

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: December 8, 2011

Project Update

In November of 2011, the applicant amended his proposal for the Village of Catlett. A revised Code of Development (dated 11/28/11), Concept Development Plan (dated 11/15/11) and Proffer Statement (dated 10/7/11) are now before the Board of Supervisors. This latest submittal includes minor changes to the submittal with documents dated October 7, 2011, that was thoroughly reviewed by relevant agencies. The Comprehensive Plan Amendment (maps and text), Special Exception application, requests for waivers and modifications and the Traffic Impact Analysis were not revised with this submittal, and remain unchanged from the version reviewed by the Board of Supervisors on September 8, 2011.

The November 2011 proposal calls for:

- A maximum of 225 single-family units (attached and detached);
- A maximum of 45 multi-family units in the mixed-use area;
- Up to 85,000 square feet of commercial floor space;
- No development between the gas lines;
- The applicant to build a wastewater treatment plant with an ultimate treatment capacity of 160,000 gallons per day, (The applicant is not proffering to build the collection system to existing Catlett and Calverton);
- The applicant to seek to acquire and rezone additional land south of this project;
- Transportation improvements acceptable to VDOT, with an option for alternate improvements to be considered by VDOT in the future;
- The applicant to acquire and extinguish 40 residential development rights; and
- An archaeological study of disturbed areas which contain evidence of civil war burials and preservation of those areas.

The following staff report analyzes the current proposal. For a comprehensive background on this project, please refer to the Board of Supervisors’ staff reports from October 14, 2010 and March 10, 2011. Agency review comments for the October 2011 submittal are included as an attachment.

Key Issues (Based on Submittal of November 2011)

1. Based on 225 single-family units, 45 multi-family units and 85,000 square feet of commercial floorspace, the project will cost the County approximately \$0.8 million annually for public services at full build-out.

2. Only 8,500 square feet of the retail floorspace is guaranteed to be built by the 200th single-family unit.
3. A large portion of the site, north and south of the Cedar Run neighborhood, is proposed to be rezoned from RA to PRD despite only being designated as Non-PRD Natural Open Space to be Retained by Owner. There is no reason or necessity for this to be rezoned to PRD. In the future, should it be planned for development, it will require separate rezoning approval.
4. While the proposal contains a greater mix of housing types, heights, massing and lot types than previous submittals, the Zoning Office is not convinced the project has enough variety to meet the PRD standards.
5. The applicant did not provide any details concerning changes to the wastewater treatment plant and drainfield design while reducing flows from 337,000 gallons per day to 160,000 gallons per day (gpd); therefore, this aspect of the project could not be re-evaluated. This will be reviewed by the Health Department as part of construction approval.

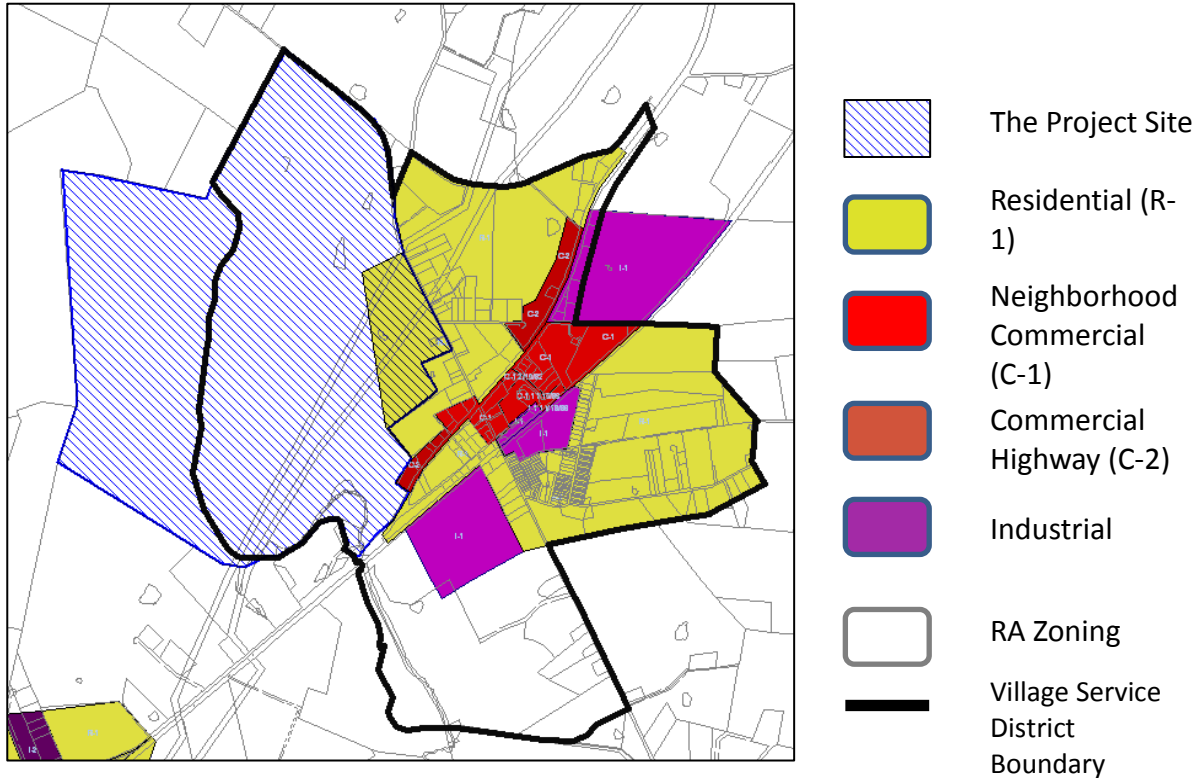
Location, Zoning and Current Land Use:

The 793.4-acre parcel is located north of Catlett Road (Route 28) and west of Old Dumfries Road (Route 667) in Catlett. 51.8 acres of the project parcel are zoned Residential-1 (R-1). 741.6 acres are zoned Rural Agriculture (RA). The property contains one residence, and part of the site is in agricultural use.

Surrounding Zoning and Current Land Use:

The site is surrounded by land to the west and north zoned RA and southeast by parcels that are zoned R-1 and a small portion zoned Commercial Highway (C-2).

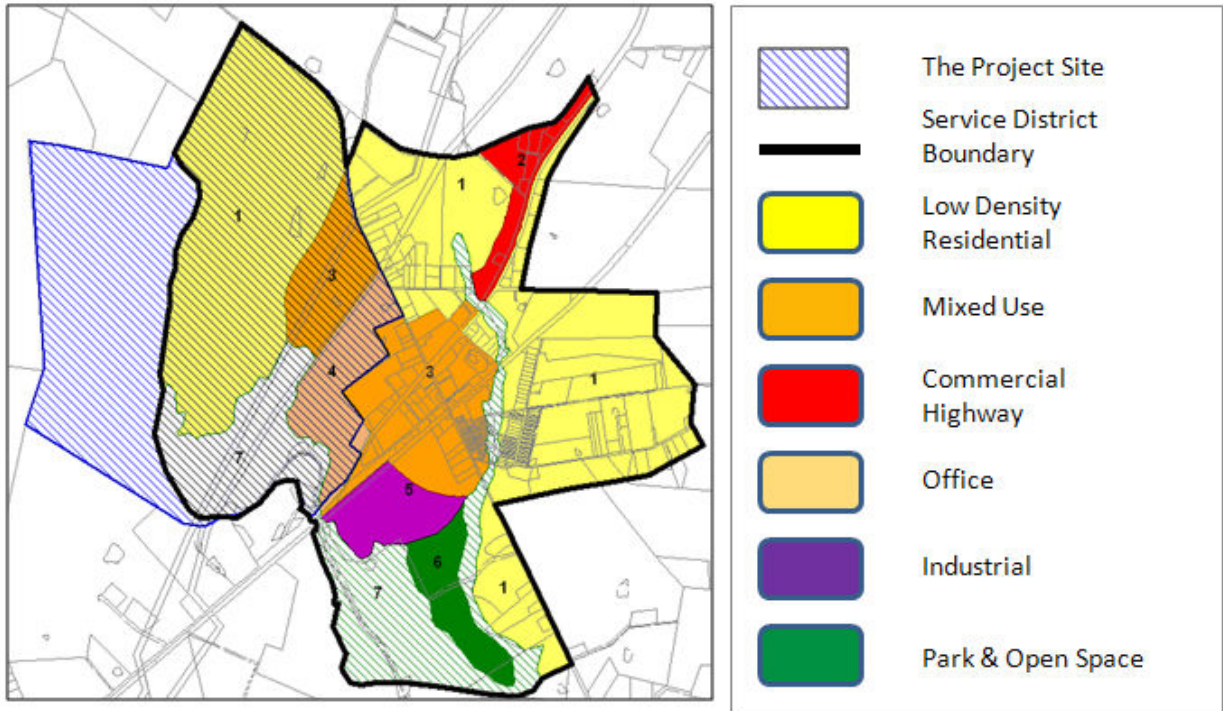
Zoning Map



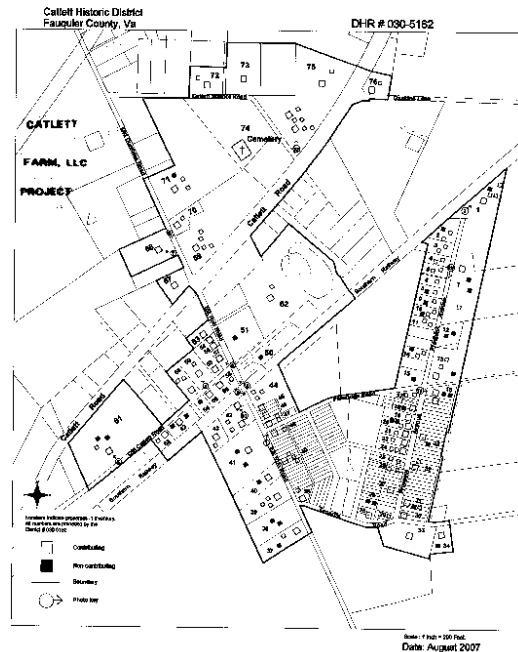
Comprehensive Plan

Much of this site is within the Catlett Village Service District. The adopted Comprehensive Plan designates this property as Low Density Residential (307 acres), Office (62 acres), Mixed Use (52), and Park/Open Space/Floodplain (82 acres). 289 acres of the property are located outside the service district and planned for Rural Agriculture.

Land Use Plan



Chapter 2 of the Comprehensive Plan calls for protecting and enhancing sites of historical significance. Much of the historic, railroad community of Catlett (including areas served by Prospect Avenue, Gaskins Lane, Tenerife, Elk Run, Old Catlett, Old Dumfries, and Catlett School Roads) was placed on the Virginia Landmarks Register and the National Register of Historic Places in 2008 for the fact that the community has remained intact and represents the period of time from 1855-1958. The community, as documented by Maral Kalbian, Architectural Historian, presents an historic pattern of development visible with the National Register District map. This development pattern, including lot sizes, building setbacks, street widths and lot coverage among other, more prominent characteristics such as architecture, are what make Catlett unique. While the Project is not located in the National Register District, it adjoins the district and has been identified as a place for Civil War activity. The community as it looks today - the surrounding farms, the town buildings and its layout, the rail and road corridors still convey the story of its history. Staff has carefully documented the lot and building geometry for the village and this was included in the Planning Commission staff report of April 29, 2010.



A portion of the site was recognized by the National Parks Service as potential National Register-eligible for Rappahannock Station I Core Battlefield and Auburn II Study Area

Battlefield. (See October 14, 2010 staff report for details.) Portions of the property fronting Old Dumfries Road were included within the Auburn Battlefield National Register District nominated to the National Register on June 9, 2011. More recently, a site visit by county staff and a group of local historians explored four areas of the subject property with an array of potential archaeological resources including grave sites, Civil War earthworks, a Native American Indian settlement, and a 19th century homestead site.

Site History

The applicant submitted a reconnaissance survey that details the ownership records of the property, noting that it once was called “Airley Farm” – a name that neighbors sometimes refer to it as today. For a period of time, up until 1966, the property was a dairy farm and thereafter became a sharecropper farm. Deed research back to the 1960s shows that the property, in its current metes and bounds, has remained the same up to the present. The by-right density of the whole parcel of 793 acres is approximately 74 dwelling units.

In July 2009, the applicant filed a Comprehensive Plan Amendment and three Zoning Ordinance text amendments. The Rezoning and Special Exception applications were filed in December 2009. The 2009 submittal requested 950 homes. A second submittal was received on August 16, 2010. This submittal requested 645 homes. A third submittal received on November 24, 2010 sought 450 homes. A fourth submittal received on January 5, 2011 sought 300 homes. A fifth received on August 19, 2011 sought 225 homes plus an unknown number of multi-family units. This sixth submittal seeks 225 single-family homes plus 45 multi-family units in the mixed-use area.

Comprehensive Plan Amendment - CPAM09-CR-009

The applicant’s proposed Comprehensive Plan Amendment did not change from the fifth submittal to this sixth (November 2011) submittal.

The Applicant is seeking a Comprehensive Plan Amendment (CPA) to Chapter 6, Catlett Village Service District Plan to:

- a) expand the Catlett Village Service District by approximately 191 acres;
- b) change approximately 62 acres designated for Office Use to Mixed Use; and
- c) change associated text and maps (Maps 6.6A, 6.6B, 6.6C and 10.8A).

All proposed changes are to accommodate the applicant’s submitted rezoning. Specifically, the CPA would expand the adopted village service district boundary of Catlett by 191 acres so that the proposed wastewater treatment facility is within the Service District (Map 6.6A). Staff would clearly point out that as the scope of the project was reduced over the last year, there is now room to accommodate the wastewater treatment facility within the existing service district. The proposal changes the Office designation on part of the site to Mixed Use to allow residences (Map 6.6A). The proposed text supports mixed-use development, particularly retail and small offices, in the center of Catlett. The proposed text maintains the current residential density of 1-3 units per acre in the residential areas, but encourages use of the County’s planned residential districts. It also encourages residential densities of two units per acre for mixed-use areas close to Route 28. Table 6.9A has been revised to reflect the applicant’s proposed land use changes. (Note existing Table 6.9A contains some errors and the proposed table corrects these.)

The text encourages continuation of a traditional village street network and this is shown on Map 6.6B. Map 10.8A modifies the adopted Transportation Map by more carefully defining the continuation of Catlett School Road westward, but also by removing another road connection through the property to Old Dumfries Road.

The proposed text and Map 6.6C alter the sewer phasing of the adopted plan. The applicant's proposal sets forth two phases. The Phase I Sewer Service Area shows where public sewer service is planned with a priority for connection to existing homes and businesses with failing drainfields, with capacity for limited residential and commercial growth. Total planned Phase I capacity for Catlett and Calverton is approximately 80,000 gallons per day. Phase II Sewer Service would serve properties outside the Phase I area. The Phase II Service would begin once sufficient capacity is permitted and a plant constructed to remedy the existing failing drainfields located in the Phase I area of Catlett. Phase I and Phase II areas could be served simultaneously. Map 6.6C also identifies the general location of the sewage treatment plant. Table 6.9B merely takes the 2010 Census data and adds 251 dwelling units and associated population.

The Fauquier County Zoning Ordinance (Section 13-202.4) requires applicants to justify CPA proposals, addressing these categories as applicable: creative concepts, oversights, change in circumstances, goals, or hardship. The applicant addressed goals and change in circumstances in their original statement of justification. The applicant believes they are addressing the goal of providing sewer to the Villages of Catlett and Calverton. Secondly, they believe the change in circumstances is the provision of sewer in Catlett.

The 2010 Census showed 296 residents in Catlett. The Introduction of the Catlett, Calverton, and Midland Service District Plan envisions no more than 2,500 people. The applicant's associated rezoning would generate 650 residents in single-family homes plus approximately 70 in the multi-family units. While this may not be a significant increase in the future build-out, the proposed Comprehensive Plan Amendment moves the sewage site to another location, thus freeing up more land for residential uses; this could potentially increase the future build-out, as could the proposed change from Office Use to Mixed Use.

Comprehensive Plan Amendments are required to include a Fiscal Impact Analysis (FIA), and one was submitted as part of the original CPA. The County's Office of Management and Budget (OMB) provided its own fiscal analysis of the current proposal, and this is included with the agency review comments. In summary, the OMB studied the "interim build-out," which provides an estimate of the annual operating impact to the County for 200 single-family residential units and 8,500 square feet of commercial development. The OMB also studied the "final build-out," which provides the net impact for 225 residential units, 45 multi-family units and 85,000 commercial square feet. The net fiscal impact (negative) of the proposal at interim build-out is estimated to total \$1.1 million annually, while the negative impact of final build-out is estimated to total \$0.8 million, annually.

The Zoning Ordinance (13-210) requires changes to the Comprehensive Plan to include an analysis of the requirements for schools, parks, playgrounds, recreation areas and other public facilities. The applicant's Comprehensive Plan Amendment is not proposing any of these public facilities, while it could be argued that they are increasing the ultimate build-out of Catlett through this amendment.

Rezoning - REZN10-CR-002

The applicant is seeking a Rezoning to allow up to 225 single-family residential units, up to 45 multi-family units in the mixed-use area, and up to 85,000 square feet of commercial uses, including:

- a) Rezoning of 434.32 acres from Rural Agriculture (RA) to Planned Residential Development (PRD);
- b) Rezoning of 51.84 acres from Residential-1 (R-1) to Planned Residential Development (PRD); and
- c) Rezoning of 307.31 acres from Rural Agriculture (RA) to Rural Agriculture (RA) with Proffers;

The rezoning is in the form of a number of documents – the Proffer Statement, the Code of Development, the Concept Development Plan and the requests for waivers and modifications. Typically a rezoning is evaluated in comparison to the adopted Comprehensive Plan. In this case, the proposed rezoning is not in compliance with the adopted Comprehensive Plan. However, should the Board of Supervisors approve the applicant’s proposed Comprehensive Plan Amendment, the rezoning would, as expected, be in conformance.

Proffer Statement (Dated October 7, 2011)

Staff acknowledges that proffers are voluntary. Nevertheless, the County expects applicants to mitigate the impacts of their proposed development. One of the ways applicants often mitigate the impacts of proposed developments on public facilities is with cash proffers. In this case, there are no cash proffers, and no school site nor public park site are proffered. A cash proffer for the 225 single-family residential units and 45 multi-family units, as an example and using the County’s Proffer Policy as a guide, would amount to just over \$7.0M. Staff acknowledges that the applicant is providing a wastewater treatment plant and land for the treatment plant and these have a cash value. The Board of Supervisors will need to weigh the costs and benefits of these items versus traditional proffers.

The applicant is proffering to construct a 160,000 gpd wastewater treatment plant to be owned and operated by the Fauquier County Water and Sanitation Authority. The first 80,000 gpd is reserved for exclusive use by existing Catlett and Calverton residents and businesses. The applicant is not proffering the collection system for existing residents and businesses in Catlett and Calverton. Details are contained in Section 5.2 of the Proffer Statement. Community Development staff is relying on the County Attorney to ensure that the details, including those for phasing and bonding, protect the County’s interests and the interests of the citizens and businesses of Catlett and Calverton.

The proffers need to be revised to only allow changes to the Code of Development which are based on procedures set out in the Code of Development.

The proffer statement includes a section (Section 7) concerning additional land between this site and Route 28. Exhibit “B” does not clearly identify the land in question and should be revised. In any case, the applicant is proffering to seek to acquire some land and rezone it to PRD. The

intent of this rezoning is to extend the retail street in the Village of Catlett south towards Route 28.

The Proffer Statement includes a number of Transportation Proffers. Proffers 8.1 – 8.6 and Exhibit “C” provide improvements (turn lanes and signal improvements) previously reviewed by VDOT, and still generally supported by VDOT. The proffers also include the possibility of another transportation solution (Proffer 8.7 and Exhibit “D”). This option strives for a context sensitive solution in keeping with the village environment in Catlett. This option includes roundabouts and the one-way paved-in-place use of Catlett School Road. VDOT remains open to these options although they have not studied them in detail. The alternate transportation options can only be used if approved by VDOT in the future. The applicant is only willing to fund the alternate improvements up to their estimated costs of the regular improvements, which is \$1,710,000. Any additional costs beyond that amount would be the responsibility of the County and/or VDOT.

Proffers 8.8 through 8.10 bind the applicant to seeking to secure right-of-way should this be necessary. If the applicant is not successful in securing the necessary right-of-way, the applicant is still obliged to bond the estimated costs of proffered road improvements.

Proffer 9 requires the applicant to acquire and extinguish 40 residential rights by acquiring additional land, use of the County’s PRD Program or other lawful means. Staff is concerned that these be viable development rights rather than unlikely development rights such as those associated with “railroad lots” in Catlett.

Proffer 10 commits the applicant to perform an archaeological study of the portions of the site subject to land disturbance which contain evidence of Civil War Burials. As noted earlier in this report, the site contains many more archaeological resources than just those associated with Civil War burials.

Code of Development (Dated November 28, 2011)

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

The COD continues to promote a development that consists heavily of single-family detached dwelling units that are similarly sized and nearly identical in massing. The COD, when read in conjunction with the proffer statement, also clearly shows that there is the potential for the majority of the development to be developed with single-family detached dwellings which is contrary to the purpose and intent of the PRD District. It is noted however, that the COD guarantees that at least 50% of the single-family units will be alley loaded; that front loaded garages will be set back a minimum of 14’ behind the front wall of the house as required by the PRD Ordinance; and that at least 10% of the single-family detached units will be 1-1½ stories in height.

The PRD District allows a maximum of 100 square feet of commercial floorspace for each dwelling unit. For this project, that equals 27,000 square feet. The applicant submitted a statement of justification requesting up to 85,000 square feet of commercial floorspace. However, the Code of Development only requires 8,500 square feet of commercial floorspace to be built before the Certificate of Occupancy is issued for the 200th single-family unit. This

implies that there is likely not a market for more than 8,500 square feet at best even with 270 new homes.

A large portion of the subject property north and south of the Cedar Run neighborhood is being proposed to be rezoned from RA to PRD despite being planned only for non-PRD natural open space. Zoning staff strongly opposes this aspect of the proposal as it violates the purpose, intent and provisions of the PRD regulations, and believes it cannot and should not be rezoned to PRD and must remain zoned to the RA District. In the future, should it be planned for development, it will require separate rezoning approval.

Concept Development Plan (Dated November 15, 2011)

Staff analysis of the Concept Development Plan (CDP) is primarily included in the comments from the County's Environmental Division and its outsourced engineer (Carson Ashley & Associates). All technical comments have been addressed in this latest submittal.

Special Exception - SPEX10-CR-011

The applicant is proposing to construct a 160,000 gallon public wastewater treatment plant (WWTP) and associated disposal site. This requires a Category 20 Special Exception. The applicant did not provide a revised Special Exception application with their November 2011 submittal. Details of the applicant's commitments, including phasing and bonding, are contained in Section 5 of the October 7, 2011 proffer statement. The Fauquier County Water and Sanitation Authority commented that as long as the Authority, the developer and the County can come to terms regarding the sewer system, the Authority can ultimately own/operate/maintain the proposed WWTP. The Health Department (VDH) provided comments on the latest submittal (see attached), indicating that the wastewater treatment plant and drainfield design might need to be reviewed again when the construction permit is sought. The Environmental Division continues to request that the applicant use the full drainfield area as proposed in the Preliminary Engineering Report (PER) (approved by the Health Department in September 2010), to improve the margin of safety and manageability of the system.

5-006 General Standards for Special Permits and Special Exception Uses

1. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties. It shall be in accordance with the applicable zoning district regulations and the applicable provisions of the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

The proposed use would not hinder the appropriate development or use of adjacent or nearby land. The proposed location for the sewage disposal site is not in conformance with the adopted Comprehensive Plan, although it would be compliant with the applicant's proposed Comprehensive Plan Amendment.

2. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

No pedestrian or vehicular traffic conflict will result from this use.

3. In addition to the standards which may be set forth in this Article for a particular category or use, the ZA and Board may require landscaping, screening, yard requirements or other limitations found to be necessary and appropriate to the proposed use and location.

The Tree Preservation/Woodland Buffer Area shown on page 11 of the CDP will screen most of the treatment facility and treatment site. A condition could be written that further screens the treatment facility and treatment site.

4. Open space shall be provided in an amount at least equal to that specified for the zoning district in which the proposed use is located.

There is no open space requirement with the proposed use.

5. Adequate utility, drainage, parking, loading, and other necessary facilities to serve the proposed use shall be provided. Low impact development techniques are encouraged by the County and shall be incorporated into the site and facility design when deemed appropriate by the applicant after consultation with appropriate county officials. Parking and loading requirements shall be in accordance with the provisions of Article 7.

The site operator will need parking. There is not enough detail on the facility to evaluate this standard.

6. Signs shall be regulated by the provisions of Article 8, except as may be qualified in the Parts that follow for a particular category or use. However, the BZA and the Board, under the authority presented in Section 007 below, may impose more strict standards for a given use than those set forth in this Ordinance.

No signage has been proposed. All signage will need to meet the standards in Article 8 of the Zoning Ordinance.

7. The future impact of a proposed use will be considered and addressed in establishing a time limit on the permit, if deemed appropriate. Existing and recent development, current zoning and the Comprehensive Plan shall be among the factors used in assessing the future impact of the proposed use and whether reconsideration of the permit after a stated period of time would be necessary and appropriate for the protection of properties in the vicinity and to ensure implementation of the Comprehensive Plan.

The nature of the use does not lend itself to a time limit.

8. The proposed use shall be such that air quality, surface and groundwater quality and quantity, are not degraded or depleted to an extent that would hinder or discourage the appropriate development and/or use of adjacent or nearby land and/or buildings or impair the value thereof.

No agency comments have been received that would indicate that this standard would not be met.

9. Except as provided in this Article, all uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.

The use complies with these requirements. Any additional performance standards would be met at the Site Plan stage.

5-2001 Additional Submission Requirements

In addition to the general submission requirements, all applications for Category 20 uses shall be accompanied by additional materials including:

- A. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
- B. Four (4) copies of a statement, prepared by a certified engineer, giving the basic reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

While these were provided with the initial Special Exception application for a 337,000 gpd system, revised documentation for a 160,000 gpd system has not been received.

Standards for All Category 20 Uses (5-2002)

In addition to the general standards set forth in Section 5-006 above, all Category 20 special permit and special exception uses shall satisfy the following standards:

1. Category 20 special permit and special exception uses shall not be required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located in Part 4 of Article 3. However, such requirements may be established in the conditions under which such a special permit or special exception is granted.

Noted.

2. No land or building in any district other than the Industrial Districts shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment or for the parking of vehicles, except those needed by employees connected with the operation of the immediate facility.

Information for the Applicant.

3. In all zoning districts, other than the I-2 District, all equipment, machinery and facilities not located within an enclosed building shall be effectively screened.

Information for the Applicant.

4. If the proposed location of a Category 20 use is in a Residential District there shall be a finding that there is no more suitable site available for such use in a Commercial or Industrial District, except that in the case of electric transformer stations and telephone and telegraph exchanges or dial centers, there shall be a finding that there is no alternative site available in a Commercial or Industrial District within distance of one mile, unless there is a substantial showing that it is impractical for satisfactory service to be rendered from an available location in such Commercial or Industrial District.

Should the rezoning be approved, the proposed location will be in a residential district (PRD). The Board of Supervisors will then need to determine whether the SE application meets this standard.

5. A special exception for a private individual sewage treatment system which discharges into an open ditch or water, shall be allowed only to replace an existing sewage system which is presently serving an existing use. That existing sewage system must have failed and have been certified by the Virginia Department of Health to pose a real or potential health threat and a discharging sewage treatment system is the only alternative for the repair. In approving such a system the Board may establish conditions including but not limited to use, maintenance, and testing.

Not applicable. This will be a public system.

6. Notwithstanding 5-2002.5, above, a private individual sewage treatment system which discharges into an open ditch or water may be approved in the RA/Rural Agriculture zoning district for a farm supply establishment where the standards listed below are met:

Not applicable. This will be a public system.

Planning Commission Summary and Action

The Planning Commission held a work session and public hearing on April 29, 2010 on an earlier version of this project which included 950 homes. The Planning Commission unanimously recommended denial of the Comprehensive Plan Amendment, Rezoning and Special Exception.

Summary and Recommendation:

Should the Board of Supervisors agree with the Planning Commission, resolutions of denial have been written. Should the Board disagree with the Planning Commission and recommend approval, resolutions and an ordinance of approval have been prepared. The Board will need to pay particular attention to the proffering of a sewage treatment plant versus traditional cash proffers; the adequacy of the proffers to protect the county's interest under any circumstance concerning the treatment plant; the necessity of rezoning 486 acres to PRD, when only about half of this is needed for the proposed development; and the adequacy of the Code of Development to ensure a variety of housing types.