

**STAFFORD COUNTY, VIRGINIA**

**CONDITIONAL USE PERMIT AND PROFFER AMENDMENT APPLICATION**

**IMPACT STATEMENT**

Applicant: Courthouse Tracts, LLC (the “Applicant”)  
Owner: Courthouse Tracts, LLC  
Property: Stafford County Tax Map Parcels 39-3 & 39-3A (collectively the “Property”)  
Project Name: “7-Eleven/Taco Bell” (the “Project”)  
CUP Request: A fast food restaurant with drive-through and convenience center with vehicle fuel sales  
Date: March 27, 2020  
File No.: CUP20\_\_\_\_\_  
CUP20\_\_\_\_\_  
Proffer Amendment: \_\_\_\_\_

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**I. APPLICATION**

The Urban Commercial (B-2) district permits fast food restaurants with drive-throughs and convenience centers with vehicle fuel sales with conditional use permits (“CUP”) under Stafford County Zoning Ordinance section 28-35. Courthouse Tracts, LLC, or its assigns or successors (the “Applicant”), hereby requests two CUPs to develop the following described property as a fast food restaurant (Taco Bell) with drive-through and a convenience center with vehicle fuel sales (7-11) 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 Map Parcels 39-3 and 39-3A (collectively, the “Property”), consisting of approximately 4.04 acres in total, and generally located near the intersection of Jefferson Davis Highway and Hospital Center Boulevard, within the Hartwood Voting and Magisterial Districts, all as more particularly described on that certain generalized development plan prepared by Fairbanks & Franklin, titled “Parcels 39-3 & 39-3A Generalized Development Plan, Stafford County, Virginia,” dated January 21, 2020, as revised March 26, 2020, attached as **Exhibit A** (the “GDP”), which is incorporated as a material part of this application by this reference.

The Applicant has also submitted with this application a proffer amendment request for purposes of amending the prior proffers submitted under Applicant’s rezoning application #RC1000141,

and approved by the County Board of Supervisors pursuant to Ordinance #O11-41, to allow development of a fast food restaurant with drive-through and convenience center with vehicle fuel sales use, as provided more particularly in the said proffer amendment application.

The Property is generally located west of Jefferson Davis Highway (U.S. Route 1), at the intersection of Jefferson Davis Highway and Hospital Center Boulevard. The Property is bordered on the north by Hospital Center Boulevard. On the opposite side of Hospital Center Boulevard to the north is vacant commercial land zoned B-3. The Property is bordered on the west by a residential and vacant property zoned A-1; on the east by Jefferson Davis Highway; and on the south by residential property zoned A-1. Across Jefferson Davis Highway to the east is a hospital and vacant land zoned A-1 and B-2.

## **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 4.04 acres and is proposed to accommodate an approximately 4,650 square foot convenience store and fueling station and a fast food restaurant with drive-through with approximately 2,666 square feet.

The Applicant's proposal conforms to the policies established by the County's Comprehensive Plan, as amended August 16, 2016 (the "Comp Plan"). In this regard, the Property is also located within the Targeted Growth Residential Area of the Courthouse Planning Area both of which are located within the County's Urban Services Area which encourages higher density commercial growth, all as provided more particularly below.

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 and any impacts will be mitigated as provided herein and as provided in the proffer amendment application.

## **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 two CUPs on a site consistent in size with surrounding parcels, located at the intersection of a four-lane principal arterial and a four-lane collector street. The sites immediately adjacent to the

Project include residential and vacant commercial property all of which are future planned for commercial uses of similar intensity. The surrounding properties include a hospital and additional vacant commercial property. 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 uses—a fast food restaurant with drive-through and a convenience store with vehicle fuel sales—provide convenient, low-impact service offerings 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 to be 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 majority of 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 Intrépide Design, titled “7-11 Store #1047010, Route 1 and Hospital Center Boulevard, Stafford, Virginia 22554, dated February 10, 2020, and the renderings prepared by Mark P. McCluggage, AIA, CCS, titled “Taco Bell, Tuckahoe Village, Tuckahoe, Virginia, dated May 2017, 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 four-lane collector street. Immediately adjacent to the Property is residential property and vacant commercial property. 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

22 feet, and the restaurant will be no more than 21 feet, both of which are significantly under the maximum allowed height of 65 feet. Additionally, 25 feet of transitional screening and a 6-foot privacy fence will be provided between the restaurant and the residence behind it. 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 fast food restaurant with drive-through and convenience store with 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.

For purposes of the foregoing, the Applicant retained Municap to perform a fiscal impact analysis. The fiscal impact analysis, titled “Courthouse Tracts, LLC c/o SH Development, Stafford County, VA” dated March 12, 2020, and prepared by Municap (“FIA”), is attached and incorporated as a material part of this application by this reference, as **Exhibit C**. It generally provides that the Project will further the County’s economic development objectives by creating approximately 46 construction jobs and 31 permanent jobs generating \$804,145 wage incomes upon completion and generating an initial estimated annual positive tax revenue stream of \$125,187 for the County and \$6,478,586 over a thirty (30) year period.

Second, in addition to the significant job creation and positive tax revenues generated by the Project, its location at the intersection of a major principal County arterial, Jefferson Davis Highway, and four-lane collector, Hospital Center Boulevard, 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 a Targeted Residential Growth Area ("TGA") and an Economic Development Priority Area – Redevelopment Area ("PFA") within the Courthouse Planning Area ("Planning Area"), which is within the Urban Services Area ("USA").

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.

Planning Areas highlight the locations within the County where a significant amount of new commercial and residential development and redevelopment is expected to occur. The Courthouse Planning Area has been further broken into a "Small Area Plan," which includes a mix of commercial and retail uses at their core, surrounded by residential uses. Within the Courthouse Planning Area, the Property is intended for commercial retail and office use, and has further been designated for highway commercial use within the Small Area Plan.

TGAs emphasize areas within the County where approximately 50% of the County's future residential growth is intended and a mix of commercial land uses are supported. PFAs emphasize where business development is encouraged. The proposed development would locate two new businesses within these areas, as encouraged by the County.

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

Not only is the Property located at the heart of the County's future development area, but the proposed development satisfies the County's requisite design criteria for commercial development in TGAs as follows:

1. *Use of buffering, screening, and extensive building setbacks should be limited except when bordering the edge of a TGA.* The proposed development incorporates a 40-foot front setback and a 25-foot back setback with transitional screening and a 6-foot privacy fence to provide adequate buffer to the adjacent residential property. These setbacks meet the requirements for B-2 zoning, which mandate a 40-foot front and 25-foot rear setback, and no side setback when the adjacent property is commercial or industrial.
2. *Buildings should not exceed six stories in height.* Both the restaurant and convenience center with vehicle fuel sales are one story in height, well below the maximum height allowed.

3. *Streets and buildings should be designed to encourage physical and visual interaction at the street level.* The Project's minimal buffers encourage physical and visual interaction at the street level.
4. *Street lighting and sidewalks are essential elements to ensure vibrant communities.* All lighting will conform with County standards. A 5-foot sidewalk will be constructed along Jefferson Davis Highway as part of the 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. The measures proposed by the Applicant in Section V below address the traffic and transportation impacts posed by the Project.

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

The proposed use will only minimally impact existing traffic volumes at the intersection of Jefferson Davis Highway and Hospital Center Boulevard. The Applicant will mitigate the impact of the increased traffic by making the improvements discussed below.

A traffic impact analysis performed by Ramey Kemp & Associates, titled "7-Eleven/Taco Bell – U.S. 1 at Hospital Center Boulevard Access Management Exception (AME) Request and Traffic Impact Analysis (TIA)" and dated February 20, 2020 ("TIA"), attached and incorporated as a material part of this application by this reference as **Exhibit D**, concludes that the proposed development would generate 99 new AM weekday peak hour vehicle trips and 81 new weekday PM peak trips. Access to the Project includes one right-in/right-out driveway on U.S. 1 and one right-in/right out driveway on Hospital Center Boulevard.

The TIA concludes that capacity analysis indicates that the signalized intersection at U.S. 1 at Hospital Center Boulevard currently operates at LOS C during the AM peak hour and at LOS D during the PM peak hour. Under build conditions, the intersection is expected to continue to operate at LOS D during the AM peak hour and at LOS E during the PM peak hour, with a delay of 69.8 seconds. Because the Project is projected to increase the total approach volume at this intersection by only approximately 6% in the AM peak hour and 4% in the PM peak hour, no improvements are recommended at this intersection.

For the unsignalized intersection of Hospital Center Boulevard at the right-in/right-out driveway, under build conditions, this minor street right-turn movement is expected to operate with short delays (less than 25 seconds) during the AM peak hour and with moderate delays (between 25 and 50 seconds) during the PM peak hour. To mitigate this impact, the Applicant proposes constructing a 200-foot eastbound right-turn taper on Hospital Center Boulevard.

For the unsignalized intersection of U.S. Route 1 at right-in/right-out driveway, under build conditions, the capacity analysis indicates that the minor street right-turn movement is expected to operate with short delays (less than 25 seconds) during the AM peak hour and with moderate delays (between 25 and 50 seconds) during the PM peak hour. To mitigate this impact, the

Applicant proposes constructing one southbound right-turn lane on U.S. 1 with 100 feet of storage and 100 feet of taper due to the limited property frontage.

In summary, based on the trip generation potential of the site, the following improvements will be made:

Hospital Center Boulevard at Right-in/right-out driveway:

1. Construct site driveway with one ingress lane and one egress lane
2. Construct a 200-foot eastbound right-turn taper on Hospital Center Boulevard

U.S. 1 at Right-in/right-out driveway:

1. Construct site driveway with one ingress lane and one egress lane
2. Construct one southbound right-turn lane on U.S. 1 with 100 feet of storage and 100 feet of taper due to the limited property frontage.

**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 Central pressure zone and the Accokeek sewer shed.

The Property will be served by Company 2, Rescue 1 Stafford Fire & Rescue Station, which is located approximately one mile to the northwest 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**

Parcel 39-3 has two existing structures and one existing concrete pad on it, all of which will be removed prior to construction. The Applicant will provide the County Historical Commission with an architectural survey of the existing structures prior to demolition, as more particularly described in the Amended Proffer Statement submitted with this application. The remainder of the Property is vacant and undeveloped. A stream, with associated Resource Protection Area (“RPA”) was located on the Property prior to the construction associated with the extension of Hospital Center Boulevard. The stream is now piped across Hospital Center Boulevard; however, the RPA still exists on the west side of the Property, as shown on the GDP. The Project will not impact the RPA. Additionally, the proposed use will not generate noise beyond the level 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

**EXHIBIT C**

Fiscal Impact Analysis

**EXHIBIT D**

Traffic Impact Analysis