

VERTEX AUTO SALES  
ZAKIA WALIZADA, OWNER  
Special Use Permit Application –

PROJECT NAME: Vertex Auto Sales

NARRATIVE

SUP No. 18-0010

Owner/Applicant: Zakia Walizada (Property Owner) and Qassim Walizada (Business Operator)

Representative: Stephen G. Judy, Attorney at Law, PLLC

Engineer: Freeland Engineering/ Ray Freeland

Property: TMP 23-A-144R (112 Pegram Lane)

Current Zoning: Commercial 3 (C-3)

Proposed Use: Vehicle Sales and Ancillary Repair/Service Establishment

Request: Special Use Permit to allow operation of small scale vehicle sales with vehicle repair and service facility

Date: May 15, 2019

Revised: \_\_\_\_\_, 2019 (per TRC Comments from County)

OVERVIEW

- Zakia Walizada (“Applicant”) is the owner of the subject property as evidenced by recorded deed Instrument #201600014878 in the Spotsylvania County land records.
- The subject property is located at 112 Pegram Lane less than one tenth of mile from where Pegram Lane intersects Ewell Road and less than one tenth of a mile from where Ewell Road intersects with Courthouse Road (Rte. 208) (the “Property”). The subject property is located in an area that was formerly residential, but has been rezoned to Commercial 3 (C-3) and has been transforming over the past 30 years into a heavy commercial area with numerous automotive sales and automotive repair related businesses, electrical contractor, and other commercial businesses located on the same street. The Property is located within the County’s Primary Development Boundary (“PDB”). Under the County’s Comprehensive Plan, the property has a future land use designation for “Commercial Use” and “Employment Centers.”
- The subject property is located in the Courtland Magisterial and Voting District.
- The Applicant is requesting approval of a Special Use Permit (Minor) to permit a Small Scale Vehicle Sales and Ancillary Repair Service Establishment on the premises pursuant to Section 23-6.19.3 and Section 23-4.5.7 of the Spotsylvania County Zoning Ordinance.

The subject property is approximately one half acre in size (0.48 acres, 20,917 square feet, more or less). It is located in an area where other similar commercial and/or institutional uses (mostly other small scale car sales and car service and repair facilities) have infilled and now conduct business in an area formerly comprised of residential structures. There remains a small number of actual residences on the street, but most existing structures now house a commercial use. The existing structure on the subject property is an older residential structure. Its date of original construction is unknown, but likely built in the early 1960's. The current owner plans to use the structure for his sales office. The owner intends to construct an approximately 2,475 square foot, two bay service garage on the Property behind the existing structure with a parking area in between, generally as shown on the GDP.

The owner proposes to offer, for display and sale, a limited number of automobiles as part of an overall vehicle sales and service business. According to the County's current zoning ordinance, a major vehicle repair facility or an auto sales facility with ancillary service establishment (large scale) are designated as 'by-right uses'; however, the County has recently amended its ordinances and now requires that a small scale vehicle sales (less than 2 acres) and ancillary service establishments must apply for a special use permit. Prior to November, 2017, this proposed use would have also been 'by right,' so it is challenging to know what additional requirements will need to be met to permit this use to occur in an area where similar uses are operating as by right..

At the direction of VDOT, the existing entrance from Pegram Lane will be modified to comply with current entrance feature standards for a low volume entrance. There are currently two separate entrances (a grass island separates two concrete driveways), but the Owner will modify the front entrance so there is only a single entrance. If a 50 foot minimum tangent cannot be met with adjacent commercial entrances, the owner will apply for an Access Management Exception through VDOT.

(Need for Waiver/Modification to DSM Standards) The front parking and display lot will be connected to the rear lot by a paved travel lane running along the northern side of the existing structure and northern side of the proposed garage. The small confines of the Property do not permit a DSM standard travel lane of 24 feet in width, and the applicant hereby requests a modification and/or waiver of the DSM standards to permit a travel lane of just 15 feet in width. This request for modification is necessary because the distance between the property line and the existing structure prevent any greater width. As part of this modification request, the Owner will proffer that no cars or other vehicles will be permitted to be parked within the travel lane and "No Parking" signs will be posted along the travel lane to insure this restriction is met.

Vehicle inventory will be brought to the Property one car at a time by the Owner/Owner's agents, only. There will not be tractor trailer-type car haulers or large flatbed trucks carrying multiple cars making deliveries or pickups on site or making use of the public street or the private travel lane. A single vehicle tow truck or single flatbed truck towing a vehicle will be the largest vehicle accessing the travel lane. If emergency vehicles must make use the travel lane, the narrow width of the travel lane is limited only to where the existing and proposed structures are located. A significantly larger parking area, shown on the GDP, will be located behind the

existing structure and in front of the proposed service garage and will be of sufficient length and depth to provide a turn-around area for emergency vehicles on the Property.

The Owner has no current plans to modify the existing structure or alter its current footprint on the Property. The interior of the building may be modified to a minimal extent to allow for use as an office and sales facility. Painting, new flooring, and fixtures, as well as the addition of a sales counter and/or desks to accommodate the salesperson and the anticipated customers, will be the limits of interior modifications. The proposed two-bay garage will be built on a slab on grade and built to Spotsylvania Building Code requirements for a commercial service and repair facility.

(Request for Waiver/Modification of Buffer and Landscaping Requirements) There is no existing buffering between any of the commercial establishments on Pegram Lane or Ewell Lane except for the aforementioned chain link fence separating Pegram Lane from the Industrial. There is no landscaping or vegetative cover, except for pre-existing trees, shrubbery and grass, on any of the properties on Pegram Lane. There are a couple of properties on Ewell Lane that have landscaped fronts. Given the overall appearance of the neighborhood, the Owner requests either a waiver from any buffering and landscape requirement or, at the very least, a modification of the DSM standards for buffering and landscaping so as not to put an onerous requirement to provide buffering between similar commercial businesses. Owner will preserve any existing trees on the Property located outside of the footprint of the existing structure, the area where the proposed garage structure is to be built, and the existing and proposed parking and travel lane areas shown on the GDP.

## GENERAL PROVISIONS

### (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 “Commercial Use” and “Employment Centers.” The Property is located within a larger evolving commercial area comprised of several and sales, automotive repair, and other general commercial and other light industrial businesses. There remains a small number of residences on Pegram Lane and the surrounding area, but these residences are already surrounded by the other existing commercial businesses, and the addition of this new business will not adversely affect the residents’ standard of living beyond what is already present.

To the north of the Property is the industrial park separated from Pegram Lane only by an 8' chain link fence. To the south of the Property are more commercial automotive related establishments and other commercial businesses (e.g., engineering firm, electrical contractor). Four Mile Fork Shopping Center is approximately 300 yards to the east of the subject Property, but is not visible from the Property. On the western side of Pegram Lane (across the street) are other already established automotive sales and service related businesses.

The proposed use does fit within the parameters of the Comprehensive Plan in several ways: *a) the intended use will be a ‘redevelopment (re-use) and investment in an existing development*

*and will not adversely affect adjoining properties; b) it will not represent a significant increase in the intensity of the existing commercial uses in the area, and c) the subject Property's commercial use and the uses of the surrounding parcels are located back from the major thoroughfares (Courthouse Road and Route 1) and not visible from those travel ways (See Comprehensive Plan Adopted 2013, Last Revised May 22, 2018, Chapter 2, Land Use, pg. 3-7).*

**(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 now required, is for the small scale sales of a limited number of pre-owned automobiles, as well as constructing and operating a two (2) bay ancillary vehicle repair/service facility to the back of the existing structure, as generally shown on the GDP. The existing structure will be used, with minor modifications, for an office and sales room and the proposed service garage will be to the back of the existing structure and screened from the street by the existing building. The surrounding area already has several similar commercial automotive –related businesses in existence and the addition of a small scale vehicle sales and ancillary service on a one-half acre lot 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) for both structures is indicated on the GDP to be 0.19. The existing structure is a 1-1/2 story existing structure and the proposed repair bays will be single story building with little to no impact on the surrounding uses. There will be no more than one (1) employee at the site. The number of daily customer generated trips is estimated by formula at approximately 154 trips to the site per day for both sales and ancillary repair services by calculations; however, this number is likely high for the size of the business and its location. Regardless, the number of additional vehicle trips will not create a significant impact to the traffic on Courthouse Road, Ewell Road or Pegram Lane.

The proposed vehicle sales use fits in with and does not alter or hinder the current adjoining commercial uses adjacent to the Property or those commercial uses directly across the street. The residential use of the property

The Owner proposes that there will be no elevated vehicle displays or unsightly displays. No signage will be placed on the Property, whether at ground level or upon the physical buildings, that does not fully comply with current County requirements for signs within the designated area. No sign will be placed unless or until proper permits are issued.

**(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 evolving over the past thirty years from what was once a residential area to what is now a predominantly small commercial business and light industrial area. Many of the existing businesses are similar in type to the proposed commercial business for the Owner; however, the existing businesses are, for the most part, by-right businesses (non-conforming), and, therefore, the tenor and type of commercial business that is

able to locate in this area has already been established. Requiring the Owner to make significant changes to her Property in order to obtain an SUP will have no significant positive impact on the area, nor affect the desired changes to the area. The residential use adjacent to the Property is not impacted from a financial standpoint because it too is zoned for C-3 use, which makes it far more valuable to the owner than as a residential use.

**(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 only 1 person to run the automobile sales and service business. Vehicle inventory will be limited in numbers based on the small number of available parking display spaces. No vehicle will be delivered to or picked up from the property by car carrier or trailer, but instead each vehicle will be driven to and from the site by the owner, agents or customers. The only exception to this would be single vehicles brought to or removed from the site by a towing vehicle, usually brought to the site in this manner for repair or restoration. 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 (by right, the Owner could establish a major auto repair and service establishment that would generate the same amount of trips per day, and have the same number of cars on the lot). Existing sewer and water is sufficient for the proposed use without any additional impacts. The proposed new use will not impose any additional risk or adverse impact on the surrounding community that is any different from what is already existing.

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

Vehicles brought in for repair work or any vehicle not displayed for immediate sale will be stored at the back of the property or within the proposed garage. Cars will only be displayed within the designated display spaces at the front of the existing structure and to its rear. The only modifications to the exterior of the building will be required access improvements. The only changes to the interior of the building will be cosmetic in nature to accommodate an “office” and sales facility for customers and sales personnel. The construction of the garage will be conducted by a licensed contractor and all necessary permits for the construction will be obtained.

**(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 and Rescue Station 4 on Falcon Drive is less than 2 miles from the Property. There is an existing and operating fire hydrant on Pegram Lane. Solid waste and recycling removal will be accommodated through a private company. Waste generation will be similar to a retail building of comparable size (±4,000 square feet).

The owners of the subject property will maintain a close working relationship with the Sheriff's Office and work with other neighboring property owners to identify illicit behavior in the vicinity and report the same to the proper authorities.

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

The site is currently served with indirect access to and from Courthouse Road off of Ewell Road. Traffic generated by the vehicle sales and ancillary service uses on the premises is calculated by the engineer at approximately 154 vehicle trips per day (VPD). The traffic data identifies that there would be no significant increase in the total vehicle trip count for this area. It is also interesting to note that if the Owner chose to have only a major vehicle repair service (as a by right use), the VPD would only drop by about 34 total trips per day (the total trips estimated to be generated by the car sales portion of the business). It is clear that establishing a small car sales business at this site will not create any undue traffic congestion or traffic hazard.

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

The only proposed land disturbance with this application is the construction of an approximately 2,475 square foot single story garage, reconstruction of the entrance throat as required by VDOT. Most of the intended parking areas and travel lanes are already paved. The Owner is proposing a Level 1 Bio-retention facility at the rear of the Property to capture stormwater runoff. There are no known wetlands, floodplain, or Chesapeake Bay Preservation Areas within the boundaries of the Property. There will not be any impact on the environment beyond the current use and no impact on natural resources. Storing, handling and removal of automotive fluids will be provided as required by law and/or regulation.

**(9) COMPLIANCE WITH ADDITIONAL REQUIREMENTS IMPOSED BY SECTION 23-4.5.7(e)(1) for C-3 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 when such vehicle is inoperable or 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.