

**WRITTEN NARRATIVE
GEISLER PROPERTY
13709 Dumfries Road**

**REZ #PLN2009-00403
A-1, Agriculture to B-2 Neighborhood Business**

December 16, 2011

Applicant: Dumfries Seisin, LLC
Owners: Dumfries Seisin, LLC
GPIN: 7892-53-8485
Rezoning Acreage (Total): 8.7439 acres (9.196 acres)
Magisterial District: Coles Magisterial District

INTRODUCTION:

Dumfries Seisin, LLC is the Owner and Applicant for this rezoning application for 8.7439 acres of land. The subject property is located at 13709 Dumfries Road (Route 234), contains 9.196 acres of land in total, and is further identified as Prince William County GPIN 7892-53-8485 (“Property”). The Property is located on the east side of Dumfries Road south of the Hoadly Road intersection. The Property is bounded on the north and east by A-1 zoned land containing single family detached homes; on the south by A-1 zoned land containing a convenience store with gas pumps and the currently vacant site of a future high school owned by the Prince William County School Board; and on the west (across Dumfries Road) by B-2 zoned land that contains a convenience store with gas pumps and the Coles District Volunteer Fire Station.

PROPOSAL:

The Property is currently zoned to the A-1 Agriculture zoning district and the Applicant proposes to rezone the 8.7439 acres of the Property to B-2 Neighborhood Business zoning district and to leave 0.4530 acres in the A-1 district. In addition, the front portion of the Property is located in the Dumfries Road Highway Corridor Overlay District (HCOD). The Dumfries Road HCOD was adopted prior to February 20, 1996.

The proposed project will be developed with three (3) lots.

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Lot A, located on the southwest portion of the Property along the frontage of Dumfries Road, will be developed with a maximum 4,025 gross square foot Quick Service Food Store with a Retail Motor Vehicle Fuel Station, identified on the GDP as “CONVENIENCE RETAIL W/ FUEL 6 PUMPS”. Quick Service Food Store is a use permitted by-right in the B-2 zoning district. Motor Vehicle Fuel Station, Retail is permitted in the B-2 zoning district with a special use permit. A Special Use Permit (“SUP”) has been attached to this rezoning application for the retail fuel sales use. The Applicant will be required, and nothing in this rezoning application or SUP should be taken to conflict, to conform with all appropriate rules and regulations for environmental protection normally arising with a retail motor vehicle fuel station.

Lot B, located on the northwest portion of the Property along the frontage of Dumfries Road, will be developed with a maximum 8,650 gross square foot Restaurant, identified on the GDP as “FREESTANDING FULL SERVICE RESTAURANT”. Restaurant is a use permitted by-right in the B-2 zoning district. the Applicant has agreed to voluntarily prohibit the numerous uses normally permitted in the B-2 district on the Property..

Lot C, located on the most easterly portion and at the rear of the Property, will be developed with a Nursing and Convalescent Care Facility with a maximum of 200 beds. Nursing and Convalescent Care Facility is a use permitted by-right in the B-2 zoning district.

The Applicant has agreed to advertise and offer the existing Geisler house, free of charge to any party who will salvage the house or move it to another location. If no party desires to relocate the existing Geisler house, then the existing house, along with the out-buildings, septic system and well (if any) on the Property will be demolished, removed and properly disposed of in accordance with all appropriate governing regulations (see the Cultural Resources section below for additional details). The house’s existing driveway that connects to Dumfries Road will be removed and new access will be provided.

The general layout of the Property and proposed development is shown on a plan set, encompassing the Geisler Property dated August 31, 2010, last revised December 2, 2011 and consisting of six (6) sheets prepared by Hish and Company of Reston, Virginia. The six sheets are collectively hereinafter referred to as the General Development Plan (“GDP”). The GDP sheets are individually entitled:

1. Rezoning Plat
2. Existing Conditions and Demolition Plan
3. General Development Plan
4. General Notes and Tabulations
5. Landscape Plan
6. Route 234 (Dumfries Road) Improvements

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The Property will be developed with a series of private internal travelways that will connect to Dumfries Road at the single location shown on the GDP.

The GDP also indicates tree save areas and landscape buffers where required and appropriate between the individual lots of the development and in perimeter areas of the overall site as required by the Zoning Ordinance and DCSM. Externally, the development will be bounded on the north by Type C, 50 foot wide, buffer that will contain both existing and newly planted augmenting vegetation, and a Type B, 30 foot wide buffer and bounded on the south by a Type A, 15 foot wide, buffer. A Type B buffer, that will contain both existing and newly planted augmenting vegetation, will also be located along the entire eastern property line.

Internally, (i) a Type B buffer will be provided on Lot A and Lot B bordering Lot C and, (ii) a Type B buffer will be provided on Lots C bordering Lots A and Lot B. These two buffers combine to provide 60 feet of buffer between Lot C and Lots A and B. Where retaining the existing vegetation is precluded by construction, the Applicant has committed to landscape and buffer with replanted indigenous species as listed in the County's Design and Construction Standards Manual (DCSM).

A majority of the undisturbed open space provided will be located at the rear (eastern portion) of the Property, but existing vegetation will be incorporated into the required perimeter buffers where those buffers are outside the limits of disturbance shown on the GDP.

FUTURE LAND USE:

The proposed rezoning to B-2 allows Quick Service Food Store, Restaurant, and Nursing and Convalescent Care Facilities as by-right uses. This application expressly requests a Motor Vehicle Fuel Station, retail use and a SUP application is attached to and made a part of this rezoning request.

The front portion of the Property is located in the Neighborhood Commercial (NC) Long Range Future Land Use Classification ("FLUC"), while the rear portion of the Property is located in the Semi-Rural Residential Future Land Use Classification.

The purpose of the NC classification is to provide commercial areas to serve the surrounding residential neighborhoods. Primary uses in the NC classification are the retail and retail service uses permitted in the B-2 zoning district and/or mixed-use buildings that combine retail/retail service uses on the first floor only and residential uses on no more than two additional floors. In order that the neighborhood-serving function of NC uses can be maintained, maximum NC project size shall be 15 acres and the maximum nonresidential uses shall be 80,000 gross square feet, with no single use (other than a grocery store, general store or drug store) to be larger than 8,000 gross square feet.

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The purpose of the SRR classification is to provide for areas where a wide range of larger lot residential development can occur, as a transition between the largest lot residential development in the rural area of the County and the more dense residential development found in the developed areas of the County. Residential development in the SRR areas occur as single-family dwellings at a density of one dwelling per 1 to 5 gross acres.

Although we acknowledge the seeming nonconformance of our B-2 District rezoning on the SRR FLUC portion of the Property, we ultimately decided on the design and application request following many months of exploring many different site designs and use combinations, and many conversations with County Staff. Many issues were faced in trying to reconcile the difference between the two FLUCs on the Property, their specific location on the Property and that relationship to the size of the Property, the requirements of the zone districts that are deemed compatible with the FLUCs and the transportation limitations of the Property; all in relation to the surrounding uses and our ultimate economically viable use of the Property. Specifically, the rear portion of the Property must be zoned to a district other than the present A-1 since Lot C is less than the required A-1 minimum ten (10) acres lot size. Also, the only zone districts compatible with the SRR FLUC are SR-1, SR-3 and SR-5. All of these potential districts posed insurmountable issues. For instance, both the SR-1 and SR-3 districts require that lots have frontage on a “public street”. And, although we could propose a short public cul-de-sac street that could serve Lot C, due to its short length and the access limitations of Lots A & B (VDOT/PWC DOT TIA scoping requirement), none of the required DCSM design parameters and curb cut spacing could be met (i.e., an approvable public street couldn’t be designed). The SR-5 district does allow lots to front on “either a public or private street”. However, if the street were to remain a private street, it can only be used to “access SR-5 uses” and the street area must also be zoned SR-5. Both of these requirements were problematic. Since, again, only one access point is going to be allowed on Dumfries Road, therefore Lots A & B must also be served by the road. And, the SR-5 district isn’t a compatible district with the NC FLUC of the front portion of the Property, therefore the street can’t be zoned SR-5.

Ultimately, we feel the requested site design and zoning request is the most viable alternative. The Nursing Home and Convalescent Facility use located on Lot C (which includes the entire SRR FLUC portion of the Property), is a by-right use in both the NC and SR-5 districts. The use is extremely residential in nature and generates very low traffic volumes. And, it can be very effectively screened and buffered from the surrounding properties. Therefore, we are honoring the principles of the area’s Comprehensive Plan designations, while simultaneously dealing with the reality of the County and State regulations that also affect the design and use of the Property.

TRANSPORTATION:

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Access to the project will be from one right-in/right-out channelized entrance on Dumfries Road. In addition, potential interparcel connections with the existing convenience store to the south and to the adjacent property to the north will be provided.

VETTRA Company analyzed the traffic impacts of the development in a Traffic Impact Analysis dated March 7, 2009 and based on an approved study scope dated February 27, 2009. Based on a projected 2012 Project build-out, which included the trip generation from the Quick Service Food Store and 12 fuel sales positions, the TIA concluded, that the addition of the site's buildout traffic will not cause any significant traffic impact at any of the analyzed signalized and unsignalized intersections along Dumfries Road (Route 234). In addition, the new site entrance intersection will also have excellent levels-of-service (LOS A/B). The Applicant has proffered that the Nursing Home shall not be constructed until a second point of access for emergency vehicles to the public road is in place or approved and bonded. This second point of access to the public road may be provided by interparcel connection and private roads, direct connection, or extension of public or private streets.

The single point of access and entrance geometrics are authorized under DCSM waivers approved through the normal waiver approval process on September 28, 2009.

DCSM §601.04A Single point of access

DCSM §601.04B Length of divided entrance road

DCSM §602.07.G Turn lane length.

An additional DCSM waiver has been submitted on April 14, 2011 for:

DCSM §602.07.K Commercial intersection spacing.

ENVIRONMENT:

The Environmental Constraints Analysis (ECA) completed for the Property by Angler Environmental and dated March 15, 2009, last revised July 2009, indicates that the site is located at the head of a south tending drainage swale, and is typified by gentle relief tending toward the south-central portion of the site. The western one third of the Property consists of an open yard, surrounding a vacant two story house and two outbuildings. There are two large silver maples, 49" dbh and 39" dbh, with scattered trees and ornamental shrubs surrounding the existing house. The remaining portion of the Property has been maintained as lawn or open field in the recent past, and grasses and typical old-field herbaceous species are now common throughout. Much of the northern and eastern portions of the Property support a population of relatively young shrub and subcanopy sized trees of 1" dbh to 6" dbh. There is a small stand of hardwoods comprised of almost entirely red maple in the vicinity of the existing onsite farm pond. The bottomland hardwood forest type continues offsite along the intermittent stream that originates at the existing onsite farm pond. Narrow bands of Virginia pine are present along the Property boundaries. Generally, there are no steep slopes ranging above 25% located on the Property, except for two small areas associated with past disturbances of the Property. The GDP shows two significant

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areas of non-disturbance for existing vegetation preservation. In the northwest corner 0.19 acres will be undisturbed and at the east end of the Property 1.14 acres remain undisturbed. The ECA does not indicate the presence of any large areas of poor soils or endangered species.

Waters of the U.S. jurisdictional features located on the site include an existing farm pond, located in the southern portion of the Property, and an unnamed intermittent stream that drains the pond to the southeast. A Perennial Flow Determination (PFD) was conducted on the site that concluded that the stream contained intermittent flow. The PFD (Plan #08-00172) was approved by Prince William County on March 25, 2008.

The ECA also indicated no presence of wetlands, RPAs or floodplains on the Property. The delineation report was submitted to the Army Corp of Engineers for review, and was approved (NAO-2008-01135) in a letter dated April 3, 2008. A more detailed environmental analysis of the Property is contained within the ECA narrative and graphic.

FIRE AND RESCUE:

The Property is located within the area served by the Coles District Fire Station that is located across Dumfries Road from the Property. The impact of the proposed development on the demand for services and facilities will be mitigated with a monetary contribution in accordance with the Level of Service standard established by Prince William County.

SCHOOLS:

The proposed rezoning will not feature a residential component and thus will not impact the Prince William County School system.

PARKS AND OPEN SPACE:

The proposed use will have no impact on the provision of parks and recreation facilities or services.

POLICE:

It is anticipated that the proposed uses will have no significant impact upon the established level of service standards for the Prince William County Eastern District Police Station, The district station is located at 15948 Donald Curtis Drive, Woodbridge, VA 22191, (703) 792-7200 or for the Virginia State Police Prince William Field Office Area 11 14420 Independent Hill Dr., Manassas, VA 20112, 703-791-3101.

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Crime Prevention Through Environmental Design (“CPTED”) strategies have been employed in the revised site layout. **Natural surveillance** is provided by orienting the proposed Restaurant and Quick Service Food Store fronts with clear visibility from Dumfries Road. This keeps any intruders easily observable. The site will have nighttime lighting consistent with the appropriate County ordinances to maximize the visibility of people during all business hours. **Natural Access Control** is provided through the open site layout, minimizing hidden areas and concealment opportunities. The site is served by a well defined pedestrian layout. Landscaping will be consistent with the appropriate County ordinances and thus appropriate for the proposed uses minimizing concealment or over grown areas. The proposed ring road around the Nursing and Convalescent facility provides **Territorial Reinforcement** by delineating the active areas of the site and by separating the active pedestrian areas from the landscape buffer areas. Continuing **Maintenance** of the site and the proposed uses will continue the desired visibility. By trimming plant overgrowth, replacing inoperative lighting, picking up trash, painting and repairing buildings, and consistently using of spaces for their intended uses, the impression of territorial control will be maintained and promote crime deterrence.

The proposed site improvements do not include high rise buildings, towers, intensive radio emissions or telemetry, nor is the site in a communications sensitive or communications priority area; therefore, it is anticipated that the proposed use will have no adverse impact on County or state police emergency communications.

HOUSING:

The proposed development will not feature a residential component and will therefore have no impact on the provision of housing. However, the development of a nursing/convalescent home in the project will certainly assist the elderly population in the area.

CULTURAL RESOURCES:

A Cultural Resources Assessment and Record Check for the Property, dated July 2008, was conducted by Circa-Cultural Resource Management, LLC. The review found that, based on a Phase I Archaeological and a Phase I Architectural Survey of the Property conducted by the Virginia Commonwealth University Archaeological Research Center and approved by the Virginia Department of Historic Resources, the existing Geisler House on the Property has been too altered from it’s original details, and was not recommended as eligible for the National Register of Historic Places. VHDR concurred with the Phase I’s findings that there was no reason for any additional studies or preservation of the house. The review was submitted to Justin Patton, the County’s Archeologist, for review. As a result of his review and subsequent negotiations, and based on VHDR’s findings, the Applicant has agreed to advertise and offer the Geisler House, free of charge, to anyone who would like to salvage the house and move it to another location at their own expense.

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WATER AND SANITARY SEWER:

Public water and sewer will serve all development on the Property.

LIBRARIES:

The Project will not feature a residential component and thus will not impact existing libraries.

ECONOMIC DEVELOPMENT:

As detailed above in the Future Land Use section, the development on the Property is consistent with the uses planned and designated for the Property in the Comprehensive Plan. This Project, located along the Dumfries Road corridor, will provide a well-designed, vibrant project in the south central portion of Prince William County that will add to the economic tax base of the area.

COMMUNITY DESIGN:

Although no end-users have been identified for the development as yet, and therefore no specific architectural elevations have been developed, the Project will consist of the three uses and buildings shown on the GDP. The development will be designed to complement other developments in the area, and will be developed as end-users are identified. The Project will use a shared architectural and color theme, and compatible building materials.

CONCLUSION:

The Applicant proposes a rezoning to B-2. The requested uses and intensity of the development conform to, and are compatible with, those contemplated by the County's Comprehensive Plan. The approval of this Application will be a pro-active step by the County to attain its desired goals for this portion of the Dumfries Road/Hoadly Road sector. This rezoning will result in the creation of more land being developed in accordance with the NC and SRR Future Land Use Designations than presently exists. It would allow for creation of a coordinated, quality development in this key intersection area. Therefore, the Applicant respectfully requests that this rezoning application be approved, subject to reasonable conditions appropriate to the uses.