

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 6, 2024, IN THE THOMAS CALHOUN WALKER EDUCATION CENTER AUDITORIUM, 6099 T. C. WALKER ROAD, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Phillip N. Bazzani, ___;
Ashley C. Chriscoe, ___;
Kenneth W. Gibson, ___;
Christopher A. Hutson, ___;
Michael A. Nicosia, ___;
Robert J. Orth, ___;
Kevin M Smith, ___;

AN ORDINANCE TO AMEND THE GLOUCESTER COUNTY ZONING MAP TO RECLASSIFY 13.72 +/- ACRES (TM 39-201) OWNED BY GEORGE WASHINGTON MEMORIAL HIGHWAY II, LLC, LOCATED IN THE ABINGDON MAGISTERIAL DISTRICT, FROM SC-1, SUBURBAN COUNTRYSIDE, TO B-1, BUSINESS (CONDITIONAL), FOR THE PURPOSE OF DEVELOPING AN ACCESS ROAD, A GAS STATION, AND A CONVENIENCE STORE WITH A DRIVE THROUGH ON TM 39-201 AND 39-208, AND ADDITIONAL COMMERCIAL AREAS ON TM 39-201

WHEREAS, a rezoning application (Z-24-01) has been submitted by George Washington Memorial Highway II, LLC to rezone the property known as Tax Map Parcel 39-201, identified as RPC No. 33859, from SC-1, Suburban Countryside, to B-1, Business (Conditional), and to thereby amend the Gloucester County Zoning Map; and

WHEREAS, the property requested to be rezoned is located within the Abingdon Magisterial District along Route 17 North, north of Zandler Way; and

WHEREAS, the applicant has submitted a proposed Proffer Statement in accompaniment with the rezoning application; and

WHEREAS, the applicant's attorney has stated that the proposed proffers are voluntarily offered by the applicant and are not unreasonable, in accordance with §15.2-2303.4 of the Code of Virginia; and

WHEREAS, the Gloucester County Planning Commission, after holding a duly-advertised Public Hearing at their July 11, 2024 meeting, recommended denial of Z-24-01, 6-1, to the Board of Supervisors; and

WHEREAS, the Gloucester County Board of Supervisors has held a duly advertised public hearing; and

WHEREAS, the property is identified in the Comprehensive Plan's Future Land Use Plan as within the Highway Mixed Use and Suburban Countryside designations; and

WHEREAS, the property is identified in the Gloucester Court House Village Sub-Area Plan as within the Business Mixed Use and Mixed Residential Expansion designations; and

WHEREAS, the Gloucester County Board of Supervisors finds that the proposed rezoning furthers the Comprehensive Plan’s Highway Mixed Use designation’s direction that identifiable places with different types of development can be supported when highway capacity and efficiency can be maintained; and

WHEREAS, the Gloucester County Board of Supervisors also finds that the proposed rezoning supports the Gloucester Court House Village Sub-Area Plan’s desire that the Business Mixed Use designation gradually intensifies and increases the mix of uses with multi-modal accommodations incorporated; and

WHEREAS, the application furthers the Comprehensive Plan’s goal to ensure that development results in a minimal negative impact on road systems and encourages pedestrian-scale development in the Village Areas; and

WHEREAS, the Gloucester County Board of Supervisors also finds that the proposed rezoning is consistent with the Comprehensive Plan’s aim to promote economic development in appropriate and suitable areas; and

WHEREAS, the application also supports the Comprehensive Plan’s goal to protect wetlands and other natural resources from construction that would unnecessarily destroy vegetation and erosion control; and

WHEREAS, the Gloucester County Board of Supervisors finds that the rezoning application would have no additional adverse impact on the public health, safety, and welfare;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Gloucester County Board of Supervisors on this the sixth day of August, 2024 that Application Z-24-01 be, and it hereby is, approved to amend the Gloucester County Zoning Map to reclassify Tax Map Parcel 39-201, from SC-1, Suburban Countryside, to B-1, Business (conditional), subject to and conditioned upon the Proffer Statement attached hereto and made a part hereof.

A Copy Teste:

Carol E. Steele, County Administrator

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 6, 2024, IN THE THOMAS CALHOUN WALKER EDUCATION CENTER AUDITORIUM, 6099 T. C. WALKER ROAD, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Phillip N. Bazzani, ___;
Ashley C. Chriscoe, ___;
Kenneth W. Gibson, ___;
Christopher A. Hutson, ___;
Michael A. Nicosia, ___;
Robert J. Orth, ___;
Kevin M Smith, ___;

AN ORDINANCE TO AMEND THE GLOUCESTER COUNTY ZONING MAP TO RECLASSIFY 0.93 +/- ACRES (TM 39-201) OWNED BY GEORGE WASHINGTON MEMORIAL HIGHWAY II, LLC, LOCATED IN THE ABINGDON MAGISTERIAL DISTRICT, FROM SC-1, SUBURBAN COUNTRYSIDE, TO B-1, BUSINESS (CONDITIONAL), FOR THE PURPOSE OF DEVELOPING AN ACCESS ENTRANCE, A GAS STATION, AND A CONVENIENCE STORE WITH A DRIVE THROUGH ON TM 39-201 AND 39-208

WHEREAS, a rezoning application (Z-24-01) has been submitted by George Washington Memorial Highway II, LLC to rezone the property known as Tax Map Parcel 39-201, identified as RPC No. 33859, from SC-1, Suburban Countryside, to B-1, Business (Conditional), and to thereby amend the Gloucester County Zoning Map; and

WHEREAS, the Gloucester County Planning Commission, after holding a duly-advertised Public Hearing at their July 11, 2024 meeting, recommended denial of Z-24-01, 6-1, to the Board of Supervisors; and

WHEREAS, the Gloucester County Board of Supervisors has held a duly advertised public hearing; and

WHEREAS, at the Board of Supervisors' Public Hearing, the applicant requested to revise the rezoning application (Z-24-01) to rezone a 0.93 acre portion of the property known as Tax Map Parcel 39-201, identified as RPC No. 33859, from SC-1, Suburban Countryside, to B-1, Business (Conditional), and to thereby amend the Gloucester County Zoning Map for this portion of Tax Map Parcel 39-201 (RPC No. 33859) in response to comments received by citizens and the Planning Commission; and

WHEREAS, the portion of property requested to be rezoned is located within the Abingdon Magisterial District along Route 17 North, north of Zandler Way; and

WHEREAS, the applicant has submitted a proposed Proffer Statement in accompaniment with the rezoning application; and

WHEREAS, the applicant’s attorney has stated that the proposed proffers are voluntarily offered by the applicant and are not unreasonable, in accordance with §15.2-2303.4 of the Code of Virginia; and

WHEREAS, the portion of property is identified in the Comprehensive Plan’s Future Land Use Plan as within the Highway Mixed Use and Suburban Countryside designations; and

WHEREAS, the portion of property is identified in the Gloucester Court House Village Sub-Area Plan as within the Business Mixed Use and Mixed Residential Expansion designations; and

WHEREAS, the Gloucester County Board of Supervisors finds that the proposed revised rezoning furthers the Comprehensive Plan’s Highway Mixed Use designation’s direction that identifiable places with different types of development can be supported when highway capacity and efficiency can be maintained; and

WHEREAS, the Gloucester County Board of Supervisors also finds that the proposed revised rezoning supports the Gloucester Court House Village Sub-Area Plan’s desire that the Business Mixed Use designation gradually intensifies and increases the mix of uses with multi-modal accommodations incorporated; and

WHEREAS, the revised rezoning application furthers the Comprehensive Plan’s goal to ensure that development results in a minimal negative impact on road systems and encourages pedestrian-scale development in the Village Areas; and

WHEREAS, the Gloucester County Board of Supervisors also finds that the proposed revised rezoning is consistent with the Comprehensive Plan’s aim to promote economic development in appropriate and suitable areas; and

WHEREAS, the revised rezoning application also supports the Comprehensive Plan’s goal to protect wetlands and other natural resources from construction that would unnecessarily destroy vegetation and erosion control; and

WHEREAS, the Gloucester County Board of Supervisors finds that the revised rezoning application would have no additional impact on the public health, safety, and welfare;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the Gloucester County Board of Supervisors on this the sixth day of August, 2024 that the revised Rezoning Application Z-24-01 be, and it hereby is, approved to amend the Gloucester County Zoning Map to reclassify the 0.93 acre portion of Tax Map Parcel 39-201, from SC-1, Suburban Countryside, to B-1, Business (conditional), subject to and conditioned upon the Proffer Statement attached hereto and made a part hereof.

AND IT BE FURTHER ORDAINED AND ENACTED by the Gloucester County Board of Supervisors on this the sixth day of August, 2024 that the applicant shall adjust the property lines between TM 39-201 and 39-208 by plat to reflect the new zoning district boundary line between the B-1 (conditional) district and the SC-1 district.

A Copy Teste:

Carol E. Steele, County Administrator

AT A REGULAR MEETING OF THE GLOUCESTER COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 6, 2024, IN THE THOMAS CALHOUN WALKER EDUCATION CENTER AUDITORIUM, 6099 T. C. WALKER ROAD, GLOUCESTER, VIRGINIA: ON A MOTION DULY MADE BY _____, AND SECONDED BY _____, THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

Phillip N. Bazzani, ___;
Ashley C. Chriscoe, ___;
Kenneth W. Gibson, ___;
Christopher A. Hutson, ___;
Michael A. Nicosia, ___;
Robert J. Orth, ___;
Kevin M Smith, ___;

A RESOLUTION TO DENY REZONING APPLICATION Z-24-01, REQUESTING TO RECLASSIFY 13.72 +/- ACRES OWNED BY GEORGE WASHINGTON MEMORIAL HIGHWAY II, LLC, LOCATED IN THE ABINGDON MAGISTERIAL DISTRICT, FROM SC-1, SUBURBAN COUNTRYSIDE, TO B-1, BUSINESS (CONDITIONAL), FOR THE PURPOSE OF DEVELOPING AN ACCESS ROAD, A GAS STATION, AND A CONVENIENCE STORE WITH A DRIVE THROUGH ON TM 39-201 AND 39-208, AND ADDITIONAL COMMERCIAL AREAS ON TM 39-201

WHEREAS, a rezoning application (Z-24-01) has been submitted by George Washington Memorial Highway II, LLC to rezone the property known as Tax Map Parcel 39-201, identified as RPC No. 33859, from SC-1, Suburban Countryside, to B-1, Business (Conditional), and to thereby amend the Gloucester County Zoning Map; and

WHEREAS, the property requested to be rezoned is located within the Abingdon Magisterial District along Route 17 North, north of Zandler Way; and

WHEREAS, the applicant has submitted a proposed Proffer Statement in accompaniment with the rezoning application; and

WHEREAS, the applicant's attorney has stated that the proposed proffers are voluntarily offered by the applicant and are not unreasonable, in accordance with §15.2-2303.4 of the Code of Virginia; and

WHEREAS, the Gloucester County Planning Commission, after holding a duly-advertised Public Hearing at their July 11, 2024 meeting, recommended denial of Z-24-01, 6-1, to the Board of Supervisors; and

WHEREAS, the Gloucester County Board of Supervisors has held a duly advertised public hearing; and

WHEREAS, the property is identified in the Comprehensive Plan’s Future Land Use Plan as within the Highway Mixed Use and Suburban Countryside designations as well as the Development District; and

WHEREAS, the property is identified in the Gloucester Court House Village Sub-Area Plan as within the Business Mixed Use and Mixed Residential Expansion designations; and

WHEREAS, then Board finds that the rezoning application does not support the Comprehensive Plan’s desire for minimizing impacts on local roads within the Development District and maintaining highway capacity and efficiency within the Highway Mixed Use designation; and

WHEREAS, the Board further finds that the rezoning application is inconsistent with the Comprehensive Plan’s Economic Development Implementation Strategy to encourage utilization of existing and vacant buildings for economic development; and

WHEREAS, the Board further finds that the proposed rezoning does not further the Comprehensive Plan’s Transportation Goal to ensure that development results in minimal negative impacts on road systems and traffic patterns within the County; and

NOW, THEREFORE BE IT RESOLVED by the Gloucester County Board of Supervisors on this the sixth day of August, 2024 that Application Z-24-01 be, and it hereby is, denied.

A Copy Teste:

Carol E. Steele, County Administrator



County of Gloucester
 Department of Planning and Zoning
 6489 Main Street
 Gloucester, Virginia 23061
 804-693-1224 FAX 804-824-2441

FOR OFFICE USE ONLY	
Date Received	_____
Date Complete	_____
Case No.	_____
Tax Map No.	_____
Receipt No.	_____

REQUEST FOR REZONING

EFFECTIVE July 1, 2008, THIS APPLICATION MUST BE ACCOMPANIED BY THE CHAPTER 527 COMPLIANCE FORM & THE VDOT LANDTRACK INFORMATION SHEET.

I, (WE) GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC DO
HEREBY PETITION THE BOARD OF SUPERVISORS OF THE COUNTY OF GLOUCESTER TO AMEND THE COUNTY ZONING ORDINANCE BY:

Modifying section(s) _____ of the ordinance as per the attached.

Modifying the Zoning District Classification of the following described property from the Suburban Countryside (SC-1) district(s), to the Business (B-1) district.

Modifying or removing one or more proffers approved as part of Rezoning Application _____.

A. PROPERTY INFORMATION

Location of property: 6181 George Washington Memorial Highway

Legal description of property:

* If recorded subdivision – Name _____

Section _____ Lot _____ Block _____

Land Book Page No. _____ Parcel(s) _____

* If acreage, attach plat of property and a metes and bounds description.

Are the taxes on this property paid up to date? **Yes**

*Pursuant to Va. Code Section 15.2-2286(B), the Board of Supervisors may, but is not mandated to, require proof of the payment of taxes prior to approval of a rezoning.

Briefly describe the current use of the property:

The approximately 13.72-acre parcel is improved with one single-family home.

B. EXPLANATION OF THE APPLICATION AND RELATIONSHIP OF THE PROPOSED REZONING TO THE COUNTY'S COMPREHENSIVE PLAN (IF APPLICABLE).

Please describe the purpose of the proffer amendment or rezoning and the proposed use of the property.

The Owner is seeking to rezone the Property from Suburban Countryside (SC-1) to Business (B-1) to develop a retail center with commercial pad sites and an access road to a proposed Royal Farms convenience store with gas sales, which will be developed on the adjoining parcel, Tax Map No. 39-208, which is already zoned Business (B-1).


(See attached Project Narrative for additional details.)

C. LIST THE NAMES AND ADDRESSES OF OWNERS OR OCCUPANTS OF ALL ADJACENT PROPERTY OR PROPERTY ACROSS A ROAD, HIGHWAY OR RAILROAD RIGHT-OF-WAY. ADDRESSES SHOULD COINCIDE WITH THOSE IN THE COMMISSIONER OF THE REVENUE OFFICE. (Please Print)

NAME	ADDRESS	TAX MAP/PARCEL#
The Dunston Family Revocable Trust	4513 Hermitage Lane, Gloucester, VA 23061	39-1C
The Dunston Family Revocable Trust	4513 Hermitage Lane, Gloucester, VA 23061	39-2
First United Baptist Church, Trustee	P.O. Box 336, Gloucester, VA 23061	39-3
First United Baptist Church, Trustee	P.O. Box 336, Gloucester, VA 23061	39-8A
GLOUPARK LLC	5248 Olde Towne Rd., Ste. 1, Williamsburg, VA 23185	39-8S
RIVERBEND APARTMENTS PHASE II LP	440 Monticello Ave., Suite 1700, Norfolk, VA 23510	39-208K
RIVERBEND APARTMENTS LP	440 Monticello Ave., Suite 1700, Norfolk, VA 23510	39-208C
AMERICAN LEGION POST NO 76 OF GLOUCESTER VIRGINIA	5849 N. American Legion Way, Gloucester, VA 23061	39-208B
ZANDLER DEVELOPMENT COMPANY LLC	P.O. Box 674, Gloucester, VA 23061	39-208
ZANDLER DEVELOPMENT COMPANY LLC	P.O. Box 674, Gloucester, VA 23061	39-208M

D. PERSON(S) REPRESENTING THE APPLICATION

Name: Lisa M. Murphy


(Signature)

Address: Willcox & Savage, P.C.

April 10, 2024
(Date)

440 Monticello Avenue, Suite 2200, Norfolk, VA 23510

Phone: 757-628-5540
(Date)

E. OWNER(S) OF PROPERTY

Name: GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC LLC

Phone: 443-801-7151

Address: 1700 Reisterstown Road, Suite 210, Baltimore, Maryland 21208

I hereby grant permission to the designated personnel of Gloucester County, and any other agency deemed appropriate by Gloucester County, to enter the subject property for purpose of review of the proposed application, to post signs prior to the public hearing by the Planning Commission, and to remove said signs after the public hearing by the Board of Supervisors.


(Signature) 4-10-24
(Date)

IMPORTANT: The proffer amendment or rezoning application package must be deemed complete before it can be transmitted to the Planning Commission to request a public hearing be scheduled.

Conflict of Interest Statement

In accordance with Section 14-22 of the Gloucester County Zoning Ordinance, I certify that my application for zoning amendment, variance, or special exception is subject to the following:

“Does any member of the Planning Commission, Board of Zoning Appeals, or governing body (Board of Supervisors) have any interest in the property which is subject of this application/petition, either individually, or by ownership of stock in a corporation owning such land or partnership? Yes No

Does a member of the immediate household of any member of the Planning Commission, Board of Zoning Appeals, or governing body (Board of Supervisors) have any interest in the property which is the subject of this application/petition? Yes No

If yes to either questions above, please state:

Person’s name: _____

Member of: _____

Nature of their interest: _____

I, Justin Rosemorc
(Print name)

hereby certify that the information contained in this application/petition is true and correct to the best of my knowledge.

Maryland _____ 4-10-2024
(Signature) (Date)

STATE OF ~~VIRGINIA~~

COUNTY OF ~~GLOUCESTER~~ Baltimore Maryland

I, a Notary Public of the County of ~~Gloucester~~ Baltimore, State of ~~Virginia~~ Maryland, do hereby certify that Justin Rosemorc, whose name is signed to the writing above dated on the 10th day of April, 2024, has acknowledged the same before me in my State aforesaid.

Given under my hand this 10th day of April, 2024.

JOSHUA EREZ
Notary Public-Maryland
Baltimore City
My Commission Expires
9/29/2024

Notary Public

My commission expires 9-29-2024

GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC
Rezoning Application
6181 George Washington Memorial Highway
Tax Map #39-201 (RPC #33859)
SC-1 (Suburban Countryside) to B-1 (Business) Conditional

Project Narrative

George Washington Memorial Highway II LLC, the owner of subject property comprised of approximately 13.72 acres located at 6181 George Washington Memorial Highway (Tax Map #39-201)(“Property”) in the Abingdon Magisterial District, has applied to conditionally rezone the Property from SC-1 (Suburban Countryside) to B-1 (Business) Conditional in order to develop the Property with a mix of commercial and retail uses. The Property will also provide an access road and an additional means of access to and from U.S. Route 17 to the adjacent property to the east located at 6139 George Washington Memorial Highway (Tax Map #39-208)(“Royal Farms Parcel”), which the Owner intends to acquire and develop with a Royal Farms convenience store with fuel pumps in conjunction with the development of the Property. While the adjacent Royal Farms Parcel can be developed by-right with a convenience store with fuel pumps, it is not large enough nor does it provide sufficient means of ingress and egress to be suitable for use by Royal Farms on its own. As a result, the Owner is seeking to rezone the Property to be used for a variety of by-right retail and commercial uses in conjunction with the Royal Farms Parcel.

The Property is partially improved with a single-family residence but is otherwise undeveloped. The surrounding properties are zoned B-1, SC-1 and MF-1. The Property is adjacent to a mixed-use planned development known as Carriage Point. The Royal Farms Parcel is subject to a Proffer Statement recorded in the Clerk’s Office of the Circuit Court of the County of Gloucester as Instrument #140004824 (“Carriage Point Proffers”).

As indicated in the Traffic Impact Analysis prepared by Bowman, dated June 21, 2023 (“Bowman TIA”), which is submitted with this Rezoning Application, the combined use of the Property with a variety of commercial and retail uses in conjunction with the development and use of the Royal Farms Parcel as a convenience store with fuel pumps will generate 4,915 average trips per day. Of those average daily trips, 3,111 are projected to utilize E. Zandler Way to access U.S. Route 17, while the remaining 1,804 are projected to access U.S. Route 17 directly from the proposed right-in/right-out driveway on the Property in the location depicted on the conceptual site plan entitled “Overall Site Layout Conceptual Plan – Store #259” prepared by Bowman Consulting Group Ltd. dated April 2024 (“Concept Plan”). Due to the fact that the Carriage Point Proffers only allow for an additional 847 average daily trips into and out of the Royal Farms Parcel without an additional traffic impact analysis, the development and use of the Royal Farms Parcel was included in the Bowman TIA. As the TIA indicates, with the installation of the proffered westbound right turn overlap phase at the intersection of U.S. Route 17 and Canon Way/E. Zandler Way, the proposed development is not expected to adversely affect the operations of the existing roadway network.

The overall commercial development will generate new tax revenue from real estate and business personal property taxes resulting in a positive fiscal impact on the County. In addition to the construction jobs generated during construction of the project, the Property as developed and utilized with a mix of commercial and retail uses, together with the development and operation of the Royal Farms Parcel will generate as many as 100 new jobs in the County. With the Royal Farms alone generating 30-40 employees (including 15-20 full time employees).

The Comprehensive Plan's Future Land Use Plan identifies the front of the Property as Highway Mixed Use and the rear of the Property as Suburban Countryside. Likewise, the Court House Village Sub Area Plan identifies the front of the Property as suitable for Business Mixed Use and the rear of the Property as Mixed Residential Expansion. The Comprehensive Plan encourages different types of commercial development along U.S. Route 17 with access management standards and compatible development patterns that do not reduce the capacity or level of service of U.S. Route 17. As indicated in the Bowman TIA, which has been approved by the Virginia Department of Transportation, the proposed development will not reduce the capacity or level of service of U.S. Route 17 with the proffered traffic improvements. In addition, the proposed rezoning also promotes the County's economic development goals of encouraging economic development in appropriate and suitable areas. As such, the proposed rezoning is consistent with the Comprehensive Plan and the existing zoning of the surrounding properties and others on both sides of U.S. Route 17 and would not be considered a spot zoning.

TAX MAP No.: 39-201
RPC # 33859
Return to: Office of the County Attorney
7400 Justice Drive P. O. Box 1309
Gloucester, VA 23061

Prepared By:
Lisa M. Murphy, Esq. (VSB #39111)
440 Monticello Avenue, Ste. 2200
Norfolk, VA 23510

**PROFFER STATEMENT
APPLICATION Z-24-01**

WHEREAS, **GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC** (“Owner”) is the owner of certain real property located at 6181 George Washington Memorial Highway (Tax Map No. 39-201, RPC# 33859) (“Property”) in the Abingdon Magisterial District of Gloucester County, Virginia, totaling approximately 13.72 acres, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS, the Owner has filed an application to conditionally rezone the Property (“Rezoning Application”) from the current zoning of SC-1 (Suburban Countryside) to B-1 (Business) Conditional pursuant to the Gloucester County Zoning Ordinance (the “Zoning Ordinance”).

WHEREAS, a portion of the Property will be developed in conjunction with the development and use of the adjacent property to the southeast known as 6139 George Washington Memorial Highway (Tax Map No. 39-208, RPC #29093) (“Convenience Store Property”), as a convenience store with drive through food service and fueling stations.

WHEREAS, the Owner desires to voluntary proffer to Gloucester County (“County”) certain conditions in connection with the development of the Property for the protection and enhancement of the County and its citizens and to provide for the orderly development of the Property.

WHEREAS, the County is authorized to accept these proffers pursuant to the Code of Virginia, and the Zoning Ordinance.

WHEREAS, these proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and assigns. The term “Owner” used throughout these proffers shall refer to the Owner and to its successors and assigns.

NOW, THEREFORE, the Owner agrees that it shall meet and comply with the following proffers in connection with the development of the Property should the Rezoning Application be approved by the Board of Supervisors.

PROFFERS

1. **Concept Plan.** The Owner has filed with the County a conceptual site plan entitled “Conceptual Plan George Washington Memorial Highway Commercial Center” prepared by Bowman Consulting Group Ltd. last revised May 22, 2024 (“Concept Plan”) which is part of the Rezoning Application and is on file with the Gloucester County Department of Planning, Zoning and Environmental Programs. The Property shall be developed generally in accordance with the Concept Plan with only changes thereto that the Zoning Administrator reasonably determines do not alter the basic concept or character of the development; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. **Uses within B-1 (Business) Zoning District.** The following uses otherwise allowed in the B-1 (Business) zoning district shall be prohibited:

- a. Tattoo Parlor
- b. Motor Lodge

Except as otherwise provided in these proffers, the permitted uses on the Property shall be those presently permitted in the B-1 (Business) zoning district (by right or with a conditional use permit) and such other uses permitted (by right or with a conditional use permit) as the County may hereafter adopt as permitted or conditional uses in the B-1 (Business) zoning district.

3. **Sidewalk Reservation & Construction.** The Owner will reserve an area sufficient to construct a sidewalk meeting Americans with Disabilities Act (“ADA”) requirements on the portion of the Property adjacent to U.S. Route 17 to the extent there is insufficient room within the existing Virginia Department of Transportation (“VDOT”) right of way to construct such a sidewalk. Prior to the issuance of a final certificate of occupancy for a commercial building on any lot created from the Property (by subdivision or condominium regime), the Owner or developer of such lot shall complete construction of the section of sidewalk along U.S. Route 17 that corresponds with such lot’s frontage thereon. Each section of sidewalk shall be constructed in accordance with ADA requirements and VDOT design standards within the VDOT right of way, where feasible, or if not within the VDOT right of way within the area reserved by the Owner. Where it is technically not feasible to construct the sidewalk to VDOT’s design standards, the Owner or developer may construct the sidewalk in an alternative manner; provided that such alternative design is approved in advance by VDOT and the Zoning Administrator.

4. **Internal Pedestrian Connections.** Pedestrian connections between and among lots shall be provided for each lot created from the Property (by subdivision or condominium regime) as it develops, in order to establish safe internal and external traffic and pedestrian circulation to and through the Property. The type of pedestrian connections to be developed on each such lot shall be determined during site plan review.

5. **Archaeology.** A Phase I Archaeological Study (“Phase I”) for the entire Property shall be submitted to the Zoning Administrator or his/her designee for review by the Virginia Department of Historic Resources (“VDHR”) prior to site plan approval. If the Phase I evaluation recommends any site(s) for Phase II evaluation or if a Phase II evaluation is undertaken and recommends any site(s) for a Phase III evaluation, then prior to final site plan approval for such site(s), the required Phase II and/or Phase III evaluation, as applicable, shall be submitted to and approved by the Zoning Administrator. All

Phase I, Phase II, and Phase III studies shall meet VDHR's Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110, National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archeological Investigations in Virginia June 1996 and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. Upon approval by the County Administrator or his/her designee, all treatment plans shall be incorporated into the plan of development for the Property (or any portion thereof) and the clearing, grading or construction activities thereon.

6. Traffic Improvements. In connection with this Rezoning Application, the Owner has obtained approval of a traffic study, as supplemented by a trip generation comparison memo ("TIA"), analyzing the impact of the development of the Property, with a mix of commercial uses, including the development of the Convenience Store Property with a 6,139 square foot convenience store with drive through food service and 7 fueling stations (14 VFP) (collectively, "Convenience Store"), on the intersection of U.S. Route 17 and Canon Way/E. Zandler Way ("Intersection"). Pursuant to the approved TIA, the development and operation of the Convenience Store Property with a Convenience Store in conjunction with the development of the Property with a mix of commercial uses described therein would result in 4,915 daily trips (inclusive of the 827 daily trips remaining ("Remaining Trips") for the development of the Convenience Store Property under Proffer #11 of the Proffer Statement for Application Z-13-01 (Tax Map Nos. 39-208 and 39A-1-7A) recorded on December 2, 2014, as Instrument #140004824, in the Clerk's Office of the Circuit Court of the County of Gloucester). As recommended by the TIA, the Owner will complete a west bound right turn overlap phase at the Intersection ("Traffic Improvements"), prior to issuance of a certificate of occupancy for the first commercial building on the Property. The Traffic Improvements shall be constructed in accordance with applicable VDOT standards.

In the event the average number of total daily vehicle trips into and out of the Property directly and through the Convenience Store Property exceeds 4,915 daily trips (comprised of 3,111 trips (as measured at the Intersection inclusive of the Remaining Trips) and 1,804 (as measured at the right-in/right-out entrance to/exit from U.S. Route 17)), the Owner shall update the TIA and shall make any additional traffic improvements recommended as warranted by the updated study for which the need is based solely upon an increase in the actual vehicle trips entering and exiting the Property (“Additional Development”) over that projected in the TIA (“Additional Traffic Improvements”). The Additional Traffic Improvements shall be constructed prior to issuance of a certificate of occupancy for the first commercial building located on the Property, which is associated with the Additional Development.

7. **Severability.** In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section, subsection or provision hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section, subsection or provision hereof.

8. **Headings.** All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not part of these Proffers.

9. **Conflicts.** In the event that there is any conflict between these Proffers and the Zoning Ordinance, these Proffers shall govern and control.

10. Void if Zoning Application not Approved. In the event that the Rezoning Application is not approved by the County or is overturned by subsequent judicial determination, these Proffers and the Concept Plan shall be null and void.

Once proffered and accepted as part of an amendment to the Zoning Ordinance, these conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the Property covered by these conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.

*[THIS SPACE INTENTIONALLY LEFT BLANK.
SIGNATURES AND SEALS ON FOLLOWING PAGES.]*

[Owner Signature Page]

WITNESS the following signature and seal:

OWNER:

GEORGE WASHINGTON MEMORIAL
HIGHWAY II LLC

By: _____
Name: _____
Title: _____

STATE OF MARYLAND
CITY OF BALTIMORE, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____,
2024, by _____, as _____ of George Washington Memorial Highway II
LLC, on behalf of the company.

Notary Public

My commission expires:

[County Signature Page]

Acceptance:

The Proffers herein have been accepted as follows: (“All” or list specific proffers accepted)

By action of the Board of Supervisors on _____ (Date) _____.

County Administrator

**PROFFER STATEMENT
APPLICATION Z-24-01**

Exhibit A

Legal Description of Property

All THAT certain tract or parcel of land lying and being in Abingdon (formerly Ware) Magisterial District, Gloucester County, Virginia, the same containing an estimated Sixteen (16) Acres, more or less, but sold In gross and not by the acre, and bounded on the North by land now or formerly of Felix C. Rigau; on the East and South by land now or formerly of American Legion Post No. 75 of Gloucester, Virginia; and on the West by the public highway known as U.S. Route No. 17 as the same extends from White Marsh Post Office to Short Lane Post Office.

LESS AND EXCEPT 2.28 acres conveyed to the Commonwealth of Virginia by Certificate recorded in Deed Book 125, Page 369 and by Order recorded in Deed Book 126, Page 505.

Property Address:
6181 George Washington Memorial Highway, Gloucester, Virginia 23061



County of Gloucester
 Department of Planning and Zoning
 6489 Main Street
 Gloucester, Virginia 23061
 804-693-1224 FAX 804-824-2441

FOR OFFICE USE ONLY	
Date Received	_____
Date Complete	_____
Case No.	_____
Tax Map No.	_____
Receipt No.	_____

REQUEST FOR REZONING

EFFECTIVE July 1, 2008, THIS APPLICATION MUST BE ACCOMPANIED BY THE CHAPTER 527 COMPLIANCE FORM & THE VDOT LANDTRACK INFORMATION SHEET.

I, (WE) GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC DO
HEREBY PETITION THE BOARD OF SUPERVISORS OF THE COUNTY OF GLOUCESTER TO AMEND THE COUNTY ZONING ORDINANCE BY:

Modifying section(s) _____ of the ordinance as per the attached.

Modifying the Zoning District Classification of the following described property from the Suburban Countryside (SC-1) district(s), to the Business (B-1) district.

Modifying or removing one or more proffers approved as part of Rezoning Application _____.

A. PROPERTY INFORMATION

Location of property: 6181 George Washington Memorial Highway

Legal description of property:

* If recorded subdivision – Name _____

Section _____ Lot _____ Block _____

Land Book Page No. _____ Parcel(s) _____

* If acreage, attach plat of property and a metes and bounds description.

Are the taxes on this property paid up to date? **Yes**

*Pursuant to Va. Code Section 15.2-2286(B), the Board of Supervisors may, but is not mandated to, require proof of the payment of taxes prior to approval of a rezoning.

Briefly describe the current use of the property:

The approximately 13.72-acre parcel is improved with one single-family home.

B. EXPLANATION OF THE APPLICATION AND RELATIONSHIP OF THE PROPOSED REZONING TO THE COUNTY'S COMPREHENSIVE PLAN (IF APPLICABLE).

Please describe the purpose of the proffer amendment or rezoning and the proposed use of the property.

The Owner is seeking to rezone the Property from Suburban Countryside (SC-1) to Business (B-1) to develop a retail center with commercial pad sites and an access road to a proposed Royal Farms convenience store with gas sales, which will be developed on the adjoining parcel, Tax Map No. 39-208, which is already zoned Business (B-1).


(See attached Project Narrative for additional details.)

C. LIST THE NAMES AND ADDRESSES OF OWNERS OR OCCUPANTS OF ALL ADJACENT PROPERTY OR PROPERTY ACROSS A ROAD, HIGHWAY OR RAILROAD RIGHT-OF-WAY. ADDRESSES SHOULD COINCIDE WITH THOSE IN THE COMMISSIONER OF THE REVENUE OFFICE. (Please Print)

NAME	ADDRESS	TAX MAP/PARCEL#
The Dunston Family Revocable Trust	4513 Hermitage Lane, Gloucester, VA 23061	39-1C
The Dunston Family Revocable Trust	4513 Hermitage Lane, Gloucester, VA 23061	39-2
First United Baptist Church, Trustee	P.O. Box 336, Gloucester, VA 23061	39-3
First United Baptist Church, Trustee	P.O. Box 336, Gloucester, VA 23061	39-8A
GLOUPARK LLC	5248 Olde Towne Rd., Ste. 1, Williamsburg, VA 23185	39-8S
RIVERBEND APARTMENTS PHASE II LP	440 Monticello Ave., Suite 1700, Norfolk, VA 23510	39-208K
RIVERBEND APARTMENTS LP	440 Monticello Ave., Suite 1700, Norfolk, VA 23510	39-208C
AMERICAN LEGION POST NO 76 OF GLOUCESTER VIRGINIA	5849 N. American Legion Way, Gloucester, VA 23061	39-208B
ZANDLER DEVELOPMENT COMPANY LLC	P.O. Box 674, Gloucester, VA 23061	39-208
ZANDLER DEVELOPMENT COMPANY LLC	P.O. Box 674, Gloucester, VA 23061	39-208M

D. PERSON(S) REPRESENTING THE APPLICATION

Name: Lisa M. Murphy


(Signature)

Address: Willcox & Savage, P.C.

April 10, 2024
(Date)

440 Monticello Avenue, Suite 2200, Norfolk, VA 23510

Phone: 757-628-5540
(Date)

E. OWNER(S) OF PROPERTY

Name: GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC LLC

Phone: 443-801-7151

Address: 1700 Reisterstown Road, Suite 210, Baltimore, Maryland 21208

I hereby grant permission to the designated personnel of Gloucester County, and any other agency deemed appropriate by Gloucester County, to enter the subject property for purpose of review of the proposed application, to post signs prior to the public hearing by the Planning Commission, and to remove said signs after the public hearing by the Board of Supervisors.


(Signature) 4-10-24
(Date)

IMPORTANT: The proffer amendment or rezoning application package must be deemed complete before it can be transmitted to the Planning Commission to request a public hearing be scheduled.

Conflict of Interest Statement

In accordance with Section 14-22 of the Gloucester County Zoning Ordinance, I certify that my application for zoning amendment, ___ variance, or ___ special exception is subject to the following:

“Does any member of the Planning Commission, Board of Zoning Appeals, or governing body (Board of Supervisors) have any interest in the property which is subject of this application/petition, either individually, or by ownership of stock in a corporation owning such land or partnership? ___ Yes No

Does a member of the immediate household of any member of the Planning Commission, Board of Zoning Appeals, or governing body (Board of Supervisors) have any interest in the property which is the subject of this application/petition? ___ Yes No

If yes to either questions above, please state:

Person’s name: _____

Member of: _____

Nature of their interest: _____

I, Justin Rosemorc
(Print name)

hereby certify that the information contained in this application/petition is true and correct to the best of my knowledge.

Maryland _____ (Signature) 4-10-2024 (Date)

STATE OF ~~VIRGINIA~~
COUNTY OF ~~GLOUCESTER~~ Baltimore Maryland

I, a Notary Public of the County of ~~Gloucester~~ Baltimore, State of ~~Virginia~~ Maryland, do hereby certify that Justin Rosemorc, whose name is signed to the writing above dated on the 10th day of April, 2024, has acknowledged the same before me in my State aforesaid.

Given under my hand this 10th day of April, 2024.

JOSHUA EREZ
Notary Public-Maryland
Baltimore City
My Commission Expires
9/29/2024

Notary Public

My commission expires 9-29-2024

GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC
Rezoning Application
6181 George Washington Memorial Highway
Tax Map #39-201 (RPC #33859)
SC-1 (Suburban Countryside) to B-1 (Business) Conditional

Project Narrative

George Washington Memorial Highway II LLC, the owner of subject property comprised of approximately 13.72 acres located at 6181 George Washington Memorial Highway (Tax Map #39-201)(“Property”) in the Abingdon Magisterial District, has applied to conditionally rezone the Property from SC-1 (Suburban Countryside) to B-1 (Business) Conditional in order to develop the Property with a mix of commercial and retail uses. The Property will also provide an access road and an additional means of access to and from U.S. Route 17 to the adjacent property to the east located at 6139 George Washington Memorial Highway (Tax Map #39-208)(“Royal Farms Parcel”), which the Owner intends to acquire and develop with a Royal Farms convenience store with fuel pumps in conjunction with the development of the Property. While the adjacent Royal Farms Parcel can be developed by-right with a convenience store with fuel pumps, it is not large enough nor does it provide sufficient means of ingress and egress to be suitable for use by Royal Farms on its own. As a result, the Owner is seeking to rezone the Property to be used for a variety of by-right retail and commercial uses in conjunction with the Royal Farms Parcel.

The Property is partially improved with a single-family residence but is otherwise undeveloped. The surrounding properties are zoned B-1, SC-1 and MF-1. The Property is adjacent to a mixed-use planned development known as Carriage Point. The Royal Farms Parcel is subject to a Proffer Statement recorded in the Clerk’s Office of the Circuit Court of the County of Gloucester as Instrument #140004824 (“Carriage Point Proffers”).

As indicated in the Traffic Impact Analysis prepared by Bowman, dated June 21, 2023 (“Bowman TIA”), which is submitted with this Rezoning Application, the combined use of the Property with a variety of commercial and retail uses in conjunction with the development and use of the Royal Farms Parcel as a convenience store with fuel pumps will generate 4,915 average trips per day. Of those average daily trips, 3,111 are projected to utilize E. Zandler Way to access U.S. Route 17, while the remaining 1,804 are projected to access U.S. Route 17 directly from the proposed right-in/right-out driveway on the Property in the location depicted on the conceptual site plan entitled “Overall Site Layout Conceptual Plan – Store #259” prepared by Bowman Consulting Group Ltd. dated April 2024 (“Concept Plan”). Due to the fact that the Carriage Point Proffers only allow for an additional 847 average daily trips into and out of the Royal Farms Parcel without an additional traffic impact analysis, the development and use of the Royal Farms Parcel was included in the Bowman TIA. As the TIA indicates, with the installation of the proffered westbound right turn overlap phase at the intersection of U.S. Route 17 and Canon Way/E. Zandler Way, the proposed development is not expected to adversely affect the operations of the existing roadway network.

The overall commercial development will generate new tax revenue from real estate and business personal property taxes resulting in a positive fiscal impact on the County. In addition to the construction jobs generated during construction of the project, the Property as developed and utilized with a mix of commercial and retail uses, together with the development and operation of the Royal Farms Parcel will generate as many as 100 new jobs in the County. With the Royal Farms alone generating 30-40 employees (including 15-20 full time employees).

The Comprehensive Plan's Future Land Use Plan identifies the front of the Property as Highway Mixed Use and the rear of the Property as Suburban Countryside. Likewise, the Court House Village Sub Area Plan identifies the front of the Property as suitable for Business Mixed Use and the rear of the Property as Mixed Residential Expansion. The Comprehensive Plan encourages different types of commercial development along U.S. Route 17 with access management standards and compatible development patterns that do not reduce the capacity or level of service of U.S. Route 17. As indicated in the Bowman TIA, which has been approved by the Virginia Department of Transportation, the proposed development will not reduce the capacity or level of service of U.S. Route 17 with the proffered traffic improvements. In addition, the proposed rezoning also promotes the County's economic development goals of encouraging economic development in appropriate and suitable areas. As such, the proposed rezoning is consistent with the Comprehensive Plan and the existing zoning of the surrounding properties and others on both sides of U.S. Route 17 and would not be considered a spot zoning.

Prepared By:
Lisa M. Murphy, Esq. (VSB #39111)
440 Monticello Avenue, Ste. 2200
Norfolk, VA 23510

**PROFFER STATEMENT
APPLICATION Z-24-01**

WHEREAS, **GEORGE WASHINGTON MEMORIAL HIGHWAY II LLC** (“Owner”) is the owner of certain real property located at 6181 George Washington Memorial Highway (Tax Map No. 39-201, RPC# 33859) (“Property”) in the Abingdon Magisterial District of Gloucester County, Virginia, totaling approximately 13.72 acres, as more particularly described on Exhibit A, attached hereto and incorporated herein by reference.

WHEREAS, the Owner has filed an application (“Rezoning Application”) to conditionally rezone a 0.93-acre portion of the Property (“Rezoning Area”), as more particularly described on Exhibit B, attached hereto and incorporated herein by reference , from the current zoning of SC-1 (Suburban Countryside) to B-1 (Business) Conditional pursuant to the Gloucester County Zoning Ordinance (the “Zoning Ordinance”).

WHEREAS, the Rezoning Area will be developed in conjunction with the development and use of the adjacent property to the southeast known as 6139 George Washington Memorial Highway (Tax Map No. 39-208, RPC #29093) (“Convenience Store Property”), as a convenience store with drive through food service and fueling stations.

WHEREAS, the Owner desires to voluntary proffer to Gloucester County (“County”) certain conditions in connection with the development of the Rezoning Area for the protection and enhancement of the County and its citizens and to provide for the orderly development of the Rezoning Area in conjunction with the development of the Convenience Store Property.

WHEREAS, the County is authorized to accept these proffers pursuant to the Code of Virginia, and the Zoning Ordinance.

WHEREAS, these proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and assigns. The term “Owner” used throughout these proffers shall refer to the Owner and to its successors and assigns.

NOW, THEREFORE, the Owner agrees that it shall meet and comply with the following proffers in connection with the development of the Rezoning Area should the Rezoning Application be approved by the Board of Supervisors.

PROFFERS

1. **Concept Plan.** The Owner has filed with the County a conceptual site plan entitled “Conceptual Plan George Washington Memorial Highway Commercial Center” prepared by Bowman Consulting Group Ltd. last revised July 26, 2024 (“Concept Plan”) which is part of the Rezoning Application and is on file with the Gloucester County Department of Planning, Zoning and Environmental Programs. The Rezoning Area shall be developed generally in accordance with the Concept Plan with only changes thereto that the Zoning Administrator reasonably determines do not alter the basic concept or character of the development; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. **Uses within B-1 (Business) Zoning District.** The following uses otherwise allowed in the B-1 (Business) zoning district shall be prohibited:

- a. Tattoo Parlor
- b. Motor Lodge

Except as otherwise provided in these proffers, the permitted uses on the Rezoning Area shall be those presently permitted in the B-1 (Business) zoning district (by right or with a conditional use permit) and

such other uses permitted (by right or with a conditional use permit) as the County may hereafter adopt as permitted or conditional uses in the B-1 (Business) zoning district.

3. **Sidewalk Reservation & Construction.** The Owner will reserve an area sufficient to construct a sidewalk meeting Americans with Disabilities Act (“ADA”) requirements on the portion of the Rezoning Area adjacent to U.S. Route 17 to the extent there is insufficient room within the existing Virginia Department of Transportation (“VDOT”) right of way or in the event it is not otherwise feasible to construct such a sidewalk within the VDOT right of way. Prior to the issuance of a final certificate of occupancy for the Convenience Store (as hereafter defined), the Owner or developer shall complete construction of a section of sidewalk along U.S. Route 17 that corresponds with the development of the Rezoning Area in conjunction with the development of the Convenience Store. Such sidewalk shall be constructed in accordance with ADA requirements and VDOT design standards within the VDOT right of way, where feasible, or if not within the VDOT right of way within the area reserved by the Owner. Where it is technically not feasible to construct the sidewalk to VDOT’s design standards within the VDOT right of way, the Owner or developer may construct the sidewalk in an alternative manner; provided that such alternative design is approved in advance by VDOT and the Zoning Administrator.

4. **Archaeology.** A Phase I Archaeological Study (“Phase I”) for the Rezoning Area shall be submitted to the Zoning Administrator or his/her designee for review by the Virginia Department of Historic Resources (“VDHR”) prior to site plan approval. If the Phase I evaluation recommends any site(s) for Phase II evaluation or if a Phase II evaluation is undertaken and recommends any site(s) for a Phase III evaluation, then prior to final site plan approval for a site plan that includes the Rezoning Area, the required Phase II and/or Phase III evaluation, as applicable, shall be submitted to and approved by the Zoning Administrator. All Phase I, Phase II, and Phase III studies shall meet VDHR’s Guidelines for Preparing Identification and Evaluation Reports for Submission Pursuant to Sections 106 and 110,

National Historic Preservation Act, Environmental Impact Reports of State Agencies, Virginia Appropriations Act, 1998 Session Amendments and Guidelines for Archeological Investigations in Virginia June 1996 and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the Secretary of the Interior's Professional Qualification Standards. Upon approval by the County Administrator or his/her designee, all treatment plans shall be incorporated into the plan of development for the Rezoning Area (or any portion thereof) and the clearing, grading or construction activities thereon.

5. **Traffic Improvements.** In connection with this Rezoning Application, the Owner has obtained approval of a traffic study, as supplemented by a trip generation comparison memo ("TIA"), analyzing the impact of the development of the Rezoning Area, in conjunction with the development of the Convenience Store Property, with a 6,139 square foot convenience store with drive through food service and 6 fueling stations (12 VFP) (collectively, "Convenience Store"), on the intersection of U.S. Route 17 and Canon Way/E. Zandler Way ("Intersection"). Pursuant to the approved TIA, the development and operation of the Convenience Store Property with a Convenience Store in conjunction with the development of the Rezoning Area as depicted on the Concept Plan would result in no more than 4,915 daily trips (inclusive of the 827 daily trips remaining ("Remaining Trips") for the development of the Convenience Store Property under Proffer #11 of the Proffer Statement for Application Z-13-01 (Tax Map Nos. 39-208 and 39A-1-7A) recorded on December 2, 2014, as Instrument #140004824, in the Clerk's Office of the Circuit Court of the County of Gloucester). As recommended by the TIA, the Owner will complete a west bound right turn overlap phase at the Intersection ("Traffic Improvements"), prior to issuance of a certificate of occupancy for the Convenience Store. The Traffic Improvements shall be constructed in accordance with applicable VDOT standards.

In the event the average number of total daily vehicle trips into and out of the Rezoning Area directly and through the Convenience Store Property exceeds 4,915 daily trips (comprised of 3,111 trips (as measured at the Intersection inclusive of the Remaining Trips) and 1,804 (as measured at the right-

in/right-out entrance to/exit from U.S. Route 17)), the Owner shall update the TIA and shall make any additional traffic improvements recommended as warranted by the updated study for which the need is based solely upon an increase in the actual vehicle trips entering and exiting the jointly developed Rezoning Area and Convenience Store Property (“Additional Development”) over that projected in the TIA (“Additional Traffic Improvements”). The Additional Traffic Improvements shall be constructed prior to issuance of a certificate of occupancy for the construction of improvements associated with the Additional Development.

6. **Internal Pedestrian and Vehicular Access.** Prior to final site plan approval for the development of the Convenience Store on the Rezoning Area and the Convenience Store Property in the manner depicted on the Concept Plan, the Owner shall record a boundary line adjustment plat incorporating the Rezoning Area into the Convenience Store Property (collectively, “New Convenience Store Property”) and will record an agreement in the Clerk’s Office of the Circuit Court of Gloucester County providing a means of ingress, egress and access to and from Route 17 and Zandler Way through the New Convenience Store Property for the remainder of the Property zoned SC-1 (Suburban Countryside).

7. **Severability.** In the event that any clause, sentence, paragraph, subparagraph, section or subsection of these Proffers shall be judged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, subparagraph, section, subsection or provision hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, subparagraph, section, subsection or provision hereof.

8. **Headings.** All paragraph and subparagraph headings of the Proffers herein are for convenience only and are not part of these Proffers.

9. **Conflicts.** In the event that there is any conflict between these Proffers and the Zoning Ordinance, these Proffers shall govern and control.

10. **Void if Zoning Application not Approved.** In the event that the Rezoning Application is not approved by the County or is overturned by subsequent judicial determination, these Proffers and the Concept Plan shall be null and void.

Once proffered and accepted as part of an amendment to the Zoning Ordinance, these conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the Property covered by these conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised Zoning Ordinance.

*[THIS SPACE INTENTIONALLY LEFT BLANK.
SIGNATURES AND SEALS ON FOLLOWING PAGES.]*

[Owner Signature Page]

WITNESS the following signature and seal:

OWNER:

GEORGE WASHINGTON MEMORIAL
HIGHWAY II LLC

By: _____

Name: _____

Title: _____

STATE OF MARYLAND
CITY OF BALTIMORE, to wit:

The foregoing instrument was acknowledged before me this ___ day of _____,
2024, by _____, as _____ of George Washington Memorial Highway II
LLC, on behalf of the company.

Notary Public

My commission expires:

[County Signature Page]

Acceptance:

The Proffers herein have been accepted as follows: (“All” or list specific proffers accepted)

By action of the Board of Supervisors on _____ (Date) _____.

County Administrator

**PROFFER STATEMENT
APPLICATION Z-24-01**

Exhibit A

Legal Description of Property

All THAT certain tract or parcel of land lying and being in Abingdon (formerly Ware) Magisterial District, Gloucester County, Virginia, the same containing an estimated Sixteen (16) Acres, more or less, but sold In gross and not by the acre, and bounded on the North by land now or formerly of Felix C. Rigau; on the East and South by land now or formerly of American Legion Post No. 75 of Gloucester, Virginia; and on the West by the public highway known as U.S. Route No. 17 as the same extends from White Marsh Post Office to Short Lane Post Office.

LESS AND EXCEPT 2.28 acres conveyed to the Commonwealth of Virginia by Certificate recorded in Deed Book 125, Page 369 and by Order recorded in Deed Book 126, Page 505.

Property Address:
6181 George Washington Memorial Highway, Gloucester, Virginia 23061

**PROFFER STATEMENT
APPLICATION Z-24-01**

Exhibit B

Legal Description of Rezoning Area

Being a portion of land lying in the Abingdon Magisterial District, Gloucester County, Virginia, located on Tax Map Number 39-201, which plat is of record in the Clerk's Office of the Circuit Court of Gloucester County, Virginia, in Plat Book 1, Page 234:

Beginning at an iron rod located at the southwest corner of said property, at a point shared with Tax Map Number 39-208, as recorded on Instrument Number 170000378 in the Clerk's Office of the Circuit Court, and lying on the northern Right-of-Way line of George Washington Memorial Highway; running N 43°42'27" W 26.49 feet to an iron rod along said Right-of-Way; thence Running northerly along said Right-of-Way along the arc of a curve deflecting to the right with a radius of 1,723.10 feet, a central angle of 5°41'05", and a chord bearing and distance of N 40°53'59"W, 170.89 feet, to a point; thence departing said Right-of-Way running easterly N 46°17'33" E 103.13 feet to a point; thence S 43°42'27" E 117.83 feet to a point; thence N 46°17'33" E 239.50 feet to a point; thence S 43°42'27" E 79.40 feet to a point lying in the western boundary line of said Tax Map 39-208; thence following said boundary line S 46°18'06" W 351.00', passing an iron rod at 31.00', to the point of beginning, containing 0.930 acres.



GLOUCESTER COUNTY
Planning, Zoning & Environmental
Programs Department
6489 Main Street
Gloucester, VA 23061
(804) 693-1224
www.gloucesterva.info

TO: Board of Supervisors

CC: Carol Steele, County Administrator
George Bains, PE, Deputy County Administrator
Ted Wilmot, County Attorney

FROM: Anne Ducey-Ortiz, AICP, Director of Planning, Zoning, and Env. Programs

DATE: July 26, 2024

RE: Public Hearing on Rezoning Application Z-24-01- Rezoning for Convenience store with Drive Through and Gas Station

The Board of Supervisors will hold a Public Hearing on Rezoning Application Z-24-01 at their August 6, 2024 meeting. This application was submitted to the Department of Planning, Zoning, and Environmental Programs in April 2024 and the applicant worked with departmental staff to refine the application, specifically the proffer language, prior to the Planning Commission holding a Public Hearing at their July 11, 2024 monthly meeting.

The Planning Commission's Public Hearing, scheduled for the same meeting as the Zoning Ordinance Update's Public Hearing, received significant public comment on the application. The majority of these comments were critical of the application presented at that meeting, primarily stating a lack of desire for another gas station to be developed in the County or expressing concern over the transportation impacts resulting from the proposed development of the gas station (and convenience store with drive through) and additional land for commercial uses. As stated by the applicant, TM 39-208, a parcel to be included with the development of the gas station use but not requiring rezoning due to its current B-1 zoning (reclassified in 2014 through Rezoning Application Z-13-01), could still be developed for a smaller convenience store and gas station use, which is permitted by right in the B-1 district. The applicant indicated that their desire was to develop a "restaurant-focused convenience store" and gas station similar to Wawa, but with the addition of a drive through for the convenience store. The additional land requested to be rezoned on TM 39-201 provides an opportunity to locate these uses on the site with better circulation and access. During the discussion following the public's comments, the Commission expressed concern with the undefined land uses on the additional land proposed for B-1 zoning on TM 39-201 and the impacts arising from these potential uses. Therefore, the Planning Commission voted to forward this application to the Board of Supervisors with a recommendation of denial by a 6-1 vote.

Following the Planning Commission's Public Hearing, the applicant contacted staff with the desire to amend the rezoning application to propose reclassifying the land needed **solely** for the convenience store (with drive through) and gas station uses along with the associated access road and retain the current SC-1 zoning for the remainder of the property. As a result, under this revised application, the area to be rezoned to the B-1 district would be decreased by 12.79 acres (from 13.72 acres to 0.93 acres).

At the Planning Commission's Public Hearing, staff recommended approval of the original application due to its consistency with the Comprehensive Plan and its goals, the benefits the application would provide to the County, and the manners the applicant offset impacts with voluntary proffers. Should you desire to understand staff's rationale in greater detail, we have included the Staff Report prepared for the Planning Commission's Public Hearing with this item's materials. When staff reconsiders the revised application in light of the comments and discussion at the Commission's Public Hearing, staff recommends that the Board approve the **revised application** due to how the applicant has attempted to address the input received and the reduction in impacts anticipated from this revision.

For the Board's benefit, staff has highlighted below the areas where the revised application has resulted in changes to staff's analysis and the impacts (positive and negative) identified in the aforementioned Staff Report:

Project Description

As previously mentioned, the area to be rezoned is proposed to be reduced from 13.72 acres to 0.93 acres. On the 12.79 acres proposed to remain SC-1 under the revised application, the original application showed land bays for commercial, retail, and self-storage uses, an extended access road to serve these land bays, and a stormwater management pond. The nature and extent of the convenience store with drive through and gas station remains unchanged under the revised application. As previously mentioned, this convenience store and gas station use is proposed on both TM 39-201 and 39-208. If the rezoning (for TM 39-201) is denied, a smaller convenience store and gas station (or other use permitted in the B-1 district and not restricted by the Carriage Point proffers) could be developed on TM 39-208 since it is currently zoned B-1 as a result of Rezoning Application Z-13-01, approved by the Board of Supervisors in 2014.

Transportation Impact

The original application, which proposed the convenience store and gas station along with land bays for commercial, retail, and self-storage uses was anticipated to produce 4,859 daily trips, 413 AM peak hour trips, and 410 PM peak hour trips. The revised application, which proposes only the convenience store with drive through and gas station, is anticipated to produce 3,992 daily trips, 347 AM peak hour trips, and 335 PM peak hour trips. It is to be noted that the number of trips generated by the drive through element accompanying the convenience store (if any) was unresolved prior to finalization of the Staff Report for the Planning Commission Public Hearing. The applicant's traffic engineer has provided details demonstrating that drive through elements do not generate any additional trips and VDOT has agreed with this conclusion. Therefore, the aforementioned traffic generation calculations for the convenience store and gas station accurately reflects the full automobile transportation impact resulting from these uses.

The revised application also retains the right turn lane and taper (widening element) leading into the access point along Route 17 North, north of the intersection of Route 17 and Canon Way (SR 780)/Zandler Way and timing optimization of this intersection's

signal. Staff has met with VDOT and confirmed that they do not have any additional comments arising from this revised application (beyond that provided for the original application).

Although not shown on the revised Conceptual Plan, the applicant has proffered an interparcel connection and access to the portion of TM 39-201 proposed to remain zoned SC-1. The type and location of interparcel connection or internal access will be dependent on the future use(s) of the site and, therefore, is not currently depicted on the Conceptual Plan. The Highway Corridor Development District (HCDD) requires “direct and convenient vehicular circulation between adjacent properties,” but this proffer guarantees access regardless of whether HCDD applies, which is consistent with the Comprehensive Plan’s land use recommendations for the Highway Mixed Use designation.

In the original application, the applicant voluntarily proffered sidewalks along the property’s Route 17 frontage as well as internally between the uses. Under the revised application, sidewalks are still retained, but will be developed **only** along the frontage of the convenience store and gas station use and the proffer for internal sidewalks between the uses has been removed.

As detailed in the Staff Report for the Planning Commission Public Hearing, although VDOT supports the applicant’s analysis of the traffic impacts and entrance along Route 17 North (in both its original and revised form), the County has the final authority to approve or deny this application, including both the original and revised application, through action by the Board of Supervisors.

Fiscal Impact

Under the original application, which proposed the convenience store and gas station along with land bays for commercial, retail, and self-storage uses, the County Assessor estimated the full development to generate as much as \$30,000 to \$40,000 in annual revenue at today’s values and tax rates. With the revised application reducing the proposed area to be reclassified to the B-1 district from 13.72 acres to 0.93 acres, the estimated revenue to be generated from this area will certainly be significantly less than the original estimate. However, since the property’s current uses under the SC-1 district are for residential and agricultural uses (but not receiving the agricultural Land Use tax exemption), the revenue from a portion of this property being zoned to the B-1 district is likely to be greater than what the County receives from the current zoning and uses. Finally, it is to be noted that, since the land to be rezoned for the convenience store and gas station will contain parking areas, a trash enclosure, drive aisles, and a 30 ft. buffer, the fiscal impact cannot be calculated by determining the percentage of the original application that will be rezoned under the revised application and applying this percentage to the \$30,000 to \$40,000 annual revenue estimate for the original application as numerous factors are considered when determining the estimated tax revenue from these uses.

Environmental Impact

The revised Conceptual Plan illustrates a stormwater feature (pond) on the front of TM 39-201 and 39-208 to accommodate the stormwater demands of the convenience store and gas station development. As detailed in the Staff Report for the Planning Commission Public Hearing, this development could also utilize the regional stormwater feature within the Carriage Point development to accommodate some or all of its stormwater management needs as long as it is confirmed that the regional stormwater feature has

been designed to the appropriate size to accommodate this additional stormwater demand. All stormwater design will be evaluated by staff within the Environmental Programs Division of the Department of Planning, Zoning, and Environmental Programs during the site plan review process.

Board of Supervisors August 2024 Public Hearing

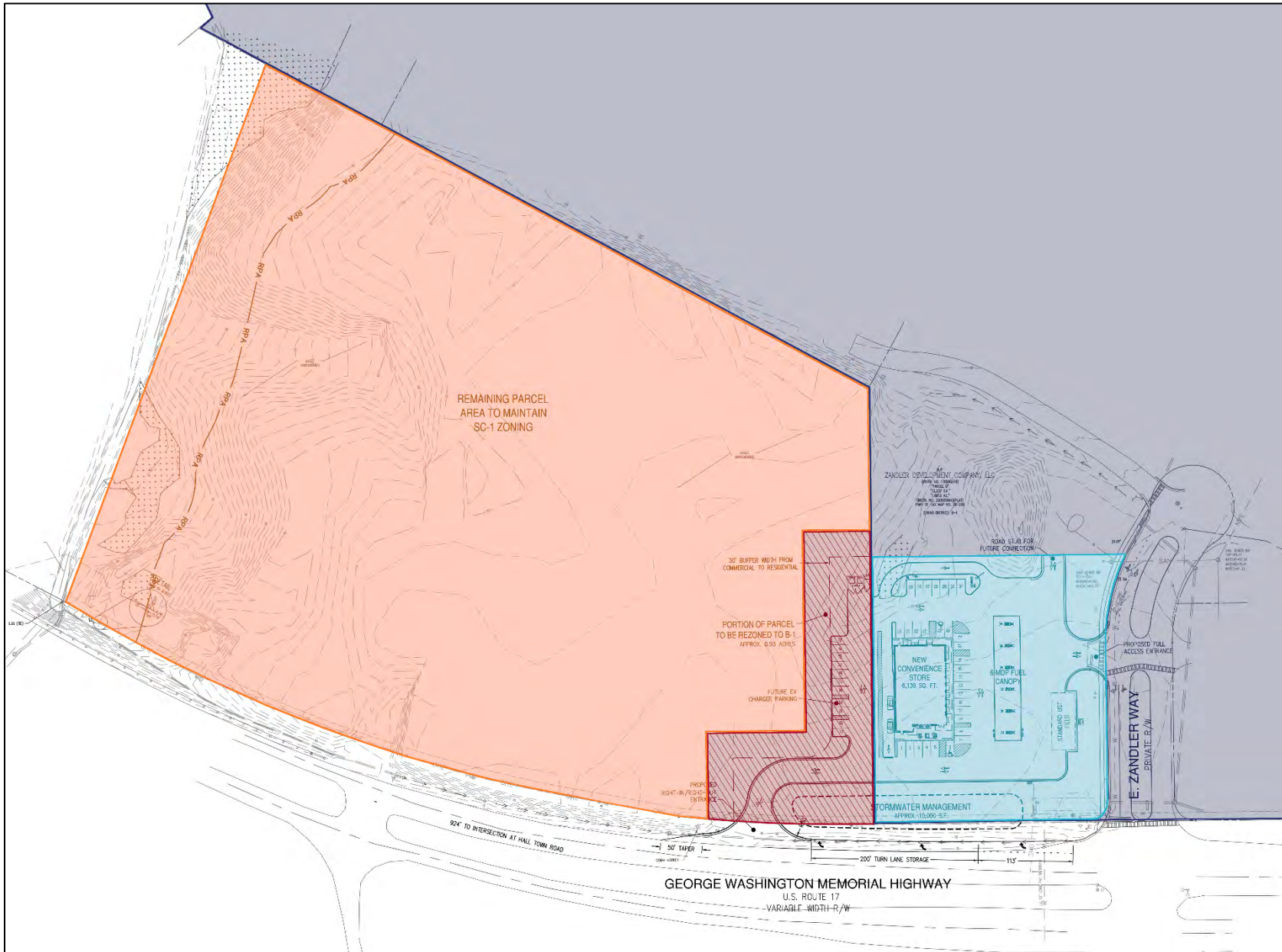
In accordance with state code, the Board is required to hold a Public Hearing on the original rezoning application. However, the Board can receive and consider the revisions to the application resulting from the input received at the Planning Commission's Public Hearing. Therefore, at the Board of Supervisors' Public Hearing, staff will present a summary of the original and revised applications and a comparison of the impacts under the revised application. Staff's presentation for this Public Hearing is included with this item's materials. Following the Board's discussion of the applications, any of the following actions can be carried out by the Board for this application:

1. Vote on the Ordinance to Approve the **original** rezoning application.
2. Vote on the Ordinance to Approve the **revised** rezoning application.
3. Vote on the Resolution to Deny the **original** rezoning application.
4. Vote to table the rezoning application to a future meeting for further consideration (with specifics on what additional information the applicant and/or staff should provide to the Board). As required by the Zoning Ordinance, the Board shall act upon and make a decision on the application within one year of the date such application is filed (April 12, 2024) unless the applicant requests or consents to action by the Board beyond such period or withdraws the application prior to action of the Board.

Two separate Ordinances to Approve and one Resolution to Deny are included with this item's materials along with both the Original and Revised Rezoning Application Z-24-01.

Feel free to contact Sean McNash or Anne Ducey-Ortiz at 804-693-1224 should you have any questions during your review.

Revised Conceptual Plan



Red: Area on TM 39-201 to be rezoned to B-1 (0.93 acres)

Orange: Area on TM 39-201 to remain SC-1 (12.79 acres)

Dark Blue: Carriage Point development (rezoned in 2013 through Rezoning Application Z-13-01)

Light Blue: Carriage Point property currently zoned B-1 (rezoned in 2013 through Rezoning Application Z-13-01)

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning
Planning Commission Public Hearing July 11, 2024

Overview

<i>Owner and Applicant:</i>	George Washington Memorial Highway II, LLC (Property Owner) Lisa Murphy (Applicant)
<i>Location:</i>	Route 17 North, north of Riverbend Apartments (Zandler Way)
<i>Tax Map and Parcel #'s:</i>	39-201 (Proposed Commercial Parcel Rezoning, including portion of Gas Station and Convenience Store with Drive Through) 39-208 (Parcel with portion of Gas Station and Convenience Store with Drive Through, not to be rezoned)
<i>RPC #'s:</i>	33859 (Proposed Commercial Parcel Rezoning, including portion of Gas Station and Convenience Store with Drive Through) 29093 (Parcel with portion of Gas Station and Convenience Store with Drive Through, not to be rezoned)
<i>Acreage:</i>	13.72 +/-
<i>Existing Zoning:</i>	SC-1, Suburban Countryside
<i>Existing Use:</i>	Residential and undeveloped
<i>Requested Zoning:</i>	B-1, Business (conditional)
<i>Purpose:</i>	Permit the construction of an access road and a portion of a Gas Station and a Convenience Store with a Drive Through (to be located on both TM 39-201 and 39-208). The Conceptual Plan for the parcel to be rezoned (TM 39-201) illustrates additional commercial areas.
<i>Proffers Submitted:</i>	Yes
<i>Surrounding Land Uses:</i>	East: American Legion (within the Carriage Point development) West (across Route 17): Gloucester Business Park North: Vacant and Gloucester Toyota South: Parcel with portion of Gas Station and Convenience Store with Drive Through (not to be rezoned) and additional Carriage Point development including Langley Federal Credit Union

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

General Project Description

The applicant is proposing to rezone TM 39-201 from the SC-1 (Suburban Countryside) district to the B-1 (Business) district in order to construct an access road and a portion of a gas station and convenience store with a drive through. The other portion of this development (gas station and convenience store with a drive through) will be located on TM 39-208, a parcel rezoned to the B-1 district (with proffered conditions) through Rezoning Application Z-13-01 (as part of the Carriage Point development), which was approved by the Board of Supervisors in 2014. In addition to these uses, the applicant's Conceptual Plan identifies other commercial areas on TM 39-201 that could be developed for commercial, retail, self storage, or other uses permitted in the B-1 district (except for tattoo parlors and motor lodges, which are restricted by proffers voluntarily offered by the applicant). Additional voluntary proffers include pedestrian accommodations, an updated traffic study and associated improvements, and an archaeological study, among others.

Existing Zoning

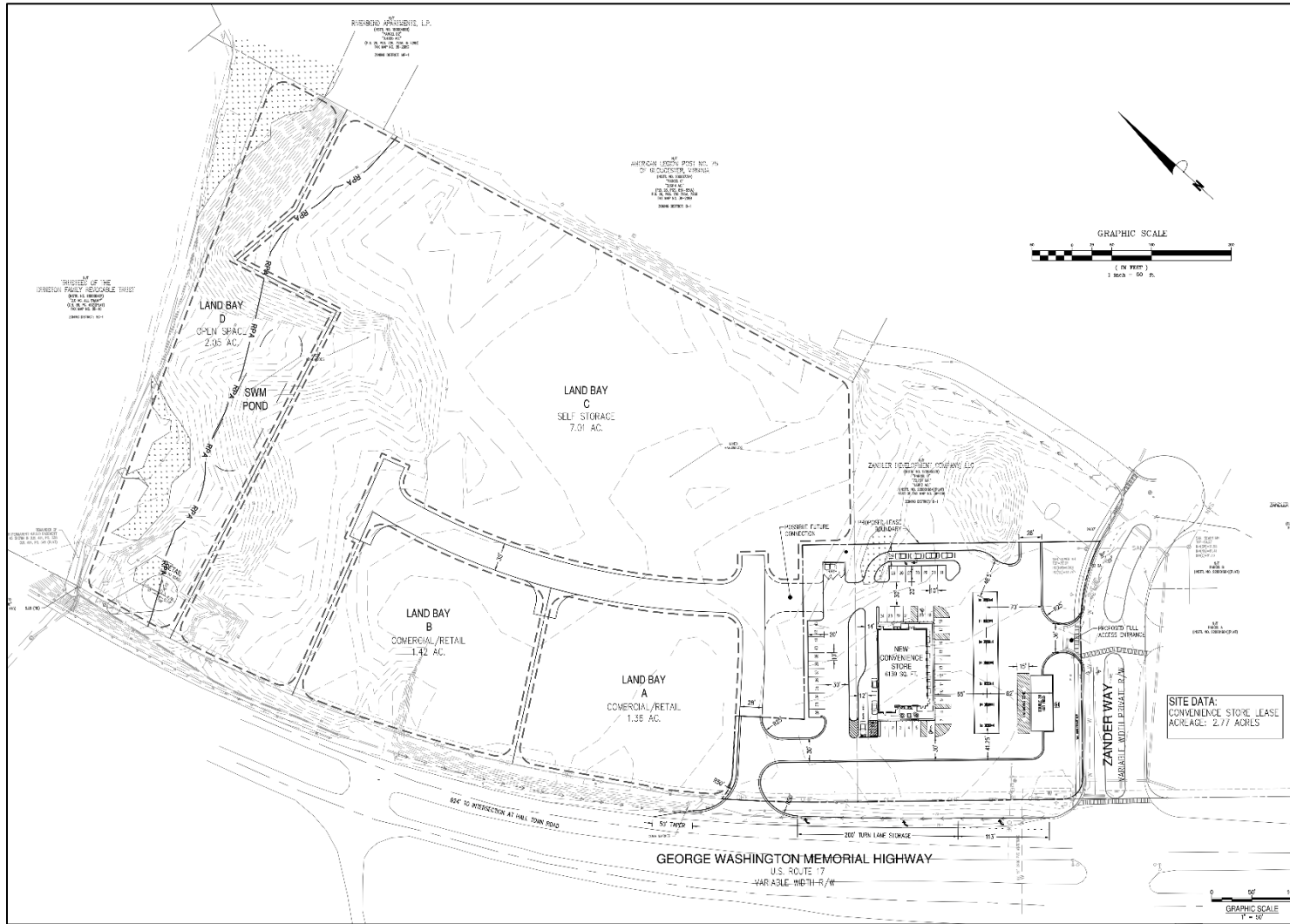


Purple Outline: Applicant's Parcel
Orange: SC-1 (Suburban Countryside)

Red: B-1 (Business)
Green: MF-1 (Multi-Family)

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning
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Conceptual Plan



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Comprehensive Plan

The Comprehensive Plan identifies this site as primarily within the Highway Mixed Use designation with a portion of the rear of the lot in the Suburban Countryside designation (due to the designations not following property lines). Furthermore, this site is within the County's Development District. These designations (Highway Mixed Use and the Development District) provide significant commercial access to other parts of the County and create identifiable places defined by form while maintaining highway capacity and efficiency through access management standards and compatible development practices. Finally, these areas are the County's principal employment center and sites should be served by public water and sewer.

The rezoning proposes commercial development within the Development District. If reclassified to the B-1 district, this property will be subject to the requirements of the Highway Corridor Development District (HCDD), which includes access management standards (such as inter-parcel connectivity), certain architectural standards, and increased setbacks along Route 17. Furthermore, the applicant has proffered a Conceptual Plan that illustrates a singular entrance and access road to serve the various uses on the property, pedestrian accommodations along Route 17 as well as between uses on the property, traffic improvements (based upon the uses shown on the Conceptual Plan), and a requirement for an updated Traffic Impact Analysis (TIA) should any use generate more traffic than documented on the application's TIA. Finally, should the property within the Carriage Point Development north of the gas station and convenience store (shown as on the Conceptual Plan as "Parcel D" and owned by "Zandler Development Company, LLC") be developed, an updated TIA for the Carriage Point property would need to be performed and additional transportation improvements (as determined by the updated TIA) may be necessary based on the proffers accepted with Rezoning Application Z-13-01.

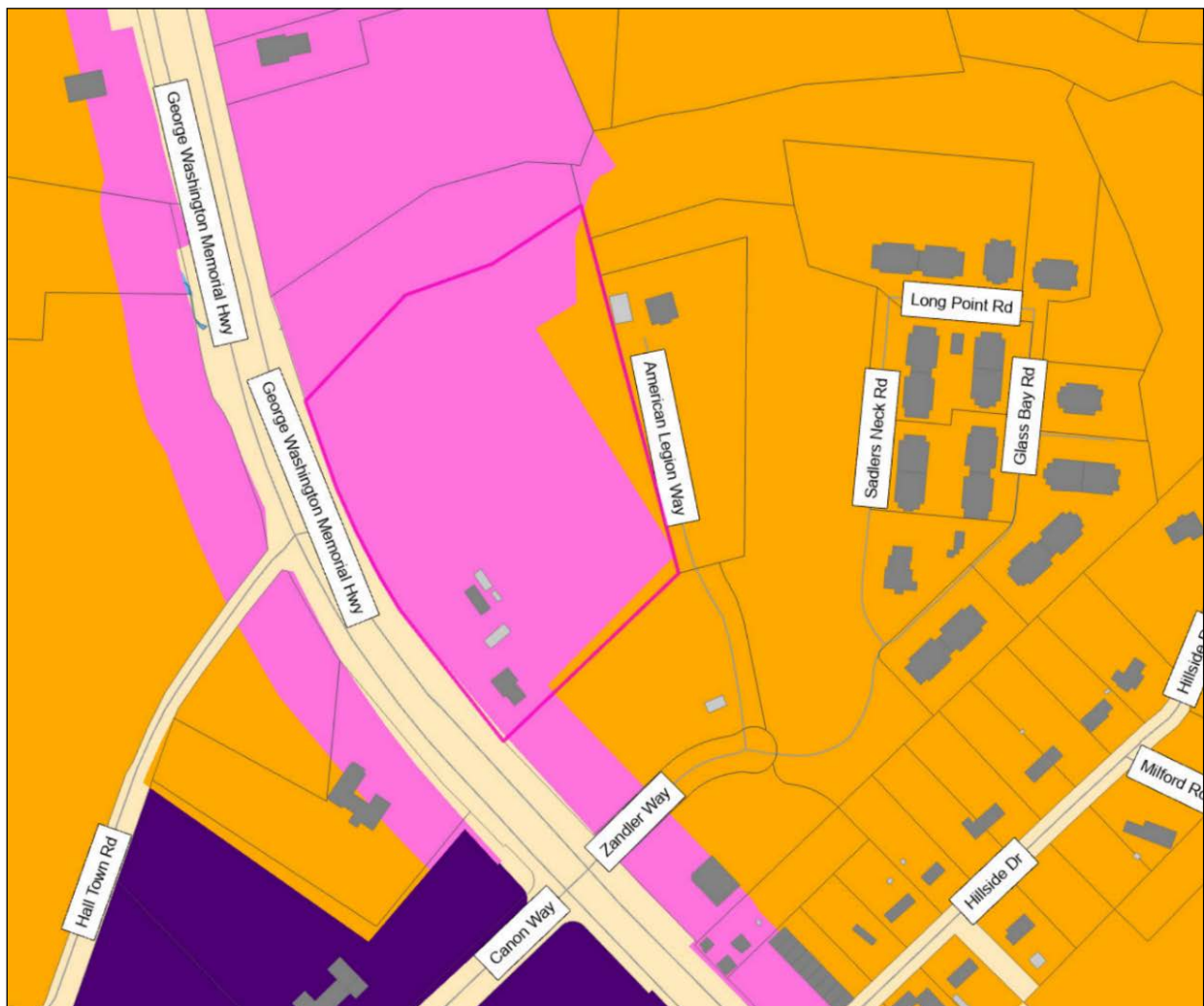
Gloucester Point/Hayes Village Development Plan

The Comprehensive Plan states that "the guidance provided within the *Gloucester Point/Hayes Village Development Area Plan* and *Gloucester Court House Village Sub-Area Plan* should be referenced when considering applications within these VDA's." This parcel is located within the *Gloucester Court House Village Sub-Area Plan*, which identifies the site as within the Business Mixed Use designation. Similar to the Comprehensive Plan, since the Court House Plan's designation does not follow property lines, a portion of the rear of the property is located in the Mixed Residential Expansion designation. The Business Mixed Use designation is typically either zoned for business or adjacent to business zoning. Although these areas are currently mostly auto-oriented in form, as they fill in to gradually intensify and increase the mixture of uses, developments should be designed to foster multi-modal transportation.

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

The rezoning proposes commercial development on property adjacent to business-zoned property to the south, east, and west (across Route 17). In addition, the aforementioned access management standards (required by Highway Corridor Development District), traffic improvements (determine by the rezoning's TIA), and pedestrian accommodations (provided within the Proffer Statement) accommodates the needs of multiple modes of transportation. Finally, proffered pedestrian accommodations describe providing for “pedestrian circulation to and through the Property”, which will enable these provisions on the site to connect to those already established within the Carriage Point development.

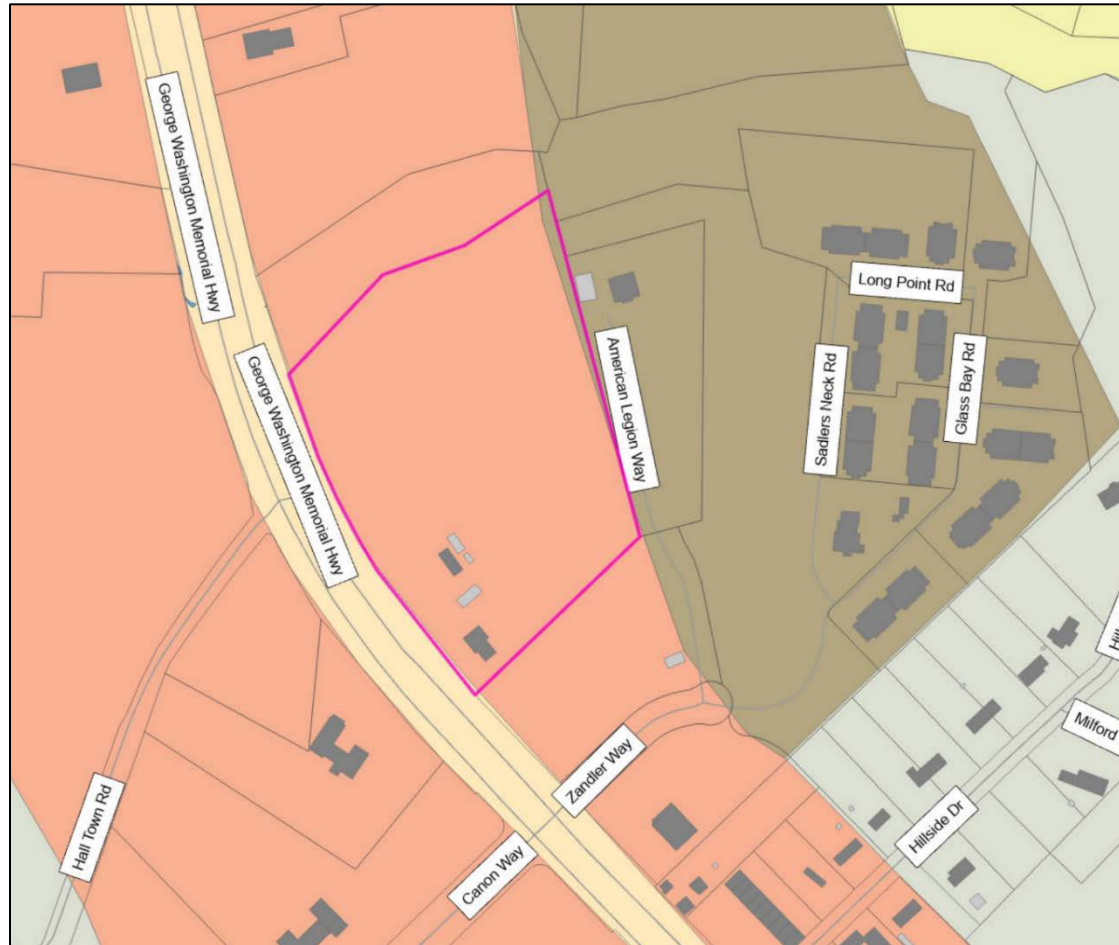
Comprehensive Plan Designation



Pink: Highway Mixed Use
Orange: Suburban Countryside
Purple: Employment and Light Industrial

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning
Planning Commission Public Hearing July 11, 2024

Court House Village Sub Area Plan Designation



Pink: Business Mixed Use
Brown: Mixed Residential Expansion

Gray: Neighborhood Stabilization and Infill

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

Transportation Impact

The property is located along Route 17 North and is north of the Carriage Point development. Carriage Point is accessed by Zandler Way, a signalized private road (built to state standards). The Conceptual Plan shows the gas station and convenience store (with a drive through element) containing two vehicle entrances, one along the access road serving the parcel proposed to be rezoned and another along Zandler Way (in conformance with the approved Master Plan for the Carriage Point development).

The applicant has provided trip generation details through a Traffic Impact Analysis (TIA) for the proposed development, including the commercial, retail, and self storage uses shown for Land Bays A, B, and C. Based upon their TIA, the following peak hour and daily trips will be produced by the uses proposed on the site:

Use (by ITE Trip Generation Manual Land Use Code)	Peak Hour Trips		Daily Trips
	AM Total	PM Total	
Mini-Warehouse (100,000 sf)	9	15	145
Variety Store (4,000 sf)	12	27	255
Fast-Food Restaurant with Drive-Through (1,000 sf)	45	33	467
Convenience Store/Gas Station (6,139 sf)	347	335	3,992
Full Development Buildout	413	410	4,859

The TIA the above trip calculations were generated for is a revised document from the original rezoning application and TIA prepared by the applicant and reviewed by the Virginia Department of Transportation (VDOT). In the original application (and associated TIA), a gas station and convenience store were proposed and evaluated, but no drive through element was included in the design of this development. Under the updated application, the convenience store contained a drive through element and the number of gas pumps were reduced along with a reduction in the size of the fast food restaurant with drive through, all of which were evaluated through an updated TIA. The table on the next page summarizes the net difference in use sizes and trips generated, as evaluated by the original and updated TIA's.

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

Use (by ITE Trip Generation Manual Land Use Code)	Use Size		Net Difference (Trips)		
	Original TIA	Updated TIA	AM Peak Hour	PM Peak Hour	Daily Trips
Mini-Warehouse	100,000 sf	100,000 sf	0	0	0
Variety Store	4,000 sf	4,000 sf	0	0	0
Fast-Food Restaurant with Drive-Through	2,300 sf	1,000 sf	-58	-43	-608
Convenience Store/Gas Station	5,154 sf	6,139 sf	56	54	552
Full Development Buildout	111,454 sf	111,139 sf	-2	11	-56

Note: The Convenience Store/Gas Station is proposed both on TM 39-201 (the property to be rezoned) and TM 39-208 (property within the Carriage Point development already zoned B-1). Therefore, the full development buildout evaluated encompasses land beyond that proposed to be rezoned.

As previously stated, the application and TIA have been updated to reflect a gas station and convenience store with a drive through element on both TM 39-201 and 39-208. During VDOT’s review of the updated TIA, they identified that the calculations may not include trips generated by the drive through element. However, under the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition), there is only a land use code for a “Gasoline/Service Station with Convenience Market”, which does not distinguish between those with a drive through element and those without a drive through element. Therefore, the applicant continued to use this land use code under the updated TIA and, in discussions with staff, has stated that, based upon their research of other similar developments, the drive through element generates a minimal number of additional trips, if any. At the time of preparation of this Staff Report, the applicant was working on compiling this research to provide to VDOT for their confirmation on this conclusion. If VDOT agrees with the applicant’s conclusion, staff will provide updated information to the Planning Commission at the Public Hearing on July 11.

Furthermore, in the updated TIA, the applicant evaluated the access road entrance from Route 17 to determine whether improvements were required to accommodate eastbound turning movements into this entrance. For southbound traffic turning left into the access road, the TIA determined that no left turn improvements were necessary. However, for northbound traffic turning right into the access road, the TIA determined that both a turn lane and taper (widening element) are required to safely accommodate these movements. Due to the impacts to the intersection of Route 17 and Canon Way (SR 780)/Zandler Way (as measured by evaluating the Level of Service for each leg of the intersection), the TIA also determined that signal timing optimization is also necessary.

Both the original and updated TIA were reviewed by the Virginia Department of Transportation (VDOT). This department supported the evaluation and conclusions of the original TIA in 2023. Although the applicant and VDOT are working to clarify the trip

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning

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generation calculations for the updated TIA, VDOT has provided no additional comments on this document regarding the required improvements (right turn lane and taper and signal optimization). In addition, due to the location of the access road's entrance and its distance from the intersection of Route 17 and Canon Way (SR 780)/Zandler Way as well as the crossover at Hall Town Road (SR 677), the applicant has submitted an Access Management Exception Request (AM-E), which was reviewed and approved by VDOT in 2023. Although both the original TIA and AM-E were supported by VDOT and discrepancies in the updated TIA are being resolved by the applicant, the County (through recommendation of the Planning Commission and action by the Board of Supervisors) has the final authority to approve or deny this rezoning application, the entrance locations (as shown on the Conceptual Plan), and the associated roadway improvements (as determined by the TIA). If approved, VDOT would review all elements on and adjacent to public roads for conformance with all applicable standards. Therefore, support of the design and need determination of these elements by VDOT confirms that the basic details determined by and shown on the TIA and AM-E (and, therefore, reflected on the Conceptual Plan) are consistent with these requirements.

In addition to evaluating roadway conditions for automobile traffic impacts, the applicant has also provided facilities for additional modes of transportation through voluntary proffers. The Proffer Statement includes a commitment to develop a sidewalk compliant with Americans with Disabilities Act (ADA) and VDOT standards along the property's Route 17 frontage. If construction within the existing right-of-way is not feasible due to space or topography considerations, the proffer requires the applicant to reserve area on the property (outside of the existing right-of-way) adjacent to Route 17 for this sidewalk. This area and sidewalk must be constructed prior to the issuance of a Final Certificate of Occupancy for commercial buildings on any corresponding lot. Furthermore, the applicant has proffered internal pedestrian connections between and among each lot to provide circulation to and through the property. These connections will be determined during the site plan review process and built concurrently with development of the corresponding lots.

The Comprehensive Plan and Gloucester Court House Sub-Area Plan both provide guidance for transportation (automobile and non-automobile) within the County. As previously stated, the future land use designations in each of these documents describe both highway capacity and efficiency as well as design for multi-modal transportation. Furthermore, the Comprehensive Plan's Transportation Chapter states that "adequate mobility for all segments of the community" should be provided with "diverse and accessible transportation for all residents". Similarly, the Gloucester Court House Sub-Area Plan has established connectivity goals and policies, including the following for alternative forms of transportation:

- Connectivity Goal #1- "Improve overall walkability in and around the Village, to support tourism as well as the livability and safety of local residents."

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

- Connectivity Policy #5- “Extend and connect sidewalks to connect major activity centers – houses, parks, schools, shops, etc.”
- Connectivity Policy #8- “Encourage “context-sensitive” street design in all new development, in order to support pedestrian and bicycle traffic, as well as motor vehicle traffic.”

The updated TIA and the improvements this document have determined as necessary as well as the proffered pedestrian accommodations support the goals and policies of both the Comprehensive Plan and Gloucester Court House Sub-Area Plan. Full roadway (including turn lanes, tapers, and access roads), sidewalk, and other transportation facility design will occur during the site plan review process, which will be evaluated by both County and VDOT staff. Individual or collective development of the property cannot occur without the construction of the corresponding transportation elements required by local and state code and/or voluntarily proffered by the applicant.

Fiscal Impact

The proposed rezoning is anticipated to increase the assessed value of the land. Currently, as reported by the County’s Assessor’s Office, the property contains two residential structures with multiple accessory structures (both residential and agricultural in nature). Under the rezoning, the Conceptual Plan illustrates a portion of the gas station and convenience store with a drive through on the property as well as land bays for commercial, retail, and self storage uses. The County’s Assessor has determine that, if fully developed, the project could generate “upwards of \$30,000 – \$40,000+ in revenue annually, at today’s values and current tax rate.” Since these land bays would allow other uses permitted in the B-1 district, such as light manufacturing, schools, and forestry harvesting, the actual tax revenue could vary depending on the final uses on the site, but is likely to be greater than the current revenue the County is receiving from the residential and agricultural uses on the property. This parcel does not currently receive the land use tax exemption for its agricultural uses/structures.

In addition to Real Estate Tax Revenue, the County levies other taxes that would be applicable to this property if it was rezoned to the B-1 district. Uses in this district commonly pay the Business, Professional, & Occupational License (Business License) Tax as well as the Prepared Food & Beverage Tax (if applicable) on an annual basis. Furthermore, any business property or machinery and tools would be subject to the Personal Property Tax. Any of these taxes (when applicable) would produce additional tax revenue for the County that is likely not currently being realized by the property’s present uses.

Finally, if rezoned, construction activities on the site would likely generate both direct and indirect revenue to the County. In the short term, indirect tax revenue would be received from local shopping by employees and businesses during the construction activities.

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

Furthermore, any new jobs for local residents and businesses (both during and following construction activities) would produce both indirect and direct tax revenue to the County.

Environmental Impact

The property contains some environmental features, including wetlands and a Resource Protection Area (RPA) buffer along its northern boundary. As required by the County's Chesapeake Bay Preservation Ordinance, development within these features will need to be avoided.

The applicant's Conceptual Plan illustrates all uses, roadways, and stormwater facilities located outside of these features. However, the stormwater facility will need to be designed to accommodate the full development of the property, which may require extension into Land Bay C (as shown on the Conceptual Plan) if the current layout is undersized. In addition, since a portion of the gas station and convenience store will be located on a parcel within the Carriage Point development, if the Carriage Point development's regional stormwater feature will be used (in part or in full) to accommodate stormwater management for this use, the applicant will need to confirm that this regional stormwater facility is designed to an appropriate size to accommodate this additional stormwater demand. All stormwater design, which is regulated by the County's Stormwater Management Ordinance, will be evaluated by staff within the Environmental Programs Division of the Department of Planning, Zoning, and Environmental Programs during the site plan review process.

In addition to review of elements overseen by the County's Stormwater Management Ordinance, other County environmental regulations, including the Chesapeake Bay Preservation Ordinance and the Erosion and Sediment Control Ordinance, will also be designed and evaluated by County staff during the site plan review process. Site Plan approval and granting of a Land Disturbance Permit for any development (on any portion of the property) cannot occur until it is confirmed that all proposed development is fully in conformance with these requirements.

Other Impacts

Various other departments have reviewed the rezoning application. The Health Department has stated that a private drainfield and at least one private well exist on the property, but they are unable to determine the exact number of private wells due to a lack of documentation. They have recommended that, prior to any development (including any demolition), the property be inspected to determine any and all private wells. Upon identifying these facilities, they should be properly abandoned, which will be reviewed and approved by the Health Department. Conversely, the private drainfield can be abandoned without review by the Health Department so long as it is properly pumped and removed or crushed in place. All facilities on the accompanying TM 39-208 (associated parcel within the Carriage Point development) have been properly abandoned.

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning Planning Commission Public Hearing July 11, 2024

This project, including all uses on the property, will be served by public water and sewer. At this time, the County's Department of Public Utilities does not have any comments. However, all developments proposed on the property will need to be designed to meet the applicable public water and sewer standards, which will be evaluated during the site plan review process.

As previously mentioned, the applicant has submitted voluntary proffers to accompany the rezoning application. Although the Conceptual Plan (which is proffered) illustrates, commercial, retail, and self storage uses, if rezoned, additional uses permitted in the B-1 district would be permitted. However, the applicant has restricted two uses, "tattoo parlor" and "motor lodge", by proffer from being developed on this property. Although "tattoo parlor" is not listed as a permitted use in the B-1 district, this use is specifically being restricted since "tattoo parlors" are allowed through "general business" and "convenience business" in the B-1 district.

Similar to what was provided in the Proffer Statement for Carriage Point, a Phase I Archaeological Study for the entire parcel is voluntarily proffered by the applicant. Should this study recommend any sites for further evaluation, this would occur through a Phase II or III (if necessary) study. All architectural studies will occur prior to site plan approval for that area and any necessary treatment plans will be shown on the associated site plan.

Staff Comments

As previously mentioned, TM 39-201 is being requested to be rezoned to B-1 (conditional) through this rezoning application, but a portion of the proposed gas station and convenience store with a drive through will be constructed on TM 39-208. This parcel (TM 39-208) is currently zoned B-1 (conditional), which was approved by the Board of Supervisors in 2014 through Rezoning Application Z-13-01 as part of the Carriage Point development. If Rezoning Application Z-24-01 (the current application) is approved, additional development within the Carriage Point development (on adjacent, undeveloped parcels) would need to perform an updated traffic impact analysis to comply with the proffered transportation requirements of Rezoning Application Z-13-01. However, if this application is denied by the Board of Supervisors, any use permitted in the B-1 district (and not restricted by the proffers associated with Rezoning Application Z-13-01) would be permitted on TM 39-208 (and other vacant parcels within the Carriage Point development) as long as it could meet all applicable local, state, and federal requirements as well as the voluntarily proffered requirements of Rezoning Application Z-13-01, including additional traffic impact evaluation and improvements (if necessary).

Staff also acknowledges that, during the review and approval process for the adjacent property encompassed within Rezoning Application Z-13-01, significant citizen concerns were expressed and steps were taken to mitigate these concerns. However, these concerns primarily focused on the multifamily residential component of the Carriage Point

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional Commercial Land Rezoning

Planning Commission Public Hearing July 11, 2024

development and its impacts to the subdivision (Woodland Park) to the south of this component. Since the development proposed by Rezoning Application Z-24-01 is solely commercial, is located to the north of the Carriage Point development, is not adjacent to the Woodland Park subdivision, and is otherwise adjacent to American Legion (to the east), wooded and wetland areas (to the north and east), and Route 17 (to the west), staff does not anticipate the same concerns experienced during review of Rezoning Application Z-13-01 to be expressed for this application.

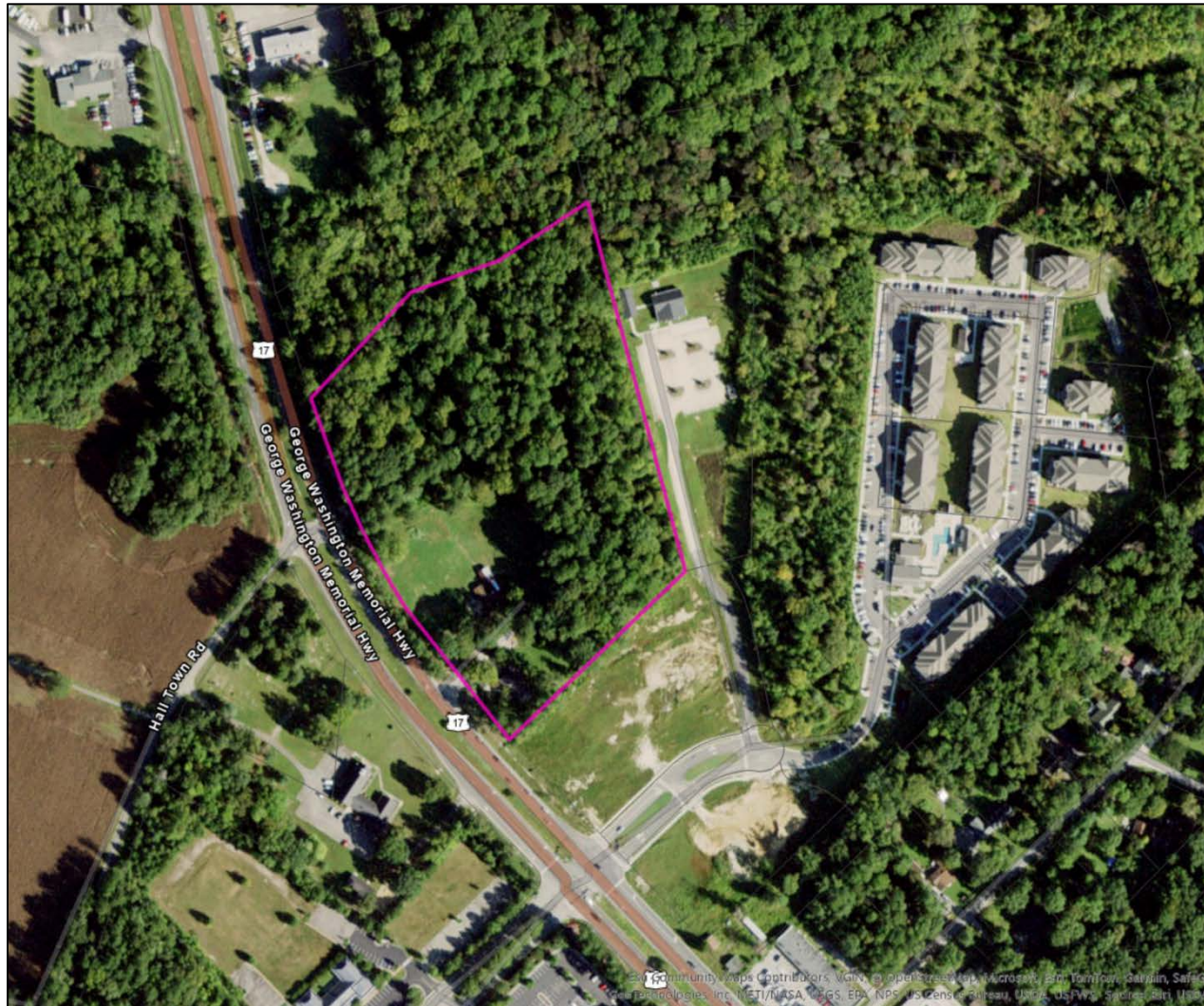
Staff Recommendation

Staff recommends the Planning Commission forward Rezoning Application Z-24-01 to the Board of Supervisors with a recommendation of approval for the following reasons:

1. The proposed rezoning furthers the Comprehensive Plan's Highway Mixed Use designation's direction that identifiable places with different types of development can be supported when highway capacity and efficiency can be maintained.
2. The application supports the Court House Village Sub Area Plan's desire that the Business Mixed Use designation gradually intensifies and increases the mix of uses with multi-modal accommodations incorporated.
3. The proposed rezoning furthers the Comprehensive Plan's goal to ensure that development results in a minimal negative impact on road systems and encourages pedestrian-scale development in the Village Areas.
4. The application is consistent with the Comprehensive Plan's aim to promote economic development in appropriate and suitable areas.
5. The proposed rezoning supports the Comprehensive Plan's goal to protect wetlands and other natural resources from construction that would unnecessarily destroy vegetation and erosion control.

Staff Report- Z-24-01- Gas Station and Convenience Store with Drive Through and Additional
Commercial Land Rezoning
Planning Commission Public Hearing July 11, 2024

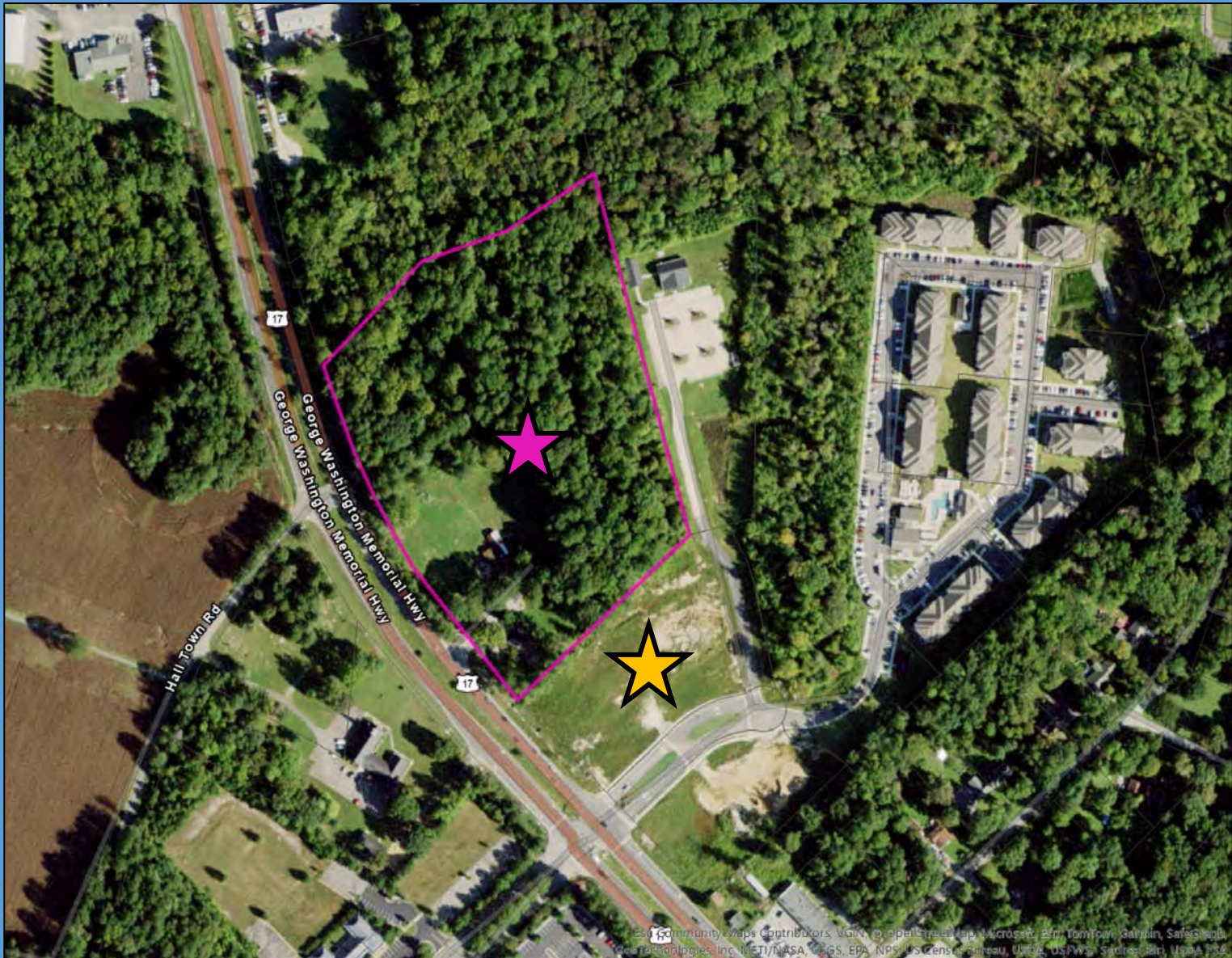
Site Aerial



Z-24-01- GAS STATION & CONVENIENCE STORE (WITH DRIVE THROUGH) REZONING

Gloucester County Board of Supervisors
August 6, 2024 Public Hearing

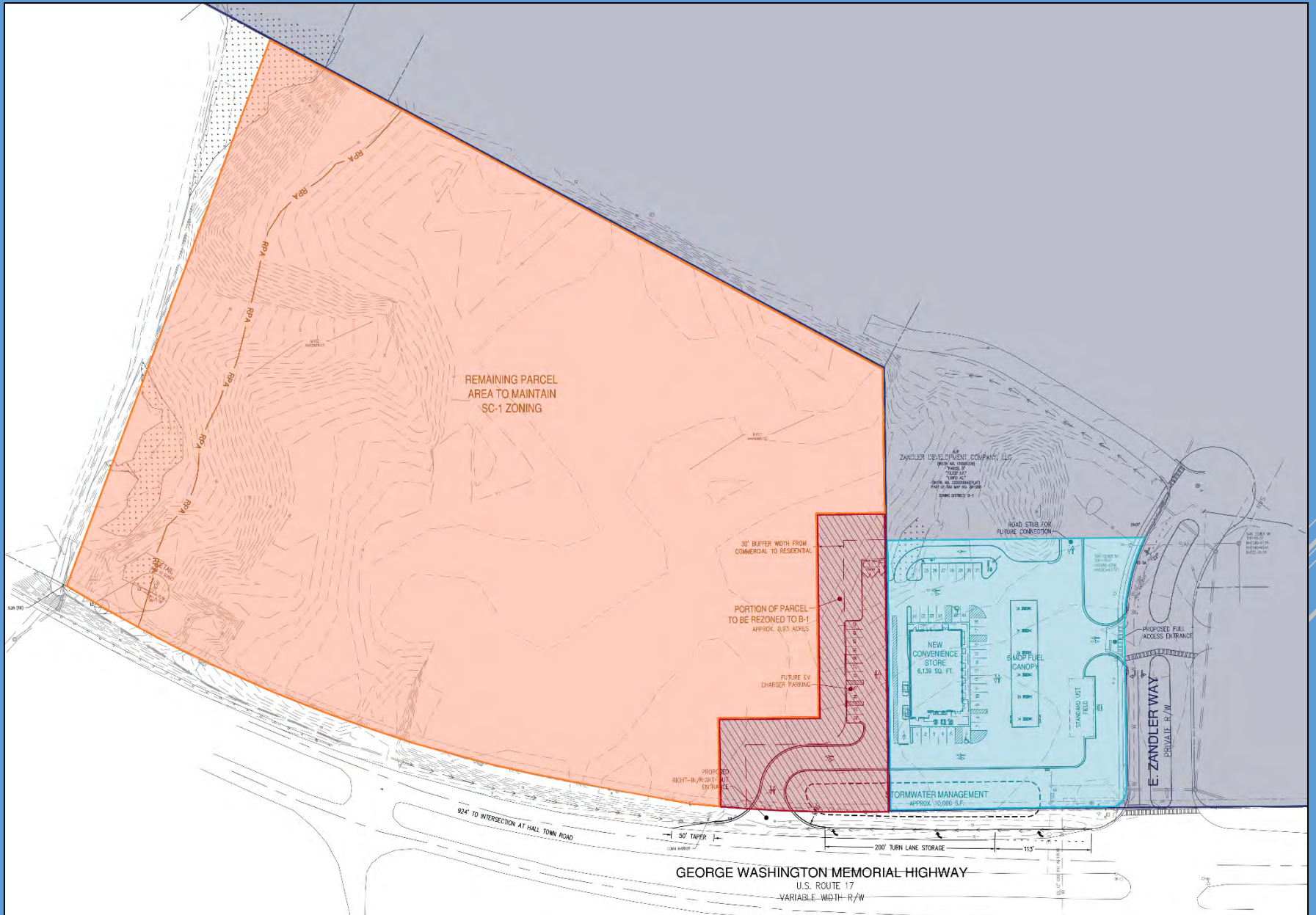
EXISTING CONDITIONS



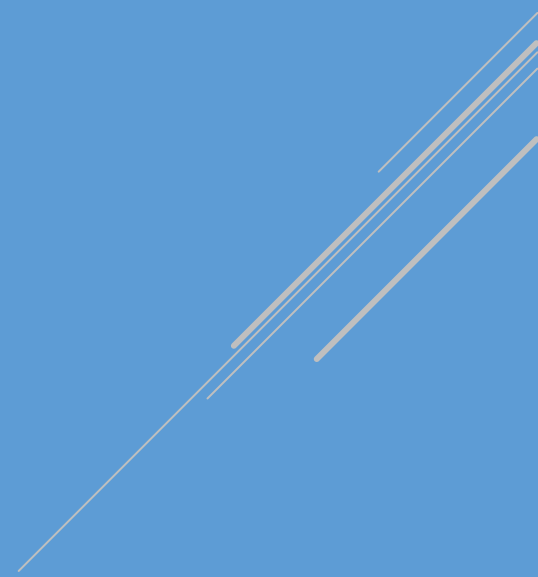
ZONING AND SURROUNDING AREA



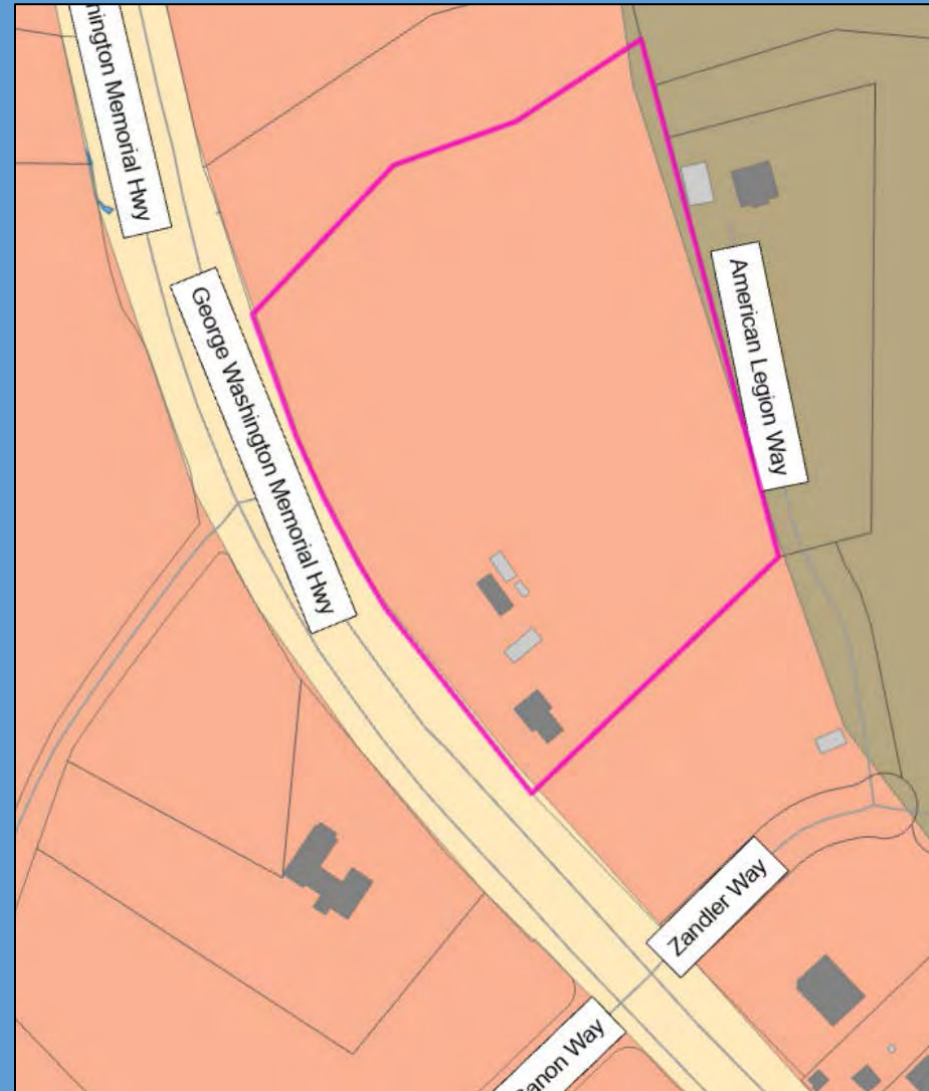
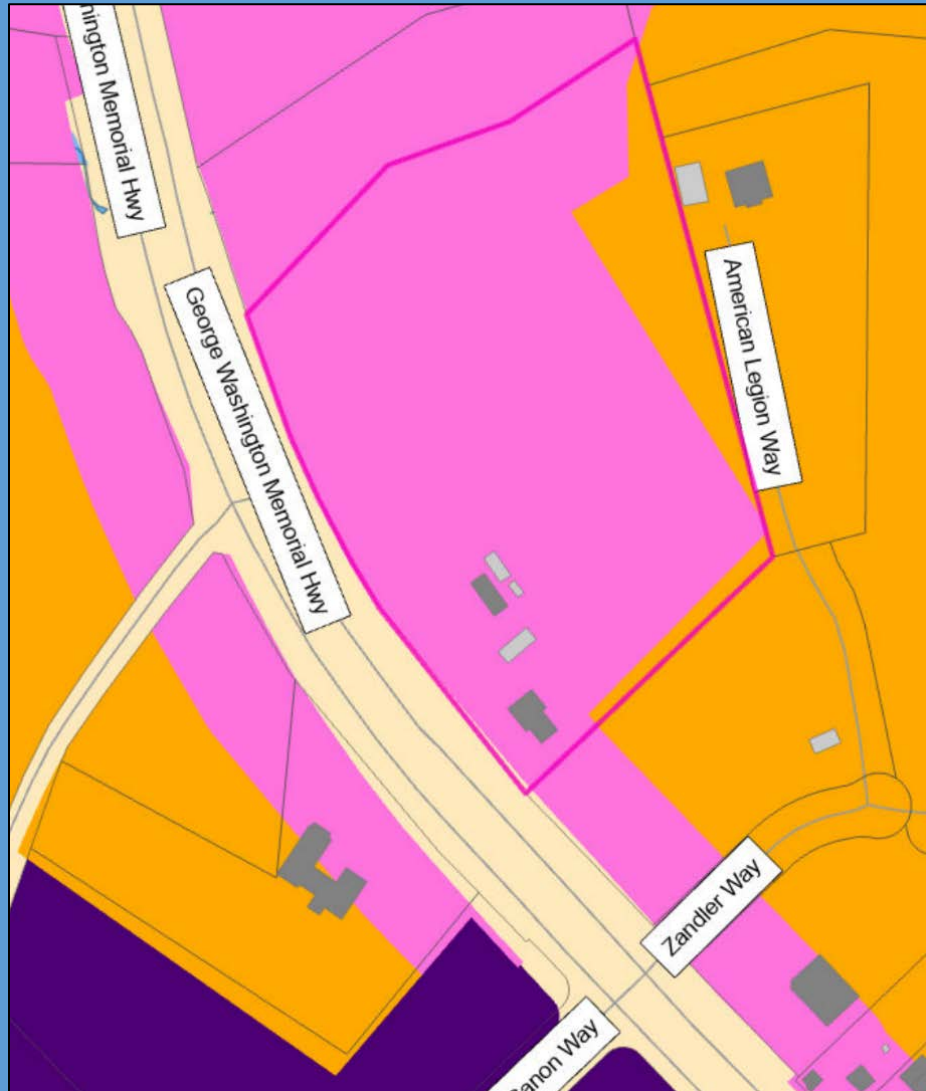
PROPOSED PROJECT (REVISED REZONING)



STAFF ANALYSIS



COMPREHENSIVE & GLOUCESTER COURT HOUSE VSA PLAN ANALYSIS



TRANSPORTATION IMPACT

- Property is served by two entrances:
 - Along Zandler Way, east of the intersection of Route 17 and Canon Drive/Zandler Way
 - Along Route 17N, north of the intersection of Route 17 and Canon Drive/Zandler Way
- The development is estimated generate the following peak hour and daily trips under the revised application:

Use (by Land Use Code)	Peak Hour Trips		Daily Trips
	AM Total	PM Total	
Mini-Warehouse (100,000 sf)	90	150	1450
Variety Store (4,000 sf)	120	270	2550
Fast-Food Restaurant with Drive-Through (1,000 sf)	450	330	4670
Convenience Store/Gas Station (6,139 sf)	347	335	3,992
Full Development Buildout	413347	410335	4,8593,992

TRANSPORTATION IMPACT (CONT.)

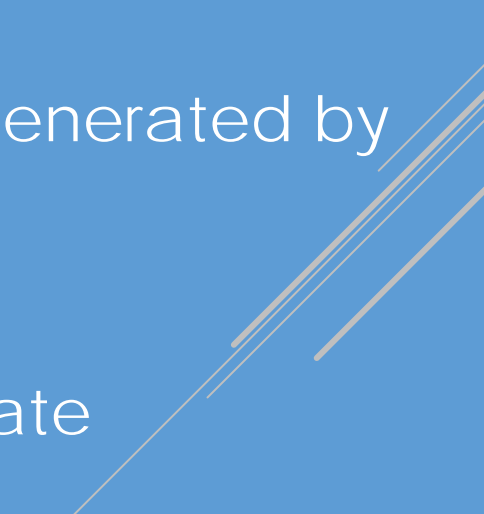
- The revised TIA performed additional analyses and determined that the following improvements are necessary:
 - Northbound right turn land and taper (widening element) turning into the access road entrance (beyond intersection of Route 17 and Canon Drive/Zandler Way)
 - Signal timing optimization for intersection of Route 17 and Canon Drive/Zandler Way




TRANSPORTATION IMPACT (CONT.)

- Applicant has provided the following voluntary proffers to offset traffic impacts:
 - Sidewalk along Route 17 frontage within VDOT ROW where feasible for gas station and convenience store development
 - Interparcel connection along access road for land to remain zoned SC-1
- Proffers support transportation elements in the Comprehensive Plan and the Gloucester Court House Village Sub-Area Plan
- Although the TIA and proffers were reviewed by VDOT with no additional comments, the County has the final authority to approve or deny the rezoning application


FISCAL IMPACT

- Land currently contains residential and agricultural structures
 - Parcel not currently receiving the Land Use Tax Exemption
 - Revised application is anticipated to increase the assessed value (and tax revenue) of the land to be rezoned to the B-1 district
 - Other additional tax revenue would be generated by the property
 - Construction activities would likely generate direct and indirect tax revenue
- 

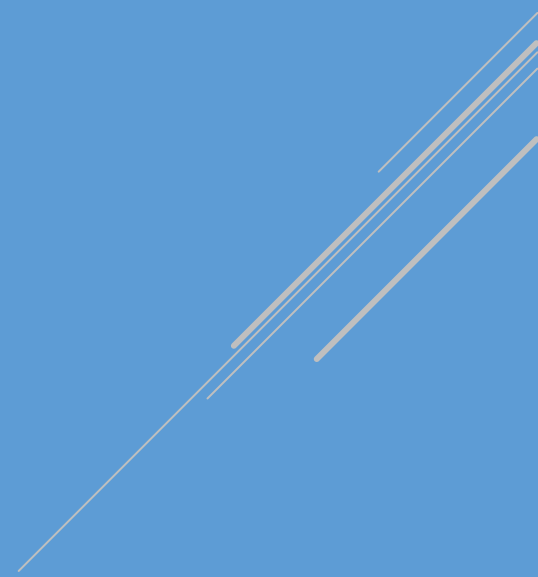
ENVIRONMENTAL IMPACT

- Revised Conceptual Plan illustrates a stormwater feature on both parcels along Route 17
 - On-site stormwater management could be utilized **AND/OR**
 - Regional stormwater management feature for Carriage Point development could be utilized if appropriately sized for additional stormwater demand
 - Stormwater design evaluated by Environmental Programs during site plan review
 - All wetlands, RPA buffers, etc. are avoided
- 

OTHER IMPACTS

- Private drainfield and at least one private well exist on the property
 - Private well(s) must be properly abandoned with review and approval by the HD
 - Private drainfield can be abandoned with no HD review as long as it is properly pumped and removed or crushed
 - Facilities on TM 39-208 (associated Carriage Point parcel) have been properly abandoned
 - All uses on the property will be served by public water and sewer
 - B-1 uses limited by voluntary proffer
 - Archaeological study voluntarily proffered by the applicant
- 

STAFF COMMENTS AND RECOMMENDATION



STAFF COMMENTS

- Portion of gas station and convenience store with drive through will be constructed on TM 39-208 (Carriage Point development parcel)
 - TM 39-208 is currently zoned B-1 with proffers from Rezoning Application Z-13-01, approved in 2014
 - If original or revised rezoning application is approved, additional development within Carriage Point (on other undeveloped parcels), Z-13-01 would require an updated traffic study
 - If rezoning application is denied, any use permitted in the B-1 district (and not restricted by Z-13-01 proffers) could be developed on TM 39-208 (and other undeveloped Carriage Point parcels)

STAFF RECOMMENDATION

- Staff recommended that the PC forward the **original rezoning application** to the Board of Supervisors with a **recommendation of approval**
- The Planning Commission **recommended denial** of the **original rezoning application** by a 6-1 vote:

Commissioner	Yes	No	Abstain	Absent
James Gray, Jr.	X			
Douglas Johnson	X			
Natalie Johnson	X			
John Meyer, Jr.	X			
Christopher Poulson	X			
Kenneth Richardson	X			
Louis Serio	X			
Chris Hutson	Non-voting BOS Liaison			

STAFF RECOMMENDATION (CONT.)

- Staff recommended that the Planning Commission approve the original rezoning application for the following reasons which also would apply to the **revised rezoning application** should the Board desire to approve:
 1. Furthers the Comprehensive Plan's Highway Mixed Use designation's direction that identifiable places with different types of development can be supported when highway capacity and efficiency can be maintained.
 2. Supports the Court House Village Sub Area Plan's desire that the Business Mixed Use designation gradually intensifies and increases the mix of uses with multi-modal accommodations incorporated.
 3. Furthers the Comprehensive Plan's goal to ensure that development results in a minimal negative impact on road systems and encourages pedestrian-scale development in the Village Areas.
 4. Is consistent with the Comprehensive Plan's aim to promote economic development in appropriate and suitable areas.
 5. Supports the Comprehensive Plan's goal to protect wetlands and other natural resources from construction that would unnecessarily destroy vegetation and erosion control.

BOARD'S OPTIONS

The BOS can take the following actions on this rezoning application:

1. Vote on the Ordinance to Approve the **original rezoning application**.
2. Vote on the Ordinance to Approve the **revised rezoning application**.
3. Vote on the Resolution to Deny the **original rezoning application**.
4. Vote to table the rezoning application to a future meeting for further consideration (with specifics on what additional information the applicant and/or staff should provide to the Board).

End of Staff's
Presentation

Applicant's Presentation

Questions and Public
Comments

Gloucester County Board of Supervisors

August 6, 2024 Public Hearing



PUBLIC HEARING NOTICE
GLOUCESTER COUNTY BOARD OF SUPERVISORS

The Gloucester County Board of Supervisors will conduct a Public Hearing on Tuesday, August 6, 2024, beginning at 6:00 p.m. in the Thomas Calhoun Walker Education Center Auditorium, 6099 T. C. Walker Road, Gloucester, Virginia to consider the following:

Rezoning Z-24-01- An application by George Washington Memorial Highway II, LLC to amend the Gloucester County Zoning Map to reclassify 13.72 +/- acres (TM 39-201, RPC #33859) from SC-1, Suburban Countryside, to B-1, Business (Conditional). The purpose of the application is to permit the construction of an access road and a portion of a Gas Station and a Convenience Store with a Drive Through (to be located on both TM 39-201 and 39-208, RPC #33859 and 29093). In addition, the Concept Plan for the parcel to be rezoned (TM 39-201) illustrates additional commercial areas that may (but is not required to) contain commercial, retail, and/or self-storage uses, or other uses permitted in the B-1 district. The property is located in the Abingdon Magisterial District along Route 17 North, north of Riverbend Apartments (Zandler Way).

The applicant has requested that the rezoning application be amended to reclassify only 0.69 +/- acres of TM 39-201 (RPC #33859) from SC-1, Suburban Countryside, to B-1, Business (Conditional) in response to comments received by citizens and the Planning Commission at the Commission's July Public Hearing. The amended Concept Plan illustrates only an access road as well as a Gas Station and a Convenience Store with a Drive Through (to be located on both TM 39-201 and 39-208, RPC #33859 and 29093) with no additional commercial areas on TM 39-201.

The Comprehensive Plan's Future Land Use Plan identifies this area as Highway Mixed Use and Suburban Countryside where identifiable places with different types of development are supported when highway capacity and efficiency can be maintained. In addition, the Court House Village Sub Area Plan identifies this area as within the Business Mixed Use and Mixed Residential Expansion designations which should gradually intensify and increase the mix of uses with multi-modal accommodations incorporated.

The preceding is a summary, not the full text, of the application. It is not intended to be a comprehensive representation of the full application and does not substitute for the full text of the application, which is available for review on the web at www.gloucesterva.gov, and in the County Administrator's Office at 6489 Main Street, Gloucester, Virginia.

The meeting will be broadcast live through the County website meeting portal at: <https://www.gloucesterva.gov/640/Meeting-Portal> and on Cox channel 48.

All interested parties are invited to express their views on this matter. Citizen comments may be submitted prior to the public hearing by three different methods:

- To submit comments online, complete the [Citizen Comment Submission](http://www.gloucesterva.gov/citizencomment) form (www.gloucesterva.gov/citizencomment). Please follow the instructions on the form to indicate the public hearing on which you want to comment.
- Comments may also be submitted by calling and leaving a message at 804-824-2760. Follow the prompts to leave comments for this specific public hearing, and clearly indicate your name (including spelling if needed) and your magisterial district.
- Finally, comments may be submitted by US Mail to County Administration, ATTN: PUBLIC HEARING, 6489 Main Street, Gloucester, VA 23061. Any mailed comments must include your name, your magisterial district, and the title of this public hearing clearly printed at the top, and all such comments must be received by the scheduled date of this hearing. Please type or print all comments legibly.

Comments submitted through these methods must be received by 4:30 p.m. on Tuesday, August 6, 2024, and will be read or played aloud during the public hearing up to the set time limit of 3 minutes.

“Form letters,” consisting of communications which are verbatim duplicates (other than the identifying information of the author/submitter) of one or more other communications received by the County pertaining to the matter to be considered at the public hearing, shall be read only once per letter, along with the list of persons submitting the same comments pursuant to such “form letter.”

Persons requiring assistance to submit comments for the meeting should contact the Gloucester County Administrator’s office at (804) 693-4042.

Carol Steele, County Administrator