

STAFFORD COUNTY, VIRGINIA
ZONING RECLASSIFICATION

IMPACT STATEMENT

Applicant & Owner: Allan Myers VA, Inc., a Virginia stock corporation (the “Applicant”)

Property: Stafford County Tax Map Parcels 58-5A, 58-5B, and 58-5G, consisting of approximately 73.33 acres, all as generally depicted on the GDP (collectively, the “Property”)

Project Name: “Kings Highway Asphalt” (the “Project”)

GDP: Generalized Development Plan, titled “GENERALIZED DEVELOPMENT PLAN KINGS HIGHWAY ASPHALT RC GEORGE WASHINGTON ELECTION DISTRICT STAFFORD COUNTY, VIRGINIA”, dated September 2, 2022, and prepared by Bowman Consulting Group Ltd., which plan is attached hereto as **Exhibit A** (the “GDP”)

Rezoning Request: Conditional rezoning of the Property from Agricultural-1 (A-1) and Urban Commercial (B-2) to Industrial, Heavy (M-2)

Date: March 2, 2023

File No.: RC _____

APPLICATION REQUEST

The Applicant hereby requests a rezoning of the Property from Agricultural (A-1) and Urban Commercial (B-2) to Industrial, Heavy (M-2) in accordance with Stafford County, Virginia’s (the “County”) Code, including without limitation Article III, Section 28-35, Article X, Section 28-161, et seq., and Article XII, Section 28-201, et seq., to bring its existing legal, nonconforming uses into conformance with the Code.¹

¹ Consistent with the guidance provided under Rowland v. Town Council of Warrenton, 842, S.E.2d 398, 405 (Va. 2020) (providing that “the acceptance of a proffer which alters the rezoning requirements of a particular property is the functional equivalent of an amendment to the zoning ordinance”); *see also* Va. Code Ann. § 15.2-2296 (providing proffers are not generally applicable to land similarly zoned); Va. Code Ann. §§ 15.2-2297 & 15.2-2298 (providing proffers are accepted as part of an amendment to the zoning ordinance or as part of a rezoning or amendment to the zoning map).

OVERVIEW

The Applicant is Allan Myers VA, Inc. (“Allan Myers”), a wholly owned subsidiary of Allan Myers, Inc., which is a fourth generation, family-owned business that started in 1939 with a dump truck purchased with six (6) cows by a father and son team. Now, with more than eighty (80) years of experience, Allan Myers, Inc. and its subsidiaries are consistently growing and pushing to take on new challenges that are bigger and bolder while maintaining its core missions of being a community partner, caring neighbor, and local employer.

On February 7, 2019, Allan Myers announced its acquisition of the P.C. Goodloe and Son, Inc.’s asphalt plant and sand/gravel mine, which have proudly operated in the County since the early 1960s. This Project is Allan Myer’s sixth operating materials facility in Virginia, adding to its existing plants in Rockville, Powhatan, Petersburg, New Kent, and Chesapeake. Also note that since its acquisition of the Project, Allan Myers has since added two additional operations in Virginia – one in the Town of Leesburg and one in the Town of Wakefield. Allan Myers’s expansion into the County is a natural fit to enhance its existing operations in the Tidewater region. The Project has strengthened Allan Myers’s operations and continues to provide significant growth opportunities for its customers, employees, and the County.

The Property is located off of Kings Highway, to the south of Blue and Gray Parkway, within the County’s George Washington Election District, all as more particularly shown on the GDP. As briefly described above, the Project is an existing asphalt plant that also currently includes sand and gravel mining operations located on the Property. The Project has continually operated on the Property since the early 1960s. Currently, the Applicant is undertaking the reclamation process under its active mining permit. Once the applicable areas of the Property are fully reclaimed consistent with its governing reclamation plan, Allan Myers will terminate its mining permit and fully cease the sand and gravel mining operation.

As further noted above, the Property is currently zoned A-1 and B-2, neither of which permit an asphalt plant or mining operations as permitted or conditional uses. However, since the Project precedes the effective date of the County’s Code, both existing uses are considered legal non-conforming uses in the County.² Accordingly, the Applicant respectfully requests to rezone the Property to bring its existing uses into conformance with the County’s Code. Section 28-35 of the County’s Code states that the purpose of the M-2 district is:

“...to provide areas within the county suitable for a variety of industrial type uses which may not be compatible with residential uses due to some potential nuisance or hazard.”

An asphalt plant is considered a heavy manufacturing use, and a mining and resource extraction operation is considered a heavy industrial use. And as mentioned above, these uses already exist – and have existed continuously since the early 1960s. Accordingly, this use has been a mainstay in the subject area, and compatible businesses have grown around it. Further, even if this rezoning is not successful, the Applicant will continue the reclamation of the existing gravel and sand mines;

² County Code Section 28-8 (providing that the Chapter 28 – ZONING ORDINANCE became effective on January 1, 1995).

additionally, the asphalt plant use will continue as a legal non-conforming use, as it has since the early 1960s (now with a new owner and operator – Allan Myers). Therefore, the purpose of rezoning application is to bring the Property and its existing uses into conformity with the County’s Code, which will allow the owner to operate more efficiently, and the County to better regulate its operations.

Overall, we believe that this rezoning application meets the County’s goals for this area, and appropriately brings this Property’s uses into conformity. Currently, the Property is immediately bounded by commercial, industrial, and residential uses. More particularly, the Property is bounded by: (i) scattered single-family detached homes, Corbin’s RV Repair Shop, and McClung-Logan Equipment Company to the north, (ii) Sullivan’s Towing & Recovery, Ferry Farm Animal Clinic, Highmark Brewery, THE Dispensary – Fredericksburg, Burger King, Fredericksburg Motor Sports, and Sheetz to the east, (iii) Northern Virginia Supply, Murphy Express, Walmart, Dollar Tree, and Advance Auto Parts to the south, and (iv) the City of Fredericksburg’s wastewater plant, Anderson Oil and Propane-Warehouse, and TGM Granite Marble Quartz across the Rappahannock River to the west. Otherwise, the immediate surrounding land includes resource protection and vacant, undeveloped areas.

The Project currently includes collectively 715,555 square feet of an asphalt plant facilities along with its mining and resource extraction operations and additional accessory uses on approximately 73.33 acres. The existing FAR is 0.0038 +/- of the Property, and 78% +/- of the Property is currently open space, all as shown on the GDP. The Project’s current footprint and vast open space has, and will continue, to appropriately screen and buffer the Property from surrounding uses. Further, the Applicant is in the process of reclaiming the existing sand and gravel mines on the Property, which includes exhausted mining activities and reclaiming soils for the viable reuse of the land. Additionally, the Applicant intends to continue to use and preserve the existing vegetative screening and buffering, and supplement it with additional plantings where required by Code, all as generally shown on the GDP.

As described in more detail below, the Applicant’s proposal generally conforms to the policies established by the County’s Comprehensive Plan dated November 16, 2021 (the “Comp Plan”). The Comp Plan identifies the Property as being located within the County’s “Suburban” future land use designation, as well as within the County’s Urban Services Area (“USA”), Highway Corridor Overlay District (“HC”), Flood Hazard Overlay (“FH”), and Historic Gateway Corridor Overlay (“HGC”), all as discussed further below.

The Applicant prepared a Fiscal Impact Analysis, dated February 27, 2023, and titled “FISCAL IMPACT ANALYSIS FREDERICKSBURG ASPHALT PLANT 382 KINGS HIGHWAY FREDERICKSBURG, VA”, and attached hereto as **Exhibit B** (the “FIA”). The Project is expected to continue to have minimal impacts on County services like schools and parks, and will continue to maintain existing jobs and positive commercial tax revenues as further described in the FIA.

Additionally, the Applicant included a proffer statement (“Proffer Statement”) with this application of an even date herewith, which in relevant part limits the permitted uses on the Property to (i) asphalt manufacturing, construction, and sales and (ii) mining and resource

extraction, and reclamation relating to the same with related accessory uses to support the permitted uses described herein.

Finally, according to County requirements, a traffic impact analysis is not required for the Project since it is expected to generate less than 1,000 trips per day. In this regard, the Applicant prepared a document containing traffic information for the Project, dated February 27, 2023, and titled “TRAFFIC INFORMATION FREDERICKSBURG ASPHALT PLANT 382 KINGS HIGHWAY FREDERICKSBURG, VA”, and is attached hereto as **Exhibit C** (the “Traffic Information”). As provided by the Traffic Information, the Project currently generates an average of approximately 126 trips per day based on Allan Myers’s historical data for the Property averaged evenly across eleven (11) working months in 2022, and as further described in the Traffic Information. We do not anticipate any increase in traffic as a result of this rezoning application.

COMPREHENSIVE PLAN ANALYSIS

1. The Property’s Classifications Support Project Approval

The Comp Plan identifies the Property as being within the County’s USA. USAs are areas designated within the County in which growth should occur in order to reduce growth pressure in rural parts of the community. USAs are further comprised of planning areas, suburban areas, business and industry areas, and redevelopment areas.

The Property is located within the County’s USA suburban area, which specifically encourages industrial developments that provide goods and services to nearby businesses and residences, including warehousing, wholesaling, manufacturing, processing operations, mixed-use commercial/industrial development, and flex office space. The Project meets several of the USA suburban industrial goals, including:

- The Project supports approximately 65 local vendors, and purchases over \$7.6 million worth of materials and services from said vendors each year.
- The Project is screened and set back from nearby residential and commercial uses to minimize visual and noise impacts.
- The Project’s floor area ratio does not exceed 0.35, as recommended in the Comp Plan for industrial uses within the suburban USA – in fact, it is significantly lower at only 0.0038.
- The Project includes nearly 78% open space, which is significantly more than the Comp Plan’s suggestion of at least 20% open space.

2. The Project satisfies the Comp Plan’s goals for future development

The County has articulated its overarching goals for future development and land use in its Comp Plan, which serves as a general guide for the County’s future development over the next 20 years. According to the Comp Plan, new development must (1) be sustainable and promote positive job growth; and (2) promote economic development.

The Project satisfies these development goals, as detailed below.

2.1 The Project contributes to County's sustainable and positive growth

The Project has continuously operated at this Property for approximately 60 years. In this time, the Project has consistently supported local businesses and provided long term job opportunities to local residents. In recent years, the annual total payroll associated with the Project was in excess of \$600,000.00 for personnel operating and maintaining the Project. The paving work supported by the Project sustains over 50 personnel annually, and the average salary (excluding overtime) for these employees is in excess of \$52,500.00 annually.

Not only has the Project consistently provided long term jobs to the local workforce, but also the Project generally pays approximately \$12,000.00 in annual real estate taxes to the County – this will likely increase upon a successful rezoning to approximately \$14,000.00 to \$18,000.00 in annual real estate taxes to the County. Further, business personal property taxes were approximately \$102,000.00 in 2021. This Project has been, and is expected to continue to be, a sustainable and positive development within the County.

2.1.1. The Project's location within the USA supports this development

The Project's location within the USA furthers the County's goal for locating growth within the USA and reducing pressure on the rural parts of the County. Further, the Project will continue to be serviced by the existing public sewer and water utilities. The Comp Plan requires that development proposals for projects requiring a zoning reclassification, and which are located within the USA boundary and are dependent on future infrastructure and services, should not be developed until the projected infrastructure and services have been implemented or scheduled to be phased concurrently with the demand. Because the requisite infrastructure is already in place and the Project is using said infrastructure already, the Applicant has met this requirement.

2.2 The Project promotes the County's economic development

The Project's location within the USA, as well as its industrial characteristics, promote the County's economic goals of job creation while supporting retention and growth of the County's existing businesses and industries.

As mentioned above, pursuant to the FIA, the annual real estate taxes generated by the Project are approximately \$12,000.00 per year – and the Applicant expects this to increase with a successful rezoning of the Property to approximately \$14,000.00 to \$18,000.00 per year. Further, the FIA provides that business personal property taxes for the Property were approximately \$102,000.00 in 2021. Additionally, the FIA shows that the Project supports the County and its businesses – total annual expenditures to local businesses amount to over \$7.6 million to over sixty-five (65) local vendors. The Project also employs local workers, and its current annual payroll is in excess of \$600,000.00 for onsite personnel operating and maintaining the Project. More specifically, the current Project sustains over fifty employees annually with wages ranging from \$39,500.00 to \$91,200.00. The average salary (excluding overtime) is in excess of \$52,500.00 annually. The Project is expected to continue to promote the County's economic development, as it has for the last 60 years.

TRANSPORTATION IMPACT ANALYSIS

As mentioned above, a traffic impact analysis is not required for the Project since it is expected to continue generating less than 1,000 trips per day. The Project currently generates an average of approximately 126 trips per day based on Allan Myers's historical data for the Property, further described by the Traffic Information. We do not anticipate any increase in traffic as a result of this rezoning application.

Please note that the Property is located within the County's HC, which intends to prevent or reduce traffic congestion, and distracting visual clutter which may result in danger on the public and private streets. Again, there is no anticipation of increased traffic as a result of this rezoning application; additionally, the Applicant intends to use and preserve existing vegetation to provide adequate buffering between the Project and surrounding uses/streets – where the existing vegetation does not meet Code requirements, the Applicant will provide plantings.

IMPACT ANALYSIS

1. **Current capacity of and anticipated demands on highways, utilities, storm drainage, schools and recreational facilities.**
 - A. Roads. This is an existing use. The road infrastructure is expected to continue to adequately serve the Project. The Project is not expected to generate more traffic as a result of this rezoning application.
 - B. Utilities. As noted above, the proposed rezoning is located within the County's USA and has access to public water and sewer. The existing infrastructure has been and is expected to continue to be adequate to serve the Project. Please note that the Project's usage of water and sewer are not expected to increase as a result of this rezoning application.
 - C. Storm Drainage. Runoff from the Project is collected in a storm sewer system, as shown on the GDP. Stormwater management plans will comply with County and State requirements.
 - D. Schools. The proposed rezoning will not impact schools.
 - E. Recreational Facilities. The proposed rezoning will have no impacts on park and recreational facilities.
2. **Fire & Rescue**. It is anticipated that the proposed Project will be primarily served by Company 1 Falmouth, which is located less than three (3) miles north of the Project. Please note that White Oak Fire Station 12 is also located less than 6 miles north of the Project, and is capable of responding to any emergencies at the Project.

This rezoning application is not expected to increase the fire and rescue services for this location.

3. **Fiscal Impact.** The Project will continue to sustain fifty (50) full time jobs with wages ranging from \$39,500.00 to \$91,200.00 annually (excluding overtime). The annual real estate taxes are approximately \$12,000.00, which are expected to increase to approximately \$14,000.00 to \$18,000.00 per year. The Project generally pays over \$100,000.00 in business personal property taxes. And, the operations at the Project require the purchase of over \$7.6 million in materials and services from local vendors.
4. **Environmental & Cultural Impact.** The Property is located within the County's HGC, which is intended to implement the goals of the Comp Plan by protecting cultural resources by guiding new development along major entrance routes along arterial streets to the designated areas. In this regard, the Project is an asphalt plant and mining operation that has existed and operated at the Property since the early 1960s. While the Project is not new development, it is conveniently located along Kings Highway south of Blue and Gray Parkway. Additionally, there are no known historically significant features relating to the structures on the site, or underlying the land.

The Property is also located within the County's FH, which provides an overlay zone with limitations on development in areas likely to be inundated by the 100-year flood even, as defined by current flood insurance rate maps, for the County to protect life and property and to prevent or minimize flood damage. Regulatory Floodway and Zone AE are mapped along the Rappahannock River within the southwestern portion of the Property, the remainder of the Property is mapped as Zone X. The Project was developed to avoid the Regulatory Floodway and Flood Zone AE, as shown on the GDP.

Additionally, the Property consists of an existing asphalt plant, mining operations, and forested floodplain along the Rappahannock River. The Property drains towards the Rappahannock River – Hazel Run watershed. Further, an analysis of topographic mapping obtained from the County's GIS indicates that there are areas of slopes of 15% to 25% and slopes greater than 25% within the northwestern, southwestern, and central portions of the Project, as shaded on Sheet 4 of 14 in the GDP. Finally, the Project will neither impact any documented State-listed plants or insects, nor are there State Natural Area Preserves in the Project vicinity.

Finally, as mentioned above, the Applicant is currently in the process of reclaiming its sand and gravel mining operations on the Property. Once the applicable areas of the Property are fully reclaimed consistent with its governing reclamation plan, the Applicant will terminate its mining permit and cease its mining and resource extraction operations. This reclamation process is expected to minimize existing adverse environmental effects of mining operations as the Property is restored.

Overall, the Project is not anticipated to adversely affect the environmental, cultural, or historic resources.

5. **Impact on Adjacent Properties.** Generally, nearby properties are a mix of industrial, commercial, and residential uses, as well as vacant land. More specifically, the Project is bounded by the scattered single-family detached homes, Corbin’s RV Repair Shop, and McClung-Logan Equipment Company to the north, (ii) Sullivan’s Towing & Recovery, Ferry Farm Animal Clinic, Highmark Brewery, THE Dispensary – Fredericksburg, Burger King, Fredericksburg Motor Sports, and Sheetz to the east, (iii) Northern Virginia Supply, Murphy Express, Walmart, Dollar Tree, and Advance Auto Parts to the south, and (iv) the City of Fredericksburg’s wastewater plant, Anderson Oil and Propane-Warehouse, and TGM Granite Marble Quartz across the Rappahannock River to the west. In many, if not all cases, the Project precedes its neighbors and is expected to continue to be an appropriate neighbor in this area.

Additionally, the Project’s current footprint and large open spaces generally provide adequate buffering between the Project and surrounding uses. The Applicant will provide plantings for any identified deficiencies, if applicable, all as shown on the GDP. We expect the Project to continue to be compatible with surrounding uses, and we do not believe there will be any adverse impacts to surrounding properties. Any adverse impacts to the surrounding properties will be mitigated.

7. **Exhibits:** The following exhibits are enclosed with and are a material part of this application:

- (a) **Exhibit A:** Generalized Development Plan titled “Generalized Development Plan Kings Highway Asphalt RC George Washington Election District Stafford County, Virginia” dated September 2, 2022, prepared by Bowman Consulting Group, Ltd.;

- (b) **Exhibit B:** Fiscal Impact Analysis titled “FISCAL IMPACT ANALYSIS FREDERICKSBURG ASPHALT PLANT 382 KINGS HIGHWAY FREDERICKSBURG, VA” prepared by Allan Myers, Inc. dated February 27, 2023;

- (c) **Exhibit C:** Transportation Data titled “TRAFFIC INFORMATION FREDERICKSBURG ASPHALT PLANT 382 KINGS HIGHWAY FREDERICKSBURG, VA” prepared by Allan Myers, Inc. dated February 27, 2023.

EXHIBIT A

“GDP”

EXHIBIT B

“Fiscal Impact Analysis”

EXHIBIT C

“Traffic Information”