

Impact Statement

Embrey Mill Town Center Conditional Use Permit

The Applicant, North Stafford Associates, LC (“NSA”) seeks a Conditional Use Permit (“CUP”) to authorize a maximum of seven (7) drive-through uses and one vehicle fuel sales/convenience store use on Tax Map Parcel Numbers 29-53B (8.55 acre portion), 29-70K (2.27 acre portion), and 29-60C (0.23 acre portion) (collectively the “Property”).

Background

The Property is part of the mixed use development known as Embrey Mill, located north of Courthouse Road near its intersection with Austin Ridge. The majority of the Property was rezoned to the County’s PD-2 Zoning District with proffered conditions pursuant to Ordinance 001-08 adopted by the Stafford County Board of Supervisors (the “Board”) on or about March 6, 2001 (the “Embrey Mill Proffers” or the “Proffers”). On September 1, 2020, the Board approved NSA’s Embrey Mill Town Center Rezoning Application (RC19152782) which rezoned portions of the Property from the County’s B-2 Zoning District (part of Tax Map 29-60C) and the County’s A-1 Zoning District (part of 29-70K) to the County’s PD-2 Zoning District with proffered conditions (the “Town Center Proffers”).

The Embrey Mill Proffers commit the development to a phasing plan and specifies the maximum intensity of development allowed in each Phase, while acknowledging that the Phases need not be completed in order. The Property is part of Phase 4, which is to be developed as the Embrey Mill Town Center consisting of commercial uses. While the Embrey Mill Proffers authorize a maximum of 429,000 gross square feet (“sf”) of commercial uses therein, NSA anticipates that the ultimate build-out will be well-below the maximum allowable square footage and intensity permitted under the Proffers.

As shown on the Generalized Development Plan prepared by VHB and submitted herewith (the “GDP”), NSA plans to develop eighteen (18) commercial buildings on the Property with a cumulative estimated gross square footage of 118,442 sf, which equates to a floor area ratio (“FAR”) of approximately 0.13; this intensity is well-below the 0.75 maximum allowable FAR permitted under the Embrey Mill Proffers.

As depicted on the GDP, NSA seeks this CUP to establish up to 7 drive-through facilities to serve Buildings 12-18, which have a combined approximate square footage of 40,952 sf. NSA further seeks this CUP to authorize a fuel sales/convenience store use for Building 15 to accommodate the establishment of a Wawa.

The impetus for the CUP request for drive-through facilities arose from NSA’s lease negotiations with prospective end-users for Buildings 12-18. During such negotiations, potential end-users emphasized a need or preference for drive-through facilities to serve their establishments. Commercial entities like McDonald’s (the prospective tenant for Building 14) and Starbucks (the prospective tenant for Building 13) routinely require drive-through facilities as part of their fast-casual food and beverage operations. However, the desire for drive-through facilities also extended to other entities for which drive-through services are less common, such as Chipotle (the prospective tenant of Building 12) and Wawa (Building 15). The demand for “contactless” service via drive-through facilities in part reflects the market and public health

realities produced by the Covid-19 pandemic.

Impact of proposed CUP uses

1. Transportation Impact.

Highway: The CUP Property is located along Courthouse Road and Mine Road. Courthouse Road is a 4-lane divided road at this location, and there exists right-in/right-out access to the Property from Courthouse Road between Buildings 13 and 14 as shown on the GDP. Austin Ridge Drive is a 4-lane road in a location that transitions between divided and undivided at this location, and there exists right-in/right out access to the Property between Buildings 16 and 17 as shown on the GDP. The Property also fronts the planned Sunflower Drive, a spine road which divides Phase 4 and Phase 3A of the Embrey Mill development. The transportation network serving the Embrey Mill development was the subject of a transportation study done by Patton Harris Rust & Associates (PHRA) in 1999, which recommended transportation improvements to mitigate the impacts of development. Such transportation improvements, including the construction improvements to Mine Road, were incorporated in the Embrey Mill Proffers.

The drive-through and fuel sales uses of Buildings 12-18 will generate an estimated 19,460 vehicle trips per day (“VPD”) based on the trip generation rates of the ITE Manual, 10th edition, as detailed in the VHB Memorandum submitted herewith. For comparison, a full build-out of the 429,000 square feet of commercial uses permitted by the Embrey Mill Proffers for Phase 4 would be expected to generate approximately 203,857 VPD based on ITE trip generation rates. Because the square footage, FAR, and intensity for the proposed commercial development of the Property is well-below that permitted by the Embrey Mill Proffers, the uses proposed by the CUP will generate less traffic than the substantially more intense commercial development authorized under the Proffers.

2. Utility Impact.

Water: The Property is within the Urban Services Area, and will be served by public water. There exists sufficient water pressure and capacity to serve the proposed commercial development of the Property pursuant to the proposed CUP. NSA is in the process of constructing a 16-inch diameter waterline along Courthouse Road, as shown on the approved plans for the Market at Embrey Mill project, which will serve the domestic water demands and fire protection demands of the proposed commercial development of the Property. NSA has proffered the construction of this waterline as part of the Town Center Proffers. The drive-through and fuel sales uses proposed by this CUP will not materially alter the anticipated water demands generated by the commercial development of the Property.

Sewer: The Property is within the Urban Services Area, and will be served by public sewer. NSA will be required to construct a network of sewer lines which will connect to an existing public sewer line along Mine Road to the north of the Property irrespective of the disposition of this CUP request. The drive-through and fuel sales uses proposed by this CUP will not materially alter the anticipated sewer demands generated by the commercial development of the Property.

Storm Drainage/Stormwater: The stormwater and storm drainage requirements for the Property are addressed through the Embrey Mill Proffers and the approved State and Federal stormwater and related permits for the Embrey Mill development.

3. Other Impacts.

Noise, Dust and Smoke Impacts: This drive-through and fuel sales uses proposed by the CUP will not generate adverse impacts to users or adjacent property owners from noise, dust, and smoke. Any potential noise or other impacts on existing adjacent residential uses will be mitigated by the buffers and plantings generally depicted on the GDP, the required plantings of the Sunflower Road Planting Plan referenced in the GDP, and the applicable requirements of the Embrey Mill Proffers and Town Center Proffers.

Environmental Impacts: None have been identified on the Property. The Embrey Mill Proffers remain in effect and are sufficient address and mitigate any environmental impacts generated by the commercial development of the Property.

Historic Resources, Cemeteries, and Endangered Species: None have been identified on the Property.

Adjacent Properties: Adjacent parcels surrounding the Property are zoned A-1, B-2, and PD-2, and are largely undeveloped. A number of small residences zoned A-1 are located on the opposite side of Courthouse Road. Commercial development is planned on the opposite side of Austin Ridge Drive. NSA is currently developing the Market at Embrey Mill and Publix grocery store to the west of the Property. The drive-through and fuel sales uses proposed by this CUP will not adversely impact or impede the development of adjacent properties. Moreover, the Embrey Mill Proffers remain in effect and are sufficient to address and mitigate the potential impacts to adjacent properties generated by the commercial development of the Property. Any potential impacts to adjacent properties are further addressed and mitigated by the plantings along Courthouse Road and Austin Ridge Drive generally depicted on the GDP, the required plantings of the Sunflower Road Planting Plan referenced in the GDP, and the street buffer requirements of the Town Center Proffers.

Fire and Rescue: The Property is within the first response area of the Stafford Fire and Rescue Station (Station 2), located approximately 1 mile to the east of the Property on Courthouse Road. The County's Fire and Rescue level of service will not be impacted by the uses proposed in this CUP.

Architectural Design: The architectural design of the proposed commercial Buildings on the Property is governed by the Embrey Mill Proffers.