

STAFFORD COUNTY, VIRGINIA
CONDITIONAL USE PERMIT APPLICATION
IMPACT STATEMENT

Applicant: Amir Alemzadeh, MD

Property Owner: Cyrus Group, LLC

Property: Tax Parcel 20-35A

Project Name: Commercial/Retail at Garrisonville Road

CUP Request: Drive Thru in B-2

Date: January 24, 2019

File No. CUP 19 _____

I. APPLICATION

The Applicant, with authorization from the property owner, (the “Applicant”) hereby requests a conditional use permit (“CUP”) to develop the following property for a casual sit down restaurant with drive thru in the Urban Commercial (B-2) land use district in accordance with the Stafford County Zoning Ordinance (the “Zoning Ordinance”), including without limitation Article III, Section 28-35, Article IV, Section 28-59(e) and Article XI Section 28-185:

Tax Parcel 20-35A (of record in Instrument No. LR180001837) (the “Property”), consisting of approximately 0.8225-acres total, and generally located at 598 Garrisonville Road within the Griffis-Widewater Magisterial District, all as more particularly described on the attached generalized development plan, entitled “Commercial/Retail at Garrisonville Road (Generalized Development Plan)”, dated January 24, 2019, prepared by Bagby, Foroughi and Goodpasture, PLLC, which plan is attached hereto as Exhibit A and is incorporated as a material part of this application by this reference (the “GDP”)¹.

The B-2 district requires a conditional use permit for any drive thru use under County Ordinance Section 28-35.

¹The GDP is a general overview of the proposed development and improvements to the Property in accordance with Article XIII, Section 28-221, et seq., of the Zoning Ordinance. The Applicant reserves the right to make modifications or amendments to the GDP in order to address final site engineering, architectural, and design issues, internal road placements and entry areas, RPA requirements, and to ensure compliance with applicable federal, state and county regulations, laws and ordinances.

II. OVERVIEW

As noted above, the Property is zoned B-2. Section 28-34 of the County's Zoning Ordinance states the following concerning the B-2 district:

"The purpose of the B-2 district is to designate appropriate areas for high-intensity commercial uses intended to serve retail sales and service, business and professional service needs at a regional or countywide scale. These areas should be located at strategic nodes along arterial and major collector roads where there are adequate utilities and facilities to serve intense development."

Pursuant to Article III, Section 28-35 (B-2) of the Zoning Ordinance, a CUP is required in order to develop any uses which include drive-through facilities.

For purposes of this CUP a total 0.8225 acres of the Property is proposed to accommodate a 1,790 square foot (sf) casual sit-down restaurant with a drive-through. The Property is located at 598 Garrisonville Road. The site is currently improved with an existing, unoccupied residential building. Said building will be demolished with the development of this new use with drive thru. Adjacent and nearby properties are generally developed and zoned as B-1 and B-3. There is one residential neighbor to the north that is zoned as R-1. The Applicant's proposal will be compatible with existing and planned uses in the area.

As described below, the Applicant's proposal conforms to the policies established by the County's Comprehensive Plan, as amended August 16, 2016 (the "Comp Plan"). Adjacent properties will experience minimal impacts as this is a similar and compatible proposed use. Furthermore, the proposal will result in minimal impacts on public facilities and services.

III. COMPREHENSIVE PLAN

Future Land Use Map

The Comp Plan's Future Land Use Map classifies the Property as Suburban.

The Suburban designation encourages retail and business activities that complement existing residential communities. In addition, infill development is encouraged along existing commercial corridors, such as Garrisonville Road.

Urban Service Area

The Comp Plan includes the Property in the "Urban Services Area". This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The Urban Services

Area supports any new development, which is compatible with the Property's Future Land Use Map designation.

The Property's location in the Urban Services Area supports the project's utilization of existing public utilities. Based on nearby development patterns, water and sewer lines are located within the travelways adjacent to the Property.

Transportation

The Property is located directly off of Garrisonville Road which is a Secondary Major. The Comp Plan's Anticipated Transportation Needs Map designates this segment as 6-lane highway upgrade.

IV. CONDITIONAL USE PERMIT STANDARDS

Section 28-185(d) of the County's Zoning Ordinance requires conditional use permit applications to meet the following standards:

1. *The use shall not tend to change the character and established pattern of development in the vicinity of the proposed use* – Since most nearby properties are developed or planned to be developed for B-2 uses and there are similar uses nearby, the Applicant's proposal will not change the character and established pattern of development in the area and will provide adequate buffering to neighboring properties, as shown on the GDP. Nearby uses include a casual sit down restaurant and commercial/retail.
2. *The use shall be in harmony with the uses permitted by right under a zoning permit in the land use district and shall not adversely affect the use of adjacent properties* – The permitted uses in the B-2 district generally relate to relatively high density commercial development. The proposed use is as a 1,790 square foot casual sit down restaurant, with hours of operation from 8 a.m. until midnight, Monday through Sunday. The proposal includes access locations from Garrisonville Road. The GDP provides for internal circulation and access easements to neighboring properties. Surrounding developments consist of comparable density, and surrounding properties are also zoned B-1 and B-3, which means the proposal will not adversely affect the use of adjacent properties. Adjacent properties include a medical office and a vacant parcel, which are zoned B-1 and B-3, respectively.
3. *The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof* – The Applicant's proposal will not hinder or discourage the appropriate development of adjacent land. As depicted on the GDP, the Applicant will provide appropriate screening, and open space around the Property's perimeter to ensure impacts on adjacent properties are minimized. Screening and buffering is required within B-2 and the Applicant proposes to screen The Property in three cardinal directions with a combination of landscape strips and landscape buffers.

4. *The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use* – Since the proposed development is compatible with surrounding development as described above, the proposed project will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.
5. *The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood* – Since the proposed development is compatible with surrounding development as described above, the proposed project will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.
6. *The use shall be in accord with the purposes and intent of this chapter and the comprehensive plan of the county* – Since the proposed development is compatible with surrounding development as described above, the proposed project will be in accord with the purposes and intent of Zoning Ordinance and County Comprehensive Plan.

Future Land Use Map

The Comp Plan's Future Land Use Map classifies the Property as Suburban and within part of the Commercial Corridor.

The Suburban designation encourages retail and business activities that complement existing residential communities. In addition, infill development is encouraged along existing commercial corridors, such as Garrisonville Road.

Urban Services Area

The Comp Plan includes the Property in the “Urban Services Area”. This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The Urban Services Area supports any new development, which is compatible with the Property’s Future Land Use Map designation.

The Property’s location in the Urban Services Area supports the project’s utilization of existing public utilities. Based on nearby development patterns, water and sewer lines are located adjacent to the Property.

Transportation

The Property is located directly off of Garrisonville Road which is a Secondary Major. The Comp Plan’s Anticipated Transportation Needs Map designates this segment as 6-lane highway upgrade.

V. TRAFFIC AND TRANSPORTATION IMPACTS

The Property is located at 598 Garrisonville Road. The site is currently improved with an existing, unoccupied residential house. The existing building will be demolished with this proposed application. Since the existing building is unoccupied there is no current existing traffic being generated; however, given a R-1 zone the property could be developed and generate a moderate amount of traffic. The proposed use, casual sit-down restaurant, will be classified as the proposed use/traffic. The proposed use has been very well studied within the ITE manual. A tabulation has been provided for the proposed use within the CUP application package. The resultant difference between the existing and proposed uses are also shown on this tabulation. The average VPD is 236 trips. In conclusion no TIA was required or provided because the minimum thresholds have not been met for either the County or VDOT.

As shown on the GDP, the proposed project consists of redeveloping an existing site.

The existing use currently has one access point off Garrisonville Road. The proposed use will relocate the existing entrance to a right-in/right out with inter-parcel connection to the west; therefore satisfying VDOT access management principles.

A total of 60’ from centerline of right-of-way dedication will be provided along Garrisonville Road.

No additional infrastructure is suggested.

VI. PUBLIC UTILITIES, FACILITIES AND SERVICES

As noted above, the Property is located within the County’s Urban Services Area and has access to public water and sewer. The proposed project will have minimal impact on utility demands. Existing water is located in Garrisonville Road. Sewer is located along Kingsland Drive. Since

this Applicant is the owner of the adjacent property in which the proposed sewer will run through the granting of an easement will be provided. These utility lines and applicable water and sewer treatment facilities appear to have available capacity, or the reasonable ability to be upgraded, to provide adequate capacity.

The Property is located in the Garrisonville water pressure zone. There is an existing 8-inch DIP water line in the drive isles surrounding the Property. The anticipated daily demand for water is less than 5,000 gallons.

The Property is located in the Aquia Creek Shed. Sewer is located along Kingsland Drive. Since this Applicant is the owner of the adjacent property in which the proposed sewer will run through the granting of an easement will be provided. Anticipating that whatever enters the casual sit-down restaurant must exit the restaurant, the anticipated daily demand for sewer is less than 5,000 gallons.

The Applicant's proposed use will have no impacts on schools and recreational facilities, and minimal impacts on police and emergency services, or other public services and facilities.

VII. ENVIRONMENTAL IMPACTS, NOISE, DUST, AND SMOKE

No sensitive environmental features are located on the Property. The Property was previously developed. Additionally, the proposed use will not generate noise, dust, or smoke. Some noise and dust may be generated during construction, but all construction activity will conform with applicable County requirements.

The proposed development will incorporate low impact development techniques as well as conventional stormwater management techniques in order to reduce the post-developed runoff from the Property to pre-developed levels in accordance with County and State requirements. As a result, the proposed development will have minimal impacts downstream of the Property.

EXHIBIT A

Generalized Development Plan entitled "Commercial/Retail at Garrisonville Road", prepared by Bagby, Foroughi and Goodpasture, PLLC, dated January 24, 2019.