



County of Spotsylvania

Department of Planning

Staff Report

Special Use Permit #SUP19-0002
(Berkley Voting District)

Board of Supervisors

August 13, 2019

Planning Commission Recommendation	Approval with conditions
Staff Recommendation:	Approval with conditions
Project:	SUP19-0002 Virginia Railway Express
Owner/Applicant:	Potomac & Rappahannock Transportation District Commission, the Northern Virginia Transportation Commission and Crossroads Associates, LLC
Request:	The applicant requests a special use permit to allow the expansion of an existing railway maintenance yard on a parcel consisting of approximately 30.27 acres currently zoned Industrial 1 (I-1).
Tax Map Parcel(s):	37 (A) 41A(part) and 37 (A) 41E
Location:	The parcel is addressed as 9400 Crossroads Parkway and 9442 Crossroads Parkway and is located at the terminus of Crossroads Parkway (Route 765), approximately 3790 feet south of its intersection with Mills Drive (Route 17).
Zoning Overlay:	Airport Protection Overlay District
Future Land Use Designation:	Mixed Use and Employment Center
Historic Resources:	None
Date Application Deemed Complete:	April 30, 2019
Community Meeting:	Applicant sent notices to adjacent property owners in lieu of a community meeting on April 12, 2019.

Figure 1: Zoning Map

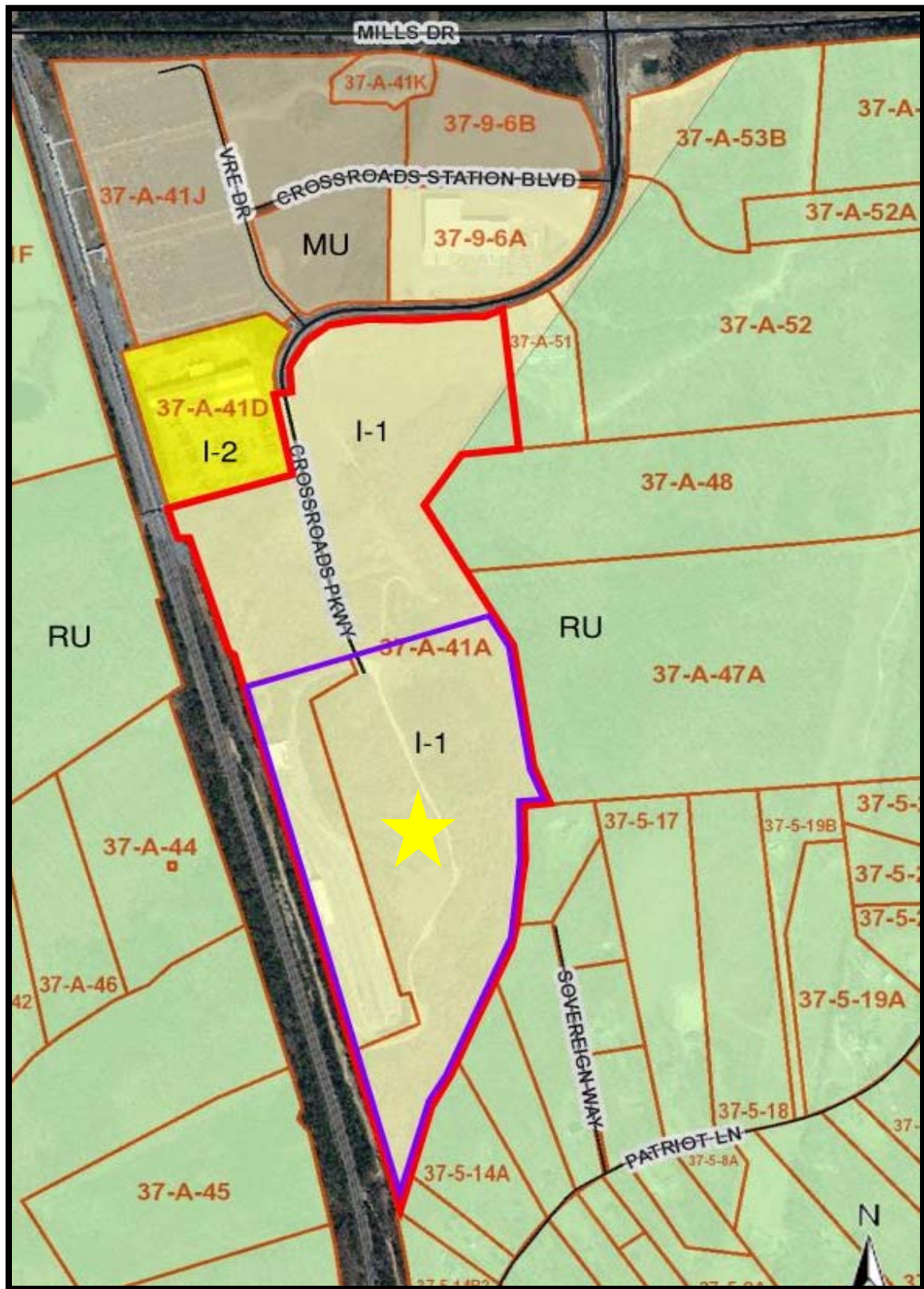
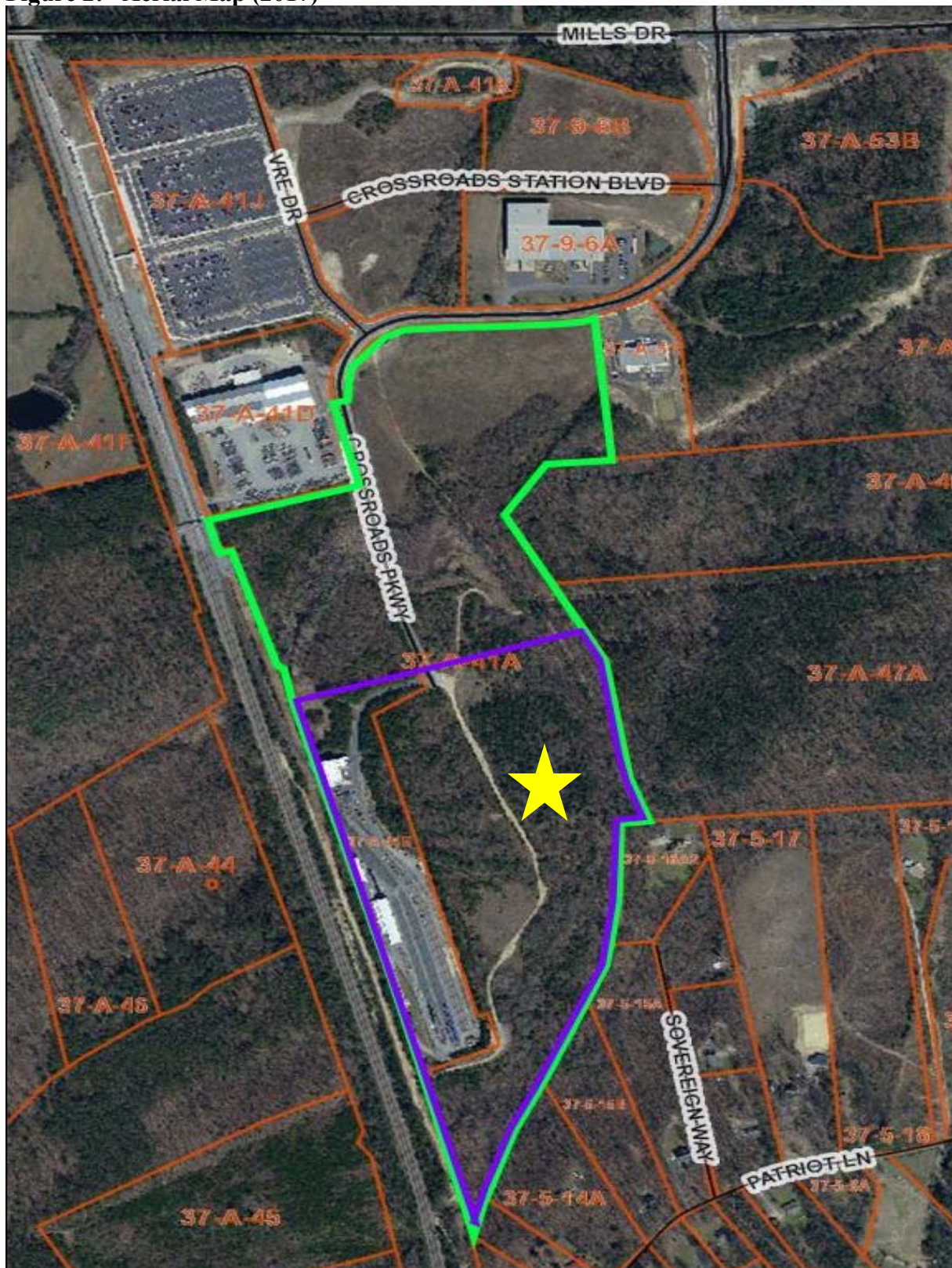


Figure 2: Aerial Map (2017)



I. Analysis

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.

II. Comprehensive Plan Analysis

Staff has conducted a Comprehensive Plan analysis and determined the proposed project to be consistent with the goals and objectives on the Comprehensive Plan. Please see Appendix A for the complete Comprehensive Plan analysis.

III. Special Use Standards of Review

Section 23-4.5.7 of the County Zoning Ordinance outlines eight standards that shall be met by an application for consideration of approval. The following table details those standards with staff comments.

STANDARDS OF REVIEW FOR SPECIAL USE APPROVAL	
STANDARD	STAFF COMMENT
1. Proposed use is in accord with the comprehensive plan and other official plans adopted by the county.	The expansion of the existing railway maintenance yard is complementary and appropriate, as this use is generally consistent with the Comprehensive Plan as detailed within Appendix A.
2. Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area.	The proposal is generally consistent with the surrounding uses and development which primarily include the CSX Railroad, VRE Station, Fire Station, a Steel Company and residential units. With the recommended conditions, expansion of this existing facility will not impact the character of the area.
3. Proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.	The proposed facility should not hinder neighboring development nor impair values of neighboring land uses.
4. Proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.	With the recommended conditions, the proposed expansion of the existing facility should not affect the health or safety of persons within adjacent neighborhoods. A 7.5-acre transitional screening buffer area to the residential uses was proffered by the applicant during the rezoning of the subject parcel.
5. Proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood.	With the recommended conditions, the proposal should not be detrimental to the public welfare or to property or improvements within the neighborhood. Although acquiring 19 acres the expansion only adds 2.8 acres of area to be improved.
6. Proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities.	The proposed use is appropriately sited with respect to these facilities.
7. Proposed use will not cause undue traffic congestion or create a traffic hazard.	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 anticipated during the construction period; however, the proposed expansion will not cause any additional congestion or hazards to the existing road network.
8. Proposed use will have no unduly adverse impact on environmental or natural resources.	No impacts to environmental or natural resources are expected, as the proposed expansion includes a swale BMP to capture storm water runoff from the proposed parking area in addition to the existing storm water BMP.

IV. Key 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 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.

V. Recommendation and Conditions

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. 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.

Planning Commission Meeting Update:

The Planning Commission held a public hearing on July 17, 2019 and voted to recommend approval with conditions 7-0. One citizen spoke during the public hearing.

Spotsylvania County Comprehensive Plan Analysis Overview

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; area within which public water and sewer utilities will be provided. Lands within the limits of the Primary Development Boundary are 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 and agricultural viability of those portions of the County outside the boundary.

The proposed rail infrastructure expansion associated with an existing VRE Rail Yard and Maintenance Facility located at Tax Map # 37-A-41E has an Employment Center land use designation. As per the Comprehensive Plan the Employment Center designation is envisioned to be the primary location for new office and industrial development within the County, with the focus on larger scale office complexes, industrial users, and business parks. The proposal is complementary and appropriate to the land use designation and helps enable expansion of business operations within the County consistent with Comprehensive Plan Introduction and Vision Guiding Principle A, *Spotsylvania County is a "business friendly" community and local job creation is a priority*; Transportation Policies and Strategies Policy 3, *Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network*. The land use designation stresses the importance of considering location and mitigation of impacts upon adjoining properties. Staff believes potential impacts that may be generated from the site will be reduced and/or mitigated via depicted vegetative screening/buffering areas, project footprint location focused internal to the site as opposed to immediately adjacent to surrounding parcels, depicted timber sound barrier wall, addition of a lifecycle and overhaul facility to enclose various maintenance activities and reduce maintenance related noise spillage outside of the facility, all as identified in the generalized development plan.

The VRE Crossroads rezoning proposal is CONSISTENT with the Employment Center land use designation envisioned for the area and on balance has been found to be CONSISTENT with the Comprehensive Plan.