

**STAFFORD COUNTY, VIRGINIA**  
**CONDITIONAL USE PERMIT APPLICATION**  
**IMPACT STATEMENT**

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Applicant/Property Owner: Port Aquia, LLC

Property: Tax Parcel 21U-1-1

Project Name: Wawa at Port Aquia

CUP Request: Operation of a convenience center with vehicle fuel sales use

Date: January 8, 2020

File No. CUP 19 \_\_\_\_\_

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**I. APPLICATION**

The Urban Commercial (B-2) district permits a convenience center with vehicle fuel sales with a conditional use permit (“CUP”) under Stafford County Zoning Ordinance section 28-35. Port Aquia, LLC, or its assigns or successors (the “Applicant”), hereby requests a CUP to develop the following property for a convenience center with vehicle fuel sales use in the B-2 land use district in accordance with the County Zoning Ordinances, including without limitation, Article III, Section 28-35 and Article XI Section 28-185:

Tax Parcel 21U-1-1 (of record as Instrument No. LR180012549) (the “Property”), consisting of approximately 3.965 acres is subject to this CUP request (as also shown on Boundary Plat entitled “PLAT OF SURVEY ON THE LANDS KNOWN AS Parcels 1 & 2 PORT AQUIA COMMERCIAL TAX MAPS 21U-1-1&2” dated July 3, 2018, as last revised August 2, 2018, prepared by Sullivan Donahoe and Ingalls) and generally located along Jefferson Davis Highway (U.S. Route 1), within the Rock Hill Magisterial District, all as more particularly described on the attached generalized development plan, entitled, “Wawa at Port Aquia,” dated November 7, 2019, as last revised November 14, 2019, prepared by Fairbanks & Franklin, which plan is attached hereto and marked as Exhibit A and is incorporated as a material part of this application by this reference (the “GDP”).

The Applicant has also submitted with this application a proffer amendment request for purposes of amending the prior proffers to allow development of a convenience center with vehicle fuel sales use, as provided more particularly in said application. The Property is further located at the intersection of Jefferson Davis Highway (U.S. Route 1) and Port Aquia Drive. Adjacent and nearby properties contain a mix of high-density residential and general commercial uses. The

surrounding properties include a school, church, hotel, campground, townhouses, and vacant commercial and residential properties.

## **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.

As previously noted, the Property consists of approximately 3.965 acres and is proposed to accommodate an approximately 6,049 square foot convenience store and fueling station use. 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 due to screening and buffering, all as shown on the GDP. Further, the proposed use will create minimal impacts on public facilities and services, and will have no impacts on schools or parks.

## **III. CONDITIONAL USE PERMIT STANDARDS**

Section 28-185(d) of the County's Zoning Ordinance requires that CUP applications 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* – The Applicant is requesting a CUP for a small site, located at the intersection of a four-lane Principal Arterial and a two-lane local roadway. The sites immediately adjacent to the site include a hotel, school, church, townhouses, and vacant commercial property. The surrounding properties also include a campground, an automobile dealership, and additional vacant commercial properties. The mix of property uses in the immediate vicinity of the Property—including properties that are also zoned B-2—demonstrate that the proposed use will not change the character and established pattern of development in the vicinity.
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 Property is currently zoned B-2. Per section 28-34 of the County Zoning Ordinance, the purpose of the B-2 district is to “designate appropriate areas for **high-intensity commercial uses.**” The proposed use—a convenience store and vehicle fuel sales—provides a convenient, low-impact service offering to the community. As required for B-2 uses, the Property is located at a strategic node along a Principal Arterial, where adequate utilities and facilities exist to serve this type of development. Further, because the proposed use is located on a Principal Arterial, it will provide a positive benefit to pass-by traffic. Due to the fact that many of the uses adjacent to the Property are

developed at a similar level of intensity as that proposed by the Applicant, the proposed use will be in harmony with the district's permitted uses and will not adversely affect the use of the adjacent properties.

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 proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair their value because (1) the adjacent properties have similar zoning designations as that of the Property, and (2) the location and height of the proposed buildings, as well as the landscaping, will mitigate any adverse impacts to the surrounding properties. The location and height of the proposed buildings are shown on the renderings prepared by Cuhaci & Peterson, titled “Wawa W50 FB M VA\_v.2019.01 – Store 8679,” and dated November 11, 2019, which are attached and incorporated as a material part of this application by this reference, as Exhibit B.

The Property is located at the intersection of a four-lane Principal Arterial and a two-lane local roadway. Immediately adjacent to the Property is a hotel and behind the Property are townhouses. The remaining adjacent properties are vacant commercial property and therefore would not be impacted by the proposed use. Further, because the vacant property is zoned B-2, any subsequent development of that property will be of a similar developmental intensity and therefore will not be negatively impacted by the proposed use.

Moreover, in order to mitigate the proposed use's impact on the remaining adjacent properties, the Applicant is proposing a location and height of the building that are consistent with the guidelines contained within the County Zoning Ordinances, as further shown on Exhibit B: The building height of the convenience store will be no more than 35 feet, which is the maximum allowed height. Additionally, 50' of transitional screening will be provided between the convenience store and the townhouses behind it. There will also be 20' of transitional screening placed between the convenience store and the adjacent hotel. The adequate building height and buffers provided by the Applicant will therefore have no negative impact on the development or use of the surrounding properties.

4. *The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use* – The Property is zoned B-2. The proposed use is consistent with B-2 zoning requirements and the proposed development of a convenience store and fueling station 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* – The Property is zoned B-2. The proposed use is consistent with B-2 zoning requirements and 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* – Please see Section IV, Comprehensive Plan, below for additional information.

#### **IV. COMPREHENSIVE PLAN**

##### *Economic Development*

According to the Comp Plan, the main thrust of economic development is to attract new businesses and industries to the area, diversify the economic base, and promote job creation for County residents while supporting the retention and growth of existing businesses and industries. One of the Comp Plan’s economic development goals is to support the County’s economic vitality through land use policies which are consistent with attracting employment options for County residents and encouraging the development of accessible, convenient commercial locations. The Project satisfies both these conditions.

First, the Project—an approximately \$6 million investment—will further the County’s economic development objectives by creating approximately 60 construction jobs and 50 permanent and part-time jobs upon completion. Further, the Project will generate an estimated annual positive tax revenue of \$500,000 for the County.

Second, in addition to the significant job creation and positive tax revenues generated by the Project, its location at the intersection of a principal County arterial—Jefferson Davis Highway— and Port Aquia Drive, is accessible and convenient, thereby further supporting the County’s economic vitality.

##### *Future Land Use Map*

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

The Suburban designation encourages commercial development to complement the existing residential communities and to be “oriented along arterial transportation corridors or at nodes where arterial and collector roads intersect.” Because the proposed development is located on a Principal Arterial and provides a service that would benefit the surrounding residential and commuting communities, it is consistent with the commercial development goals set forth in the Comp Plan.

Under the Comp Plan, infill development—defined as new construction or significant reconstruction of existing commercial sites—is encouraged along existing commercial corridors, including Jefferson Davis Highway. The proposed development would construct a new convenience store and fueling station on Jefferson Davis Highway and therefore satisfies this goal of the Comp Plan.

The Comp Plan also requires that commercial uses adjacent to residential uses be designed such that the commercial use is integrated into the community and designed so as to be unobtrusive to, and compatible with, the community. The development should also mitigate potential environmental impacts through preservation of natural vegetation, and through site design and layout designed to incorporate open space and green areas. The proposed development accomplishes this through implementation of transitional screening between it and the adjacent properties, and by providing 58.9% open space—well above the 25% threshold requirement.

Additionally, the Comp Plan sets forth design criteria required for development of commercial areas along arterial roadways, including Jefferson Davis Highway, in order to minimize the potential for vehicle conflicts. The proposed development satisfies the requisite design criteria as follows:

- *Building setbacks and design should be consistent to the greatest extent practical.* The proposed development incorporates a 40' front setback, 15' side setback, and 25' rear setback. These setbacks meet the requirements for B-2 zoning, which mandate a 40' front and 25' rear setback, and no side setback when the adjacent property is commercial or industrial.
- *Adequate street buffers should be provided.* A 25' street buffer on Jefferson Davis Highway and a 10' tree buffer is provided along Port Aquia Drive, in compliance with this requirement.
- *Sidewalks should be provided along all street fronts.* A 5' sidewalk along Jefferson Davis Highway and Port Aquia Drive is proposed.
- *Adequate lighting should be provided.* All lighting will conform with County standards.
- *Monument signage should be of a coordinated color and design with principal structures with limitations on the height and size.* The proposed freestanding sign on the corner of Jefferson Davis Highway and Port Aquia Drive will conform to the Comp Plan's requirements.

Finally, in order to further help promote the goals for the Suburban area, the Project meets the following design criteria which are recommended in the Comp Plan for the Suburban area:

- The proposed structure is low-rise and integrated into the surrounding community, as depicted on Exhibit B;
- The proposed Floor Area Ratio of 0.0375 is far below the maximum of 0.70 advised by the design criteria;
- The proposed maximum building height is 25' which is below the 35' maximum height allowed, as shown on Exhibit B;
- The proposed parking areas will be landscaped as advised by the design criteria; and
- The proposed plan locates the structure in a way that maximizes pedestrian accessibility.

### Urban Services Area

The Comp Plan has designated an Urban Services Area within the County in which new development is encouraged in order to reduce growth pressure in the County's rural areas. The

Urban Services Area is characterized by the presence of public facilities, utilities, and government services.

Because the Property is located within the Urban Services Area and the Project will use public water and sewer, it conforms to the County's intent for new development.

### Transportation

The Comp Plan requires that new development address the impact that land use changes may have on transportation networks. Projects creating negative impacts should fully mitigate those adverse impacts. Both the County's planned improvements for Jefferson Davis Highway and the measures proposed by the Applicant in Section V below, address the traffic and transportation impacts posed by the Project.

Under the Comp Plan, improvements are planned for Jefferson Davis Highway between Garrisonville and Telegraph Roads. The proposed improvements would widen this stretch of Jefferson Davis Highway from a four-lane arterial to a six lane divided major arterial. As depicted on the GDP, the Applicant will dedicate 80' of right-of-way as measured from the roadway centerline along Jefferson Davis Highway to accommodate future road improvements.

## **V. TRAFFIC AND TRANSPORTATION IMPACTS**

The proposed use will impact existing traffic volumes at the intersection of Jefferson Davis Highway and Port Aquia Drive. But the Applicant will mitigate those impacts by multiple improvements described below. Further, during construction, the intersection of Jefferson Davis Highway and Port Aquia Drive will continue to operate at acceptable levels-of-service ("LOS"), further addressing any adverse impacts of the new development.

As mentioned above, the Applicant will dedicate 80' of right-of-way as measured from the roadway centerline along Jefferson Davis Highway to accommodate the County's future road improvements, as shown on the GDP.

Further, the Applicant proposes three additional improvements to mitigate the impact of increased traffic volumes at the intersection of Jefferson Davis Highway and Port Aquia Drive. According to the ITE Trip Generation Manual (10th edition), potentially 874 new trips per day are anticipated for the site. Due to this increased site traffic, the Applicant will make the following improvements: (1) at Jefferson Davis Highway at the Right-in/Right-out Driveway: restripe the southbound Jefferson Davis Highway curb lane as a right-turn lane and construct the site driveway with one ingress lane and one egress lane; (2) at Port Aquia Drive at Full-Movement Driveway: restripe westbound Port Aquia Drive to designate one left-turn lane and one through lane and construct the site driveway with one ingress lane and two egress lanes; and (3) place a 3' concrete median (shown on GDP) in a portion of the existing striped median (272') of Jefferson Davis Highway to prevent motorists from violating the proposed right-in-right-out.

Despite the anticipated traffic impacts created by the proposed use, the intersection of Jefferson Davis Highway and Port Aquia Drive are expected to operate at acceptable LOS, as demonstrated by a capacity analysis conducted by Ramey Kemp & Associates. That analysis

indicates that the intersection of Jefferson Davis Highway and Port Aquia Drive at the nearby church property driveway is expected to operate at acceptable levels-of-service (LOS) A during the No Build conditions during the AM Peak Hour and at LOS B during the PM Peak Hour. The intersection would operate at LOS C during the Build Conditions. The analysis concludes that the LOS delays for the unsignalized intersection of Port Aquia Drive at the full-movement driveway of the proposed development are negligible and are projected to operate with short delays (less than 25 seconds) during the AM and PM peak hours. Similarly, the capacity analysis for the unsignalized intersection of Jefferson Davis Highway at the Proposed Right-in/Right-out Driveway indicates short delays (less than 25 seconds) during the AM peak hour and with long delays (greater than 50 seconds) during the PM peak hours. However, the analysis concludes that long delays are typical for minor street movements at intersections with major thoroughfares.

Based on the results of this traffic operations assessment, the proposed use is projected to have minimal impact on the existing roadway system, and any potential traffic impacts will be mitigated through the dedications and improvements described above.

## **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 is located in the Aquia (310) pressure zone and the Aquia sewer shed and will have the following estimated utility demands: 1,750 GPD for water and 1,750 GPD for sewer.

The Property will be served by Company 9, Aquia Harbor Fire Station, which is located one mile to the southeast of the Property.

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

## **VII. ENVIRONMENTAL IMPACTS, NOISE, DUST, AND SMOKE**

The Property is currently vacant and undeveloped. Based on a preliminary site evaluation conducted by TNT Environmental, there are no wetlands, streams or Critical Resource Protection Areas mapped within the Property. Additionally, the proposed use will not generate noise beyond the level that customary for commercial uses, or generate dust or smoke. Some noise and dust may be generated during construction, but all construction activity will conform to applicable County requirements.

The proposed development will incorporate best practice storm water 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



**EXHIBIT B**

Renderings

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