

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:

SUP19-0002 Potomac & Rappahannock Transportation District Commission, the Northern Virginia Transportation Commission, and Crossroads Associates, LLC (Virginia Railway Express): Requests special use permit approval to allow the expansion of an existing railway maintenance yard in the Industrial 1 (I-1) zoning district. The property consists of approximately 30.27 acres and is located at the terminus of Crossroads Parkway (Route 765), approximately 3790 feet south of its intersection with Mills Drive (Route 17). The property is located in the Primary Development Boundary and in an area identified as Mixed Use and Employment Center on the Future Land Use Map of the Comprehensive Plan. Tax parcels 37 (A) 41A (part) and 37 (A) 41E. Berkeley Voting District.

Mr. Newhouse opened the public hearing.

Ms. Fennell presented the case. The application is for Special Use approval to allow the expansion of an existing railway maintenance yard in the Industrial 1 (I-1) zoning district. The property consists of approximately 30.27 acres and is located at the terminus of Crossroads Parkway (Route 765), approximately 3790 feet south of its intersection with Mills Drive (Route 17). There is an existing Conditional Use Permit (CUP-91-71) which was approved on approximately 10.756 acres to allow for a railroad, station/depot/terminal in accordance with the County's Zoning Ordinance. The existing maintenance and storage facility has been operating at the site for approximately 20 years and has entered a contract to purchase approximately 19.51 additional acres for a proposed

expansion. Although the applicants are purchasing an additional 19.51 acres, the Generalized Development Plan shows that this expansion would result in land disturbance of approximately 4.67 acres and an increase of approximately 2.8 acres in impervious area.

The site currently consists of a warehouse building, a crew building, a train wash, and a service and inspection building. There are currently eight train storage tracks for VRE trains. The Generalized Development Plan (GDP) shows the addition of a Lifecycle Overhaul and Upgrade (LOU) facility which is a 33,252 square foot one-story metal building. The LOU facility will be equipped with large pieces of specialty equipment which will enable VRE to perform maintenance and repair work inside the building for both locomotives and passenger cars, with a capacity to store up to four units at a time. The GDP also shows the relocation of two existing storage tracks to accommodate the construction of the LOU facility, the addition of two new storage tracks, a small pervious parking area, a storm water BMP, and an upgraded gravel road for secondary access to the south side of the site. The GDP depicts that there is an existing sound barrier fence and earthen berm that will remain along the property lines to the south and southeast of the site. The applicant will also construct a 7' sound barrier fence along proposed track 10 and the new parking area to help mitigate any negative impacts to neighbors properties.

The proposed expansion will not increase the number of employees at the facility; therefore, no increase in traffic is anticipated. A short-term increase is expected during the construction period; however, the proposed expansion will not cause any additional congestion or hazards to the existing road network.

As proffered with R19-0009, a transitional screening 3 will remain along the VRE's property line adjacent to the residential properties to the south. The transitional screening buffer proposed by the applicant is approximately 180 feet in width which surpasses the required 50-foot transitional screening buffer and consist of approximately 7.5 acres.

Ms. Fennell discussed the following finding in favor and against:

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 proposed expansion meets the eight standards of review.
- The applicant is proposing a 7.5 acre screening buffer approximately 180' in width which surpasses required 50' buffer width.
- The expansion will allow maintenance and overhaul activities to be conducted on site instead of having these services outsourced to other companies in other states.
- The expansion would support the existing VRE operations in providing an invaluable benefit to the citizens of Spotsylvania County and commuting public within this region.
- The proposed construction for the expansion is expected to cost about \$36 Million, which would create a substantial demand for construction workers and for good and construction materials, as well as support services during the 1 ½ year construction period.

- Upgrades to the existing gravel road will ensure that emergency vehicles have a secondary access route to and from the facility, which would increase safety and enhance emergency response.

Against:

- There are no findings against this application.

Based on staff's findings in favor and analysis that the proposal meets the eight standards of SUP review and approval, the expansion will support the VRE operations while increasing the buffer between the rail yard and adjacent residential uses and the proposal includes infrastructure upgrades that will improve the ability of emergency service personnel to access and provide assistance to the site if necessary. Staff recommends approval with the conditions noted below:

1. The project shall be developed in conformance with the Generalized Development Plan titled, "Generalized Development Plan for Virginia Railway Express" as dated April 12, 2019 and revised on June 28, 2019 and prepared by Michael E. Zmuda.
2. The perimeter of the active area of the rail maintenance and storage yard shall be fenced with an eight (8) foot chain link fence without barbed wire or six (6) foot with barbed wire.
3. A locked gate shall be constructed at the gravel road (secondary entrance).
4. Except for locomotives entering or leaving, noise including that emanating from stationary, idling locomotives shall not exceed 70 decibels at the property lines adjacent to residential dwellings between 9:00 p.m. and 5:00 a.m.
5. Transfer of the property title must be recorded by deed with exhibit plat within 90 days of Board approval of the Special Use Permit.
6. Virginia Railway Express shall maintain the existing sound barrier of at least 15' in height above the rail elevation along the southern property line and from the southeast corner along the eastern property line a distance of 500 feet.
7. A 7' sound barrier fence shall be constructed and maintained along the east of proposed track 10 as depicted on the GDP.
8. Locomotives shall not be fueled except when standing on track with drip pans installed. And emergency spill containment plan shall be implemented and an oil separator system shall be installed and connected to the drip pans under the locomotives, the design and installation of which shall be approved by Spotsylvania County Officials after consultation with the plan preparer and appropriate state agencies.
9. There shall be no fuel storage on the property, all fuel shall be delivered as needed.
10. All local, State and Federal permits for site work shall be obtained and in particular any construction which causes wetland disturbance shall meet County, State and Federal requirements.
11. Clearing shall be strictly limited to those areas shown on the GDP.

Mr. Smith inquired about the stormwater pond. He stated that it is his understanding that the Rod and Gun Club experienced a dam break and it cost them nearly \$80K.

Mr. Medina inquired if the County has equipment to measure decibels?

Ms. Pomatto stated the Sheriff's office has the equipment.

Mr. Medina inquired about fueling and how that works.

Ms. Fennell stated that they call the fuel trucks in when they are low on fuel.

Mr. Newhouse inquired about condition six. He asked if a noise study was done.

Ms. Fennell stated that condition six was an original condition and the applicant may be able to speak to that.

Applicant, Oscar Gonzalez: He stated that staff did a thorough presentation and that as far as the stormwater issue, they will work with the Rod and Gun Club and help with that if determined to be their fault. He stated that he doesn't know the genesis of the noise barrier. He stated that they do receive complaints about ATV noise out there.

Mr. Newhouse stated that a 15-foot-tall wall is quite large.

Mr. Gonzales stated that it has worked okay they are fine to continue that.

Speaking in favor or opposition:

Gene Sullivan, representing the Rod and Gun Club: He stated that he is not opposed to the request however they experienced dam breach and it cost approximately \$85K to repair and \$7K to restock the pond. He stated that they hadn't lost the dam since Hurricane Hazel in 1972. He stated that there does appear to be oil on one side of the pond from time to time. He stated that he supports the railroad, VRE, and commerce and is not a radical environmentalist.

Mr. Gonzales stated that they have folks working on the SWM plan and can deal with this ahead of time.

Mr. Newhouse closed the public hearing.

Motion and vote: Ms. Maddox made a motion, seconded by Ms. Carter to recommend approval the special use with the recommended conditions. The motion passed 7-0.

Mr. Hughes stated that a site plan will be required and that they can go back and look at the stormwater quality and quantity when it's submitted should it be approved.

Mr. Thompson stated that he has slicks on his pond from the mall property.

Public Comment: None

New Business:

Mr. Thompson stated that he would like for someone to look into the shrubbery at the shopping center that contains Good Wood, adjacent to the mall. He stated that it was torn out years ago but it has since been put back and now it is very dangerous travelling Mall Drive. He stated that cars pulling out of the shopping center are halfway into the road and wants someone from the County to investigate.

Mr. Newhouse agreed and has raised this concern on other properties. Landscaping maintenance is vital.

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