

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 SUP19-0001
Shirley Ann Ali and Bashar Itraish (Mazari Motors)**

WHEREAS, 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; 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 June 5, 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 continued the public hearing to July 17, 2019 with a vote of 5-2; and

WHEREAS, the Spotsylvania County Planning Commission held the continued 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 5-2; 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 SUP19-0001 with the conditions listed below:

1. The project shall be developed in conformance with the Generalized Development Plan titled, "Special Use Application – Mazari Motors" as revised on July 2, 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 only the intersection of Ewell Road (Route 636) and Courthouse Road (Route 208). 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. At no time shall delivery trucks block or park on the public street during delivery.
5. No loading and unloading shall occur between the hours of 6:00 a.m. – 9:00 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).

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: _____