

Spotsylvania County Planning Commission

DRAFT

Holbert Building Board Room, 9104 Courthouse Road, Spotsylvania VA 22553

MINUTES: July 17, 2019

Call to Order: Mr. Newhouse called the meeting to order at 7:00 p.m.

Members Present:

Richard Thompson	Courtland
Howard Smith	Livingston
Jennifer Maddox	Berkeley
Michael Medina	Salem
Mary Lee Carter	Lee Hill
C. Travis Bullock	Battlefield (<i>arrived at 7:05</i>)
Gregg Newhouse	Chancellor

Staff Present:

Paulette Mann, Planning Commission Secretary
Wanda Parrish, AICP, Director of Planning
B. Leon Hughes, AICP, Assistant Director of Planning
Shannon Fennell, Planner III
David Dameron, CZA, Planner III
Kimberly Pomatto, CZA, CTM, Interim Zoning Administrator
Alexandra Spaulding, Senior Assistant County Attorney

Special Use Permit:

SUP19-0001 Shirley Ann Ali and Bashar Itraish (Mazari Motors): Requests a special use permit to allow vehicle sale, rental, and ancillary service establishment (small scale) on a parcel consisting of approximately 1.18 acres currently zoned Commercial 3 (C-3). The parcel is addressed as 10900 Courthouse Road and is located at the intersection of Courthouse Road (Route 208) and Ewell Road (Route 636), approximately 1,250 feet east of Jefferson Davis Highway (Route 1). The parcel is located in the Primary Development Boundary and the Primary Highway Corridor Overlay District. The property is designated for Commercial Land Use on the Future Land Use Map of the Comprehensive Plan. Tax parcel 23 (A) 140. Courtland Voting District.

Mr. Newhouse stated that the public hearing remains open.

Ms. Fennell provided updates to the Commission. The subject application is for Special Use approval of a Vehicle sales, rental, and ancillary service establishment on approximately 1.18 acres of Commercial (C-3) property. The property is located at 10900 Courthouse Road, which is located at the intersection of Courthouse Road (Route 208) and Ewell Road (Route 636), approximately 1,250 feet east of Jefferson Davis Highway (Route 1). The project will adaptively reuse an existing 2,600 square foot brick building for the dealership. The site was formerly used as a convenience store with fueling stations; and also contains two signs, a small shed, a vacuum and air pumping station. The proposal includes the interior renovation of the existing 2,600 square foot building to accommodate offices, an employee break room, restrooms, and a show room.

The Generalized Development Plan (GDP) shows this proposal completed in two phases. Phase I consists of the applicant demolishing the existing gas tanks, fueling stations and canopies, vacuum stations, bollards, a sign, and shed. This phase also includes the striping of 68 vehicle display spaces and 14 parking spaces provided for customers and the employees, the construction of a sidewalk and landscaping along Courthouse Road (Route 208). Phase II consists of the redesign of the existing stormwater management basin to allow for 18 additional vehicle display spaces.

The site has two points of access which are existing, one from Courthouse Road (Route 208) and one from Ewell Road (Route 636). The estimated daily vehicular trips generated by the development upon the completion of Phase II is approximately 80 trips per day which is significantly lower than the 252 estimated daily vehicular trips that are projected for the by-right use convenience store with fueling stations. This proposal is an expansion of an existing used car dealership adjacent to the subject parcel; therefore, no decrease in levels of service on Courthouse Road (Route 208) are anticipated as a result of this proposal. The applicant submitted within the GDP narrative a vehicle delivery statement that stock vehicles will be delivered by smaller hauling trucks (carrying three vehicles or less) and will utilize the entrance on Ewell Road, just past the intersection of Ewell Road and Courthouse Road.

The applicant has requested a modification to the required street buffer type C on an arterial road. The street buffer type requires a 10' landscape strip along Courthouse Road (Route 208). According to the GDP, a large grass island approximately 160' in length is bifurcated by the right of way line and the island is triangular in shape; therefore, there is approximately 60' that is less than 10' in width. The required 10' width is present within the remaining 100' of the island. The applicant's modification request is to modify the required buffer width only within the 60' area of the entire 160' grassed island. The applicant proposes to plant the required number of plant types per the DSM within the remaining 100' of the grassed island; therefore, staff supports the modification.

Staff has conducted a Comprehensive Plan analysis and determined the proposed project to be consistent with the goals and objectives on the Comprehensive Plan.

During the June 5th Planning Commission meeting, a vehicle delivery plan was requested. The applicant provided a plan that showed an oversized vehicle (illustrated in green) entering the site from Courthouse Road traveling through the site to the proposed loading area to the north of the brick building and exiting the site using the access on Ewell Road. For the purpose of the simulation, a tractor and trailer was used to demonstrate the size of the space provided to accommodate loading and unloading of stock vehicles. Ms. Fennell stated that the Commission requested examples for the typical haulers. She displayed photos showing the types of haulers that will be used to deliver stock vehicles to the site.

Ms. Fennell discussed the following findings:

In Favor:

- The request is consistent with the Comprehensive Plan with respect to land use, public facilities and historic and natural resources goals and policies.
- The proposal satisfies all of the Special Use standards of review as established in Sec.23-4.5.7 of the County's Zoning Ordinance.
- The proposed use is consistent with surrounding commercial uses.
- The proposal allows for the reuse of an existing vacant commercial building, in addition the proposed landscaping and removal the existing accessory structures will provide for a much needed revitalization that is consistent with the improvements to the east along Courthouse Road (Route 208).

Against:

- There are no findings against this application.

Based on staff's analysis and findings in favor noted above, staff recommends approval. Should the Commission recommend approval, staff recommends approval be accompanied with the following conditions:

1. The project shall be developed in conformance with the Generalized Development Plan titled, "Special Use Application – Mazari Motors" as revised on April 18, 2019 and prepared by Ryan K. Foroughi.
2. Display vehicles shall only be parked within display areas as depicted on the approved GDP.
3. There shall be no vehicle major service on site. Vehicle major service establishment shall be defined as major mechanical and body work, repair of transmissions and differentials, straightening of body parts, painting welding or other similar work is performed on vehicle.
4. Stock vehicles shall be delivered individually or via delivery trucks on the site utilizing the intersection of Ewell Road (Route 636) and Courthouse Road (Route 208). At no time shall delivery trucks block or park on the public street during delivery. No large commercial haulers are permitted to deliver vehicles to the site. Large commercial haulers shall be defined as delivery vehicles that can haul more than 3 vehicles.
5. No loading and unloading shall occur between the hours of 6 p.m.- 9 a.m. and 3:30 p.m. – 6:30 p.m. on any day of the week.
6. Demolition/removal of the existing gas pumps, canopy, islands, bollards, vacuum station and existing sign (as depicted on the approved GDP) shall be applied for in conjunction with the application for zoning use permit. Such demolition/removal shall occur prior to the issuance of the zoning use permit.
7. Landscaping improvements within right-of-way shall be completed and installed prior to the issuance of the zoning use permit.
8. Submission of the easement plat to permit access to the existing BMP and to expand the existing 10' waterline easement to 20' shall be approved and recorded within 90 days of the approval of this Special Use Permit. Submission of a minor site plan shall be required prior to the commencement of Phase II (as depicted on the approved GDP).

Mr. Newhouse asked for clarification on the unloading plan as did Ms. Carter.

Ms. Fennell explained the unloading plan.

Applicant's Representative, Samer Shalaby: Mr. Shalaby stated that they took away 6 parking spaces to ensure the site could accommodate the haulers and the ability to circulate through the site. He stated they do agree to place the sign on the property displaying the County's zoning office phone number, should anyone wish to report a violation and finally they made sure to restrict the delivery hours.

Ms. Carter inquired if they would be required to install sidewalks.

Ms. Parrish stated yes as did Mr. Shalaby.

Speaking in favor or opposition: None

Mr. Newhouse closed the public hearing.

Motion and vote: Mr. Thompson made a motion, seconded by Mr. Smith to deny the special use request. The motion failed 3-4, with Mr. Thompson, Mr. Smith, and Mr. Bullock voting yes.

Mr. Newhouse commended the applicant for addressing the concerns of the Commission.

Ms. Carter agreed and stated that she believes they will abide by the conditions of the permit.

Ms. Maddox stated that she feels like the County is headed in the right direction based on the presentation by Ms. Pomatto.

Motion and vote: Mr. Newhouse made a motion, seconded by Ms. Maddox to recommend approval of the special use request with the recommended conditions. The motion passed 5-2 with Mr. Smith and Mr. Thompson voting no.

Adjournment:

Motion and vote: Mr. Thompson made a motion, seconded by Ms. Carter to adjourn. The motion passed 7-0.

The meeting adjourned at approximately 9:55 p.m.

Paulette L. Mann

Date