

## **Department of Community Development Staff Report**

**Subject:** Mintbrook (CPAM11-LE-001, REZN11-LE-002, SPEX12-LE-003 and CCRV11-LE-001)

**Date:** December 8, 2011

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**Topic:**

Mintbrook (CPAM11-LE-001, REZN11-LE-002, SPEX12-LE-003 and CCRV11-LE-001): Applications for a Mixed Use Project in the Bealeton Service District to Include 475 Dwelling Units and Over 385,000 Square Feet of Commercial Uses

**Topic Description:**

Series of applications under consideration:

- 1) Comprehensive Plan Amendment to Chapter 6, Bealeton Service District Plan to:
  - a) expand the Bealeton Service District by approximately 78.51 acres;
  - b) apply the SCFRR (School/Church/Fire/Rescue/Recreation) land use designation to approximately 50.16 acres; and
  - c) change approximately 225 acres within the existing Bealeton Service District from planned Institutional/Office/Mixed Use, Medium Density Residential, Residential/No Sewer or Water, Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation) to Commercial Office/Mixed Use, Medium Density Residential, and Park/Open Space.
- 2) Rezoning:
  - a) Rezoning of approximately 91 acres from Rural Agriculture (RA) to Rural Agriculture (RA) with Proffers;
  - b) Rezoning of approximately 148 acres from Rural Residential (RR-2) and Rural Agriculture (RA) to Planned Residential Development (PRD);
  - c) Rezoning of approximately 44 acres from Planned Residential Development (PRD) to Mixed Use Special District – Bealeton Service District (MU-Bealeton); and
  - d) Rezoning of approximately 61 acres from Planned Residential Development (PRD) to Planned Residential Development (PRD) with revised Proffers.
- 3) A Code of Virginia 2232 Review to determine if proposed public facility sites are in substantial accord with the Comprehensive Plan.
- 4) Waivers:
  - a) Modification of Section 4-906.1.A – Mix of Uses required in the MU – Core

The Ordinance has a Minimum Civic Use standard of 5% of the gross floor area in the MU-Core; for Mintbrook this would equate to 14,735 square feet. The applicant is proposing 1% floor area, or 4,000 square feet.

The Ordinance has a Minimum Residential Use standard of 35% of the gross floor area in the MU-Core; for Mintbrook this would equate to 103,145 square feet. The applicant is proposing 20% of the gross floor area in the MU-Core; this is equivalent to 74,700 square feet. This is based on the proposed MU-Core village center of 294,700 square feet.

*This modification only pertains to the area shown as “Commercial Core” on the Land Use Exhibit (See Attachment – Proposed Bealeton Service District Plan); it does not include the “Future Commercial” area south of it that is adjacent to the Mawyer property as it does not show a proposed building layout on the concept plan.*

b) Modification of Section 4-909.4 – Lot Requirements (MU – Core)

The Ordinance requires that buildings abut front property lines. The applicant has proposed a new standard:

Buildings must be located as shown on the proffered Concept/General Development Plan (CDP) and as described in the proffered COD.

*This modification only pertains to the area shown as “Commercial Core” on the CDP (See Attachment – Concept/General Development Plan); it does not include the “Future Commercial” area south of it that is adjacent to the Mawyer property as it does not show a proposed building layout on the concept plan.*

c) Modification of Section 4-107.C.3 – Garages (PRD)

The Ordinance requires that front load garages be recessed 14’ behind the front wall of a house. The applicant has proposed a new standard:

Front load garages must be set back a minimum of 16’ from the plane formed by the front edge of the stoop, porch, or other appurtenance located nearest the public street so long as such appurtenance is a minimum of 6’ in width, or in the absence of any such appurtenance, 14’ from the front edge of the primary building mass.

5) Special Exceptions:

- a) A Category 23 Special Exception for four floodplain crossings for roads within the proposed development. On September 12, 2011, the applicant submitted a separate application for a Category 23 Special Exception (SPEX12-LE-003). That submittal included the data required to determine if the crossings meet the standards set forth in the Zoning Ordinance.

- b) In the MU-Core Commercial Area - an active commercial use exceeding 50,000 square feet. A size limit has been set for the building, such that it will not exceed 70,000 square feet at the floor level. Further, a maximum of one such building will be permitted in the interior of the village center. Additional details for the proposed building location and treatment is required in the COD.
- c) In the MU-Core Commercial Area - up to 3 drive-through facilities serving uses such as but not limited to, pharmacy, bank, laundry pick-up and/or fast food uses. The only limitations placed on these facilities are that they will be “integrated architecturally with the buildings they serve” and they “will not be visible from Route 17.”

### **Project Update:**

The submission before the Board is dated November 18, 2011. It contains the following items:

- Comprehensive Plan Amendment with Bealeton Service District Map;
- Proffer Statement;
- Code of Development;
- Concept/General Development Plan.

Features of the project include:

- No more than 475 total residential units -
  - No more than 303 single-family detached units;
  - No fewer than 100 single-family attached units;
  - No fewer than 54 multi-family (stacked townhouses);
  - No fewer than 18 apartment over commercial;
- Up to 385,000 square feet of commercial floor space (220,000 in the MU-Bealeton, 125,000 in the MU-Bealeton future commercial and 40,300 in the PRD future commercial);
- 4,000 square feet of civic uses;
- Dedication of a YMCA site (22.17 acres);
- Dedication of a Middle School site (47.2 acres);
- Dedication of an Elementary School site (16.30 acres);
- Dedication of Fire and Rescue site (3.39 acres)
- Open space and trail network including a pedestrian link to Meadowbrook subdivision;
- Transportation proffers that provide phased improvements for signalization and turn lanes;
- A reduced service district expansion area.

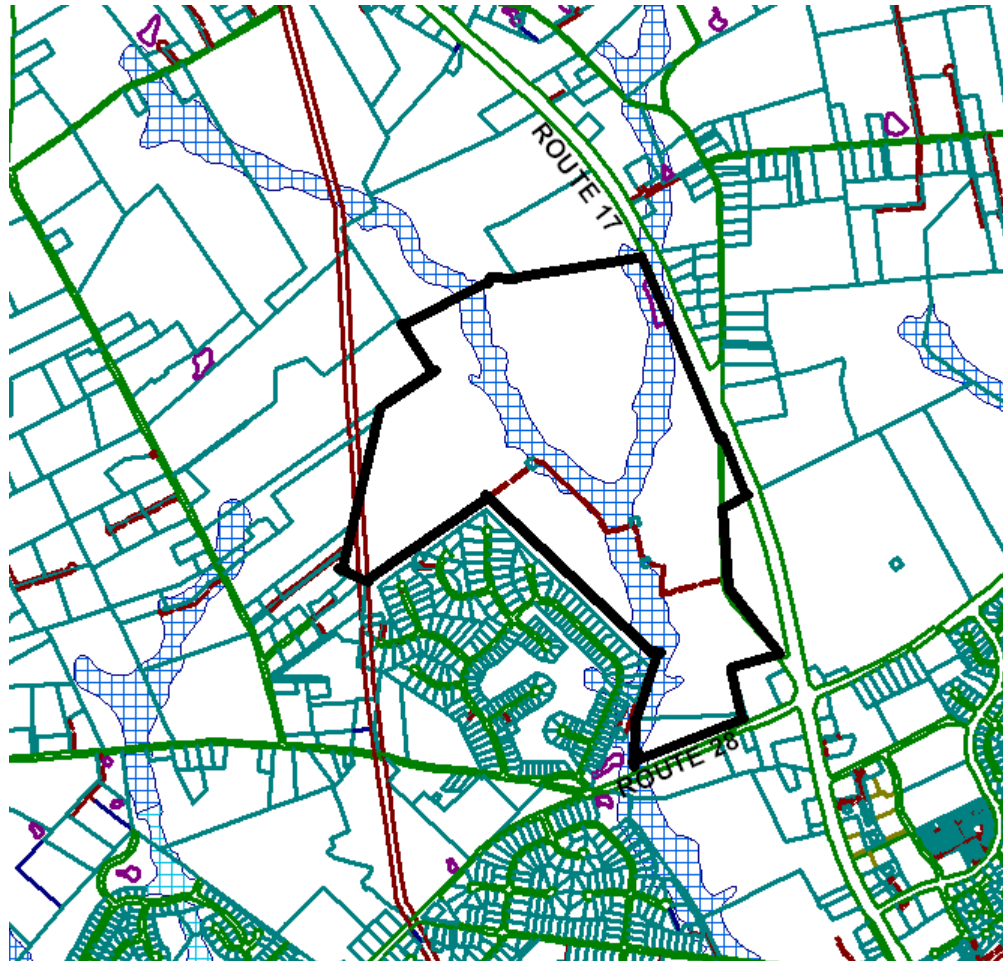
Staff has identified a number of issues that are highlighted in this staff report. Primary staff concerns include:

- The core area could be built with only a strip shopping center behind a large parking lot;
- Less than 1/3 of commercial floor space is guaranteed to be built;
- The residential area does not have enough variety of housing types, lot sizes, height, setback, or architecture;
- The proffers fall short of the County’s proffer model;



Village (V); and, the White Marsh Development, zoned MU-Beaeton. Route 28 is adjacent to the southern end of the property; across the highway are properties zoned Residential-4 (R-4) and C-2. Land to the west is residential, RR-2, the Meadowbrook Subdivision (R-2), and agricultural, RA.

### FEMA Floodplain Map



### Site History:

On May 11, 2006, the Board of Supervisors approved a series of applications, known as Freedom Place, on PINs 6889-89-6214-000, 6899-18-3742-000 and 6899-05-7716-000:

1. Freedom Place Rezoning (REZN05-LE-001) from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential (RR-2);
2. Freedom Place Special Exception (SPEX05-LE-008) for Floodplain Crossings; and a
3. Freedom Place Special Exception (SPEX06-LE-021) for Reduction of Non-Common Open Space for the balance of PIN # 6889-89-6214-000.

The project rezoned approximately 219 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential-2 (RR-2) to allow a mixed use development with approximately 176 single-family detached dwelling units (including 17 RR-2 units) and 182 single-family attached units. The project included: (a) a total of 36 workforce housing units - 10% of the overall units were for work-force housing (single-family attached units); (b) 4.5 acres dedicated as a fire/rescue site; (c) 26 acres dedicated to the County for a recreation center; (d) monetary proffers in line with the County's proffer policy; and (e) an additional transportation contribution of \$4,500 per market rate unit for the Bealeton Connector.

On August 30, 2007, the Planning Commission approved the Freedom Place Preliminary Plat, subject to conditions. The application sought Preliminary Plat approval to divide three parcels of approximately 344.36 acres into three hundred forty-nine (349) lots, ranging in size from 1,280 square feet to 4,000 square feet for the lots zoned PRD and 2 acres for the lots zoned RR-2. A deed restricted open space parcel of seventy-nine (79) acres was to be provided. On July 8, 2010, the Freedom Place Preliminary Plat was deferred indefinitely by the Board of Supervisors.

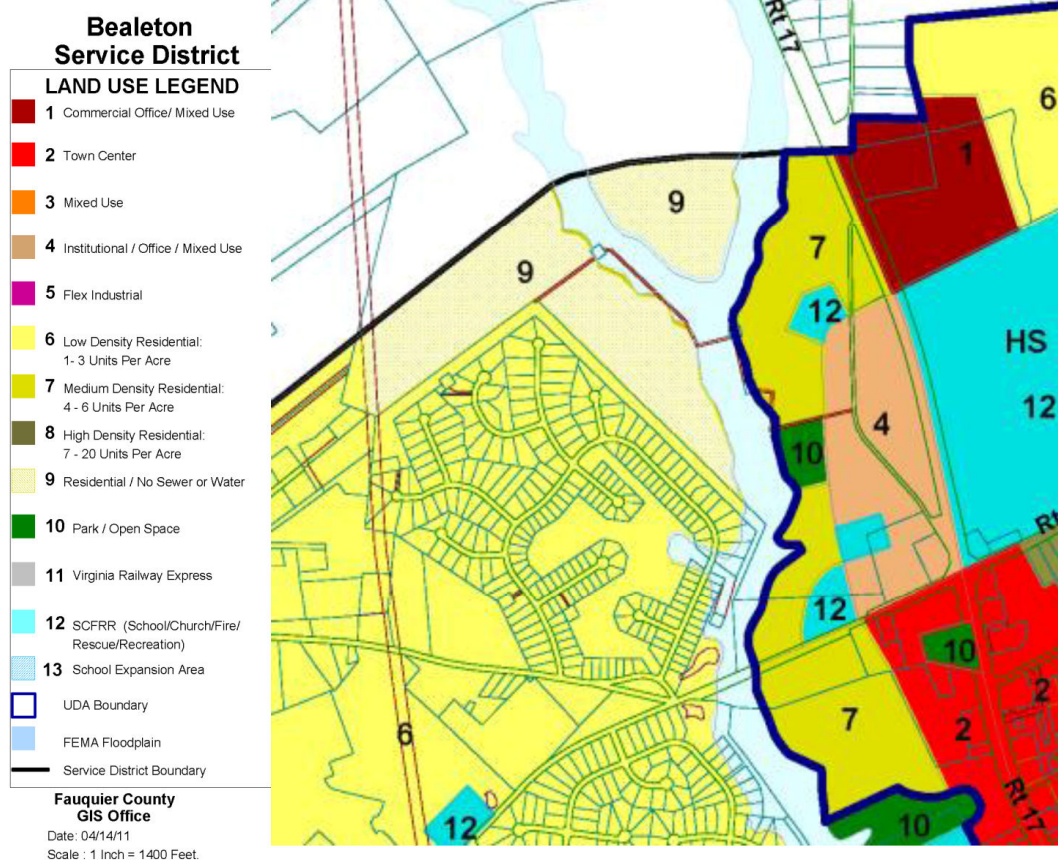
On November 13, 2008, the Board of Supervisors amended the Bealeton Service District Plan so that areas planned for commercial land uses were re-evaluated for a mix of uses, including residential development.

On August 13, 2009, the Board of Supervisors approved a Mintbrook/Cheatham Farm Comprehensive Plan Amendment (CPAM09-LE-001) to expand the Bealeton Service District by approximately 125 acres to the north and to change Land Use Designations. The approval of CPAM09-LE-001 required that, in order for the Comprehensive Plan Amendment to come into effect, a completed rezoning application, consistent with the Comprehensive Plan Amendment, be submitted by May 13, 2010 and further, that the rezoning be approved by August 13, 2011. A rezoning was not submitted. Therefore, CPAM09-LE-001 (the Board of Supervisors will recall this as the version with the regional stormwater management ponds) has expired and thus, has never gone into effect.

### **Comprehensive Plan/Bealeton Service District Land Use Plan:**

The map below shows a highlighted section of the Bealeton Service District that contains the project property. The tan area (9) shown is designated Residential No Sewer/Water; the yellow area (7) is Medium Density Residential; the orange (4) is Institutional/Office/Mixed Use; green (10) is Park/Open Space; and, blue (12) is SCFRR – Schools/Church/Fire/Rescue/Recreation. Surrounding the site, the white area is agricultural; the light yellow (6) is Low Density Residential; yellow (7) is Medium Density Residential; and red (1), Commercial Office/ Mixed Use. The UDA line is shown in dark blue.

## Land Use Map



The existing community of Bealeton centers on the intersection of Routes 17 and 28. Bealeton is an important vehicular crossroad with access to Routes 28, 17, 15/29, which link to I-66, I-81 and I-95. The Bealeton Service District Plan, however, advocates Route 17 becoming the Main Street of Bealeton in the form of an attractive and walkable boulevard that knits the town together, while still respecting the need for regional through traffic.

The community aspires that future growth should generate a more traditional atmosphere. The Bealeton Service District Vision Statement states that Bealeton will have distinct neighborhoods; housing will range in size, type and price; the existing Route 17 will cease to be a major regional route at this location and will become the Main Street of Bealeton; new collector roads will be designed for cars, pedestrians and bicycles on a generally rectangular grid network with sidewalks. The community also anticipates the need for additional public facilities and services to improve the quality of life and meet this emerging resident and business population. Amenities such as regional and town parks; jogging and bicycle trails; additional church, volunteer and fraternal organization sites; and a prosperous town center with a mix of commercial, office and employment uses. The unique geography of the service district contains

north-south streams, and the associated wetlands and floodplains; these provide the basis for clear neighborhood and community boundaries, excellent open space and a potential for a natural reserve or passive park network.

Bealeton is located in the heart of Southern Fauquier County; so it can serve both local and regional retail shopping demands, and could eventually become a regional center for expanded office and similar uses that further the County's economic goals. In Bealeton, Mixed Use development is the preferred land use form in the core commercial areas. A traditional town pattern of development should straddle Route 17 north of Route 28, with a complimentary grid of new and existing traditional streets evolving. The text in the Bealeton Service District Plan adds greater clarity to the vision for this area. The Plan seeks the inclusion of "main street specialty" uses and "destination retail" in the Town Center. Traditional neighborhood development principles are also intended for the center of Bealeton. These include a mix of uses within buildings, two and three story buildings, buildings and building entrances placed directly behind the sidewalks, and sidewalks of adequate widths to accommodate comfortable pedestrian movement and facilitate walkable shopping, including activities such as outdoor dining and cafés.

Residential uses within the town center should include a combination of residential units over commercial uses, live-work units, townhouses or multi-family units, with small lot single-family homes at the outer edges. It is anticipated that areas will be linked to each other for both pedestrian and vehicular activity via public streets, sidewalks and crosswalks across Route 17 and throughout the anticipated street grid. The Comprehensive Plan also calls for a hard edge along the boundaries of the Service District.

The portion of the project that is east of the floodplain is within the Bealeton UDA boundary. Through its designation as a UDA, the County deems this area to be most appropriate for a mix of uses, compact development and higher residential densities.

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**Analysis of Comprehensive Plan Amendment CPAM11-LE-001:**

The applicant is seeking to expand the Bealeton Service District by approximately 78.51 acres; apply the land use designation of SCFRR (School/Church/Fire/Rescue/Recreation) to approximately 50.16 acres; and change approximately 225 acres within the existing Bealeton Service District from planned Institutional/Office/Mixed Use, Medium Density Residential, Residential/No Sewer or Water, Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation) to Commercial Office/Mixed Use, Medium Density Residential, and Park/Open Space. (See Attachment – Proposed Bealeton Service District Plan).

The expansion of the service district is primarily to allow for the extension of utilities to serve the proposed public facilities (fire & rescue, parks and schools) and to serve two future lots (an approximately 5.61-acre parcel surrounding the existing Cheatham Farm House and an approximately 6.75-acre site for a potential medical care facility). Although the land would be within the service district, most of it would remain zoned Rural Agricultural (RA). The western portion of the expanded service district is planned for residential use.

The proposed boundary of the service district would be approximately 700 feet south of the northernmost property line of the Cheatham Farm. This layout creates a hard edge along the boundary of the Service District, as called for in the Comprehensive Plan. Within the approximately 700 foot strip of land, there is also a 100 foot strip on the outer edge of the property that is designated as a buffer area. It is unclear to staff precisely what this buffer means and how it is different from the other 600 feet. The total area of the Cheatham farm site that would remain outside of the service district as a “hard edge” would be approximately 40.7 acres in size.

Approximately 225 acres of the site is already within the Bealeton Service District. Approximately 83 acres of the site that is east of the floodplain is also within the Bealeton UDA Boundary. The applicant’s proposal shows a larger area as Commercial Office/Mixed Use than envisioned by the Comprehensive Plan’s Institutional Office/Mixed Use land use designation. The proposal also shifts more residential density to the west with Medium Density Residential. The proposed Comprehensive Plan text promotes neo-traditional principles of development at the site. It envisions a dense core with a mix of uses based heavily on retail and offices, but also includes residential, institutional, and suburban scale parks, designed to encourage people to gather. Pedestrian access and interconnectivity is noted to be essential.

The applicant has proposed text for a Comprehensive Plan Amendment. The language accommodates the project’s proposed service district expansion, land use changes, and additional public facilities. This version of the Comprehensive Plan has only a few, albeit important, changes to the adopted Comprehensive Plan. The accompanying proffers limit the residential units on the overall property to 475 and a phasing plan of no less than seven (7) years to keep this area within the parameters of the planned residential build-out for Bealeton.

Comprehensive Plan Chapter 6, Page 6 states: “Any proposed additions to a service district shall require a Comprehensive Plan Amendment. In considering such amendments, the Planning Commission and Board of Supervisors should examine such factors as: a) the justification for the proposed expansion of the community; b) the availability of water and sewer and other infrastructure such as fire and rescue facilities, schools, and roads; c) the fiscal and community-wide impacts of the addition; and d) the consistency of the proposed expansion with the orderly development of the service district.”

The applicant does not clearly articulate how criteria “a” and “d” listed above are satisfied. The application does propose to dedicate sites for a fire station, elementary school and middle school; and the project also has a WSA availability letter for public water and sewer. The net revenues the applicant predicts over time from the development tend to be more optimistic than the market may currently yield. The applicant’s fiscal analysis (See Attachment – Fiscal Impact Study) is evaluated in detail below.

Staff and the Planning Commission suggested embedding the elementary school within the residential portion of the project to make walking to school easier; moving the fire station into the commercial/office/mixed use area; and meandering the connector road to allow for the middle school and YMCA to be located on the south side of the road. This would allow the road to function as the edge of the service district. The land north of the road would then be outside of the service district and be the green edge. Instead, this proposal places the elementary school

just south of the east-west connector, not within the center of the development; the proposed middle school and YMCA are located north of the east-west connector road. These uses should be integrated more within the center of the development and could be done without expanding the service district.

The hard edge to the service district is now larger than in earlier submittals; it is noted that the larger buffer area is an improvement that was made in response to the Board of Supervisors' request. The northern end of the property will include amenities such as ball fields for the middle school and YMCA. This further distinguishes the "hard edge" as the buildings associated with those uses are proposed to be within the service district boundary. In addition, the 700 foot "hard edge" area will not have utilities extended to it per the proffers. The adopted plan envisions this acreage to form the rural hard edge to buffer the service district. The service district boundary has been in this location for many years. Service district boundaries have been studied by the County a number of times, and the boundaries vetted through Citizen Committees, the Planning Commission and the Board of Supervisors. The portion of the Cheatham Farm in the Service District that is west of the floodplain is currently designated Residential/No Sewer or Water. The Comprehensive Plan established this area as the Service District Buffer, with only very large lots allowed.

Many of the proposed uses are clearly more intense than the adopted plan currently envisions for Bealeton. The proposed Commercial Office/Mixed Use area is larger than the area currently designated Institutional/Office/Mixed Use although is not too radical a change in intensity from the Institutional/Office/Mixed Use. It should be noted that the emphasis in the current plan is on institutional uses, not retail uses as are now proposed. Staff continues to encourage the applicant to identify institutional uses within the mixed use area as these types of uses typically help create a vibrant town center.

The Board of Supervisors is reminded that in the standards of the new MU-Bealeton Zoning District, residential density is based on the Comprehensive Plan Land Use Designations and the Land Use Plan sets the stage for the companion rezoning. For the commercial area, there is no limit on the number of units that may be requested as Live/Work units or in buildings with ground floor commercial. Other types of residential units are achievable through Transfer of Development Rights, affordable housing, and traditional neighborhood design. The application needs to justify such housing as part of the rezoning application.

The application is also seeking a larger area for Medium Density Residential. The applicant should address the project's density in the details of the companion rezoning application, including the provision of: 1) affordable housing; 2) purchase of development rights; 3) implementation of unique, town-scaled designs, and 4) voluntary proffers and conditions of rezoning approval. The proposal does not fully address the aforementioned criteria. Staff would suggest the inclusion of affordable housing, incorporation of a more pedestrian focused town center and stronger commitment in the COD and proffers to justify the higher density. Purchase of development rights is also an option.

The Cheatham Farm House is a key landmark in this part of the County. The mass and scale of the surrounding open space and landscaping should be proportionate to a farm house in order to maintain the visual aesthetic of this landmark rural structure. The house is proposed to remain

on an approximately 5.61-acre site adjacent to the proposed Fire and Rescue station, potential medical care facility and a middle school site. The Fire and Rescue site will be prominently located on Route 17 and depending on how the site is designed; it may impact the visual aesthetic at the gateway to Bealeton.

### **Fiscal Impact Study:**

The applicant submitted a Fiscal Impact Study (FIS) (revised and dated November 16, 2011) as required with a Comprehensive Plan Amendment. The FIS is intended to show the short and long term fiscal effects of the proposed land use change associated with the Mintbrook development. The study should provide a reasonable and supportable estimation of the revenues and associated expenses that the county can expect both during the initial construction and annually thereafter.

It is noted that there are a variety of models that can be used to show the data as well as a variety of variables to use. The county has its own model for operating revenues and expenses and also a proffer model to calculate capital costs associated with different types of development. Since the applicant's model showed a surplus to the county of \$307,385 in 2020 (with a surplus of \$6.3 million from 2014 through 2020), and the county model showed a deficit to the county of \$2.7 million in 2020, an explanation of the differences between the models is essential and is included below.

The applicant's FIS analyzed a 2020 build-out of 475 residences and 100,000 square feet of proffered retail and commercial uses. The applicant's FIS, as is the norm, modeled development over a period of time, on a year-by-year basis. This model included residential property taxes (with house values inflated for the Bealeton area in the view of the Commissioner of the Revenue), commercial property taxes, state sales tax recoveries at 2%, personal property taxes, business and other local taxes, retail business license taxes, transfer and recordation taxes and also one time permits and fees, such as building permits. Of note is the fact that the applicant also included cash proffers as revenue, including proffers for the stacked townhouses and apartments, when there are no proffers for these units. The applicant also included revenue of \$1,008,735 in 2014 for the YMCA land. On the expenditure side, the applicant's model assumed \$754/residential unit for county expenditures and \$7,917/pupil for school expenses (both adjusted for inflation in 2015 and beyond). This model used 2.5 persons per household for single-family units and 2 persons per household for multi-family units. Of note is the fact that the applicant did not include any expenses for capital projects such as the construction of the fire station or either of the schools. Money comes in from proffers, but capital facilities never get built in this model.

To be consistent, the county also modeled a 2020 build-out of 475 residences and 100,000 square feet of proffered retail and commercial uses. The county has a simple model for operating expenses. On the revenue side it includes commercial and residential real estate taxes, business/professional/occupational licenses, business personal property taxes, vehicle taxes and consumer utility taxes. The county model does not include one-time fees, such as building permit fees, as a source of revenues, nor does it include proffers as a source of revenues as proffers are reserved for capital projects. On the expenditure side, the county's model uses \$1,125/capita for county expenditures and \$10,568/pupil for school expenses. The county

assumes 2.75 persons per household for all unit types.

In the county model, commercial land values are specific to various regions in the county. So, the values used when modeling Mintbrook are based on an average of the actual values in the Bealeton service district. The values used for retail are less than the values used in the applicant's model. For example, actual retail land values in Bealeton are \$80 per square foot and the applicant's values range from \$125 to \$250 per square foot. However, the county's value for office, \$150, is somewhat higher than the applicant's value of \$125.

Neither model is intrinsically wrong, but they do use different variables and assumptions. Staff therefore suggests that the Board consider both models, bearing in mind these different variables and assumptions. An analysis of the proffers is included later in this report.

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**Rezoning REZN11-LE-002:**

The applicant has submitted a proffered rezoning with its Comprehensive Plan Amendment. The proposed MU-Bealeton area consists of approximately 43 acres, all planned to be designated MU-Core. It is proposed to ultimately contain about 385,000 square feet of commercial space including retail, restaurants, bank, and offices. The MU-Core also includes fifty-four (54) multi-family attached units (stacked townhouse) and eighteen (18) live-work units.

Approximately 78.51 acres, located north of the Core, is the portion of this application to be considered to be added to the service district. Ninety-one (91) acres of land will be zoned RA (with proffers). A detailed breakout of the rural acreage is as follows:

- 16.30 acres = Dedication to Fauquier County for Elementary School Use
- 47.2 acres = Dedication to Fauquier County for Middle School Use
- 22.17 acres = Dedication to Fauquier County for Recreation Use
- 3.39 acres = Dedication to Fauquier County for Fire & Rescue Use
- 5.74 acres = Right-of-Way Dedication for East-West Connector Road (Jefferson Boulevard)
- 12.36 acres = Residual Mintbrook Farm Parcels (2 out-lots, not dedicated to the County)

The proposed Planned Residential District (PRD) contains about 209 acres and is divided into three neighborhoods: A, C and D. (See Page 9 of the COD). A portion of Neighborhood "A" adjacent to the Starr Mawyer property is designated for MU-Bealeton commercial uses, the remainder of the areas are all designated solely for residential use. Staff notes that on the plan, the areas labeled "Future Commercial" on the CDP and COD (Appendix A, *Block Plan* for Blocks 4, 5 and 6 of Neighborhood "A"); will require a future rezoning to establish the specific use, mix and layout for these areas. The intent is that they would be subject to the currently proposed CDP and the COD and thus, develop in a similar pattern to the rest of Mintbrook.

Three Zoning Ordinance Modification requests and three Special Exceptions were received with the application. See the earlier *Topic Description* section for details.

## **Staff Analysis of Rezoning, Waivers and Special Exceptions:**

Key issues highlighted in this staff report include the following:

1. Conformity with the Comprehensive Plan;
2. Conformity with the Mixed Use – Bealeton District;
3. Conformity with PRD;
4. Project Design;
5. Transportation;
6. Proffers;
7. Site Suitability/Environment;
8. Historic Resources;
9. Public Facilities;
10. Public Utilities; and
11. Stormwater Management.

### **Conformity with the Comprehensive Plan**

Rezonings are expected to conform to the Comprehensive Plan. This application does not, but is the subject of a companion Comprehensive Plan Amendment. See earlier analysis of Comprehensive Plan issues.

### **Conformity with the Mixed Use – Bealeton District (Section 4-918)**

The Mixed Use Special District – Bealeton Service District (MU-Bealeton) zoning designation was established for the Bealeton Service District to provide for mixed use development when consistent with the Comprehensive Plan and the county-wide land use vision of undeveloped rural countryside interrupted by more densely developed and populated traditional towns. The District envisions development occurring as a series of connected neighborhoods, each with its own focus and comprised of a mix of commercial, residential, civic, and open space uses and organized to create development in a compact form that functions as a discernable center for employment and retail, service, entertainment, cultural and civic activities in a traditional neighborhood design that would:

- Include residential, commercial and civic buildings in a walkable community;
- Be gathering places for social interaction and special events, such as parades, markets, street festivals;
- Be pedestrian oriented, with buildings, spaces, heights, lighting, signage and walking distances of a human scale;
- Include parks and open space as an integral part of development and sited at key locations;
- Include rehabilitation and use of historic buildings, incorporate and create buildings with historical or architectural features referencing an inventory of existing architectural styles consistent with the community;
- Incorporate significant environmental features into the design and protect and accentuate natural features and resources such as topography, floodplains, wetlands, and habitat corridors; and
- Incorporate energy efficiencies.

The project does not achieve the stated purpose and intent of the MU District because it does not create a mixed use area that is laid out and functions like a traditional town with employment, as well as retail, service, and entertainment along with residential (4-918.2). It does not provide for a mixture of compatible land uses (4-918.4). Nor does it have a variety of housing types integrated into the MU-Core (4-918.5). Buildings and spaces within the MU development are not designed to create a neighborhood that is attractive and inviting, in keeping with the feel, style and architectural vernacular of a traditional town in the Virginia Piedmont. The elements of building height, setback, yards, architecture and spatial enclosure in the COD are not adequate to attain this goal (4-918.7).

The proposal includes only one of the MU-Bealeton sub-districts, the Mixed Use – Core. That designation is outlined in the Comprehensive Plan as follows:

Mixed Use – Core. This sub-district is intended for areas designed to function as a center and major focal point for a service district, as specifically designated in the Comprehensive Plan. A core is a neighborhood or series of neighborhoods focused around a concentration of active store-front style commercial uses to include retail, restaurants and services as well as a broad range of office and employment uses, and would function as the gathering place for the community, including the opportunity for outdoor events. Multi-family and attached housing types are included to help create a vibrant round-the-clock center and to provide a variety of housing needs.

The number and combination of sub-districts utilized in a particular project is anticipated to vary depending on the size and location of the project relative to the goals of the Comprehensive Plan. The areas should also include civic or open spaces that are physically integrated with adjoining or adjacent development.

The MU-Core area on the project is approximately 43 acres in size. A key piece of this land, an approximately 25-acre piece that is the “planned” area, is located in the northern part of the property along Route 17. It is proposed to contain 220,000 square feet of commercial. However, the project could be built-out with 475 residential units and only the 100,000 square feet of proffered commercial. There are seven (7) buildings proposed to be at least 2 stories; eight (8) buildings proposed to be 1-2 story, and one (1) single story big box type store (such as a grocery store). The CDP for this area shows 54 stacked multi-family units that will be 3-4 stories in height. Although the height of these buildings is beneficial to the design of this area, the units are not proffered to be built at a certain time. Overall, the predominant height of buildings in this area should be 2-4 stories rather than 1-2 stories.

The core area should be the center and focal point for the community. It is intended to be conducive to being a gathering place for people and a location for outdoor events; instead it feels more like a typical shopping center. Main Street has a weak design and is only partially enclosed by buildings; there is a large gap in front of a big box store and its associated parking. It is noted though that the location of the 2-story buildings along Main Street, and those that are at Route 17, if they are ever built will be beneficial and define the streetscape. It is unfortunate that the central plaza remains located across from a parking lot.

The site is virtually all retail. There is no proffer for timing of the public/civic/institutional use

to be built. This type of use could be a key focal point in the community and would add to the variety in the mix of uses. Main Street terminates in the back of a big box store and parking and loading area. There are still no defined blocks within the core, only travelways in parking lots. Parking remains in large lots rather than smaller areas. The layout does not promote pedestrian orientation. Along the Route 17 frontage, the buildings look somewhat like a series of disconnected pad sites. There is no parking along the frontage road and no boulevard as shown in the Comprehensive Plan. The plan shows a variation of a frontage road that functions mainly to serve drive-throughs.

The following standards shall be utilized and adhered to by the Planning Commission and Board of Supervisors in determining whether to approve the proposed development:

1. The Board may use its discretion to prioritize mixed-use applications to best support the Comprehensive Plan. A proposed MU-General development must be demonstrated to not detract or otherwise draw commercial development from a future or existing Core, as designated in the Comprehensive Plan. Thus, priority may be given to the development of a vital town or village center over, for example a MU-General development at the edge or out of walking distance to the anticipated focal or town center.

*A portion of the proposed core area is designated Institutional/Office/Mixed Use in the Comprehensive Plan; the rest of it is shown as residential with SCFRR. Approval of the applicant's Comprehensive Plan Amendment would of course designate a bigger area for Commercial Office/Mixed Use. No Mixed Use – General is proposed, so there is no detracting from the core area. However, another development across Route 17, White Marsh, also contains MU-Bealeton Core. There is a limit to the amount of retail development that Bealeton can support.*

*The applicant's revised Fiscal Impact Analysis states that by Year 7 (the proffered build-out year) the residential and commercial property values in the development are projected to total approximately \$189 million. Village Center commercial uses would yield annual gross sales revenues of approximately \$18 million. Overall, such values would translate into annual real estate tax payments to Fauquier County of \$2.2 million and annual State Sales Tax recoveries of \$360,000 (assuming a 2% tax rate). Further, the report indicates that Mintbrook, at build-out, would support 245 jobs. However, the County needs to consider that this new development may come at the expense of existing businesses in Bealeton as there is a limit to the amount of commercial development Bealeton can support.*

2. The design of the development is such that it will achieve the stated purpose and intent of the MU District, to create pedestrian oriented residential neighborhoods of traditional design, providing for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate.

*The design of the development is evolving and working towards conforming to the intent of the MU-Bealeton District. The more defined main street and more thoughtful layout of buildings, open spaces and other elements is beginning to create the feel and function of*

*a traditional town. However, the Main Street still has gaps without buildings (such as where the trellis element is located in the MU-Core) and it passes by the loading area behind the proposed grocery store. It still does not have employment, entertainment, or cultural uses.*

*Multi-family attached (townhouse) units (54) and 18 residential above commercial units are in the core as well. Some of the stacked multi-family units front on Hancock Street; those that do not are buffered by additional landscaping in the core. The layout of the residential units provides a better transition from the core area to the PRD portion of the development. Further, the applicant has requested a modification from the required mix of uses, to have 1% of the gross floor area in the MU (rather than 5%) for civic uses; staff would recommend additional civic uses, or proffering the timing of the civic use to guarantee the mix of uses. The applicant has also requested a reduction in residential uses, asserting that the broader mix of uses in the larger area (including other off-site projects) provides the necessary mix of uses – they have asked for 25% of the gross floor area in the MU rather than the required 35%.*

3. The development is in substantial conformance with the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.

*The adopted Comprehensive Plan calls for Institutional/Office/Mixed Use and Medium Density Residential plus SCFRR in the area proposed to be MU-Bealeton (Core). The adopted Comprehensive Plan does not support this rezoning. The applicants are, of course, also seeking a Comprehensive Plan Amendment in line with their rezoning.*

*The public facilities, as proposed, are not totally integrated within the development. They are located mainly at the edge of it. The Planning Commission recommended embedding the elementary school further within the development; placing the fire and rescue station within the MU-Core; and, including the YMCA and middle school south of the connector road (this could be achieved by meandering the connector road). Staff has also suggested incorporating a smaller and more “urban” YMCA or recreational facility within the development rather than having it located at the edge of the service district.*

4. The development provides for a mixture of compatible land uses, including a mixture of uses within buildings where appropriate.

*The majority of the MU-Bealeton area is planned for retail commercial. There is very little mixing of uses. Of the 220,000 square feet of commercial development, the majority is retail. The proffers do not specify the type of commercial use, so all of the proffered 100,000 square feet could be retail. No amount of office space is specified and 4,000 square feet is proposed for day care. There are seven (7) buildings planned as a minimum 2-story commercial buildings in the commercial core area; eight (8) planned one to two story buildings; and one single story big box type store – a total of 18 residential above commercial units are proposed. The core also contains 54 stacked multi-family units. These units are planned to be 3 to 4 stories in height and will positively add to the visual aesthetic of the core area and provide closure on Hancock Street. The concept for the “unplanned” MU-Bealeton (Core) that is part of*

*Neighborhood "A" is that it would undergo a separate rezoning to determine the uses and layout. But the intent is that it would develop in a manner consistent with the tenets of the Mintbrook MU-Core. For example, the street sections show that the east side of Lafayette Avenue would be commercial and not residential.*

5. The development provides for a mixture of housing types, sizes, and affordability. Housing in a range of sizes and styles is integrated throughout the development. Lower priced units are scattered throughout the neighborhood rather than concentrated in one location. Opportunities for accessory apartments and live/work units are provided where appropriate.

*Two different housing unit types are proposed in the commercial area, stacked multi-family and residential above commercial units. However, the COD could still strengthen and clarify the commitment to the variety of housing sizes, affordability, and integrate it more throughout the commercial area. An example would be to include more apartments above commercial or affordable housing units in the commercial area. No affordable housing units are proposed, but the applicant indicates that the residential above commercial units will be more affordable as they are generally smaller units.*

6. The development is designed with a pedestrian orientation, with clearly defined continuous sidewalks and paths enhanced by trees, pocket parks, seating and other streetscape elements. Buildings are located close to the sidewalk with the mix of uses providing for a variety of possible pedestrian destinations within walking distance of each other. Defined pedestrian connection shall be provided between parking areas and the buildings they serve.

*The proposal is making progress with its refinements and now includes a layout that is more pedestrian oriented with the inclusion of a main street with most buildings located close to the street. The gap in the area in front of the large retail unit is still an issue. The commercial area transitions to the residential area better as well as with the addition of the stacked multi-family units. The application contains an extensive trail network that provides interconnectivity to the adjacent parcels.*

7. Buildings and spaces within the MU are designed to create neighborhoods that are attractive and inviting, and in keeping with the feel, style and architectural vernacular of a traditional town in the Virginia Piedmont. The elements of building height, setback, yards, architecture and spatial enclosure as established by the Code of Development for the project all contribute to the appearance and function of the development.

*The design of the commercial area is progressing with its refinements to try to meet the purpose and intent of the MU District. But the commercial area still has the feel and appearance of a typical shopping center, rather than town center. This will become more apparent if a grocery store goes in first without other buildings to screen it. Staff is concerned that the application does not meet the intent of the MU-Bealeton District. Zoning Ordinance Section 4-910 requires all buildings to be a minimum of 2 stories unless expressly authorized by the COD, with a predominantly 2-4 story character. Seven 2-story buildings are proposed and basically nine (9) single story buildings,*

*including the big box store. However, the largest and most prominent building (possible grocery store) is proposed as a single story. The applicant has proposed additional landscaping and trellis structures to help unify the commercial area, fill in the gaps, and provide screening of the parking and buildings. It is noted that stacked multi-family units add dimension to this area with their 2 to 4 story height.*

8. Streets are designed to consider their influence on the character of the neighborhood as well as their carrying capacity. Street networks provide multiple connections internally and connect through to adjoining properties where appropriate, providing multiple routes to any destination. Generally, local streets are narrower, minimizing pavement. Parking is accommodated on the street. Utilities are provided within the street wherever possible, in order to accommodate a streetscape that includes street trees as well as sidewalks.

*The core has been redesigned to show a main street that extends and intersects with Hancock Street. As you turn onto the main street off Route 17, the street is lined with buildings, with the one aforementioned gap. In addition, the applicant asserts that the overall layout of the buildings and parking lots has set in place a future series of blocks. The north/south travelways within the parking area could become a future street as the area continues to develop and eventually redevelop.*

*The applicant has shown sanitary sewer facilities to be located in the street, apparently under the pavement. VDOT standards do allow under the pavement utilities, but only after the applicant provides adequate justification (and after considering location in the right-of-way exterior to the pavement). In-pavement areas under parking are often considered acceptable.*

9. Open space is treated as an integral component of the development design. Small parks are provided throughout the development within walking distance of all residents. In core areas, small open spaces such as plazas or courtyards are provided at appropriate locations to provide a focal point for the community and to serve as gathering places. Larger developments provide for active recreational opportunities for residents. Natural and environmentally sensitive areas are preserved and protected. The open spaces within the development are connected by sidewalks or trails, and connected to other open spaces.

*The COD defines each of the open space areas, but a specific commitment to the features of each is critical. If these elements are not defined at the Rezoning stage, the County will not be able to require them at a later date. Staff suggests further refining the table in the COD to demonstrate specifically what elements would be located in each park and to commit to active recreation elements such as tot lots in the larger areas.*

*The open space in the commercial core area has been relocated and now is more centrally located as a gathering space for the community. In addition, there are open areas behind the buildings fronting Route 17 and the main street. These outdoor spaces function as gathering areas (albeit in the parking areas). The fronts of buildings still face Route 17; dumpsters and utility boxes will be located on the sides of buildings and effectively screened. Elements such as trellises have been incorporated into the*

*streetscape to provide an edge where there really is a gap between buildings. A central element at the visual terminus of the main street (in the park area) is planned to create a visual focal point.*

10. The development minimizes the amount of parking provided, maximizing opportunities for on-street parking and shared parking. Parking for commercial uses are located to the rear and side of buildings and dispersed in smaller lots where possible, so that it does not dominate the street. Larger parking lots are laid out to accommodate future intensification and redevelopment in appropriately sized blocks. In residential areas, garages are predominately located to the rear, with alley access, returning the street to the pedestrian. Where garages are fronting on streets rather than alleys, they are designed such that they are not a prominent feature of the street, with side-loading doors and greater setbacks than the remainder of the house.

*The applicant proposes a 10% parking reduction to be mitigated through formal shared parking agreements. Parking in the Core area is currently in large areas contrary to the Ordinance. It is noted that parking lots, as set up in block form, could allow for future infill development and a grid street layout. Staff notes that if more of the buildings in the Core are multiple stories, that additional parking would be required. The residential units in the MU-Bealeton core all have parking in the rear.*

11. Lighting is traditional in form and consistent with the human-scale orientation of the development, oriented toward pedestrians and minimizing impacts on dark-skies.

*In the Code of Development, the applicant has committed that all on-lot surface lighting will meet the performance standards of the Zoning Ordinance and fixtures will be those described in the COD. These are largely human scale and traditional. Standards for street lighting have also been included in the COD.*

12. The proposed sign package is consistent with the human-scale orientation of the development, oriented toward pedestrians rather than vehicles and promoting a main street character.

*The COD indicates that the package will be submitted at a later date, as allowed in the Ordinance.*

13. The development efficiently utilizes the available land and protects and preserves floodplains, wetlands and steep slopes.

*The Comprehensive Plan requires protection of natural features and resources. While the applicant is protecting the large floodplain area on the property, important natural drainage channels may be compromised with the development.*

*Staff has discussed utilizing BMPs on the stream channel located in the northeast quadrant of the project. The applicant was amenable to this concept and is looking into incorporating some elements into the project.*

14. The proposed development provides for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate. The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede use of surrounding properties in accordance with the adopted Comprehensive Plan.

*The development will likely not hinder, deter or impede use of surrounding properties. The applicant is providing a trail connection to Meadowbrook and three roads are now shown connecting to the Starr Mawyer property.*

*The development provides adequate pedestrian connections to adjacent subdivisions and parcels. The CDP shows possible future road connections to Meadowbrook to provide better future interconnectivity and access within the service district; this would allow for a better transition between that existing development and Mintbrook.*

15. The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are planned but not presently available.

*The development is centrally located in Bealeton where adequate public services are available. In addition, the applicant has proffered land for a new fire station, elementary school and middle school to offset the impact from full build-out of the development. The project site contains WSA production wells. No comments have been received from the Fauquier County Water and Sanitation Authority; however, staff has directed the applicant to work directly with WSA from the onset of the project.*

### **Planned Residential District**

The Planned Residential District (PRD) is intended to permit development of a mixed-use community in accordance with the Comprehensive Plan. Planned Residential District developments are to be designed to provide a variety of residential unit types in an orderly relationship to one another, with a balance of community supporting commercial uses, community amenities, and open space areas. It is intended that the PRD be utilized to create pedestrian oriented residential neighborhoods of traditional design, physically integrated with the existing surrounding development. To accomplish this goal, the PRD regulations provide flexibility in residential development by providing for a mix of residential uses, including housing types, densities and alternative forms of housing, with appropriate non-residential uses, flexibility in internal relationships of design elements and, in appropriate cases, increases in residential densities over that provided in conventional districts.

The design of the PRD portion of the project is deficient in some respects. The residential neighborhoods are built somewhat on a traditional framework, with narrower tree-lined streets and sidewalks, homes closer to the street and open spaces integrated throughout the development. The oversized blocks (1200-1400 feet in length) have been broken up by open

space to create more variation, but the houses themselves are defined even in the COD as different “product types” rather than true architectural styles. There is little variety in setback or height, even with the addition of 12 single or one and a half story units. The concern is that this will most likely be the a typical subdivision, with cookie-cutter homes lining the streets and only minor details varied from unit to unit, as there is nothing in the COD to prevent this type of development.

The PRD district is intended to be utilized to create pedestrian oriented residential neighborhoods of traditional design integrated with existing surrounding development. The CDP shows only single-family attached and detached units in the residential portion of the PRD. A variety of lot sizes, widths and spacing between units is required to be provided within blocks along individual streets. Although substantial variation is discussed in the COD, there are few actual requirements to guarantee this meaningful variation. The application now includes a single story or one and a half story residential unit. The COD also now commits to a minimum of twelve (12) units that will be one or one and a half stories; these units will be dispersed throughout the PRD neighborhood and in each phase. This will help break up the mass and monotony in some blocks. In addition, also per the Board’s request, the applicant reduced the overall number of units and placed more open space between some units on the long residential block in the western part of the development. These changes add benefit and provide for some of the meaningful variety the district envisions. The PRD district seeks to minimize the presence of the automobile. Alley loaded units are emphasized; 48% of the PRD units will be alley loaded.

In summary, the project does not fully comply with PRD district regulations. It lacks a variety of sizes, widths, heights, setbacks and spacing between units. The COD does not commit to the meaningful variation the district intends.

### **Project Design:**

The COD includes an overview of building design standards to promote a variety of architectural styles. The applicant has included tables in the COD (pages 38-42) to provide an overview of the architectural aesthetic envisioned. However, detailed guidelines about the range of acceptable architectural styles are not included and must be submitted for review and approval by the Zoning Administrator (upon advice of the Community Architect) prior to issuance of the first building permit for the project. In the COD, Appendix B includes the residential building materials. This section discusses materials, colors and texture; roof pitch and form; and treatment and façades. The COD also includes commercial building design elements such as finish materials, color palette, storefronts and windows. The General Landscape Requirements are in Appendix C of the COD. Standards for the type of nursery stock used such as appropriate tree species are included.

The architectural styles and the landscaping standards are a fairly good start. The applicant has opted to provide general information now and defer the details until later. The information in the COD includes tables that show ranges for setbacks, building height and lot requirements, and the proposed architectural styles for the PRD area. But it lacks the language to commit to the variety intended in the Ordinance to ensure that the styles of the buildings are different within a block. The development should have the character of a traditional town and a development that

occurred organically over time, rather than a typical subdivision. Staff had requested that franchises be addressed with a higher standard of design to avoid the typical bright colored building with large corporate signage, and instead have structures that blend with the community architecture. The goal is to also provide for a variety of buildings that look as though they evolved over time. New text has been added to include the commercial buildings architecture in the future submittal of detailed architectural styles that is reviewed by the Zoning Administrator and Community Architect. In line with County practices on outside reviewers, the applicant would fund the Community Architect's fees although the Community Architect would work for the County.

Design principles appropriate for a traditional settlement are specified in the Comprehensive Plan. These principles are especially critical in mixed-use areas and include:

- Pedestrian orientation;
- A generally rectilinear pattern of blocks and interconnecting streets and alleys;
- Parks and open spaces;
- Buildings and spaces of human scale; and
- Relegated parking behind the principle structures.

For these commercially based mixed-use areas, other design principles also need to be incorporated. These include:

- Buildings placed directly behind the sidewalks;
- A focal point (civic building, square, park, monument, sculpture, etc.);
- Two and three story buildings to create a strong streetscape;
- A mix of uses within buildings;
- Window and door openings on the first floors;
- Wide sidewalks to accommodate activities such as outdoor dining;
- Street furniture (benches, planters, lighting);
- Landscaping, including street trees;
- On-street parking;
- Shared parking to minimize the areas of impervious surface; and
- Signage of a size, design and placement in keeping with a traditional main street.

This project is making progress towards satisfying many of these design guidelines. The commitment in the COD to specific useable and decorative features in each open space is an improvement to the project and its future residents. Specific requirements of the MU District are missing or addressed in a manner that is non-binding on the developer, as detailed in the more specific comments that follow.

### **Transportation:**

#### Traffic Impact Analysis

A traffic impact analysis is required by VDOT and the County due to the size of the proposed development. On November 10, 2011, staff, the applicant and VDOT met to discuss the TIA.

Based on that meeting, it is anticipated that VDOT will be issuing a letter to indicate that the TIA has been deemed to have “technically acceptance” from VDOT.

### Road Network

The Mintbrook development does not fully include a traditional grid road network as called for in the Comprehensive Plan. The site contains a large floodplain and this presents a challenge to achieving a traditional grid network.

The East/West Connector called for in the Comprehensive Plan is in the northern portion of the property and divides the residential subdivision from the RA land to the north. The East/West Connector crosses Route 17, to the White Marsh project. Ultimately, the East/West Connector will extend to Route 28 at a location east of the Service District, and it will extend to Weaversville Road (Route 662) to the west. On the Mintbrook property, two lanes are proposed and will be sufficient based on the County’s projected traffic volume of 14,500 vehicles per day (VPD) at build-out of the three service districts. Arguably, the ultimate average daily trips (ADT) could be less than the 14,500 VPD perhaps a midpoint between that value and the 8,500 vpd as shown in the Mintbrook TIA (i.e., around 11-12,000 VPD total at full build-out of the three service districts).

The Bealeton Service District Plan seeks to make Route 17 through Bealeton a boulevard to provide safer, slower and more efficient traffic movement. Buildings are required to front directly on Route 17 or a frontage road and be designed with appropriate architectural massing, scale and aesthetic presence reflecting a traditional town character. The boulevard envisions pedestrian and bicycle accommodation, and streetscapes with coordinated sidewalks, pedestrian scale street lighting and landscaping. The application shows a variation of a frontage road mainly for the purposes of allowing drive-throughs. The Code of Development will need to include more details to ensure that the proposal fully complies with the boulevard concept.

VDOT access management standards create a challenge for the intersections on Route 17 itself. Because VDOT classifies Route 17 as a Rural Principal Arterial, signalized intersections and unsignalized intersections are restricted, and in some cases only partial access, such as the right-in/right-out on Route 17, is allowed. The access management signal spacing standard on Route 17 is 2,640 feet and on Route 28 it is 1,050 feet.

The applicant applied to VDOT for a waiver to be allowed two signalized intersections on Route 17 and one signalized intersection on Route 28. On September 21, 2011, VDOT provided a response to the applicant’s Access Management Exception Request. VDOT approved a signal at Route 17 for an entrance approximately 2,535 feet north of Route 28 at the proposed Lafayette Avenue opposite existing Liberty Avenue (main entrance to Liberty High School). It also approved Route 28 for an entrance approximately 900 feet south of Route 17 at proposed Lafayette Avenue. It did not approve Route 17 for a signalized intersection approximately 1,485 feet north of the Liberty Avenue intersection at proposed Jefferson Boulevard opposite Route 837 and a future entrance location to the approved White Marsh Development. VDOT noted that freight movement along the corridor needed to be considered and volumes will continue to increase in this area. VDOT’s goal is to keep traffic flowing on Route 17 even if this reduces the level of service on the surrounding streets. With one waiver on Route 17 denied, the applicant

will have only an unsignalized intersection at the northern end of the project. This will lead to greater use of the southern signalized intersection and may have implications for the fire station design. VDOT has not required that this be modeled again.

The traffic analysis shows that in future years there will be substantial delay and queuing occurring along Route 17 and Route 28 through the study area during the peak commute times of the day. This is particularly the case along westbound Catlett Road in the PM peak hour. This condition underscores the need for the County to continue to pursue the additional road connections as described in the Bealeton service district planning documents.

In the TIA document, the signals are analyzed as if they were operating in a coordinated mode. At present, the County's transportation consultant is not aware of any funding or plans to provide the communication equipment at the affected signals as required to have signal coordination. Consideration could be given by the applicant for generating a proffer to provide the necessary modifications to the signalization. Without signal coordination, conditions will be worse than what is stated in the TIA document.

It should be noted that VDOT, as of mid-summer, adopted a new methodology that can be used for calculating trip reductions for mixed use compact type developments. Therefore, it is possible that using the new methodology could result in additional trip reductions over what is currently shown in the document. Therefore, as currently analyzed, the overall impacts could be slightly overstated. In addition, there are numerous intersection and future turn lanes assumed to be present in the future year traffic analyses. The proffer statements should be clear about the lengths of new lanes and intersection geometry that will be constructed to meet the needs of future traffic demands.

It should also be noted that the County is in the process of working through a planning effort for the Route 17 corridor through Bealeton. This process is well underway and could affect Comprehensive Plan recommendations for this area, including potential strategies and methods for addressing traffic circulation and roadway typical sections. Specific recommendations for these strategies and potential road network should be emerging from this effort in the fall/winter.

### Street Sections

The Comprehensive Plan calls for a traditional town-scaled streetscape, functioning at a low operating speed, with on-street parking, streetlights, and direct access to contiguous mixed-use and residential neighborhoods. The applicant has provided appropriate street sections for the project. Staff is concerned that the applicant has not worked with VDOT and utility providers to ensure that utilities can be placed underground in the street sections. Coordination with the utility companies needs to include the public streets and the alleys, as alleys, and even commercial parking lots, can be used for utility placement. Staff encourages the applicant to pursue low-impact development roads, provided they could be accepted into the state system by VDOT.

### Trails

The Mintbrook proposal includes a trail network. The linear distance of the 10 foot wide public

trails in Mintbrook totals 8,800 linear feet or 1.67 miles. The Comprehensive Plan calls for trails throughout the service district and the Connections Plan shows that the project parcels contain a number of links in the Bealeton Trail system. Links to adjacent properties are clearly shown on the plan such as the link to the adjacent Meadowbrook development. The trail system also provides connectivity to maintain a proposed trail loop around Bealeton. A Pedestrian Network map is included in Appendix E of the COD to show the connections throughout the project. All of the trails identified as “private” on the CDP will be controlled exclusively by the HOA, and will therefore not be dedicated to Parks and Recreation. Only those segments specifically identified as “public” will be dedicated to Parks and Recreation (these total 8,800 linear feet).

### **Proffers:**

The applicant’s revised proffers are included as an attachment. The proffer statement states there shall not be more than 475 residential units constructed on the project. The proffers include a phasing program for residential and commercial uses. Residential proffers for the PRD area show a seven year phasing plan with 75 units per year the first five years and 50 units per year the last two years; if units are not constructed in one year they may carry over but no more than 100 units may be built in a year. All units are accounted for in the phasing totals; even the units that are not subject to the monetary proffers (residential above commercial units and the stacked multi-family.) The phasing proposal for commercial development states that building permits shall have been issued for a specific amount of square feet of commercial development prior to the issuance of a specific number of residential occupancy permits. For example, prior to the issuance of the 150<sup>th</sup> residential occupancy permit, there shall have been issued building permits for 8,000 gross square feet of commercial development. Thus, prior to the issuance of the 475<sup>th</sup> residential occupancy permit there shall have been issued building permits for 100,000 square feet of commercial development. Based on input from meetings with staff, the applicant added proffer No. 24 that addresses the “Future Commercial” areas on the CDP and COD (Blocks 4, 5 and 6 of Neighborhood A); it states that a separate rezoning shall be required to establish the specific use, mix and layout for these areas. This gives the applicant flexibility in the future to develop the unplanned areas and provides the county, public and Board with the opportunity for review during the future rezoning process.

Per county policy, the escalator clause in Proffer 24 should require contributions to be adjusted annually with CIP, commencing immediately (1 year after approval). Staff has provided this recommendation for a revision to the proffer language. The proffer reads “Any monetary contributions set forth in this Proffer Statement which are paid to the Board after 36 months from the date of the rezoning approval by the Board shall be adjusted in accordance with the Urban Consumer Price Index.... subject to a cap of 3% per year, non-compounded”

The applicant has only committed to 100,000 square feet of commercial floorspace at build-out of 475 lots. Staff had recommended committing to additional commercial space or including the institutional/civic/public use within the proffer to guarantee when it would be built; this was not done. In addition, there is no timing or commitment in the proffers for residential above commercial (18) or stacked multi-family (54). It would be preferable to have the multifamily proffered built early in that process.

The applicant has proffered \$7,740 per unit for single-family detached dwellings; \$5,740 per unit

for single-family attached dwellings; and \$0.50 per square foot of commercial floor area. The applicant has included the standard cash proffers for *Library* - \$707.00; *Emergency Services* - \$3003.00; *Sheriff* - \$468.00; *Environmental Services* - \$641.00; and *Animal Shelter* - \$128.00. In addition, the applicant is also proffering the dedication of a 3.47 acre site to the county for a fire station. There is no amount proffered for any residential units in the MU-Core - that is the 18 apartments above commercial and the 54 stacked multi-family units (although it is noted that proffers for these are included in the applicant’s fiscal impact statement).

<b>Fauquier County Proffer Policy</b>	<b>Mintbrook Application</b>
Single-Family Detached Unit \$28,613	Single-Family Detached Unit \$7,740
Single-Family Attached Unit \$20,597	Single-Family Attached Unit \$5,740
Multi-Family Attached Unit \$13,158	Multi-Family Attached Unit \$0

Overall, the residential cash proffers are lower than the Fauquier county Proffer Policy. The cash proffers are not sufficient to offset the impacts on public facilities for schools. The proposed proffer for *Schools* includes a Single-family detached proposed amount of \$2,793.00 (the proffer policy suggested amount is \$21,424), a Single-family attached proposed amount of \$793.00 (the proffer policy suggested amount is \$13,390), and a multi-family proposed amount of \$0 (the proffer policy suggested amount is \$5,951).

The applicant is taking an in-kind credit against the school proffers of \$6.0M in land value and \$4.7M in site improvements. The applicant asserts that the value of the land dedicated to the county for the elementary school (16.3 acres) and the middle school (47.2 acres), with the addition of the site improvements is \$11,582,272 and it will yield a net surplus to the county of \$3,526,848 because it is worth more than what the applicant estimates to be full proffers.

The county proffer model allows credit for land, but this is to be based on the current assessed land values. The county proffer model also allows credit for site improvements, but this to be based on the estimated cost of improvements if constructed by a governmental entity. The applicant’s land values appear inflated when compared to the assessed value of the acreage. The County Commissioner of the Revenue’s Office shows the Cheatham Farm property (entire 324.09 acres) having a total land value of \$4,981,300; of which \$4,615,200 is deferred because of participation in the Land Use Program. Even assuming all portions of the site have equal value, the 63.5 acres for schools are approximately 20% of the site and thus worth about \$1,000,000. This is perhaps even too generous as the land used for houses is more valuable than the land for schools. The value of donated land generally should be based on the current value of the property, not the estimated value after rezoning. While it is reasonable to consider the cost of the site improvements to grade the sites and stub utilities to them, the applicants’ figure of \$75,000 per acre is inflated in the county’s view.

The applicant has eliminated the standard \$2,260.00 cash proffer for *Parks & Recreation* in exchange for the provision of an extensive trail network, dedication of public recreational space,

and inclusion of playgrounds and open spaces within the development. Staff notes that the COD does not specifically commit the developer to construct playgrounds in any of the parks; it only shows it as a possible option. The linear distance of the 10 foot wide public trails is approximately 8,800 feet or 1.67 miles. The applicant has also dedicated 22.17 acres for a YMCA or similar recreational amenity. The Board of Supervisors will have to determine if this dedication of land and the trail system alleviate all of the development's calculated impacts on Parks & Recreational public facilities in the Bealeton Service District.

Transportation improvements are also proffered. It would be helpful to have a timing aspect associated with the transportation proffers. The proffers do not specify a description of what will be built or when it will be built. Instead they refer to Sheet 21 in the CDP that shows the conceptual transportation plan and three highlighted phases of the improvement areas tied to the development. Although there are numerous intersection and future turn lanes assumed to be present in the future year traffic analyses, the transportation improvement details can be addressed at the site plan stage. It would have been helpful if the proffer statements had identified the lengths of new lanes and intersection geometry that will be constructed to meet the needs of future traffic demands. However the TIA does contain all of the necessary data to evaluate this as each phase of the development is built so that the appropriate improvements are constructed at the right time. Widening of Routes 17 & 28 is not an approach fully supported by the county, but is an approach VDOT supported with this application.

The proffers contain an Energy Conservation proffer (No. 22) that was written at the request of the Planning Commission. It requires builders to use certain components to improve energy efficiency in the residential units; although it is not clear how this proffer would be measured. The Planning Commission also discussed the inclusion of BMPs for the eastern branch of the stream located on the project. This element could be added to the proffers as well.

The proffer related to dedicating the land to the county (No. 21) has been amended to ensure that the property dedicated to the county is not adversely affected by earth moving. The proffers also clarify that utilities will be extended when the applicant starts development on any portion of the property that is accessed by the East-West connector road. The East-West connector road is proffered in Phase I of the transportation improvements. Based on input from meetings with staff, the applicant added proffer No. 23 that addresses the "Future Commercial" areas on the CDP and COD (Blocks 4, 5 and 6 of Neighborhood A); it states that a separate rezoning shall be required to establish the specific use, mix and layout for these areas.

### **Site Suitability/Environment:**

The applicants briefly address environmental issues in the Statement of Justification. There are some Jurisdictional wetlands and a FEMA 100-year floodplain generally in the center of the large parcel. The configuration of wetlands and floodplain presents a constraint in designing the development on the property. The applicants state they intend to preserve these sensitive environmental features consistent with the jurisdictional requirements; however, the floodplain crossings for roads and trails make some disturbance necessary. Analysis is provided under the Engineering comments later in this report.

### **Historic Resources:**

The Comprehensive Plan, Appendix C, identifies historic resources located within the County; there are two archeological sites and one historic site on the property. The RA portion of the property contains the historic Cheatham house and an area believed to be the original farmhouse. The archeological site locations are shown on the plan. The site located in the PRD residential area is proposed as open space and will not be impacted by the proposed development. Protection of the site located on the Steffey/Weaver site is important since no uses are shown on the Concept Plan and the area is designated as “future commercial”; there is not enough information provided to determine whether there is an impact at this site. However, it will be evaluated when development is proposed for that site.

### **Public and Community Facilities:**

The Comprehensive Plan for Bealeton calls for a mix of uses including civic uses and urban parks and squares. Additional refinement is needed to address civic, community and institutional uses. Staff believes it is critical that this community have these sorts of uses interspersed throughout the project to serve the community. More detail has been provided in the COD including a description of “Decorative & Active Features” for key open space amenities. The new text also commits to a certain number of decorative and useable features for each park. The number of features is linked to the size of the park. It is important that this information is included at this stage because if the County does not get commitment to these elements now, they will not be able to require them at a later date.

The applicant proposes dedication of approximately 22.17 acres to the County for recreational use; this site may be a YMCA and could be a focal point of the community. Staff notes that having this use more centrally located within the development to serve the proposed residences would be preferred from a planning perspective, rather than the location of the facility at the edge of the service district. The applicant is also dedicating land for school sites. The Comprehensive Plan calls for these uses within neighborhoods, whereas the applicant has placed the elementary school somewhat within the development and the middle school is situated at the edge of the development across from what will eventually be a 4-lane road. The fire station is also proposed north of the connector road. It could also be better integrated into the community; a location in the commercial area would be ideal.

### **Public Utilities:**

The applicant provided a public utility analysis for sewer and water; the findings indicated that adequate sewer and water is available to serve the proposed development. On January 4, 2011, WSA provided the applicant with a “Utilities Availability Letter” for the project parcels. The letter does not specify the number of units, amount of commercial development or number of taps requested, etc. In addition, the applicant should ensure that the existing WSA well sites are adequately protected. At the time of preparation of this report, WSA had not provided comments on the proposal to clarify the details.

## **Stormwater Management:**

The preliminary stormwater management plan submitted shows the results of a pre- and post-development hydrologic analysis that demonstrates there will be no increase in the 2-year and 10-year peak discharge after site development. However, the data shows a small amount of water still leaving the site (139 cfs) that will have to be accommodated in the SWM facilities and plan. This could be achieved in a variety of ways, such as in the design of the SWM facilities to provide additional detention; although it is noted that this could cause the footprint of the SWM facilities to increase.

The conceptual SWM analysis submitted by the applicant shows hydrologic modeling of the Bowen's Run watershed including on-site and off-site areas and better quantifies the impacts of site development on the total Bowen's Run stream flow downstream of Mintbrook. The hydrologic modeling shows an increase in the 100-year discharge at the downstream property limit from 3780 cfs (existing) to 3919 cfs (proposed). This increase in discharge could result in a small increase in flood elevation, possibly on the order of 0.1 to 0.2 feet downstream of the Mintbrook site.

Staff notes that as a separate application, a Mintbrook floodplain alteration study has been submitted and is in the process of being evaluated by staff and the County's consultant engineer. This study shows existing and proposed conditions hydraulic modeling of Bowens Run and a Tributary to Bowens Run using FEMA's effective 100-year discharges associated with a previous LOMR application. As part of the Mintbrook Floodplain Alteration Study the applicant has submitted hydrologic modeling duplicating the hydrologic modeling contained in the previous LOMR application that is the source of the effective FEMA discharges. The effective FEMA 100-year discharge at the downstream property limit of Mintbrook is approximately 4100 cfs.

The floodplain study also analyzed the Category 23 Special Exception application regarding the impacts of the culverts proposed at the four road crossings. The study showed that the design of the culverts did not impact the floodplain off-site of the project. The Planning Commission recommended unanimous approval of the special exception, subject to a series of development conditions. The proposed special exception conditions require that a detailed flood study must be approved to County specifications and submitted to FEMA for Conditional Letter of Map Revision (CLOMR) processing. In addition, after construction of all proposed road crossings, an updated flood study based on as-built conditions must be approved to County specifications and submitted to FEMA for Letter of Map Revision (LOMR) processing; and the CLOMR must be approved prior to the approval of the Final Construction Plan or Site Plan. A resolution has been prepared with the Planning Commission's recommended conditions.

## **Category 23 Special Exception Analysis:**

The proposed uses are subject to the general standards for special exceptions and special permits set forth in Section 5-006, as well as the further standards for Floodplain Uses 5-2300. Below please find a discussion of the applicable standards from those sections:

General Standard 5-006.1

The proposed use shall not adversely affect surrounding properties, shall be consistent with the

County's comprehensive plan and shall not discourage appropriate development of adjoining properties.

*The floodplain crossings are part of the current Mintbrook proposed Comprehensive Plan Amendment and Rezoning. The crossings, on their own, are difficult to judge against the current Comprehensive Plan. If the Board approves the application for the proposed Comprehensive Plan Amendment, the special exception would be in compliance with that plan. According to the applicant's Statement of Justification, the floodplain crossings will not have a negative impact on downstream properties.*

General Standard 5-006.7

The future impact of a proposed use will be considered and addressed in establishing a time limit for use.

*The floodplain road crossings should be granted in perpetuity so the roads can safely remain in place.*

### **Category 23 Floodplain Uses**

5-2301.1 – No such use shall cause an increase in the level of flooding or velocity of floodwaters.

*According to the applicant's Statement of Justification, the floodplain crossings will not have a negative impact on downstream properties and will have a minor impact on-site (contained on the subject property). The FEMA floodplain reflects development in the watershed based on the current zoning (i.e., it includes the former Freedom Place project in the existing conditions).*

5-2301.2 - No such use shall create a potential hazard of debris subject to movement by floodwaters which might cause damage downstream.

*The design of the crossings will not create a potential hazard of debris movement.*

5-2301.5 – Materials and equipment stored in the floodplain shall not be buoyant, flammable or explosive, and shall not be subject to major damage by flooding or such materials and equipment must be firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.

*The applicant shall have all necessary approvals and permits required for work within a floodplain by the final engineering stage of the project. This has been made a condition.*

5-2301.6 – Special Exceptions shall only be issued after the Board of Supervisors has determined that the granting of such will not result in a) an unacceptable or prohibited increase in flood heights, b) additional threats to public safety, c) extraordinary public expense, d) create nuisances, e) cause fraud or victimization of the public, or f) conflict with local law or ordinances.

*The road crossings will not cause any of the above mentioned conditions.*

5-2301.7 Special Exceptions shall only be issued after the Board of Supervisors has determined that the special exception will be necessary to provide the applicant with reasonable use of the parcel of land in question, taken as a whole.

*Floodplains cover much of this site. Without the crossings, very little of the site is useable.*

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### **Staff and Review Agency Comments:**

Staff and appropriate referral agencies have reviewed this request for conformance with the Comprehensive Plan, the Zoning Ordinance, and other relevant policies and regulations. Findings, comments, and recommendations are summarized below. Generally following each comment is a staff note in italics stating how the comment could be or has been addressed.

There were no new comments received since the October Board of Supervisors' report. Staff notes that the 4<sup>th</sup> submittal was received on November 18, 2011 during the time of preparation of this report. If new comments are received they will likely not be included in this report, staff will update the Board of Supervisors with any new comments at the December work session.

### Zoning

Staff felt that the general summary of the previous comments received (August 2, 2011 submittal) should remain in the report. The Zoning Office's comments were not addressed:

*In summary, Zoning Staff would note that most of our comments from the prior two submissions have not been addressed. The plan continues to not meet many provisions of both the PRD and MU-B districts. The Commercial area continues to be developed as a shopping center, indistinguishable from other shopping centers throughout northern Virginia, except that the architecture may be "prettier." Likewise, the PRD neighborhoods are designed for the mass-builders, with a nod to traditional elements but, at its core, allowing the same type of cookie-cutter development that has spread to our boundaries along Prince William County. The proposal is clearly not consistent with the purpose of the MU-B district and the recently modified PRD district, which sought to create a mix of uses with a more "village" or "town" feel, nor is it consistent with the name given the project by the applicants, i.e. a "Village." Staff would strongly suggest that if the County wants to approve this shopping center, that it be approved under the C-1 or C-2 provisions rather than setting a precedent in the MU-B district contrary to the intent of the regulation.*

*If the County does desire to waive all the various requirements of the MU-B and PRD district, staff would still strongly recommend that additional work be done on the submission to clarify requirements. As the individual responsible for administering the Code of Development and proffers if the application is approved, I am concerned about the lack of clarity and commitment in the documents on which to base my future determinations as to what is allowed and what is not allowed.*

**Planning Commission Action of May 26, 2011:**

The Planning Commission discussed the item at its work session. A public hearing was held; the applicant provided an overview of the project but no members of the public spoke. The Planning Commission voted unanimously for a 30-day postponement, per the applicant's request, and left the public hearing open.

**Planning Commission Summary and Action of June 30, 2011:**

The Planning Commission discussed this item at its work session and held a public hearing on this item. One member of the public spoke and expressed concerns with the proposed proffer values. Commissioner Meadows read a statement that listed some of the project's deficiencies and included a resolution of denial; the Planning Commission unanimously recommended denial.

**Board of Supervisors Summary and Action of October 13, 2011:**

The Board of Supervisors discussed this item at a work session and held a public hearing on this item. Supervisor Stribling moved to continue the public hearing and postpone action on this matter for 60 days, until the December 8, 2011 meeting of the Board of Supervisors meeting.