



### AGENDA ITEM FORM

TYPE OF AGENDA ITEM:

- CONSENT AGENDA
- PRESENTATION
- ACTION ITEM
- TOWN MANAGER & STAFF COMMENTS
- PUBLIC HEARING
  - Duly Advertised

PURPOSE OF ITEM:

- INFORMATION ONLY
- DISCUSSION ONLY
- DISCUSSION AND/OR DECISION
  - Introduction     Resolution
  - Ordinance       Grant/MOU
  - By Motion         Bylaws

PRESENTER: David Moss

PRESENTER TITLE: Town Planner/Zoning Administrator

AGENDA ITEM: Rezoning application to rezone the property located at 17650 Possum Point Road from B-1, General Business to FB/O-1, Flex Business/Office.

BACKGROUND / SUMMARY:

Planning Commission recommends approval.

Steps:

- Staff Presentation
- Applicant's Presentation (if desired)
- Public Hearing
- Discussion
- Vote on Introduction of Ordinance

ATTACHMENTS: Staff Report with maps and staff analysis  
Ordinance to Approve

REQUESTED ACTION: Vote to Introduce Ordinance

NO ACTION REQUESTED

FOR MORE INFORMATION, CONTACT: Name:

Phone#:

E-mail:

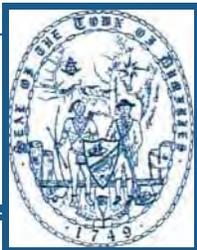
*FOR USE DURING MEETING*

VOTE:

PASSED

NOT PASSED

Y	N		Y	N		Y	N	
<input type="checkbox"/>	<input type="checkbox"/>	Barr	<input type="checkbox"/>	<input type="checkbox"/>	Foreman	<input type="checkbox"/>	<input type="checkbox"/>	Forrester
<input type="checkbox"/>	<input type="checkbox"/>	Jurgensen	<input type="checkbox"/>	<input type="checkbox"/>	Toney	<input type="checkbox"/>	<input type="checkbox"/>	Washington
<input type="checkbox"/>	<input type="checkbox"/>	West						



## DUMFRIES, VIRGINIA

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**To:** Town Council  
**From:** David Moss, Town Planner  
**Date:** December 29, 2011  
**RE:** Proposed Rezoning for JJ Capital One, LLC  
17650 Possum Point Road

### STAFF REPORT

Rezoning #11-92, JJ Capital One, LLC

Town Council Public Hearing Date: January 3, 2011

Staff Recommendation: Introduce Ordinance to Approve at January 17<sup>th</sup> Meeting

#### **I. Background is as follows:**

- A. Request - This is a request to rezone 2.5012 acres from B-1, General Business to FB/O-1, Flex Business/Office.
- B. Site Location - The site is identified by the GPIN number 8289-02-6440, and the address is 17650 Possum Point Road. The site is located approximately 500 feet southeast of Route 1 where it intersects with Possum Point Road.
- C. Comprehensive Plan - The site is split by two land use designations on the Future Land Use Map in the Comprehensive Plan. The dividing line splits the property about evenly in half, with the dividing line running near or along the front façade of the building. The portion of the property northwest of the front façade of the building, which includes the parking lot and some other undeveloped areas at the fringe of the property, is designated as Greenway/Open Space/Recreational-Limited Development due to the High-voltage power lines running above that zig-zag through the Town. The portion of the site that contains the building and the remainder of the lot southwest of the façade line is designated as Light Industrial – Flex Industrial/Office. The Long Range Land Use Map for this area is part of Attachment A.
- D. Zoning –The site is currently zoned B-1, General Business. The Zoning Map for this area is part of Attachment A.
- E. Current Use of the Property – The site currently contains an industrial/flex/office building encompassing just over 20,000 square feet. The property has previously been used for many different uses, including a skating rink. A parking lot previously existed that has deteriorated over time to become a compact surface of various materials including asphalt particles and gravel. The only uses currently occupying a portion of

the building are a religious institution, Image Church, and the office for Madabout, Inc., an import & manufacturing company also owned by the property owner. These two uses exist under the same occupancy permit. The office is a currently allowed use in the B-1 zone, but the religious institution was made lawfully nonconforming by the adoption of the Zoning Text Amendment that Town Council recently adopted on September 20, 2011. Rezoning of the property to FB/O-1 would bring the religious institution back into conformance with the Zoning Ordinance and would allow for future expansion of the church facilities on the site.

- F. Surrounding Land Uses - The subject site is bordered to the west by the Pointe Center I office building. To the south is the Ennstone Concrete Plant. To the east is the access road to Clarke Electric which sits southeast of the subject property. To the east beyond this narrow access road is a single-family residence. The north border of the property fronts on Possum Point Road. Across Possum Point Road is a single-family residence, part of The Overlook development, and the Dumfries Self Storage site. An aerial photograph showing the neighboring properties is part of Attachment A.

**II. Current Situation is as follows:**

- A. Applicant has requested a public hearing and wishes to move forward with this rezoning. The applicant met with the Planning Commission for an initial look at the rezoning application on October 17, 2011. The Planning Commission voted to move the application to public hearing and a vote in December.
- B. Planning Commission Public Hearing - A public hearing was held before the Planning Commission on December 12, 2011. The Planning Commission voted to recommend approval of the rezoning.

**III. Issues in order of importance are as follows:**

- A. Comprehensive Plan – Is the proposed use consistent with those uses intended by the goals and objectives of the Comprehensive Plan?
- B. Community Input - Have members of the community raised any issues?
- C. Legal Uses of the Property - What uses are allowed on the property? How are legal issues resulting from the Town Council action addressed?

**IV. Alternatives beginning with the staff recommendation are as follows:**

- A. Introduce Ordinance for Approval of REZ #11-92, JJ Capital One, LLC at January 17th Meeting.

1. Comprehensive Plan – If the application is approved, the zoning classification would become FB/O-1, Flex Business/Office, and the Goals and Objectives of the Comprehensive Plan would be promoted upon further attraction of additional businesses and jobs to the Town.
2. Community Input - Notice of the application will be transmitted to adjacent property owners. As of the date of this report, staff has not received any input from surrounding property owners.
3. Legal Uses of the Property – Upon approval of the rezoning, the subject site could be used for any use allowed in the FB/O-1, Flex Business/Office zoning district, as amended September 20, 2011. Legal issues resulting from Town Council action are appropriately addressed by the Town Attorney.

B. Deny REZ #11-92, JJ Capital One, LLC.

1. Comprehensive Plan – If the application is denied, the zoning classification would remain B-1, General Business, and some further progress could still be made in promoting the Goals and Objectives of the Comprehensive Plan by further attraction of additional businesses and jobs to the Town.
2. Community Input – Notice of the application will be transmitted to adjacent property owners. As of the date of this report, staff has not received any input from surrounding property owners.
3. Legal Uses of the Property – Those uses allowed in the B-1, General Business zoning district would be permitted. Legal issues resulting from Town Council action are appropriately addressed by the Town Attorney.

**V. Recommendation is that the Town Council accept Alternative A and Introduce Ordinance for Approval of REZ #11-92, JJ Capital One, LLC at the January 17th Meeting.**

**Attachments**

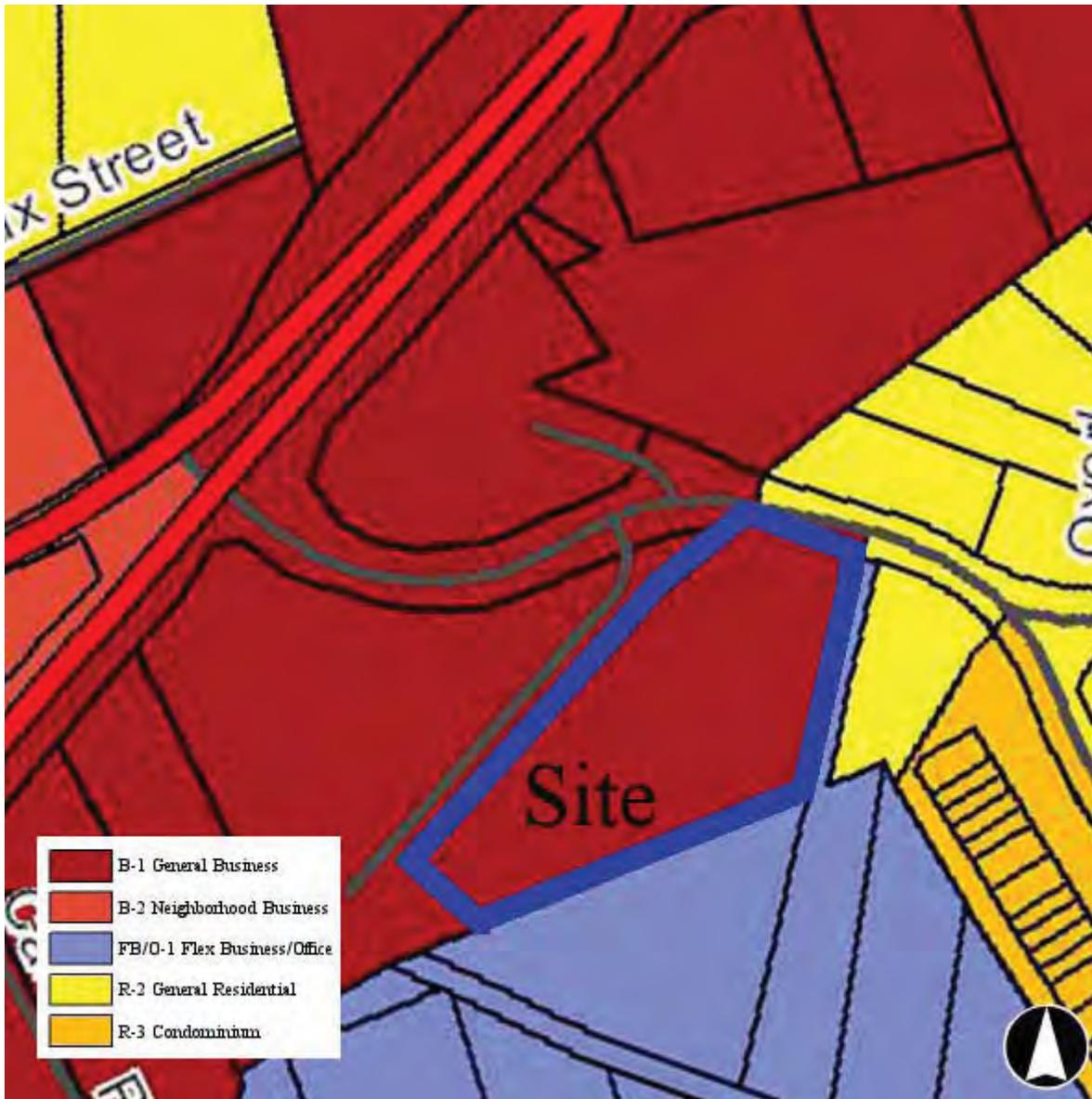
- A. Area Maps
- B. Staff Analysis
- C. Ordinance to Approve Rezoning



**Location of the site in relation to the Town**



**Long Range Land Use Map from the Comprehensive Plan**



**Current Zoning**



**Staff Recommendation: Introduce Ordinance for Approval of REZ #11-92, JJ Capital One, LLC at January 17th Meeting.**

The rezoning would rectify the current inconsistency between the Long Range Land Use designation and the existing zoning designation. In addition, the character of the property and the existence of flex space is more consistent with the proposed zoning and the adjacent properties zoned FB/O-1 than with the existing zoning or the adjacent office buildings zoned B-1.

**Relevant Comprehensive Plan Excerpts**

Chapter 3 of the existing 2006 Comprehensive Plan of the Town of Dumfries contains the only language in the comprehensive plan that addresses a property such as this which is not on Route 1, is not in the Main Street corridor, is not residential, and is not industrial in nature. The pertinent section is included below:

**3.1 LAND USE**

- B. Goal: To promote the development of commercial retail, service and convenience uses within the Town that will provide economic benefits to the community.

Objective 1: Encourage development of commercial uses that meets the needs of the community.

**Current Future Land Use Map Designation**

The site is designated Greenway/Open Space/Recreational-Limited Development and Light Industrial – Flex Industrial/Office on the Future Land Use Map in the existing Comprehensive Plan. The existing zoning designation is currently inconsistent with the Future Land Use Map designation, as there is a separate land use designation for general business uses that would prompt B-1 zoning. The proposed rezoning would rectify this inconsistency.

**Comprehensive Plan Consistency Analysis**

<u>Plan language</u>	<u>Consistency</u>	<u>Reasons</u>
3.1 LAND USE	Yes	The proposed rezoning will promote economic development and job creation in the Town by allowing the property owner additional options to attract businesses to the Town.
Long Range Land Use Map	Yes	The proposed rezoning will rectify the current inconsistency between the long range land use designation and existing zoning.

### **Environmental Analysis**

The site currently has challenges regarding stormwater management. Previous actions by a neighboring property owner encroaching on the property have adversely affected drainage on the property. The property owner is currently working with the Town Director of Public Works on a long-range plan to rectify the issue and return the property to more appropriate drainage conditions. Rezoning of the property will encourage the property owner to rectify this situation sooner rather than later in order to encourage new tenants to locate in the building.

### **Transportation Analysis**

No traffic impacts are anticipated by the rezoning. The site is already able, with the current zoning, to create some small increase in traffic on Possum Point Road. The rezoning would allow for some additional uses of the property which do not tend to generate the same volume of traffic as if the building were filled with retail uses, as is currently allowed.

### **Zoning of Adjacent Properties**

As seen in the maps in Attachment A, immediately to the northwest of the property are two large office buildings, both of which are multi-story brick structures erected in the last 10 years. Immediately to the southeast of the property are various industrial and flex buildings which are typically one story, older, and contain few, if any, pure business offices. It is clear that this property is more alike to the properties to the southeast which are already zoned FB/O-1, than to the dissimilar properties to the northwest which are zoned B-1.

**At a regular meeting of the Dumfries Town Council held on Tuesday, January 17, 2012 in Council Chambers, 17755 Main Street, Dumfries, Virginia: On a motion duly made by \_\_\_\_\_, and seconded by \_\_\_\_\_, the following Ordinance was adopted by the following vote:**

Nancy H. West, \_\_\_;  
Willie J. Toney, \_\_\_;  
Dorothea Barr, \_\_\_;  
Gerald M. Foreman, II, \_\_\_;  
Kristin W. Forrester, \_\_\_;  
Michele Jurgensen, \_\_\_;  
Gwen P. Washington, \_\_\_;

**AN ORDINANCE TO AMEND THE TOWN OF DUMFRIES ZONING MAP TO RECLASSIFY 2.5012 ACRES OWNED BY JJ CAPITAL ONE, LLC, DESIGNATED AS GPIN 8289-02-6440, LOCATED AT 17650 POSSUM POINT ROAD FROM B-1, GENERAL BUSINESS TO FB/O-1, FLEX BUSINESS/OFFICE FOR THE PURPOSE OF ALIGNING THIS PARCEL'S ZONING WITH TOWN'S ADOPTED LONG RANGE LAND USE PLAN**

**WHEREAS**, a rezoning application (REZ11-92) has been submitted by owner JJ Capital One, LLC to rezone property known as GPIN 8289-02-6440 from B-1, General Business to FB/O-1, Flex Business/Office, to amend the Town of Dumfries Zoning Map; and

**WHEREAS**, the property requested to be rezoned is located at 17650 Possum Point Road, on the south side of Possum Point Road approximately 500 feet southeast of Route 1 where it intersects with Possum Point Road; and

**WHEREAS**, the Town of Dumfries Planning Commission, after holding a duly advertised public hearing at their December 12, 2011 meeting, recommended approval of REZ11-92 to the Town Council; and

**WHEREAS**, the Dumfries Town Council held a duly advertised public hearing on January 3, 2012; and

**WHEREAS**, the Dumfries Town Council finds that the proposed FB/O-1 zoning is reasonable given the existing use and character of the land and the abutting properties and is consistent with the adopted Town of Dumfries Comprehensive Plan; and

**NOW, THEREFORE BE IT ORDAINED** by the Council of the Town of Dumfries on this the 17th day of January, 2012, that rezoning application REZ11-92 be, and it hereby is, approved to amend the Town of Dumfries Zoning Map to rezone the property known as GPIN 8289-02-6440 from B-1, General Business to FB/O-1, Flex Business/Office.

Adopted by Town Council this 17<sup>th</sup> day of January, 2012.

By: \_\_\_\_\_  
Nancy H. West, Mayor

Attest: \_\_\_\_\_  
Dawn Hobgood, Clerk