

OMAR ABIFARAJ

Special Use Permit Application –

PROJECT NAME: Courthouse Classic Auto Sales

NARRATIVE

SUP No. 18-0008
Owner/Applicant: Omar Abi Faraj
Representative: Stephen G. Judy, Attorney at Law, PLLC
Engineer: Freeland Engineering/ Ray Freeleand
Property: TMP 47-A-70C (8900 Courthouse Road)
Current Zoning: Commercial 2 (C-2)
Proposed Use: Vehicle Sales and Ancillary Major Repair/Service Establishment
Request: Special Use Permit to allow operation of small scale vehicle sales with already existing vehicle repair and service facility
Date: June 4, 2018
Revised: October 19, 2018 (per TRC Comments from June 28, 2018)
January 14, 2019 (per TRC Comments from November 19, 2018)

OVERVIEW

- Omar Abi Faraj (“Applicant”) is the owner of the subject property as evidenced by recorded deed Instrument # LR201400006438.
- The subject property is located at 8900 Courthouse Road, approximately one quarter mile south from the intersection of Courthouse Road with Brock Road. The subject property is located at what is best described as the southwestern end of the County’s Primary Development Boundary (“PDB”). Under the County’s Comprehensive Plan, the property has a future land use designation for “Mixed Use.”
- The subject property is located in the Livingston Magisterial District and Livingston Voting District.
- The Applicant is requesting approval of a Special Use Permit (Minor) to permit a Small Scale Vehicle Sales and Ancillary Major Repair Service Establishment on the premises pursuant to Section 23-6.18.3 and Section 23-4.5.1 and 4.5.7 of the Spotsylvania County Zoning Ordinance.

The subject property is approximately one acre in size (43,560 square feet, more or less. It is located in an area where there are mostly other commercial and/or institutional uses. There is a single residential use on an adjoining parcel (12 unit apartment building). The building on the subject property is believed to have been built in the late 1970’s and has formerly operated as a

grocery and gas station (“Pendleton’s Store”), then followed by other commercial retail uses, including a tack and feed shop. The current owner has leased a portion of the premises for a vehicle repair shop use on the property for the past three years.

In conjunction with the ongoing vehicle repair business, the owner proposes to offer for display and sale, certain limited types of automobiles as part of an overall vehicle sales and service business. The owner intends to offer, as its main inventory, a limited number of ‘classic vehicles’ and ‘antique automobiles’ for display and sale, together with a limited number of late model vehicles. The term “*classic vehicles*,” as used here, refers to older model vehicles which attract enough historic interest from car enthusiasts to be considered ‘collectible’ and worth preserving and/or restoring. The owner will also make available for sale, a limited number of late model vehicles. The service establishment will perform vehicle repair and maintenance services, both for the sales inventory and for the general public. Types of service will include basic oil changes to major engine repairs.

As part of the vehicle repair business, there are already vehicles parked upon the premises on a daily basis that are there for servicing and repair; however, in order to offer any of these repaired, reconditioned or restored vehicles, or any other vehicles on the lot for sale, requires the owner to obtain a Special Use Permit. The Owner would like the ability to sell reconditioned and restored vehicles, and other classic and antique vehicles from this location on a limited scale. The owner would also like to be able to use the existing repair facilities bays for the purposes of reconditioning and restoring these vehicles.

The current paving configuration of the front lot will remain the same and striping will be employed to designate parking locations for both sales inventory as well as customer, handicap, and employee parking. A portion of the rear lot will be paved to permit additional parking of employee cars, cars offered for sale, and vehicles waiting for service or repair. Access to the rear lot will be by a paved driveway generally as shown on the GDP.

At the direction of VDOT, the existing entrance from Courthouse Road will be modified to comply with current highway entrance feature standards. Entrance to the subject property is also permitted on the northerly adjacent commercial property that shares pavement with the subject property. If necessary, the owner will obtain a written and recorded right of shared easement (cross easement) with the adjacent owner. The area containing existing and added sidewalks will be dedicated to VDOT.

The exterior of the existing one story building will not be modified from its current appearance and current location on the property except for some minor material enhancements to the façade to help improve the building’s appearance. The owner will employ some limited landscaping added to the front facing Courthouse Road to provide improvement to the overall appearance of the building and lot. The existing board on board fence that screens the subject property from the adjoining apartment building will be extended from the edge of right of way (at the sidewalk) and extend along the shared boundary with the adjacent apartment complex to the rearward tree line. The interior of the building will effectively remain in its current configuration with the

exception of updates to painting, flooring, fixtures, and the addition of sales counters and/or desks to accommodate the additional salespersons and the customers.

Street Buffer and Transitional Screening Modification/Waiver. The applicant is requesting the Street Buffer Requirement (DSM Article 6-87, Plate 6-22) be waived, or alternatively, modified, due to site constraints, which include overhead power lines, site distance constraints, and available landscape area. The area in front of the Property on Courthouse Road restricts standard buffer requirements; further, Courthouse Road is designated a “collector” road per VDOT functional classification map. Applicant requests permission for a row of plantings, i.e., shrubs or bushes, not exceeding 30 inches in height in lieu of canopy and understory plantings.

Applicant further requests a modification of Transitional Screening Requirement (DSM Article 6-53 Plate 6-83) between R-2 (Multi-Family) and C-2 to be modified due to site constraints. There is an existing wooden stockade privacy fence along the border of the Property with the residential property, together with existing vegetation. Applicant will extend the privacy fence to the sidewalk line at the front line of the Property.

Right-of-Way Dedication. As identified on the GDP, Applicant will agree to dedicate a variable width area of right-of-way so that the entire sidewalk, both existing and new, will be within the VDOT right-of-way.

(1) THE PROPOSED USE IS IN ACCORD WITH THE COMPREHENSIVE PLAN AND OTHER OFFICIAL PLANS ADOPTED BY THE COUNTY;

The subject property is located within an area designated in the Comprehensive Plan for “Mixed Use.” The site, however, is located within a larger pre-existing commercial area comprised of an adjoining (north side) power equipment sales and service/ UHaul Rental and sales business (Pendleton’s) and directly across the road a retail strip center with a gas station/convenience store, restaurants (Sam’s Pizza and Snack Shack), dry cleaner, hair salon, Minnieland daycare, and other general retail. Adjoining the property to the south is an apartment complex consisting of 12 two story units. Spotsylvania Middle School is approximately 200 yards down and across the street to the south of the subject property. Likewise, the Marshall Government Center is approximately 200 yards south of the subject parcel separated by the aforementioned apartments and a commercial HVAC business (Branham Mechanical). There are single family detached homes and townhomes to the west of the property, but none closer than 200 yards, and those homes are significantly buffered and screened from the subject property by a large area of mature trees and heavy undergrowth.

While the proposed use may not distinguish itself as a modern interpretation of “Mixed Use” development, it does fit within the mixed use concept and within the parameters of the Comprehensive Plan in several ways: *a) the intended use will be a ‘retention and expansion’ of an existing business operation and a starting point for ‘revitalization of an older, underperforming commercial area,’ b) it will not represent a significant increase in the intensity of the existing commercial use, and c) the subject property’s commercial use and the uses of the surrounding parcels already are a general mix of residential,*

commercial, light industrial and institutional, all within the same general area, as called for in the Mixed Use description (See Comprehensive Plan, Introduction and Vision (Guiding Principals and Fiscally Sustainable), pg. 4.; and Land Use, Mixed Use, page 5-6).

(2) THE PROPOSED USE OR DEVELOPMENT OF THE LAND WILL BE IN HARMONY WITH THE SCALE, BULK, COVERAGE, DENSITY, AND CHARACTER OF THE AREA OR NEIGHBORHOOD IN WHICH IT IS LOCATED;

The intended use of the property, for which an SUP is required, is the display and sale of a limited number of classic, antique, and late model automobiles, as well as the continuation of the vehicle repair service currently operating on the property. The vehicle sales will actually provide for a more orderly use of the property than its current use. The existing building will be used with minor modifications to the interior and only cosmetic changes to the exterior façade. The addition of vehicles sales will not alter the intensity of the use of the property, and will remain in harmony with the scale, bulk, density and character of the nearby neighborhood as it currently exists. The Floor Area Ratio (FAR) will remain at 0.20, providing a very low density for the commercial use intended. The structure will remain a single story building, with little to no impact on the surrounding uses. There will be no more than two additional employees at the site and the number of daily customer generated trips is estimated at 34 additional trips to the site per day. Based on traffic calculations, it would be estimated that there would be a total of 154 vehicle trips per day to the site generated by both the vehicle repair and the vehicle sales, with the existing vehicle repair business generating 78% of the total estimated vehicle trips. While it is believed these numbers are far greater than what will actually occur, it is not anticipated that there will be an increase in trips generated by the vehicles sales, and the number of additional vehicle trips will not be a significant impact to the traffic on Courthouse Road.

The proposed vehicle sales use fits in with and does not alter or hinder the current adjoining commercial uses adjacent to the north and the commercial retail center directly across the street. The existing apartment units have existed next to the same commercial building for over 40 years, including the past nearly three years while the vehicle repair business has existed with no significant issues.

Though the subject property is outside of the Historic Courthouse Overlay, the owner respects the close proximity of the property to the Historic Courthouse, and proposes that a) there will be no elevated vehicle displays, b) no displays of vehicles with their hoods open, nor other unsightly displays, and c) no ground level signage on posts or the use of neon or LED signs. Any ground level sign will comply with current County requirements for signs within the Courthouse Overlay District.

(3) THAT THE PROPOSED USE WILL NOT HINDER OR DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT LAND AND BUILDINGS OR IMPAIR THE VALUE THEREOF;

This portion of Spotsylvania County has been developed over the years in what would be described as a form of ‘mixed use’ with commercial, institutional, and residential all in an eclectic mix that has operated in this manner for many years. A point that cannot be ignored is that the commercial businesses surrounding the subject property could all benefit from improvement to their exterior appearances. If the applicant is granted an SUP, he proposes to expend the necessary funds to improve the outward façade and appearance of the building and the property. The owner’s hope is that his efforts to improve the appearance of this property will encourage the other commercial owners in the area to also make efforts to improve the appearance of their properties as well.

(4) THAT THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE HEALTH OR SAFETY OF PERSONS RESIDING OR WORKING IN THE NEIGHBORHOOD OF THE PROPOSED USE;

The Owner will employ up to 2 individuals to run the automobile sales part of the business. The vehicle repair facility will continue to be leased. Vehicle inventory will be limited in numbers and no vehicle on the subject parcel will be delivered to the property by car carrier or trailer, but instead each vehicle will be driven to the site by the owner or other sales representatives or agents. The only exception to this would be single vehicles brought to the site by a towing vehicle, single small trailer, or single car dolly, and usually brought to the site in this manner for repair or restoration. Vehicles will either be cars that are identifiable as ‘classic’ or ‘antique’ vehicles or good quality late model vehicles. The proposed use will pose no significant additional impacts on the adjoining or adjacent properties from what is already permitted by right at the site. Existing sewer and water is sufficient for the new use and existing use without any additional impacts. Because there is no change in the physical size or layout of the building and parcel, the proposed new use will not impose any additional risk or adverse impact on the surrounding community. Except reconstruction of the commercial entrance to VDOT standards, there will be no land disturbance on the parcel requiring a permit.

(5) THAT THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS WITHIN THE NEIGHBORHOOD;

There is no intent to modify the existing paved area or open space surrounding the property other than adding the required additional paved parking to the rear, striping to mark parking spaces and the reworking of the entrance feature per VDOT requirements. Vehicles brought in for repair work or any vehicle not displayed for immediate sale will be stored at the back of the property. The only modification to the interior of the building will be cosmetic in nature to accommodate an “office” and sales facility for customers and sales personnel. The site will predominantly remain in its current state. The only significant change to how the property is currently used will be that a limited number of automobiles will be offered for sale on the premises.

(6) THAT THE PROPOSED USE IS APPROPRIATELY LOCATED WITH RESPECT TO TRANSPORTATION FACILITIES, WATER SUPPLY, WASTEWATER TREATMENT, FIRE AND POLICE PROTECTION, WASTE DISPOSAL, AND SIMILAR FACILITIES;

The subject site is currently served by public sewer and water and will not require any modification. Spotsylvania Fire Company Station 1 on Courthouse Road is less than one mile from the property and the Spotsylvania Volunteer Emergency Services Station is less than a half-mile from the property. There is an existing and operating fire hydrant at the front of the property. Solid waste and recycling removal will be accommodated through a private company. Waste generation will be similar to a retail building of comparable size ($\pm 4,700$ square feet). A dumpster is located at the rear of the site that will serve both the repair facility and vehicle sales facility. .

The owners of the subject property currently maintain a close working relationship with the Sheriff's Office both with their other business interest located directly across the street and the vehicle repair service. They intend to continue this relationship for the vehicle sales business use as well. The owner and his family have been business owners in the community for many years. The property is easily observable from the adjoining road (Courthouse Road) for a highly visible sales lot and sales office.

(7) THAT THE PROPOSED USE WILL NOT CAUSE UNDUE TRAFFIC CONGESTION OR CREATE A TRAFFIC HAZARD;

The site is currently served with direct access to and from Courthouse Road. There is a single entrance and exit throat on the property; however, the site shares entrance and exit with the adjoining commercial property (the adjoining owner is willing to convey a cross access easement for ingress and egress should the County require it). Traffic generated by the vehicle sales portion of the business uses on the premises is calculated by the engineer at approximately 34 additional vehicle trips per day (VPD) or less than 2 additional vehicle trips per hour (VPH). The traffic data identifies that there would be no significant increase in the total vehicle trip count for Courthouse Road traffic with the addition of vehicle sales and ancillary vehicle repair center.

(8) THAT THE PROPOSED USE WILL HAVE NO UNDUE OR ADVERSE IMPACT ON ENVIRONMENTAL OR NATURAL RESOURCES.

There is no proposed land disturbance with this application except to rebuild the entrance throat as required by VDOT and the paving of a rear parking area. Further, there are no known wetlands, floodplain, or Chesapeake Bay Preservation Areas within the boundary of the property. There will not be any impact on the environment beyond the current use and no impact on natural resources. Stormwater runoff will not be significantly increased by the addition of the paved surface (less than 2500 square feet) to the rear of the structure, and no additional roof surface creating additional runoff is planned.

(9) COMPLIANCE WITH ADDITIONAL REQUIREMENTS IMPOSED BY SECTION 23-4.5.7(e)(1) FOR C-2 ZONED PROPERTY

- a. As previously stated, vehicles brought to the property as inventory for sales purposes will be driven to the lot by the owners, employees or their agents. No car transport vehicles will be brought to the site for purposes of loading or unloading sales vehicles. The only exception to this would be a vehicle brought to or removed from the property by a towing vehicle or car dolly when such vehicle is inoperable or is not permitted to be driven on the street.
- b. There will be at least ten (10) spaces for stock display of sales vehicles, together with the required number of spaces for handicap, customer, and employee parking required by Section 23-5.9.2 of the County's zoning code. Use of the rear paved parking area will be for stock display as well as for vehicles brought in for servicing.
- c. The GDP includes a certified parking plan drawn to scale showing ingress and egress, loading zone, parking spaces labeled with dimensions, and a designation of spaces for customers, employees, handicap and vehicle stock.
- d. No driveway or entrance will be used for vehicle delivery as no sales stock vehicles will be delivered by carrier vehicle, unless by single towing carrier or car dolly if the vehicle is inoperable or not permitted to be driven on the street.
- e. Shared lot details are not applicable.