

LAND USE REPORT:

Planning Commission September Public Hearing Items

CFFC Action Needed: Item 2

1. Special Exception - SPEX-19-011533 - Silverback Ranch - An Application for a Category 3 Special Exception for a Tourist Home in the Fiery Run Agricultural and Forestal District (PIN 5998-96-8500-000, Marshall District)

The Applicant, Kris Boucher, is seeking approval of a Category 3 Special Exception to operate a Tourist Home on the Silverback Ranch property. The Tourist Home will be advertised as an Airbnb, with no food service provided by the Applicant. The proposed use will utilize an existing house that has four bedrooms and a pull-out couch in the basement, for a maximum occupancy of 10 guests. The house is accessed via a private gated one-half mile driveway, entirely secluded by mature vegetation. The adjacent property to the east is owned by one of the owners' relatives and the full-time caretaker of the two properties resides there. There is ample parking to accommodate guests along the circular driveway and in the three-car garage on-site.

The Applicant is requesting a maximum occupancy of 10 guests. It is anticipated that the house will be rented to couples and families. The Applicant plans to have a two-night minimum stay and anticipates no more than four bookings per month. The property will not be available to rent per room, only as an entire home.

ANALYSIS

The subject property is part of the Fiery Run Agricultural and Forestal District. The District Ordinance stipulates that the Fauquier County Zoning Ordinance shall apply, except as modified. These modifications were deemed necessary to assure that the Ordinance does not conflict with the purpose for which the Agricultural and Forestal District was established, and are typical of all of

Fauquier's Agricultural and Forestal Districts. Condition 1a, see below, adds requirements for the uses which can occur on the property.

“All uses allowed in the applicable zoning district(s) for each parcel listed shall require a Special Exception permit except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family. No Special Exception permit shall be in conflict with the purposes for which the District was created.”

The Commonwealth of Virginia allows local governments to create agricultural and forestal districts to help protect the rural character of an area and to enhance the economic viability of farms and woodlands. The limited use does not propose any new construction and will allow the public to experience Fauquier County's rural areas, which staff believes does not conflict with the purposes of the district.

County staff have proposed the following conditions:

1. The Special Exception is granted only for PIN 5998-96-8500-000, runs with the land as indicated in the application, and shall not be transferred to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Silverback Ranch Special Exception Exhibit received by Community Development July 16, 2019, except as qualified by these development conditions.
3. The use shall be limited to the existing house and the maximum occupancy shall not exceed ten (10) guests.
4. The property shall only be rented to one party at a time. Single room rentals and occupancy by multiple parties simultaneously shall not be permitted.
5. Adequacy of water and sewer is required to approve the Site Plan.

6. All applicable Virginia Department of Health and Fauquier County Building and Zoning permits shall be obtained prior to commencement of the use.

7. No on-site food service shall be provided.

8. Water shall be tested annually for fecal coliform bacteria by a certified lab. Certification of the testing shall be provided to the Fauquier County Health Department and Fauquier County Zoning Administrator.

9. Signage related to the use shall be limited to a maximum of six (6) square feet. Illumination of signage shall be prohibited.

10. An approved Site Plan shall be required prior to the establishment of the use.

2. Rezoning - REZN-19-011186 - Broad Run Estates - An Application to Rezone Approximately 112.39 Acres From Residential: 1 Unit Per Acre (R-1) to Residential: 4 Units Per Acre (R-4) With Proffers. (Scott District)

Lakeside Homes, LLC, is seeking to rezone 112.39 acres from Residential: 1 Unit per Acre (R-1) to Residential: 4 Units per Acre (R-4) with proffers. According to the Statement of Justification, the Applicant's goal with Broad Run Estates is to ensure a quality community through the rezoning of the property to R-4 and to use the cluster development provisions set forth in the Zoning Ordinance to create a mixture of lot sizes and types. The Applicant is also voluntarily implementing design standards for the development. The proposal uses the approximate by-right densities from three previously approved projects (Broad Run Estates, Riley's Estates and Ringwood Farm) and one additional unplanned property (Rohr property), and incorporates those units into one cohesive master planned development. This request would allow for the development of a maximum of 166 single family detached units at Broad Run Estates. When accounting for the project's net area (total area less the floodplain area and less half of the area of water bodies on site) the proposed development equates to 2.02 dwelling units per acre. The Applicant believes this approach optimally utilizes the land and allows for it to be

developed in a coordinated fashion which is consistent with the Comprehensive Plan's vision for New Baltimore.

ANALYSIS

With this rezoning application the Applicant is seeking the ability to develop 166 lots at Broad Run Estates (which would now also include the land associated with Riley's Estates and the Rohr Property) and develop three lots at Ringwood Farm, for a total of 169 lots. The Applicant contends that the 166 lots at Broad Run Estates is needed to absorb: (1) certain improvements envisioned by the Comprehensive Plan; (2) the cost/decline in value caused by the preservation of Ringwood Farm; and (3) the additional costs associated with the re-engineering and development of the proposed new plan.

It should be mentioned that these previous approvals will be abandoned if this application is approved. Alternatively, if this rezoning application is not approved, the Applicant will likely continue with the previous development plans for Broad Run Estates, Riley's Estates and Ringwood Farm.

A key component of the application is the ultimate preservation of Ringwood Farm (PIN 7914-485419-000) through a perpetual conservation easement. The 73.28 acre Ringwood Farm property is located on the southeast side of Rogues Road (SR 602) just outside of the New Baltimore Service District (NBSD) and is zoned R-1. On October 8, 2014 a Preliminary Plat (PPLT14-CR-001) showing 47 single-family detached lots using public water provided by the Fauquier County Water and Sanitation Authority (FCWSA) and individual private drainfields was approved by the Board of Supervisors. A Construction Plan (CONP-14-001770) which includes 45 lots was approved on July 10, 2015. An amendment to the Construction Plan (CONP-19-011006) which includes 42 lots is currently being reviewed by the county. The proposed conservation easement would prohibit the property's future development into a subdivision beyond three lots and eliminate the extension of the public water to Ringwood Farm outside of the NBSD. Additionally, it would remove the development of the 39 septic fields and significantly reduce the removal of mature tree canopy coverage and wetland impacts needed to construct the subdivisions infrastructure.

There are several outstanding issues identified by county staff which include the following:

On August 14, 2019 the Applicant submitted a revised Concept Development Plan, Proffer Statement and Statement of Justification in an attempt to address staff and review agency comments. This submission also newly included a set of Design Guidelines to be applied to the development. At the time of writing this report multiple agencies have not yet completed their review of the second submission; therefore, comments may still be outstanding and/or new comments may be generated from this second submission review. As such, staff does not believe the application is ready for action.

The project is proposing to re-allocate by-right densities from previously approved Broad Run Estates, Riley's Estates and Ringwood Farm projects and incorporate one additional unplanned property (Rohr property) into this plan. These previous approvals will be vacated; however, the re-allocation of the density is not proposed to be one lot for one lot when considering either the maximum by-right density per the Zoning Ordinance or maximum achievable density based on previously approved plans. While the Applicant contends the development does not create any impacts, under either scenario (byright or achievable) this project represents additional lots at Broad Run Estates. A detailed analysis of directly attributable impacts of the proposed project and how proposed proffers are mitigating these impacts has not been provided. As such, there may be unmitigated impacts to the County caused by the proposal. To date, the Applicant has not offered any financial contributions to offset the anticipated capital impacts.

The Traffic Impact Analysis (TIA) for the project has not yet been approved by the Virginia Department of Transportation (VDOT) or County staff.

It is therefore recommended that CFFC recommend action on this application be delayed until the applicable agencies complete their review of the second submission.