

Department of Community Development Staff Report

Subject: “Village of Catlett” Comprehensive Plan Amendment, Rezoning, and Special Exception (CPAM09-CR-009, REZN10-CR-002, SPEX10-CR-011)

Date: March 10, 2011

Project Update

In January 2011, the applicant submitted a revised proposal for the applications listed above. All materials, including the Proffer Statement, Code of Development, stormwater management computations, Transportation Impact Analysis (TIA), and Comprehensive Plan Amendment materials (maps and text) are dated December 29, 2010. The revised proposal calls for 300 homes and up to 64,500 square feet of commercial floor space.

The following staff report summarizes the changes to this application compared to the October application, previously analyzed by staff for the Board of Supervisors. For a comprehensive background on this project, please refer to the staff report from October 2010.

This staff report also highlights staff analysis for each major topic area, such as proffers, transportation and Code of Development. A full set of agency comments was provided to the applicant in advance of this report, and is attached to this report for the public’s benefit as well.

Key Findings (Based on December 2010 Materials and Proffer Statement Dated December 29, 2010)

1. The project is not in conformance with the adopted Comprehensive Plan. The proposed 300 units exceed the residential density for the site contained in the adopted Catlett Village Service District Plan. The adopted plan also calls for mixed-use (commercial and residential) and office in areas where the applicant is proposing purely residential uses.
2. The proposal does not meet many of the requirements of the PRD District. One example is that the proposal does not provide a mix of housing types as called for in the Zoning Ordinance. Another example is that the applicant seeks many special exceptions as a part of the rezoning application, but no justification, criteria or locations are included for these requests.
3. There is no binding requirement that any of the retail floor space be built.
4. Even with the proffered transportation improvements, there will be an overall increase in traffic volumes along Route 28. As a result of the increased traffic volumes, there will be increases in delays and queuing at the unsignalized intersections along the corridor. At the Old Dumfries Road/Route 28 signalized intersection, additional turn lanes will be constructed with the effect of just slightly reducing overall intersection delay, though the mainline Route 28 queuing will increase by approximately 20%.

5. The project will cost the County approximately \$1.2M annually for public services.
6. The proffer statement does not include an absolute date by which the wastewater treatment plant will be constructed. (Note, the County will need to finance the sewage collection system to the communities of Catlett and Calverton.)
7. Most of the site is not being proposed for development and yet the applicant is still seeking to rezone the entire site. A conservation easement on the unused portions of the site would prevent future development in these areas.

Comprehensive Plan Materials

Revised items: Comprehensive Plan Chapter 6, for the Catlett Village Service District has been changed. Maps 6.6A, and 10.8A have been modified. There is no longer a school site or public park site proposed.

The applicant has added the language to Page 5, paragraph 3, where if an applicant utilizes the PRD zoning designation, then land should be approved for more than 3 units per acre. This is not consistent with County policy contained in the Introduction of Chapter 6-Service Districts and should be removed. Text on pages 10 and 11 of that chapter states that rezoning applications must “justify” more density above 1 unit per acre by submitting a proposal that covers a number of areas, including traditional design. Therefore, a density bonus is already included in the land use plan designations and density ranges above zoning density.

The applicant did not remove this language, nor submit an amendment to the Introduction of Chapter 6-Service Districts to reconcile this discrepancy in County policy. Staff would like to make note that a Comprehensive Plan Amendment of text applies not only to one property owner but cuts across the County.

Proffer Statement (Dated December 29, 2010)

We acknowledge that proffers are voluntary. There have been considerable changes to this document since the last submission. These comments are provided for the Board’s benefit and consideration.

Revised items: There are no cash proffers, and no school site nor public park site are proffered. There is no longer a proffer to pay tap fees or extend sewage treatment to the existing Village of Catlett. Therefore, the County and/or property owners will need to pay for that infrastructure. The applicant is still proffering to build a wastewater treatment plant in two phases, for a total of 160,000 gallons per day (gpd). The proffer includes a provision for the second phase of the plant’s capacity to go to the County and WSA, for the purpose of servicing 80,000 gpd to the community.

- There is no guaranteed phasing of the commercial development.
- The statement in Section 5.2 states that the County will be the beneficiary of the capacity of Phase 2 WWTP expansion. This suggests that the development will be the beneficiary

of Phase 1. However, the applicant's Comprehensive Plan Amendment Map 6.6C shows the reverse, where the actual community of Catlett is Phase 1 and the development is Phase 2.

- Consider placing a deadline of when the WWTP will be fully operational. Otherwise, slow market conditions to build the subdivision might result in a significant delay to providing public sewer to the existing homes and businesses in the community.
- All significant HOA facilities, such as the park, pool, playground equipment, fields, tennis courts, and benches, should be addressed in the proffer statement.
- There is considerable land north and south of the subdivision that is not used for the subdivision's open space, but the applicant is asking the Board to rezone it to PRD. Match the PRD zoning to the subdivision boundaries. Consider a proffer to place the remaining land not used for the subdivision in a permanent conservation easement.
- There is no longer a proffer to place the area west of the subdivision (for a WWTP) into a permanent conservation easement.
- A hydrogeologic study (a water study) was not required with this application, but is of great benefit before final plats are approved. Consider a proffer to submit the hydrogeologic study upon first submission of Construction Plan Review.
- Staff discussed transportation proffers with the applicant in meetings on February 8, February 23 and February 28, 2011. Further transportation improvements were discussed. To date revised proffers have not been received.
- The proffer statement clearly states that the Board of Supervisors will need to secure right-of-way for transportation improvements, using eminent domain powers, if the applicant is unable to do so. The statement also says that the Board will have a deadline of six months to do so, or the applicant is relieved of the improvements.
- There are items in the Code of Development that should be placed in the Proffer Statement (discussed later in this report).

Fiscal Impact Analysis

The Office of Management & Budget has reviewed the applicant's latest submission and provided this analysis, based on the assumptions that the application includes: 1) 300 residential units; 2) 64,500 s.f. of commercial square footage; 3) applicant proposes to construct a sewage treatment plant with a maximum 160,000 gpd capacity at their own expense.

- The annual fiscal burden of this subdivision on the County could be \$1.2M.

However, this could climb upwards to \$1.7M annually if this amount of commercial space does not materialize. There is nothing in the Proffer Statement that binds the commercial to be built. The Code of Development indicates a phasing plan for 15,000 s.f. only, but relieves the

developer from building even this modicum of commercial space, if market conditions are poor. This implies that there is not likely a market for more than 15,000 s.f. at best even with 300 new homes.

The School Administration Office estimates that the capital cost for 300 homes is between \$8.2-8.8M. The Parks & Recreation Department estimates that each dwelling would cost the County approximately \$2,260 to construct new recreational facilities recommended for a subdivision for this size. If facilities are not provided as requested, a donation of \$791,000 for land and recreation facility construction is requested. The applicant has not provided cash proffers for the schools or recreation.

Concept Development Plan

The residential unit count is down from 450 to 300, yet the subdivision design has not changed.

- A tot lot and swimming pool and neighborhood retail are now included in the HOA Park area on Page 7. The neighborhood retail cannot be included in the open space calculation for the subdivision.
- Page 2 shows an area north and south of the subdivision that is not being proposed for development or open space requirements, yet the applicant is seeking to rezone that land to PRD. Staff recommends that this land not be rezoned to PRD, but rezoned to RA with proffers with no density allocated to it.

Code of Development (December 29, 2010)

- The Board of Supervisors amended the PRD District in January 2011. A Type 1 Soil Report is now a submission requirement in the PRD District.
- Lot Variety needs to be documented. The variety of housing type, size, and setbacks are unclear.
- It is unclear what the number of single-family attached, detached and duplex units that will be in each block. Also, the COD is written so that 100% of the units could be single-family detached, clearly not in conformance with the PRD zoning district.
- There are inconsistencies throughout the document, such as a neighborhood retail section on Page 7 of the CDP is not shown in the COD, and blocks labeled on one page as residential and on another page, retail (and vice versa).
- The Fauquier County Connections Plan shows a trail on Old Dumfries Road and Route 28, but none is shown on the plan.
- A side loaded garage may count towards either a front or alley loaded home. Staff believes that this note should be deleted because it could result in homes loaded from the front only.

- The lot widths, shown in the table on Page 32 will allow for uniformity in the subdivision.
- Maximum front yard setbacks also should be variable in a Traditional Neighborhood Design (TND) environment and are required in the PRD.

Health Department Comments (Sewage Disposal)

The Health Department issued a comment letter for this submission.

- It is difficult to comment on the present design and the Health Department will wait until they receive the Final System Design to make additional comments but that the Final Design should incorporate the Health Department’s previous recommendations.
- That regardless of the size of the project the Health Department recommends that Catlett Farms LLC should leave the size and location of the dispersal fields the same as originally proposed to allow for a margin of safety and improve the operation of those fields.

Water & Sanitation Authority Comments (WWTP)

Provided the developer plans, designs and constructs the proposed wastewater collection and treatment system and all necessary improvements to the Catlett water system necessary to provide adequate public water and sewer service to the proposed subdivision, and provided the applicant does so in accordance with the Authority’s Operating Code, the FCWSA will agree to own and operate the public water and sewer utilities systems for the project.

Virginia Department of Transportation (February 10, 2011)

VDOT has nearly completed its review and is forwarding comments now so the project will not be held up. We may have additional comments after our Traffic Engineering Group has a chance to complete their review. Our comments/concerns at this time are as follows:

1. Regarding the Concept Development Plan the “Street Sections” presented on page 9 are acceptable with the exception of S1, S1a, and S2. Those details do not meet VDOT Standards for the traffic counts shown.
2. Utilities are shown to be located within the ROW of the interior streets. That may be acceptable as long as they are not located under the pavement. Under pavement utilities may be found acceptable if circumstances warrant and are justified with the final design. With proper planning for new developments it is difficult to believe there is not adequate area exterior to the pavement for the underground utilities.
3. In the TIA, queue lengths are shown only for a portion of the intersections. That information is essential for proper and complete analysis of all intersections.
4. VDOT TIA regulations require analysis of the road network at build-out plus 6 years. That information is missing from the current TIA.
5. The TIA Scoping form indicated a Link analysis would be included in the TIA. It is not a part of the current TIA.

6. Pedestrian analysis is also to be a part of the TIA and important to the County's effort to provide pedestrian facilities in new developments.
7. Intersection 8 (Old Dumfries Road and Rt.28) analysis indicates substantial additional delay due to the project at build-out. I expect queue lengths also are excessive (but information is not included in the document). It seems clear to me that in order to properly mitigate the impact of the Project it will be necessary that, in addition to those upgrade measures proposed, additional north and southbound through lanes and additional eastbound and westbound through lanes will be necessary to maintain a reasonable flow of traffic thru this intersection.
8. It is important that scheduling of construction of the mitigating measures must be properly timed so they are available when needed. In addition all construction for all mitigating measures at any one intersection must be undertaken at the same time.
9. Intersection No.6 (Bastable Mill at Route 28) is shown in the report to experience excessive increase in the delay (23 to 107.7 seconds) and excessive queue length (25' to 383.9') due to the Project. Suggest new east bound left turn be added to that intersection at perhaps half development of the Project.

Updated VDOT Comments (February 26, 2011)

VDOT has completed review of the proposed street cross sections for the Catlett project. Comments follow:

Streetscape Section Comments

- S1 The driving lanes need to be 12' wide as advised previously. In addition you need to reevaluate the fc/fc and ROW width dimensions.
- S1a The driving lanes need to be 12' wide as advised previously. In addition you need to reevaluate the fc/fc and ROW width dimensions.
- S2 The driving lanes need to be 12' wide as advised previously. Additionally you need to check the fc/fc and ROW dimensions to assure you can have adequate width.
- S3, S5, and S5a are acceptable as shown.

Transportation Comments, Fauquier County

County staff, VDOT, the County's transportation consultant and the applicant met three times in February to discuss the proposed transportation improvements. To date no new proffers have been submitted to staff, so specifics are not available. It is staff's understanding that no further improvements will be proposed and that signalization of the new entrance across from Old Catlett Road will no longer be a proffer. In the most recent meeting, the applicant did provide modeling of the Old Catlett intersection leading to a conclusion that signalization of that intersection would not be needed. With the new modeling provided in the most recent TIA document, in general, the most significant concern is the overall increase in traffic volumes along Route 28 and also traffic operations (delay and queuing) at the signalized intersection of Old Dumfries Road/Route 28. The Old Dumfries Road/Route 28 intersection is projected to have queues exceeding 1200' (northbound in the AM and southbound in the PM) in length along Route 28 in the peak hours of the day. The unsignalized intersections in the study area will have excessive side street delays in the peak hours; the proposed project increases the delays in every case. In order to improve traffic conditions and mitigate the future queuing issue, Route 28

would need to be widened to four lanes in the vicinity of the Old Dumfries Road signalized intersection.

ROUTE 28 PROJECTED TRAFFIC				
Year	No Build		Build	
	South of Old Dumfries	North of Old Dumfries	South of Old Dumfries	North of Old Dumfries
2009	10520	12440	N/A	N/A
2019	12790	15140	14360	17050
2025	14750	16950	15590	19650

Year	AM Queue	PM Queue
2009	NBT, 171'/651'	SBT, 178'/647'
2019 (no build)	NBT, 265'/878'	SBT, 286' / 887'
2019 (w/project)	NBT, 799'/1023'	SBT, 669' / 1028'
2025 (no build)	NBT, 372'/1047'	SBT, 414' / 1057'
2025 (w/project)	NBT, 980'/1231'	SBT, 973' / 1229'
2019 (w/project, and pedestrian signalization)	NBT, 482'/1124'	SBT, 796' / 1120'
2025 (w/project and pedestrian signalization)	NBT, 669'/1301'	SBT, 969' / 1296'

Environmental Division Comments, Fauquier County

Many of these comments were issued to the applicants prior to the Board of Supervisors' meeting in October 2011. A full set of the comments are attached.

- Geotechnical study with first submission of the construction plan.
- Hydrogeologic testing proposal submitted to the Fauquier County Department of Community Development and Fauquier County Water and Sewer Authority a minimum of 30 days prior to any well drilling or pump testing.
- Hydrogeologic report with first submission of the construction plans.

Stormwater Management Comments, Rick Ashley

- Preliminary grading for the ponds is recommended to ensure that adequate volume can be achieved in the proposed pond locations. For Pond 2 preliminary grading would show if an adequately sized pond can be built without encroaching into the 100-year floodplain. Pond 3 is adjacent to the Transcontinental pipeline right-of-way. Preliminary pond grading would show if an adequate pond can be built in this area without encroaching

into the right-of-way. A substantial area of Pond 4 is shown on a knoll, and the preliminary grading would show if an adequately sized pond is feasible in the proposed location.

- There is a limited amount of information shown on the Stormwater Management/BMP Plan (sheet 23). Based on section 3 of the SWM/BMP Preliminary/Concept Plan Checklist, the concept plan should show existing vegetation and wetlands. The existing easements on the site should also be more clearly shown and labeled. The time of concentration calculations have been provided in the report, but the time of concentration flow paths should have not been shown on the concept plan per the checklist.
- The concept plan and narrative still do not address how water quality might be provided for the proposed development in drainage area 5 before stormwater is released into the existing pond, stream and wetlands (DSM 204.2.2).
- The drainage divides shown on the plan do not follow the ridgeline between drainage areas 1 and 5, and the drainage divide for pond 2 bisects the pond. These drainage divides should be adjusted for accuracy. The drainage divide line along the western side of drainage area 2 does not appear to be consistent with the existing and proposed grading shown on the plan; therefore, the concept plan should address how stormwater from this area of the proposed development will be conveyed to Pond 2.
- It is not clear whether or not the proposed topography required per the SWM/BMP Preliminary/Concept Checklist should include the proposed grading for the proposed stormwater management/BMP ponds. Because of the large areas draining to the proposed ponds and the constraints associated with the proposed pond locations (reference comment number 1), we believe that preliminary grading should be provided to show that the ponds can ultimately be built in the locations shown on the plan.

Staff Analysis for Rezoning to Planned Residential District (PRD)

Section 4-002 of the Zoning Ordinance states that planned districts are “separately zoned and intended to allow for and encourage types of development other than that normally associated with conventional zoning districts.” Prior to 2009, the PRD designation was used to design communities of a more suburban nature, such as those that can be found further north on Route 28 in neighboring Prince William County, like Bristow Station. In 2009, the Board made a policy decision that PRD developments should be more traditional in form and the PRD regulations were amended accordingly. In this case, it is staff’s position that this current proposal is more suburban in nature and fits more in the mold of the pre-2009 PRD regulations. Generally, the COD and the CDP still indicate a development that consists heavily of single-family detached dwelling units. Both clearly show that there is the potential for the majority of the development to be developed with single-family detached dwellings with front loading garages, which is contrary to the purpose and intent of the PRD District. Even if variety can be ensured, the proposed COD is set up in a manner that may result in unit types being largely segregated from one another where they should be mixed in general among blocks.

In addition, several general points, which do not fit clearly under the provisions outlined below, should be noted. First, a large portion of the subject property north of the Cedar Run

neighborhood is being proposed to be rezoned from RA to PRD despite not being proposed for development; staff strongly recommends that this area remain RA in any rezoning approval. Second, the CDP and COD statements with respect to phasing are not acceptable in that each document clearly states that the developer retains the right to modify phasing based on market conditions. In addition, all of the phasing statements made on Page 28 of the COD, with respect to open spaces and trails must be, in staff's opinion, proffered separately. As well, staff recommends that any areas identified as tree preservation or buffer areas be proffered for this purpose to ensure that these are maintained. Finally, Page 6 of the COD characterizes the Catlett Neighborhood as the "entrance" of the development but there is little proposed in this area adjacent to Route 28 that really defines a proper place entrance from a planning perspective.

Section 4-101 **Purpose and Intent**

"It is intended that the PRD be utilized to create pedestrian oriented residential neighborhoods of traditional design...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..."

Sheet 5 of the CDP and Pages 11 and 31 of the COD indicate that the majority of the development could be developed with single-family detached dwelling units. This is not appropriate and the applicant needs to commit to a certain percentage of townhouses and duplexes.

Page 5 of the COD states "housing types are based upon the concept of small lots within a village" but this does not appear to be accurate given the predominance of 3 story single-family detached homes and the limited range of lot sizes that could be established based on what is specified in Part 2 of the COD with respect to bulk requirements such as setbacks and height, as well as the proposed lot width and lot sizes.

Page 11 of the COD indicates that the Cedar Run neighborhood may contain retail space but this is not discussed or evident anywhere else in this document, the CDP or the proffers.

Section 4-103 **Principal Uses Permitted**

The COD should only contain those uses which are being proposed for consideration and not simply list all permitted uses allowed under the PRD regulations. Page 12 of the COD indicates that multi-family dwellings and urban cottages are also proposed but these are not shown anywhere on the CDP nor are they referenced anywhere else in the COD. In addition, the COD includes references to "4 fee simple housing types" which is not accurate since only single-family detached (whether front or rear loaded), duplexes, and townhouses are being proposed. All permitted principal uses must be clearly spelled out in all documents to avoid confusion.

Sections 4-104 & 4-105

Secondary Uses Permitted & Special Exception Uses

Section 4-104

“...secondary uses shall be permitted ... subject to designation of areas and sites for such uses in the approved Concept Development Plan and subject to the use limitations set forth in Section 4-106...”

Section 4-105

“The following uses may be approved by the Board of Supervisors either in conjunction with the establishment of the PRD or, if following the establishment of the PRD, pursuant to the provisions of Section 4-100 and 13-200 of this ordinance, and if approved, may be the subject of certain conditions:

A. Any use listed in Sections 103 and 104 above which was not specifically designated in the approved Concept Development Plan establishing the PRD.”

On Page 12 of the COD, under permitted uses, this section is very confusing and misleading. Rather than listing all of the uses permitted under the PRD the applicant must expressly state what they are proposing and the locations of such must be shown on the COD and the CDP. These must be identified at the time of rezoning approval in order for the Board of Supervisors to appropriately assess impact. If the specific commercial uses are unknown at this time, then a simple note stating that an SE will be required for any secondary use is necessary for the COD and the CDP, and is likewise recommended for the proffers. In addition, under the heading Special Exception Uses, items ‘b’ through ‘d’ are not permitted in a PRD and must be deleted.

Section 4-106

Use Limitations

“Unless otherwise specified in this Article or modified pursuant to Section 4-112 below, all uses shall conform to the general and specific use limitations and performance standards of Article 6 (Accessory Uses, Accessory Service Uses and Home Occupations); Article 7 (Off-Street Parking and Loading, Private Streets); Article 8 (Signs); and Article 9 (Performance Standards) of this Ordinance. Specific use limitations relating to the PRD are:

B. A maximum of 100 square feet of commercial floor area shall be permitted within a project for each dwelling unit in the project; commercial space located within a live-work dwelling shall not be included in this calculation.

E. A level of commercial use beyond that set forth in Sections A, B, C and D above, may be approved by the Board in conjunction with a PRD if either of the following conditions is met:

1. In areas designated for residential uses at a density of 2 or more units per acre in the Comprehensive Plan, the amount of commercial allowed may be increased provided:

a. commercial neighborhood location as proposed is consistent with the associated Service District’s adopted Comprehensive Plan including any recommended

development scale requirements, guidelines and other associated provisions of the Comprehensive Plan for that specific site;

- b. proposed commercial buildings planned in scale, bulk and mass shall be similar to and compatible with the adjoining planned or existing neighborhoods within the Service District; and the*
- c. ratio of commercial to residential uses is consistent with the Service District's Comprehensive Plan for the specified location.”*

The applicant is proposing 64,500 SF of retail whereas a maximum of 30,000 SF is allowed based on 300 residential units. While the Zoning Ordinance allows an increase beyond the 100 SF/1 dwelling unit maximum, this must be justified, which the applicant has not done at this time. Also, Page 28 of the COD only commits to 15,000 SF of commercial space being constructed based on the issuance of certificates of occupancy for the development. This must be clarified and corrected.

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

“A. Lot sizes, widths, frontages and setbacks shall be determined by the approval of a Code of Development, subject to the following guidelines:

- 1. Single-family residential units should generally be set back no further than 10-20 feet, with a variety of setbacks provided within blocks.*
- 4. A variety of lot sizes, widths, setbacks, unit sizes and spacing between units shall be provided within blocks along individual streets.”*

The CDP indicates the 4 different types of residential front setbacks that are proposed. It is noted that types B, C & D all allow front setbacks 20 feet or more. Only type A has a range of setbacks, 10-15 feet, which would meet this requirement and this is limited to portions of blocks A4 and A6 – A11, which is predominantly planned for townhouses. This is confirmed on Page 33 of the COD, as the development is depicted in a fashion that indicates that it could be largely constructed with units having a front setback of 20 feet or greater. This is even more concerning in that both the CDP and the COD are drafted to allow the applicant to only construct single-family detached dwellings, which tend to be associated with the larger front setback.

Similarly, the proposed COD fails to ensure a true range of lot sizes, widths, and spacing, and the chart on Page 32 is very confusing. It is noted that the variation in lot width as presented is not very diverse. There are two proposed categories – those smaller lots between 40 and 50 feet in width, and a larger lot between 50 and 75 feet in width. The range of smaller lot widths is inadequate and the COD is not structurally set up in a manner to ensure that a true mix can be achieved.

“B. The maximum building heights shall be determined by the approval of a Code of Development, with heights generally no more than two or three stories, and a variety of heights shall be provided within blocks along individual streets.”

Sheet 5 of the CDP indicates that all units will be 3 stories but this is contradicted on Page 38 of the COD, which states a range of 1 to 3 stories for all dwelling unit types. There is nothing in the COD that ensures that a variety of building heights will be incorporated into the built environment.

“C. Building form and character shall be determined by approval of a Code of Development, subject to the following guidelines:

- 1. Monotony shall be avoided through the use of a variety of building styles, floor plans, widths, mass, setbacks, roof types, heights and slopes, entry details, height, trim detailing, porches, fenestration, materials and color.”***

Generally, the COD and the CDP still indicate a development that consists heavily of single-family detached dwelling units. Both clearly show that there is the potential for the majority of the development to be developed with single-family detached dwellings with front loading garages, which is contrary to the purpose and intent of the PRD District. Even if variety can be ensured, the proposed COD is set up in a manner that may result in unit types being largely segregated from one another where they should be mixed in general among blocks.

- “3. Residential units shall be designed so that garages do not dominate the street, with an emphasis on rear-loaded garages. Where garages cannot be rear-loaded from alleys, the driveway for an individual house shall not exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house. Where garages are unable to be alley served, shared driveways and garages loaded from side-streets are encouraged. Any front loading garage shall be set back a minimum of 14 feet behind the front wall of the house. Any side loading garage shall be set back a minimum of 8 feet behind the front wall of the house.”***

The applicant fails to meet this provision. Page 5 of the CDP indicates that garages can be front, side or alley, i.e. – rear, loaded; this is confirmed on Page 30 of the COD. However, Page 30 also indicates that only those units in the Catlett neighborhood may definitively have rear loaded garages. Therefore, the majority of the Cedar Run neighborhood has the potential to contain only front loading garages – which is the majority of the development. Also, it must be noted that on Page 32 of the COD, the applicant has stated that side loading garages may be counted as either a front or rear loaded garage; staff believes this is misleading and inappropriate.

Section 4-109

Open Space and Recreational Requirements

“The open space shall be treated as an integral part of the development, with small parks provided throughout the development within walking distance of all residents. Small open spaces such as plazas or courtyards shall also be incorporated into any commercial areas of the development at appropriate locations, to provide a focal point for activity and serve as gathering places.”

On Sheet 11 of the CDP, there is limited trail connection to the Cedar Run neighborhood, which contains the majority of the dwelling units being proposed. Furthermore, the entire northern edge of this neighborhood has no trail although this is contradicted on Page 26 of the COD, as a trail is

shown along this border. This must be clarified and it is staff's opinion that the trail is necessary in this area in order to promote connectivity.

In addition, Sheet 11 of the CDP also indicates that the Cedar Run neighborhood is proposed to have designated neighborhood parks but it appears that only 1 such park (the town green) is being proposed for the entire Catlett Neighborhood. This issue is compounded in that the large HOA park is located directly adjacent to the Cedar Run neighborhood, very much disconnected from the Catlett neighborhood. Similarly, there are no provisions for any type of open space and/or plaza space for the commercial areas. Lastly, Sheet 11 of the CDP and the graphics shown on Pages 24 and 25 of the COD do not match up with respect to the location and types of open spaces that are being proposed; this all must be clarified.

Section 4-110 **Ownership, Operation, and Management of Common Open Space and Common Facilities**

“The approved Concept Development Plan or Code of Development shall include provisions for the ownership, operation and management of all common open space, common private facilities, including private streets, parking, trails and pathways, stormwater management facilities and lakes. This requirement shall apply to both residential and commercial areas.”

The COD proposed by the applicant fails to meet this standard; although staff acknowledges that a similar provision is found in the proposed proffer statement.

Section 4-111 **Architectural Controls and Design Standards**

“A PRD is intended to be of a scale, size and location which encourages a harmonious environment and promotes a sense of community and place at the pedestrian scale for the residents and visitors of the district. To that end, the PRD rezoning application shall include plans for architectural controls and design standards, to include Lot and Building standards consistent with Section 4-107, which shall be codified within the Code of Development to be approved for the project as part of the rezoning as set forth in Section 4-113.D.”

The COD proposed by the applicant fails to clearly establish appropriate lot and building standards that ensure that variety, in the form of height, massing and setback, will be provided. In addition, the heavy reliance of front loading garages also violates a key guideline specified in Section 4-107 as discussed above.

Section 4-113 **Rezoning to the Planned Residential Development District**

“Rezoning to PRD shall be established by amending the Zoning Map of Fauquier County. The procedures for such an amendment shall be generally as set forth in Section 13-200 of this Ordinance except as provided below. In the event of conflict between the provisions of Section 13-200, the provisions below shall prevail.

C. The Concept Development Plan

Applicants for rezoning to the PRD shall submit at time of application a proposed Concept Development Plan which shall include on one or more sheets not to exceed 24 by 36 inches in size at a scale to be approved by the Director:

2. *Proposed grading/topography with a maximum of two (2) foot contours.*

This appears to be provided on Sheet 3 of the GDP but the contour lines are not legible.

5. *A Type I Soil Report prepared by the Fauquier County Soil Scientist's Office or a Preliminary Soil Report prepared by a certified professional soil scientist and approved by the County Soil Scientist, such reports to be consistent with the standards found in Fauquier County Subdivision Ordinance Section 9.5(C).*

This report has not been provided by the applicant.

D. Code of Development

The Code of Development shall include all information as established by the "Outline for Code of Development" adopted by the Fauquier County Board of Supervisors by Resolution on October 14, 2010 as set forth in Appendix C.

2. Signage Element of the Code of Development

The detailed signage provisions may be submitted within the Code of Development or may be approved as a separate step, at the option of the Applicant. Where not included as part of the initial Rezoning, the detailed Signage Appendix to the Code of Development shall be approved prior to placement of any sign on-site and prior to approval of any development plan for the project. This document shall be approved by the Board of Supervisors as an amendment to the Code of Development.

On Page 80 of the COD, the applicant is currently proposing that such document be approved by the Zoning Administrator. This is not in conformance with this provision and needs to be corrected.

Section 4-114 General Standards for Approval of a Rezoning to the Planned Residential District

In addition to the specific requirements of this section and the standards for rezoning for all development contained in Section 13-200, 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:

D. *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. Opportunities for accessory apartments and live-work units are provided where appropriate.*

E. *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.

H. 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.

Based on these findings, zoning staff does not believe that the current proposal conforms to these three specific standards.

Special Exception Standards

A Category 20 Special Exception to allow for a public sewage facility and disposal site is proposed. All special exceptions must comply with Section 5-006 of the Zoning Ordinance. This requires compliance with the Comprehensive Plan and all applicable Zoning Ordinances. The proposed location for the sewage disposal site is not in conformance with the adopted Comprehensive Plan.

Planning Commission Action

After a work session and public hearing on April 29, 2010, the Planning Commission unanimously recommended denial of the Special Exception, Comprehensive Plan Amendment, and Rezoning.