



Craig S. Gerhart
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT

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November 15, 2006

TO: Prince William Board of County Supervisors

FROM: Stephen K. Griffin, AICP
Planning Director

THRU: Craig S. Gerhart
County Executive

RE: Special Use Permit (SUP) #PLN2006-00233, Donny & John Ward's
Impoundment Yard, **Neabsco Magisterial District**

The subject SUP came before the Board on October 24, 2006. Action on the SUP was deferred, with the public hearing kept open, to November 21, 2006, and staff was directed to work with the applicant to revise the proposed conditions. The revised conditions, dated November 2, 2006 and found in Attachment A, are acceptable to the applicant. The substantive changes include the following:

- (1) Both operable and inoperable vehicles will be permitted to be stored on site for up to 45 days. Tow trucks may also be stored on site so long as the total number of vehicles does not exceed 77.
- (2) Instead of constructing the curb and gutter improvements along Neabsco Mills Road, the applicant will escrow sufficient funds, as determined by the Transportation Department, for these frontage improvements.
- (3) The site will be accessed via an interparcel connection with the adjoining impoundment yard to the north, and the existing curb cut on Neabsco Mills Road will be closed.
- (4) The existing wooden fencing along Neabsco Mills Road may be retained, along with the existing chain link fencing along the adjoining impoundment yards. The existing chain link fence along the NVCC property will be replaced with a 6' board on board fence. If either of the existing impoundment yards change use, 6' board on board fencing will be required along that common property line.

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- (5) A nine square foot wall sign shall be permitted.
- (6) Instead of requiring a paved impoundment yard, the applicant may construct a gravel yard, over geotextile fabric, provided all runoff is directed through the required pretreatment device.

Regardless of the revisions to the conditions, staff maintains their recommendation of denial for this SUP application, as it is inconsistent with the Long Range Land Use Plan and the Potomac Communities Revitalization Plan.

Should you have any questions or need additional information, please contact Pat Thomas at 703/792-7058 or pthomas1@pwcgov.org.

Attachments:

- A: Revised conditions, dated November 2, 2006
- B. Revised SUP Plan, dated November 1, 2006
- C. Previous Board Agenda Item, dated October 6, 2006

Special Use Permit Conditions
Applicant/Lessee & Owner: Donald W. Ward et al
Zoning: B-1, General Business
Acreage: ±0.657 acres
GPIN: 8290-88-1874
SUP #PLN2006-00233, Donny and John Ward's Impoundment Yard
~~September 26~~ November 2, 2006

The following conditions are intended to offset the impacts of the proposed use and to render the application consistent with the applicable chapters of the Comprehensive Plan and the surrounding areas. If the conditions of this special use permit or the Special Use Permit Plan are in conflict with the Zoning Ordinance or the Design and Construction Standards Manual, the conditions of this Special Use Permit shall apply. A site plan is required to be filed within one (1) year of approval of the SUP. The motor vehicle impoundment use shall have up to five years from the date of final site plan approval to commence the use. Issuance of an occupancy permit or similar county issued approval document, e.g., a Certificate of Zoning Approval for the impoundment use, constitutes commencement of that use.

1. Site Development - The SUP site shall consist of the entire ± 0.657 -acre area shown on the Special Use Permit Plan dated June 14, 2005 and last revised ~~June 9~~ November 1, 2006. Subject to minor changes as may be approved by the County in connection with site planning and final engineering, the applicant shall develop the site in substantial conformance with said Special Use Permit Plan dated June 14, 2005 and last revised June 9, 2006, and the conditions herein.
2. Use Parameters
 - a. Use Limitations - The use shall be limited to vehicle impoundment yard with a limitation of 77 vehicles, **to include tow trucks as accessory storage**. No motor vehicle sales or auction, repairs, service or fuel sales shall be permitted. ~~Inoperative vehicles shall be prohibited.~~ Operable Vehicles shall not be allowed on the site for longer than ~~7~~ **45** days. **A log of all vehicles impounded shall be maintained and be available to the County for inspection at all times.**
 - b. Hours of Operation - Hours of operations for tow truck drivers may be 24 hours per day, seven days per week. Hours of operation for the public shall be limited to 7:00am to 7:00pm, seven day a week.
 - c. Outdoor Speaker System – There shall be no outdoor public speaker system.

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REVISED CONDITIONS**

- d. **Buildings** – **There shall be no buildings or roofed structures on the site.**

3. **Exterior Lighting** - The height of free-standing lot lighting shall not exceed 12 feet in height, and shall comply with Prince William County lighting standards except for the 12' requirement. Compliance with this condition shall be shown on the final site plan.

4. **Transportation**
 - a. **Right-of-way Dedication** – The applicant shall dedicate right-of-way for the improvement of Neabsco Mills Road, 59 feet from the future centerline of the road, or a right-of-way width to be determined during site plan review; the dedication to be made at such time as requested to do so by Prince William County. At or before the time of the dedication, the applicant shall be cause to be relocated, at its expense, the entrance, fencing, landscaping and any other improvements by the applicant within the right-of-way.

 - b. **Trail** – Prior to the approval of the final site plan for the development, the applicant shall place **escrow** funds, **in an** the amount to be determined by PWC Transportation **Department**, ~~in escrow~~ for the construction of a Class I trail along the frontage of the site ~~upon approval of the final site plan for this development, and before issuance of any permits.~~

 - e. ~~**Vehicle Impoundment/Parking** – Vehicles stored in the impoundment yard shall be limited to licensed motor vehicles, boats and recreational vehicles and be located only in spaces as designated on the SUP Plan. Tow trucks shall not be parked inside this impoundment yard. No vehicles, boats or recreational vehicles shall be dropped off to be stored without an attendant available to bring the vehicles into the fenced area. The impoundment lot will be paved and incorporate curb and gutter. The number of motor vehicles shall be limited to 79 ~~77~~ vehicles at any one time. Parking areas must be designed and constructed in accordance with Detail 650.06 of the DCSSM.~~

 - c. **Access – Access to the impoundment yard shall be via an interparcel connection with GPIN 8290-88-1992, located immediately north of the site. The existing driveway access to Neabsco Mills Road shall be closed, and such closure shall be shown on the final site plan.**

 - d. **Sight Distance** – The entrance sight distance measurements must be verified at site plan review.

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- e. Curb Return Spacing – Curb returns as shown on the SUP plan shall be spaced pursuant to the DCSM unless a waiver can be obtained at the final site plan.
 - f. Curb and Gutter – **Prior to the approval of the final site plan for the development, the applicant is required to escrow funds, in an amount to be determined by PWC Transportation Department,** to construct curb and gutter along the frontage of the site Neabsco Mills Rd. once the dedication of right of way has occurred and paved parking area within the site must have curb and gutter. Compliance with this must be demonstrated on the final approved site plan.
 - g. Obstruction of Travel Ways - The applicant shall ensure that any vehicles associated with the use do not obstruct the travel ways, fire lanes, adjoining road network, landscaped areas, or parking spaces as shown on the SUP Plan.
 - h. Vehicle Unloading – The applicant shall demonstrate that tow trucks can safely enter with a towed vehicle, off-load a vehicle and exit the site. Compliance with this condition shall be demonstrated as a condition of final site plan approval and not change throughout the use of the yard.
 - i. The surface of the impoundment yard shall be gravel over geotextile fabric, provided sufficient information is provided at during site plan review to ensure that the geotextile fabric prevents runoff infiltration into the groundwater. The final site plan shall also show the yard graded such that all runoff from the site flows through the pretreatment device required in condition #11 below. All parking spaces must be delineated on the final site plan and on the gravel surface.**
5. ~~Handicapped Parking and Signage~~ – ~~Parking and signage for handicapped customers shall be provided in accordance with the DCSM and other current standards.~~
5. Refuse Enclosure/Compactor - Refuse, refuse containers and compactors shall be stored and/or located within a masonry or board-on-board enclosure and equipped with solid gates that shall be kept closed when the enclosure is not being accessed.
6. Landscaping – The landscaping strip adjacent to Neabsco Mills Road shall have a minimum width of 10 feet. All plantings shall be indigenous and drought tolerant or other species approved at final site plan. Compliance with this condition shall be demonstrated on the final approved site plan. The site shall also contain the

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- minimum planted open space as required by the Zoning Ordinance and the DCSM.
7. Lot coverage – The special use permit does alter the lot coverage requirements of the Zoning Ordinance.
 8. Fencing – A six-foot (6') board on board fence shall be placed **along the joint property line with GPIN 8290-79-9119, immediately west of the site. The existing wooden fence along Neabsco Mills Road shall be maintained. The existing chain link fences along the northern and southern property lines may be retained so long as the adjacent uses are impoundment/towing operations. Should either of the uses change, a six foot (6') board on board fence will be required where the impoundment facility abuts any other use.** around the perimeter of the lot. The proposed gate shall be set back 45 feet from the edge of pavement of Neabsco Mills Road. The applicant is advised that the 45-foot spacing from Neabsco Mills Road will also apply from the planned relocated edge of pavement, effective upon dedication of the right-of-way. The fences shall be kept in good repair (also see 17 below) and properly maintained at all times. Compliance with these conditions shall be demonstrated on the final site plan.
 9. Water Quality Monitoring - The applicant shall contribute \$75 per acre at the time of final site plan review for the County to conduct water quality monitoring in the watershed.
 - ~~10. Public Utilities – The applicant shall be in compliance with Zoning Ordinance Section 32-250.74, Development to be Upon Public Water and Sewer.~~
 10. Signage - No signage shall be permitted except for a small wall sign no larger than 4 nine square foot (9 sq. ft) to indicate name of business, the street address, the entrance and public hours of operation for vehicle pick-up. Banners, pennants, streamers, balloons, temporary signs, figures, and other attention-getting devices shall be strictly prohibited.
 - ~~11. Architecture – No building or roofed structures shall be allowed on the site.~~
 11. Storm water Quality – A pretreatment device, or other pollution removal practice as determined by the Department of Public Works at final site plan, designed to eliminate the possibility of petroleum, glycol or other contaminants reaching surface or underground waters shall be established for the site.
 12. Geotechnical Report – A geotechnical report shall be prepared to address any identified poor soils as a condition of final site plan approval if deemed necessary by Department of Public Works. Since no site improvements are proposed except

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for the installation of a pretreatment device and paving, the extent of disturbance will determine the need for the geotechnical study.

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13. Fire and Rescue –
- a. A monetary contribution of \$560.00 shall be contributed to the Prince William County Board of Supervisors prior to and as a condition of final site plan approval.
 - b. The applicant shall provide an all-weather lane capable of supporting fire apparatus with a minimum width and a suitable turnaround for vehicles for all areas of the motor vehicle impoundment yard areas of the site. Compliance with this condition shall be demonstrated on the final site plan.
 - c. The applicant shall meet with the Fire Marshal’s Office to address requirements necessary for the Department of Fire and Rescue to confine and suppress fires that may occur on the site. A certification of this meeting from the Fire Marshal shall be provided as a condition of approval of the final site plan.
14. Graffiti Removal – The applicant agrees to remove any graffiti from the property. Graffiti shall be deemed any inscription or marking on walls, buildings or structures not permitted by the sign regulations in Section 32-250.20 *et seq* of the Zoning Ordinance. Any graffiti is to be reported to the Prince William County Police Department before removal. Deed restrictions or covenants shall contain provisions that require removal of graffiti from any structures or buildings. In the event the property is leased, lease agreements shall contain graffiti removal clauses that stipulate immediate removal (within 72 hours) upon identification of graffiti from buildings, trash dumpsters or other receptacles, walls, fences, storage sheds, utility boxes, dumpster enclosures, etc. Access to roofs shall be prevented by keeping dumpsters at least 5 feet away from all exterior walls, and covering or enclosing drainpipes, among other measures.
15. Monetary Escalator - In the event the monetary contributions set forth in the development conditions are paid to the Prince William County Board of County Supervisors ("Board") within eighteen (18) months of the approval of this special use permit application, as applied for by the Owner/Applicant, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in the development conditions which are paid to the Board after eighteen (18) months following the approval of this special use permit application shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the approval of this special use permit to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, non-compounded.

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16. Additional Note on SUP Plan—~~Eliminate one space at the end of each center aisle to make the travelway width consistent inside the entire yard, reducing the total spaces from 79 to 77.~~

