

***DRAFT***

At a meeting of the Spotsylvania County Board of Supervisors held on August 13, 2019 on a motion by \_\_\_\_\_, seconded by \_\_\_\_\_ and passed \_\_\_\_\_, the Board adopted the following resolution:

**RESOLUTION NO. 2019-**

**Approve with Conditions  
Special Use Permit SUP19-0002**

**Potomac & Rappahannock Transportation District Commission, the Northern Virginia Transportation Commission, and Crossroads Associates, LLC (Virginia Railway Express)**

**WHEREAS, 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; and

**WHEREAS,** staff has reviewed the subject application and recommends approval with conditions as stated in the staff report and the executive summary; and

**WHEREAS,** the Spotsylvania County Planning Commission held a public hearing on July 17, 2019, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS,** the Spotsylvania County Planning Commission recommended approval of the project with conditions with a vote of 7-0; and

**WHEREAS,** the Spotsylvania County Board of Supervisors held a public hearing on August 13, 2019, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS,** the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;
2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;
4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;
5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and
8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

**WHEREAS**, general welfare and good zoning practice are served by approval of the Special Use Permit application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby approve SUP19-0002 with the conditions listed 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. The existing barrier along the southern facility footprint shall be maintained and the existing barrier along the eastern facility boundary shall be demolished and replaced with a 7-foot barrier along the new eastern facility footprint (by track 10) as depicted in the GDP.
7. 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.
8. There shall be no fuel storage on the property, all fuel shall be delivered as needed.

9. 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.
10. Clearing shall be strictly limited to those areas shown on the GDP.

**BE IT FINALLY RESOLVED** that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this Special Use Permit is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the Special Use Permit.

(SEAL)

A COPY TESTE:

\_\_\_\_\_  
Aimee Mann  
Deputy Clerk to the Board of Supervisors

AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_

ADOPTED: \_\_\_\_\_ REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_