



County of Spotsylvania

Department of Planning

Staff Report

Special Use #SUP21-0001
(Battlefield Voting District)

Planning Commission

August 4, 2021

Staff Recommendation:	Denial
Project:	SUP21-0001 Capital Auto
Owner/Applicant:	Urfan & Uzair, LLC
Request:	The applicant requests a Special Use Permit to allow a vehicle sale, rental, and ancillary service establishment (small scale) on a parcel consisting of approximately 1.67 acres currently zoned Commercial 3(C-3).
Tax Map Parcel(s):	36 (17) A3
Location:	The parcel is addressed as 4714 Mine Road and is located on the south side of Mine Road (Route 636) approximately 534 feet east of the Jefferson Davis Highway (Route 1) and Mine Road (Route 636) intersection.
Zoning Overlay:	Highway Corridor Overlay District (Portion) Airport Protection Overlay District (FAA Tower Zone)
Future Land Use Designation:	Commercial
Historic Resources:	There are no known historic resources on the subject property.
Date Application Deemed Complete:	The application was deemed complete on March 15, 2021.
Community Meeting:	The applicant was not required to hold a community meeting.

Figure 1: Zoning Map

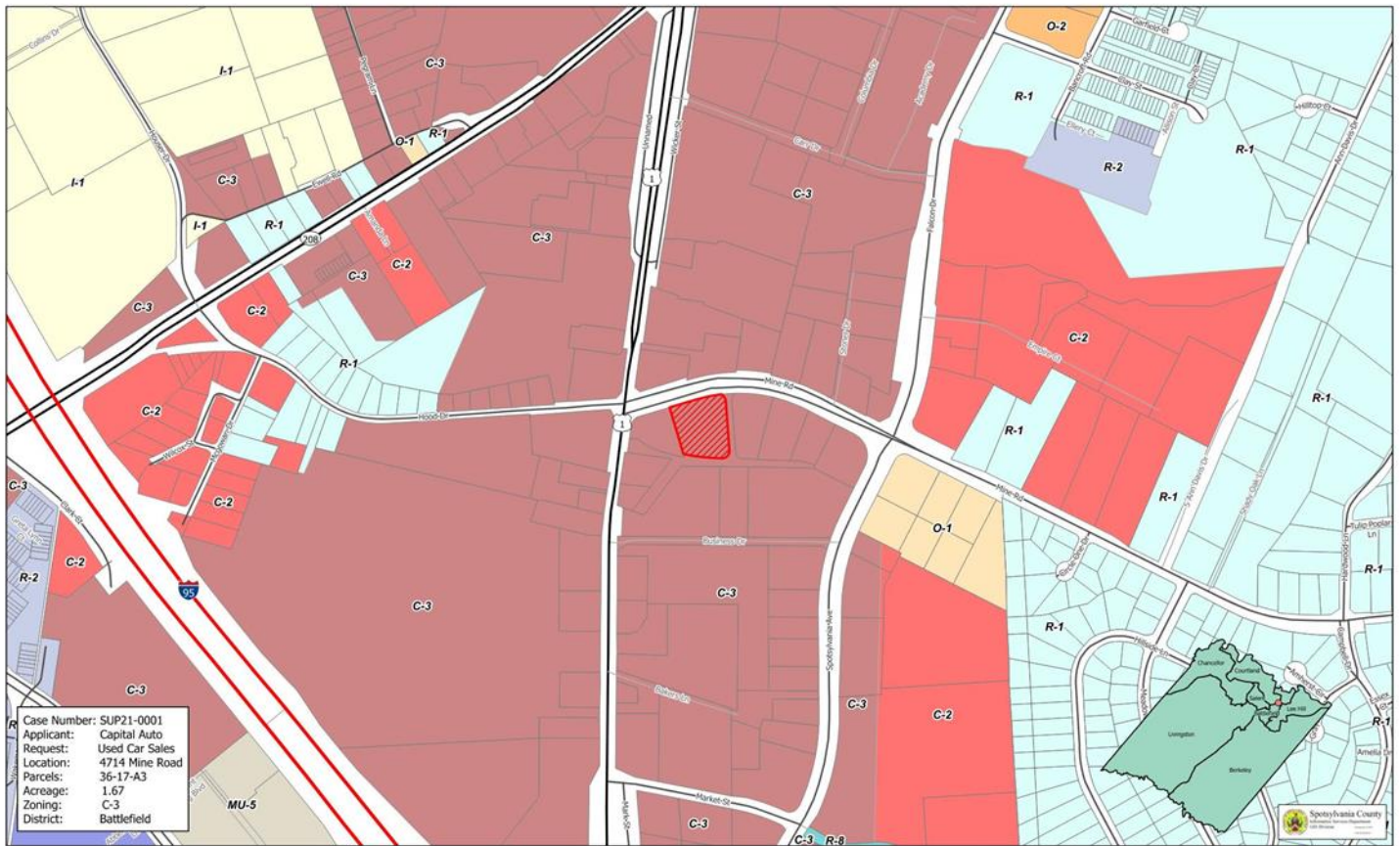


Figure 2: Aerial Map (2019)



Analysis

The applicant requests a special use permit to allow a vehicle sale, rental, and ancillary service establishment (small scale) on a parcel containing 1.67 acres and zoned Commercial 3 (C-3). The parcel is identified as Tax Map 36-17-A3 and is located at 4714 Mine Road (Route 636) approximately 534 feet east of the Jefferson Davis Highway (Route 1) and Mine Road (Route 636) intersection. The property is currently developed with an existing 5,915 square foot vacant building and parking area that was formerly occupied by a Ruby Tuesday restaurant. The proposal is to adaptively reuse the property for used car sales to be known as Capital Auto, a dealership which was formerly located at 4601 Lassen Lane approximately 1.1 miles north of the property before ceasing operation at that location. The existing building will be utilized as the sales office and the existing parking area will be designated for customers, employees and display vehicles. No alterations to the existing building are proposed and the applicant has indicated no vehicle servicing of any kind will occur on the site.

The Generalized Development Plan (GDP) proposes to allocate 19 spaces in the parking area for customers and 5 spaces for employees, with the remaining 86 spaces to be designated for display vehicles. Staff has recommended a condition limiting the number of display vehicles on the property to 86 vehicles, to ensure that all display vehicles are parked and stored in a designated parking space and that parking on the site does not exceed its capacity. Staff has also recommended conditions to ensure the existing landscaping on the property be retained and the existing freestanding sign be replaced or modified in order to be in compliance with the Zoning Ordinance and the Highway Corridor Overlay District (HCOD) sign regulations.

The GDP identifies an upgrade to the property with pedestrian accommodations which currently do not exist, bringing the property into compliance with requirements of the Design Standards Manual. A 5' sidewalk will be constructed along the property's frontage along Mine Road and along the access drive at the rear of the property. An existing parking space adjacent to the proposed bike rack will be closed and striped to provide pedestrian access from the front sidewalk along Mine Road to the front entrance of the building.

The site is accessed from a 30' wide access drive from Mine Road (Route 636) on the east side of the site. The same access drive is also located along the south and rear side of the site and adjoining properties, providing additional access points from Jefferson Davis Highway (Route 1) and Spotsylvania Avenue (Route 1234). The applicant submitted within the GDP narrative a vehicle delivery statement indicating that delivery of stock vehicles will utilize the entrance from Mine Road (Route 636) using a RAM 3500 truck with a fifth wheel trailer. Staff has recommended a condition prohibiting the use of large commercial haulers capable of accommodating more than 3 vehicles, which is a condition that has been approved with other Special Use Permits for vehicle sales establishments. The loading zone at the rear of the former restaurant will be used for the onsite delivery and unloading of stock vehicles without the use of any public or private streets. The estimated daily vehicular trips generated by the proposed use is 160 trips per day which is lower than the 662 trips estimated for the previous restaurant use. Based on the reduced number of trips, an impact to levels of service on Mine Road (Route 636) is not anticipated as a result of this proposal.

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.

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 proposed use generally conforms to comprehensive plan with regard to the Commercial Land Use designation of the site; however, the nature of the proposed use is not compatible with the existing retail and service uses that surround the site. Given the existing commercial development that exists in this area, County Economic Development has stated that “the property would be better suited for a restaurant use”; therefore, the property is being actively marketed for this type of use accordingly by Economic Development.
2. Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area.	The proposed use is not in harmony or compatible with the character of the immediate area which contains predominantly consumer service uses. The development pattern of the area has concentrated this type of use primarily north of Mine Road along the Route 1 corridor. While a similar use exists within close proximity of the site, it is located along Route 1 on a parcel greater than two acres in size. The uses along Mine Road transition to residential development less than one mile east of the site, essentially serving as a gateway to these neighborhoods.
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 use will utilize a site within the vicinity of the proposed Fredericksburg VA Health Care Center which will be the largest veterans health care center in the nation when completed. Employees and patients of the center are expected to become patrons of local retail which has prompted significant new and redevelopment in the project area including substantial County investment in improvements to

	the surrounding transportation network. The C-3 zoning of the property is the most generous of the County's commercial districts with regard to uses permitted by right, offering an opportunity for the property to be developed or redeveloped with a use more compatible with the surrounding area.
4. Proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood.	The proposed use will not adversely affect the health or safety of the neighborhood which contains commercial uses. The construction of the sidewalks is a public safety benefit.
5. Proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood.	The proposed use will not be detrimental to the public welfare. The construction of the sidewalks is a public safety benefit.
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 located with respect to the availability of these facilities.
7. Proposed use will not cause undue traffic congestion or create a traffic hazard.	The projected traffic generated from the proposed use is lower than that of the former use. The proposed use is not expected to cause significant congestion or hazards to the existing road network. The addition of sidewalks on the property provides accommodations and connectivity for pedestrians.
8. Proposed use will have no unduly adverse impact on environmental or natural resources.	The proposed use will not have an adverse impact on the environment or natural resources. The proposal is primarily a change of use with less than 2,500 square feet of additional impervious area added in the form of sidewalks, which is approximately a 2% increase.

II. 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 proposal allows for the reuse of an existing vacant commercial site.
- The estimated daily vehicular trips for the proposed use is less than the previous restaurant use and is not expected to have a negative impact on the transportation network.
- The proposal includes sidewalk improvements which will provide pedestrian connectivity in the area.

Against:

- The proposed use is not compatible with the development pattern of the immediate area; similar uses are concentrated further north along Route 1.
- The proposed commercial use is not compatible with the consumer service uses around the site.
- The proposed use will utilize a commercial site located in close proximity to major economic development activity in the County. The C-3 zoning of the property is the most generous of the County's commercial districts with regard to uses permitted by right, offering an opportunity for the property to be developed or redeveloped with a use more compatible with the surrounding area.

III. Recommendation and Conditions

Uses that are designated as special uses are generally compatible with other uses permitted in a district but which, because of their unique characteristics or potential impacts, require individual consideration of their design, configuration or operation at the particular location (Sec. 23-4.5.1). The proposal generally conforms to the commercial land use designation but would introduce a use currently contained primarily north of the site along Route 1. This segment of Mine Road provides services for nearby residential development in addition to forthcoming economic development. Staff notes that while a large scale vehicle sales establishment is permitted by right in the C-3 district, this segment of Mine Road does not contain parcels that are large enough to accommodate this use which limits its ability to be located throughout the C-3 district. Based on staff's analysis and findings against noted above, staff recommends denial. Should the Commission deem this application appropriate for approval, staff recommends approval be accompanied with the following conditions:

1. The project will be developed in conformance with the Generalized Development Plan titled "Special Use Permit, Generalized Development Plan, Capital Auto" dated February 19, 2021 and last revised July 12, 2021 as prepared by Sullivan, Donahoe & Ingalls, Inc.
2. Display vehicles will only be parked within designated parking spaces for vehicle display areas as depicted on the GDP.

3. No more than 86 display vehicles will be located on the site at any one time.
4. There will be no vehicle service (major or light) conducted on site.
5. Display vehicles will be delivered individually or via delivery trucks to the site utilizing the private access drive from Mine Road (Route 636) and the delivery truck path as depicted on the GDP. At no time shall delivery trucks block or park on the public street.
6. No large commercial haulers are permitted to deliver vehicles to the site. Large commercial haulers are defined as delivery trucks that can haul more than 3 vehicles.
7. The existing freestanding sign will be modified or replaced with a monument sign that meets the requirements of the Highway Corridor Overlay District (HCOD). The sign must also comply with the requirements in Sec. 23-5.8.2 of the Zoning Ordinance.
8. All existing landscaping improvements as depicted on the GDP will remain in place and will be maintained. Dead or diseased trees and plantings must be replaced with equivalent species, size, and quantity.
9. The parking area will be paved, striped, and maintained in accordance with the pavement design standards.
10. Submission and approval of a minor site plan is required prior to commencement of the use.

Spotsylvania County Government

Appendix A

Comprehensive Plan Analysis

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 proposed vehicle sale, rental and ancillary service establishment, small scale is located within the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is 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. The proposed use is consistent with the intent of the Primary Development Boundary.

The proposed vehicle sale, rental and ancillary service establishment, small scale is located within a commercial land use designation per the Future Land Use Map. The commercial land use designation is consistent with the projects location characterized by commercial development and zoning in and around the site. The immediate area has an abundance of Commercial 2, Commercial 3 zoned property and commercial uses such including but not limited to retail sales establishments, car wash, vehicle light service establishments, eating establishments, fuel dispensing facilities with convenience store, hotel/motel, office and medical facilities nearby. Staff notes the project site was formerly used as a Ruby Tuesday's Restaurant. As per the Comprehensive Plan Land Use Element, the commercial land use designation *consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses.* As a commercial use, on balance the proposal is consistent with the commercial land use designation.

As a Commercial 3 zoned property, the proposed vehicle sale, rental and ancillary service establishment, small scale requires a special use permit. Commercial 3 zoning is considered appropriate and complementary to the Commercial land use category in the Comprehensive Plan. As per County Code Section 23-4.5.1, Special uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

Considering recent and emerging development within the area, staff reached out to Spotsylvania County Economic Development to better understand development prospects in the area and to diagnose whether a use such as that proposed would pair well with emerging trends in the area. This question is aimed at special use compatibility specific to operation at the particular location proposed as outlined above. Per feedback received, *with the VA hospital coming in across Rt. 1 and the transportation improvements scheduled for*

the area economic development staff feels that this is not a good use and that the property would be better suited for a restaurant use. The VA facility will provide care for 29,000 veterans and probably 7,000 DoD beneficiaries annually, creating a need and a market for a dine in restaurant facility at this location.

After conducting an analysis of applicable Comprehensive Plan Goals, staff has identified application strengths, deficiencies, and policy concerns worthy of consideration as outlined in the Comprehensive Plan policy analysis below:

Introduction and Vision:

Guiding Principles and Policies A. Spotsylvania County is a “business friendly” community and local job creation is a priority. As a commercial use, this proposal is business friendly and supports the creation of local jobs. As noted in Economic Development review however, the proposed use may/does not complement the existing development pattern or the anticipated emerging area development opportunities and synergies associated with a major redevelopment occurring in the immediate area VA hospital in development nearby. Economic Development staff has confirmed they are actively recruiting restaurant uses to occupy this space.

Guiding Principles and Policies B. Spotsylvania County is fiscally sustainable. Guiding Principles and Policies B.1. Achieve a 70/30 mix of residential to commercial/industrial development (based on assessed value), and the annual growth of the industrial and commercial tax base at a rate greater than 2%. As a commercial project this proposal is expected to be fiscally beneficial to the County. This project positively contributes to the County’s commercial growth rate goal.

Guiding Principles and Policies B.3. Development projects seeking increased residential density and/or non-residential intensity should address its impacts on the infrastructure of the county. As a commercial project there are no level of service impacts upon County schools or parks associated with this proposal. This site formerly hosted an eating establishment. Traffic impact is expected to be lower than the former use onsite. As a vehicle sales facility there is interest in assuring inventory loading and unloading is conducted within the project area and not via public right-of-way, potentially impacting traffic flow. This has been a concern resulting from similar uses elsewhere in the County. This activity is prohibited and enforceable by law however as part of special use permit due diligence staff recommends emphasizing prohibition of inventory loading and off-loading direct from public right-of-way as part of project conditions. The project GDP clearly depicts onsite loading and delivery path to accommodate loading and unloading.

Guiding Principles and Policies B.3.a. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Sidewalk infrastructure is included as required by the Design Standards Manual. Details on sidewalk improvements include: construction of a standard 5’ wide sidewalk along the project’s Mine Road frontage and along the private road to the rear of the project. These improvements complement the County Trailways Master Plan and will ultimately enhance pedestrian connectivity in the area.

Guiding Principles and Policies B.4. Preserve significant natural, historic, and cultural resources of the County to ensure the continued allure of the County as a tourism destination. There are no expected

negative impacts to significant natural, historic, or cultural resources. This site is already developed as a restaurant with customer parking and landscaping.

Guiding Principles and Policies E.1. Protect environmental quality by promoting a comprehensive approach to air and water quality management. Examples of approaches to accomplish this could include: green space and tree preservation, stream restoration, and low impact development (LID).

This rezoning request is not expected to negatively impact any sensitive environmental resources. Project development will be subject to regulatory protections concerning environmental quality. A number of these environmental protective measures are referenced in the project narrative provided by the applicant.

Land Use:

Future Land Use Map Designation. This project is consistent with the intent of the Primary Development Boundary and the commercial land use designation.

Land Use Policies Applicable to All Land Uses 3. Wherever possible, existing trees and tree buffers should be preserved rather than replacing mature vegetation with new plantings. This is a previously developed site with landscaping and open space areas. As depicted on the GDP, these existing landscape areas are to remain. Staff notes this is also a recommended condition to assure existing vegetation remains.

Land Use Policies Applicable to All Land Uses 8. Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties

The proposed vehicle sale, rental and ancillary service establishment, small scale is located within a commercial land use designation per the Future Land Use Map. The commercial land use designation is consistent with the projects location characterized by commercial development and zoning in and around the site. The immediate area has an abundance of Commercial 2, Commercial 3 zoned property and commercial uses such including but not limited to retail sales establishments, car wash, vehicle light service establishments, eating establishments, fuel dispensing facilities with convenience store, hotel/motel, office and medical facilities nearby. Staff notes the project site was formerly used as a Ruby Tuesday's Restaurant. As per the Comprehensive Plan Land Use Element, the commercial land use designation *consists of a variety of retail and office uses, examples of which include, but are not limited to: medical facilities, shopping centers, restaurants, automobile service and sales facilities, and similar uses.* As a commercial use, on balance the proposal is consistent with the commercial land use designation.

As a Commercial 3 zoned property, the proposed vehicle sale, rental and ancillary service establishment, small scale requires a special use permit. Commercial 3 zoning is considered appropriate and complementary to the Commercial land use category in the Comprehensive Plan. As per County Code Section 23-4.5.1, Special uses are considered generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed.

Considering recent and emerging development within the area, staff reached out to Spotsylvania County Economic Development to better understand development prospects in the area and to diagnose whether a use such as that proposed would pair well with emerging trends in the area. This question is aimed at special use compatibility specific to operation at the particular location proposed as outlined above. Per feedback

received, with the VA hospital coming in across Rt. 1 and the transportation improvements scheduled for the area economic development staff feels that this is not a good use and that the property would be better suited for a restaurant use. The VA facility will provide care for 29,000 veterans and probably 7,000 DoD beneficiaries annually, creating a need and a market for a dine in restaurant facility at this location.

As a vehicle sales facility there is interest in assuring inventory loading and unloading is conducted within the project area and not via public right-of-way, potentially impacting traffic flow. This has been a concern resulting from similar uses elsewhere in the County. This activity is prohibited and enforceable by law however as part of special use permit due diligence staff recommends emphasizing prohibition of inventory loading and off-loading direct from public right-of-way as part of project conditions. The project GDP clearly depicts onsite loading and delivery path to accommodate loading and unloading.

As a high visibility corridor falling within the Rt 1 Highway Corridor Overlay District, aesthetic sensitivities are valued. Character impacts are a consideration of Special Use Permit Standards of Review, specifically *Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area.* In addition to assuring adequate onsite loading and loading, staff believes inventory placement onsite and assurance of adequate staff and customer parking is an important consideration. To address the concern staff recommends consideration of conditions that limit parking of customer, employee, and vehicle inventory to GDP delineated parking spaces only. The intent would be to avoid lot cramming, inhibited or closed onsite travelways, parking where not intended, and parking upon open space areas.

Staff has also identified a project condition intent on maintenance of existing onsite landscaping within open space areas.

The project positively complements sidewalk connectivity goals.

Commercial Lane Use Policy 6: Encourage the retention and expansion of existing business operations, as well as the attraction of new businesses and investment. This project reactivates a former business site and complements policy of business retention and attraction.

Transportation:

Transportation Policy 1, Strategy 1. Achieve no less than a “D” Peak Hour Level of Service on 90% of County secondary roads within the Primary Development Boundary as shown in the Thoroughfare Plan. In the Primary Settlement District, levels of service are lower to encourage development and redevelopment to densities and intensities that maximize use of the existing infrastructure. Transportation Policy #2. Ensure that new development does not degrade Levels of Service and mitigates its impact on the transportation network. The projected traffic generated from the proposed use is lower than that of the former use. The proposed use should not cause any significant congestion or hazards to the surrounding road network.

Transportation Policy 2, Strategy 5. The County should support alternative onsite transportation alternatives and recreational options such as transit, pedestrian and bicycle facilities that are able to, or will, connect to neighboring properties. Transportation Policy #3. Promote alternative modes of transportation and multi-modal facilities to more effectively address demands on the transportation network. Sidewalk infrastructure is included as required by the Design Standards Manual. Details on sidewalk improvements include: construction of a standard 5’ wide sidewalk along the project’s Mine Road

frontage and along the private road to the rear of the project. These improvements complement the County Trailways Master Plan and will ultimately enhance pedestrian connectivity in the area.

Historic Resources:

Historic Resources Policy 1. Encourage and promote the voluntary protection and preservation of scenic, historic, cultural, architectural, and archaeological resources. Historic Resources Policy 1, Strategy 2. Support the preservation of resources with local, state, or national significance. There are no expected negative impacts to significant natural, historic, or cultural resources.

Natural Resources:

Natural Resources Policy 1. Balance the protection of environmental resources and natural wildlife habitats with development. Natural Resources Policy 1, Strategy 1. The County should support the mitigation of impacts upon unique and/ or endangered resources including rare species and their habitats. There are no expected negative impacts to significant natural, historic, or cultural resources.

Natural Resources Policy 1, Strategy 3. Encourage land development practices, which minimize impervious cover to promote groundwater recharge, and/ or tree preservation. This is a previously developed site with landscaping and open space areas. As depicted on the GDP, these existing landscape areas are to remain. Staff notes this is also a recommended condition to assure existing vegetation remains.