangered species. The site has prior disturbance and surrounding areas are commercially developed. A search of the Virginia Natural Heritage Data Explorer turned up no threatened or endangered species in its predictive models for the immediate area. The US Fish and Wildlife Service identifies potential for development activities impacts to species including the Northern Long-eared Bat (threatened) and Yellow Lance (threatened mussel).