

Combined Agency Comments based on October 15, 2011 Submittal

Environmental Division (Jim Sawyer)

The Environmental Division has reviewed the above referenced project revision, CDP sealed and signed by Edmund J. Ignacio, P.E., on November 15, 2011. All code compliance issues for the rezoning stage have been resolved.

Findings to Applicant:

1. Soils in map units 60B, 60C, 60D, 62B, 73B, 160B, 260E and 265D have bedrock between 10 and 40 inches. Deep cuts in these areas may require blasting. If public wells are contemplated for this site, blasting may compromise the water supply. Where grading in residential areas requires blasting or ripping of bedrock, the site should be over-excavated sufficiently to allow adding soil of suitable quality to support good vegetative growth.
2. Soil map units 66A, 67A, 67B, 67C and 68B are rated as very high shrink – swell potential. Soil testing to determine appropriate foundation design will be required prior to issuance of a building permit for structures placed in these soils.

Findings to BOS:

1. General soil ratings and interpretations (County Soil Survey, USDA interpretations):
 - a. Soils rated “Prime farmland” (34.9% of the site) and “Statewide Important farmland” (23.3% of the site) should be kept in agricultural use.
 - b. Much of the site has been listed by the USDA as “Very Limiting” for construction.
2. Cut and fill work on the proposed plan is extensive, up to 18 feet in some places. Construction should follow the natural topography of the site. (Catlett/ Calverton/ Midland Service District Plan, page 2).
3. Wetland and Stream Protection:
 - A. Of the wetlands that are shown on the plan, most are outside of the development area, but they are in areas that are shown as impacted. Rezoning standards for PRD require preservation and protection of wetlands (Zoning Ordinance 4-114.K). Many of the wetland impacts could be avoided or minimized:
 - 1) On sheet 14, extensive grading is shown for the road crossing of the wetlands downstream of the existing farm pond.
 - 2) On sheets 15/16, it appears that the wetland crossing of Cedar Run Drive could be relocated to minimize impacts to the wetlands.
 - B. While the major streams located on the property are being protected, many minor tributaries are being filled in to create buildable lots. Rezoning standards for PRD require protection of natural and environmental sensitive areas (Zoning Ordinance 4-114.H).

- C. Most major drainage ways have narrow existing wooded buffers. These buffers act as natural filters for potential contaminants and should be preserved/enhanced. For streams, buffers should be enhanced in order to extend a minimum of 100 feet on either side of the stream in order to improve water quality.
 - D. The site is located on Cedar Run which is a tributary of the Occoquan Reservoir. This stream has been identified as impaired by the Virginia Department of Environmental Quality and a TMDL was developed for the watershed in 2004. The impairment was determined by measuring fecal coliform.
4. Habitat Preservation:
- A. Catlett/Calverton Service District Plan (Page 2) requires protection and preservation of historic fence lines (hedgerows). Roads should run parallel to preserved fence lines. Many of the fence lines on the property are visible in the 1937 aerial photograph of the property and can therefore be considered historical.
 - B. A search of the Virginia Department of Game and Inland Fisheries, Fish and Wildlife Information Service (VaFWIS) Database was performed and the following items were identified:
 - 1) The search found two Virginia State Threatened and Endangered Species that have been confirmed to be within a two mile search area of the site: Loggerhead Shrike (Butcher Bird) and Bald Eagle.
 - 2) Beneficial Management Practices for the Loggerhead Shrike include but are not limited to: Maintaining habitat diversity, plantings for wildlife diversity, maintaining hedgerows and constructing fences.
 - 3) Adverse Management Practices for the Loggerhead Shrike include but are not limited to: Controlled grazing and the application of herbicides and pesticides.
 - 4) Beneficial Management Practices for the Bald Eagle include but are not limited to: Maintaining undisturbed undeveloped areas, natural vegetation, unique and special habitat features; maintaining or developing water holes and ponds, maintaining large trees for nesting or roosting, maintaining and protecting riparian habitats.
 - 5) Adverse Management Practices for the Bald Eagle include but are not limited to: Constructing roads, timber harvesting, and the application of herbicides and pesticides.

Future Actions (Construction Plan Phase):

- 1. With first submissions of construction plan:
 - a. Geotechnical study
 - b. Final soil map
 - c. Hydrogeologic report
- 2. The Preliminary Soil Map does not cover entire project area. The missing area shall be supplied as a part of the final soil map with the first submission of the construction plans.

3. The Preliminary Soil Report is missing interpretive soil information for the following map units: 61B, 64F, 71C, Applicant shall provide interpretive soil information (Subdivision Ordinance 9-5C)
4. Hydrogeologic testing proposal submitted to the Fauquier County Department of Community Development and Fauquier County Water and Sewer Authority a minimum of 30 days prior to any well drilling or pump testing.
5. The E&S Plan included in this rezoning provided minimal information. In order for a thorough review to occur, the Applicant will need to provide a much greater level of detail on construction plan.
6. Houses should not be placed in natural drainageways.

Special Exception for Wastewater Treatment Plant (WWTP):

VDH issues a “letter of concurrence”, dated September 23, 2010, for a preliminary engineering report (PER) for a proposed WWTP with a capacity of 337,000 GPD. The proposed WWTP has 2 sequencing batch reactors, each with one half of the total capacity, additional works sized for 337,000 GPD and a time-dosed drip field of approximately 16 zones, totally 96 acres, to provide the installation area plus a 100 percent reserve. Zones were specified for installation (5, 6, 9, 10, 11, 12, portions of 13 and 14 as needed).

The VDH comment letter, dated February 17, 2011, requested that the applicant use the full drain field area as proposed in the PER, to improve the margin of safety and manageability of the system. The letter also requested that the applicant should address concerns listed in the letter of concurrence. The applicant has not addressed these issues raised by VDH.

Health Department (Don Jeanrenaud)

The submittal appears to supply no information regarding drainfield designs, so I can’t really comment. However (and this does relate to my purview of drainfield designs):

Sheet 5 of this submittal supplies different number of Single Family Dwellings (225) Commercial/Office (85,000 sq. ft.), and Multifamily Dwellings (45 units), than is currently authorized. The current approved design is documented in the 9-23-10 “Letter of Concurrence for Preliminary Engineering Report” by Ted Bullard; It approved 550 Single Family Detached, 95 Townhouses/Duplexes, 64,000 sq. ft. Retail, and 600 student School.

Since in sheet 5 they appear to be asking for revision of sewage system design flow, they must submit a Preliminary Engineering Report, so we may review the math of the change in proposed uses, prior to HD authorizing any change from the 9-23-10 Ted Bullard letter.

Applicant should be reminded that when they apply for Construction Permit (after the Final Plat Recordation), approval of Construction Permit is quickest and easiest if design is identical to the PER. If the design has changed, approval of the Construction Permit is not guaranteed.

Outsourced Engineer (Rick Ashley, Carson Ashley & Associates)

Carson, Ashley & Associates has completed its review of the revised Conceptual Stormwater Management/Best Management Practices Plan and calculations prepared by VIKA, Inc., for the above-referenced project, last revised on October 24, 2011. Based on my review of the narrative, plan sheets, and calculations the concept appears unchanged from the Conceptual Stormwater Management/Best Management Practices Plan dated September 2, 2011 that we previously deemed adequate. Therefore, our determination that the Conceptual Stormwater Management/Best Management Practices Plan is adequate and meets county requirements for the proposed rezoning remains valid.

GIS (Shannon Ennis)

No comment at this time. Streets names to be submitted in the future. No street names to be on recorded plat.

Office of Management and Budget (Ari Sky)

After consulting with Ross D’Urso, I have prepared two new spreadsheets that estimate the annual fiscal impact of the interim and final build out scenarios. You will note that the format has been revised to accommodate the multi-family calculations. Two items to keep in mind when reviewing:

1. The multi-family real estate, personal property and motor vehicle allowances are based on work that Ross completed for the Mintbrook application. This would seem to be a comparable concept, given the proposed location and design of the units.
2. As we discussed, we do not have a reliable household size estimate for multi-family units. However, we have been using a countywide estimate of 2.75 per capita for all residential units, so I believe it would be reasonable to use this approach for sales tax and county expenditure estimates.

Fiscal Impact Estimate - New Development
Catlett LLC Proposal - 11/10/2011 Revision
Interim Buildout (200 single-family/0 multi-family/8,500 sf commercial)

Annual Revenue Estimates

Residential Development

Single Family Units (Average Assessment)

Real Estate (\$405,636 per unit):	\$3,935
Personal Property (\$16,000 per unit):	744
Sales Tax (\$75/person):	206
Motor Vehicle Licenses (2.5 vehicles):	63

Total Revenue per Single Family Unit: \$4,947

Multi-Family (Average Assessment)

Commercial Development

Revenue per 1,000 Square Feet

Real Estate (\$126,814 per 1,000 sf):	\$1,230
Personal Property (\$44,159 per 1,000 sf):	\$1,016
Business License Tax:	325
Sales Tax:	4,812

Total Revenue per 1,000 sf: \$7,383

Real Estate (\$100,440 per unit):	\$984		
Personal Property (\$12,800 per unit):	595		
Sales Tax (\$75/person):	206		
Motor Vehicle Licenses (2.0 vehicles):	50		
Total Revenue per Single Family Unit:	\$1,836		
Number of Additional Units			
Single Family: 200		Square Feet Commercial:	8,500
Multi-Family:			0
Total Revenue - Residential:	\$989,484	Total Revenue - Commercial:	\$62,754
Annual Offsetting Expenditure Estimates			
School Division		General Government	
FY 2012 Expenditures per Pupil:	\$10,568	FY 2012 County Expenditures per Capita:	\$1,125
Students per Household			
Single Family: 0.72		Average Residents per Household:	2.75
Multi-Family:			0.20
School Division Expenditures/Household:			
Single Family: \$7,609		Average Cty. Expenditures per Household:	\$3,094
Multi-Family:			\$2,114
Total Expenditures per Household			
Single Family:	\$10,703		
Multi-Family:	\$5,207		
Total Estimated Expenditures:	\$2,140,542		
Less Estimated Revenue:	\$1,052,238		
Net Annual Fiscal Impact:	(\$1,088,304)		

1Average residents per household is a countywide estimate of residential property, regardless of type.

Fiscal Impact Estimate - New Development
Catlett LLC Proposal - 11/10/2011 Revision
Final Buildout (225 single-family/45 multi-family/85,000 sf commercial)

Annual Revenue Estimates		Commercial Development	
Residential Development		Revenue per 1,000 Square Feet	
Single Family Units (Average Assessment)		Real Estate (\$126,814 per 1,000 sf):	\$1,230
Real Estate (\$405,636 per unit):	\$3,935	Personal Property (\$44,159 per 1,000 sf):	\$1,016
Personal Property (\$16,000 per unit):	744	Business License Tax:	325
Sales Tax (\$75/person):	206	Sales Tax:	4,812
Motor Vehicle Licenses (2.5 vehicles):	63	Total Revenue per 1,000 sf:	\$7,383
Total Revenue per Single Family Unit:	\$4,947		
Multi-Family (Average Assessment)			
Real Estate (\$100,440 per unit):	\$974		
Personal Property (\$12,800 per unit):	595		
Sales Tax (\$75/person):	206		
Motor Vehicle Licenses (2.0 vehicles):	50		
Total Revenue per Single Family Unit:	\$1,826		
Number of Additional Units			
Single Family: 225		Square Feet Commercial:	85,000
Multi-Family:			45
Total Revenue - Residential:	\$1,195,327	Total Revenue - Commercial:	\$627,544

Annual Offsetting Expenditure Estimates

School Division

FY 2012 Expenditures \$10,568
per Pupil:

Students per Household

Single Family: 0.72

Multi-Family:

School Division Expenditures/Household:

Single Family: \$7,609

Multi-Family:

Total Expenditures per Household

Single Family: \$10,703

Multi-Family: \$5,207

Total Estimated Expenditures: \$2,642,441

Less Estimated Revenue: \$1,822,871

Net Annual Fiscal Impact: (\$819,570)

General Government

FY 2012 County \$1,125
Expenditures per Capita:

Average Residents per 2.75
Household:

0.20

Average Cty. \$3,094

Expenditures per

Household:

\$2,114

1Average residents per household is a countywide estimate of residential property, regardless of type.

Parks and Recreation (Larry Miller)

Four Parks and Recreation comments were provided for the October 15, 2011 submittal:

1. The County Connection Plan proposes a loop around the Village of Catlett which includes a segment through this property. It is important that an easement be provided at a minimum to accommodate this for the future. Preference would be for a sixty (60) foot corridor conveyed in fee simple. Consideration should also be given to continuing the trail through the open space between A5 and A9.

Planning staff note: The area between A5 and A9 contains wetlands, and thus is not an ideal trail location. The Connections Plan shows a trail on the periphery of the property; the applicant's proposal shows a trail through the property.

2. The specific active recreation feature and details of that feature to be provided for the homeowner's park should be provided.
3. The Department reiterates its request of August 25, 2011. Proffer Cost – the county's cost of \$2,260 per dwelling to offset cost associated with new recreational facility construction. If facilities are not provided as requested, a donation of \$508,500 for land and recreation facility construction is requested. Proffers not conveyed within three years of approval are subject to an annual escalation value as allowed by state law.

Planning staff note: \$2,260 for each of the 270 residential units (single family and multi-family) equates to \$610,200.

4. Recreation facilities should be constructed as part of the development site work, not during construction of the actual residences.

School Administration (Janice Bourne)

The new application calls for 225 single-family units and an unknown number of multi-family apartments. Table 1 indicates the total capital cost from the single-family units. Since the number of multi-family apartments is unknown, the total capital cost cannot be determined. Table 1 indicates the cost for each multi-family apartment that may be incorporated in the final development plan.

TABLE 1

CAPITAL COSTS (Single Family Units Only)

<u>Dwelling Type</u>	<u>Units</u>	<u>Per Unit Cost</u> ¹	<u>Total Cost</u>
Single family detached	225	\$21,424	\$4,820,400
Multi-Family Apartments	TBD	\$ 5,951	+ TBD
Total Capital Costs			\$4,820,400

This development will also create an impact on operating costs. The impact shown in Table 2 only includes the impact for the 225 single-family units. Each multi-family apartment will add 0.2 students, or 1 student per 5 units. Each student increases operating costs by \$10,955.

TABLE 2

ANNUAL OPERATING COSTS (Single Family Units Only)

Elementary school students	84
Middle school students	36
High school students	42
Total students from development	162
Cost per student ²	\$10,955
Total Annual Operating Costs	\$1,774,710

This subdivision is currently located in the following school zones:

Elementary school:	H.M. Pearson Elementary School
Middle school:	Auburn Middle School
High school:	Kettle Run High School

The impact from a build out for this development may exceed the capacity available in one or more of these schools. These zones are subject to change at the discretion of the school division.

The differential (if any) between any contribution provided by the developer for public education and the above amount must come from other forms of revenue, primarily real estate taxes and state funding.

Planning staff note: Based on 225 single family units and 45 multi-family units, total capital costs would be \$5,088,195 and total annual operating costs would be \$1,880,145.

VDOT

We received Concept Development Plan (dated 10/7/11) and Code Of development (dated October 7, 2011). We have completed review of these documents and have only a few comments/concerns for your consideration as follows:

Code of Development:

1. The Project currently proposes 225 single family units, 45 multi-family units, and 85,000 SF of commercial development. This is substantially less development than previous submittals for Catlett Village. It is our understanding that previously developed agreements and parameters no longer apply and this project will stand on its own (we find no information in this submittal contrary to this understanding).
2. We note the stated intent that “Water and sewer located within ROW and pavement zone”. The long standing policy of VDOT is that all utilities may be located within the ROW at the outer limits of the ROW. Under-pavement utility locations have been accepted on the rare occasion where the Developer can demonstrate no practical alternative and then only at locations that will minimize impact on the traveling public.
3. The streets and streetscape information appears well thought out and suitable for this planned community. Development plans implementing these concepts prepared in accordance with VDOT Standards and good engineering practice will be acceptable.
4. We note that the Plan proposes street lights. It is significant to note that VDOT does not maintain nor operate street lights and light locations must be carefully developed.
5. We note the intent to provide street trees to enhance the neighborhood concept. We support and accept the street tree plan but note the very important requirement that plantings must be of a type and located such so as not to interfere with sight distance at entrances and street intersections.

Concept Development Plan:

6. The street sections presented on sheet 9 appear satisfactory. As the project proceeds and additional information becomes available additional comments will be forthcoming.
7. The sanitary sewer pipelines are shown on many streets (sheet 18) to be located in the pavement. As discussed earlier we generally do not accept underground utilities located under the pavement. The Developer is advised to make maximum use of easements on private land and the extremities of the ROW for the underground utility locations.

Miscellaneous:

8. Much information remains to be developed and presented in subsequent documents (revised TIA, Preliminary plans, and Development Plans, etc.). We look forward to that information to provide input into the transportation system for the Development and surrounding area impacted by the Development.

WSA

I have no new comments or input on this project. As long as the Authority, the developer and (apparently) the County can come to terms regarding water and sewer systems, the Authority can ultimately own/operate/maintain the proposed WWTP, and allow connection to the existing water system (with new well(s) and storage tank provided by developer).

Zoning Office

It is zoning staff's opinion that the COD proposed as part of this resubmission does not meet the plan requirements set forth in Part 2 of the adopted Outline for Codes of Development and is deficient in several areas with regards to Article 4 of the Zoning Ordinance.

Overview:

Section 4-002 of the Zoning Ordinance states that planned districts are "separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts." Prior to 2009, the PRD designation was used to design communities of a more suburban nature, such as those that can be found further north on Route 28 in neighboring Prince William County, like Bristow Station. In 2009, the Board made a policy decision that PRD developments should be more traditional in form and the PRD regulations were amended accordingly. In this case, it is staff's position that this current proposal is more suburban in nature and fits more in the mold of the pre-2009 PRD regulations, as explained below.

Generally, the COD and the CDP continue to promote a development that consists heavily of single family detached dwelling units that are similarly sized and nearly identical in massing, which is contrary to the purpose and intent of the PRD District. Although the applicant has always maintained that multiple housing types are being proposed, the COD continues to fail in any guarantee that this type of variety will ever come to fruition. Even if one assumes that only one specific housing type is acceptable under the stated intent of the PRD, the Zoning Ordinance is quite clear in Section 4-107.A.4 when it states that "a variety of lot sizes, widths, setbacks, unit sizes, and spacing between units shall be provided within blocks..." The current version of the COD again falls short in this area in that the five architectural types share the same massing and bulk, and, furthermore, the document does not ensure that monotony of architectural design will be avoided at the block level. For example, page 65 of the COD states that on blocks containing 16 or more lots, only three of the five unique styles need be constructed. In the worst case scenario, this type of framework would allow the developer to provide two single, differing

styles on 2 lots, with the remaining 14 lots being constructed in a single style; staff believes that this is the kind of monotony that the PRD requirements seeks to prevent. In addition, the framework for the proposed lot widths found on page 32 is flawed in that the developer has the flexibility on some blocks to provide a small number of required lot widths in variation while holding discretion as to what sizes will make up the remainder of the block.

Staff also has serious concern regarding the lack of commitment to construct any commercial square footage beyond the 8,500 square feet set forth in the COD. Staff believes this is unacceptable, especially given that the COD proposes 85,000 square feet of commercial area.

Lastly, as noted during the previous two reviews conducted by the Zoning Division, a large portion of the subject property north of the Cedar Run neighborhood is being proposed to be rezoned from RA to PRD despite not being planned at this time for any specific development. The latest version of the COD addresses this matter by including a note on Page 24 that states that this acreage will be “Non-PRD natural open space.” Staff notes that this explanation is vague at best, and strongly opposes this aspect of the proposal as it violates the purpose, intent and provisions of the PRD regulations. Without a clear indication as to what will occur in this area, whether it be truly left as open space or developed with residential uses, it cannot and should not be rezoned to PRD and must remain zoned to the RA District.

Section 4-101 **Purpose and Intent**

Pages 11 and 31 of the COD indicate that the majority of the development could be developed with single family detached dwelling units. For example, Page 31 presents a chart of proposed house types and corresponding percentages. A review of this chart demonstrates that all but two blocks, A3 and A13 in the mixed use area, could be developed with alley loaded or front loaded single family detached units. There is nothing in the COD to ensure that any duplex or townhomes will ever be constructed. Staff maintains that this not appropriate and the applicant needs to commit to a certain percentage of townhouses and duplexes.

Page 5 of the COD states “housing types are based upon the concept of small lots (no “McMansions”) within a village” but this does not appear to be accurate given the predominance of 3 story single family detached homes represented by the five architectural styles identified in Appendix A of the COD. As stated above, the five architectural types share the same massing and bulk, and the document does not ensure that monotony of architectural design will be avoided at the block level even if the applicant were to amend the COD to include a true mix of housing forms. In addition, the limited range of lot sizes that could be established based on what is specified in Part 2 of the COD with respect to bulk requirements such as setbacks and height, as well as the proposed lot width and lot sizes, do not meet this provision.

Section 4-106 **Use Limitations**

The applicant is proposing in the CDP a total of 85,000 SF of retail whereas a maximum of 27,000 SF is allowed based on 270 residential units. While the Zoning Ordinance allows increases beyond the 100 SF/1 dwelling unit maximum, the Board must make a determination that the applicant fulfills the appropriate standards for increasing to the proposed amount.

More importantly, page 28 of the COD states, in the first paragraph, that “at least 8,500 square feet of commercial shall be CONSTRUCTED prior to the issuance of the 200th Certificate of Occupancy (CO) for a ***SINGLE FAMILY DWELLING.***” It is noted that this trigger is tied directly to *single family dwelling units* and staff points out that this is the only commitment made to actually construct any commercial square footage as a part of this proposal. As it reads, the applicant can build nearly 90% of all single family dwelling units without constructing any commercial square footage. Therefore, the applicant can construct 199 of these units and can continue with a limited number of multi-family apartment units in the commercial area without constructing any square footage beyond the initial 8,500 square feet. This should be noted so that the Board can properly evaluate the potential impacts of the project.

On the same issue, page 28 also states that the 8,500 square feet of commercial shall be constructed in Phase I, prior to the issuance of the 200th CO. However, this is confusing since the phasing plan identified on page 28 does not match the phasing plan set forth on the previous page 27.

Section 4-107 **Lot and Building Requirements**

Page 33 indicates the 5 different ranges of residential front setbacks are proposed. It is noted that three of these ranges include front setbacks of 20 feet or more. While two separate ranges of 10 to 15 feet and 15 to 18 feet have been identified, it is noted that these areas are fairly limited and do not account for a significant number of overall units. Conversely, the entire Cedar Run neighborhood, which includes over half of the overall units, could be constructed with a front setback of 20 feet or greater. This is even more concerning in that the COD has been drafted in a manner to allow the applicant to only construct single family detached dwellings, which tend to be associated with the larger front setback.

Planning staff note: This aspect was revised in the COD dated November 28th, and now the majority of lots in the Cedar Run neighborhood must have a front setback of 18’ or less.

Similarly, the proposed COD fails to ensure a true range of lot sizes, widths, and spacing, and the chart on Pages 31 & 32 are very confusing and could be widely interpreted. It is noted that the variation in lot width as presented is not very diverse. There are two proposed categories – those smaller lots between 40 and 50 feet in width, and a larger lot between 50 and 75 feet in width. The range of smaller lot widths is inadequate and the COD fails to ensure that a true mix can be achieved. Using block B1 as an example, Page 31 shows that this block can be entirely comprised of front loaded single family detached units. On page 32, which shows the proposed minimum lot widths per block, the applicant would only have to be provide 3 different size lots for this unit type in that block. There is nothing that prevents the applicant from selecting only 65, 70 and 75’ foot wide lots, which staff believes is a negligible difference – they are essentially the same. This number only reflects the minimum number of widths allowed, so there is nothing preventing the applicant from providing three unique lots at 65, 70 and 75 feet in width, and then platting the remainder of the block with lots in excess of 75 feet in width, which seems excessive given “the concept of small lots within a village.”

In addition, the latest version of the COD seeks to ensure variety in side yard setbacks by establishing minimums for both alley and front loaded single family detached dwellings. Like the

proposed lot widths, it is staff's belief that this particular measure fails to accomplish the required variety for a PRD. As shown on page 33, the minimum sum of side yards specified is generally twice the minimum side yard setback. So for a 75 foot wide lot, a house can be located the minimum 10 feet from each side lot line and easily meet the minimum combined sum of 20 feet set forth in the COD. One of the goals of varying side setbacks is to break up similar masses along a block face by fluctuating those distances between buildings. In this regard, the proposed COD does nothing more than establish standard side yard setbacks similar to what one would expect from a conventional suburban development.

Furthermore, as stated above, staff notes that the five specified architectural types share the same massing and bulk and the COD does not ensure that monotony of architectural design will be avoided at the block level. Simply put, both sides of a smaller block (1 to 6 units per street side) could be done in the Georgian style, which is similar in mass as the Federal, Low Country and Victorian.

Like the architectural types, there is nothing in the COD that ensures that a variety of building heights will be incorporated into the development as a whole, much less at the block level. As set forth on page 38 of the COD, building heights can range from 1 to 3 stories for all housing types. According to the chart on page 38, only 10% of single family detached homes, or 23 units, are required to be 1 or 1.5 stories in height. Furthermore, and entirely absurd, is that this number could be reduced even further, since a 2 story house with a 1 story wing can be counted towards the 10% requirement. It is staff's opinion that these provisions fail to provide the variety required in a PRD. As proposed, the majority of the development (90%) could be 3 story dwellings if built under the revised COD, which is contrary to this provision since it states that heights should generally be "no more than two or three stories," and varied on a block level.

Planning staff note: This aspect was revised in the COD dated November 28th, and now two story homes with a one story wing cannot count towards the minimum 10% of 1 or 1 ½ story residences.

In addition, staff notes that there is no minimum block requirement for the proposed 1 to 1.5 story units, only a maximum amount specified for particular block sizes. Therefore, the 23 units could easily be grouped into a particular set of blocks, and not incorporated throughout the entire development to achieve the required variation that the PRD seeks to establish.

Planning staff note: This aspect was revised in the COD dated November 28th, and now the required 10% of 1 or 1 ½ story residences must be interspersed in both residential neighborhoods.

As discussed above, the COD and the CDP still indicate a development that consists heavily of single family detached dwelling units. Both clearly show that there is the potential for the majority of the development to be developed with single family detached dwellings of similar massing, which is contrary to the purpose and intent of the PRD District.

Section 4-111

Architectural Controls and Design Standards

The COD proposed by the applicant fails to clearly establish appropriate lot and building standards that ensure that variety, in the form of height, massing and setback, will be provided.

Section 4-113
Section 4-115

Rezoning to the Planned Residential Development District & Deviations from the Approved Concept Development Plan and Code of Development

On October 4, 2011, the Zoning Administrator, Kimberly Johnson, provided comments to the applicant regarding a revised version of Section D of the COD, which was dated September 26, 2011. While the majority of her comments were addressed in this latest version (pages 7-8), there are two outstanding comments that have not been addressed:

- Under Section 2.C., Zoning Permits, the COD states that architectural plans shall be subject to administrative approval by the Zoning Administrator pursuant to Section 4-113(D) of the Zoning Ordinance. However, this is a misreading of this section, which actually states that a onetime submission of more detailed architectural design standards can be submitted for approval by the Zoning Administrator *as part of the COD*.
- The COD includes Section 9, Revision of Concept Development Plan. The Zoning Administrator strongly recommends removing this section in its entirety. The deviations allowed to be approved by the Zoning Administrator do not extend to changes to the overall concept plan to the extent proposed in this section. For example, as proposed, this provision basically states that “if the applicant cannot fit the lots into this proposed scheme, then the Zoning Administrator must amend the plan so that all can fit.” It is the applicant’s responsibility to monitor development as it proceeds to ensure that the overall number of lots is achieved within remaining blocks, all while meeting the requirements of the COD. If this cannot be done, the choices are to either forfeit lots or to return to the Board of Supervisors to properly amend the rezoning application.

Planning staff note: This aspect was addressed in the COD dated November 28th, and now the Zoning Administrator is empowered to determine substantial compliance with the COD and CDP in the event the project runs out of lots before it runs out of land planned for residential development.

Section 4-114

General Standards for Approval of a Rezoning to the Planned Residential District

Based on the findings discussed herein, zoning staff does not believe that the current proposal conforms to the PRD standards.