

PUBLIC HEARING AGENDA REQUEST

Owners/Applicants:

Douglas E. & Sharon Y. Darling and Eidolon Capital
Partners II, LLC (Owners)/Douglas E. Darling (Applicant)

**Planning Commission Meeting
Date:**

July 30, 2009

Staff Lead:

Kimberly Abe, Senior Planner

Department:

Community Development

Magisterial District:

Marshall
Scott (Text Amendments)

PIN:

6969-46-8936-000
6969-56-9904-000

Service District:

Marshall

Topic:

CPAM09-MA-002 - Cannon Ridge: A Comprehensive Plan Amendment to Change the Land Use Designation on a 16.84-acre parcel (PIN #6969-46-8936-000) from Mixed-Use, Low Density Residential, and Park/Open Space/Public Use/Preservation to Mixed Use and High Density Residential, and to Change the Land Use Designation on a 40.49-acre parcel (PIN #6969-56-9904-000) from Low Density Residential and High Density Residential to High Density Residential. Amendments to the Plan text are also proposed.

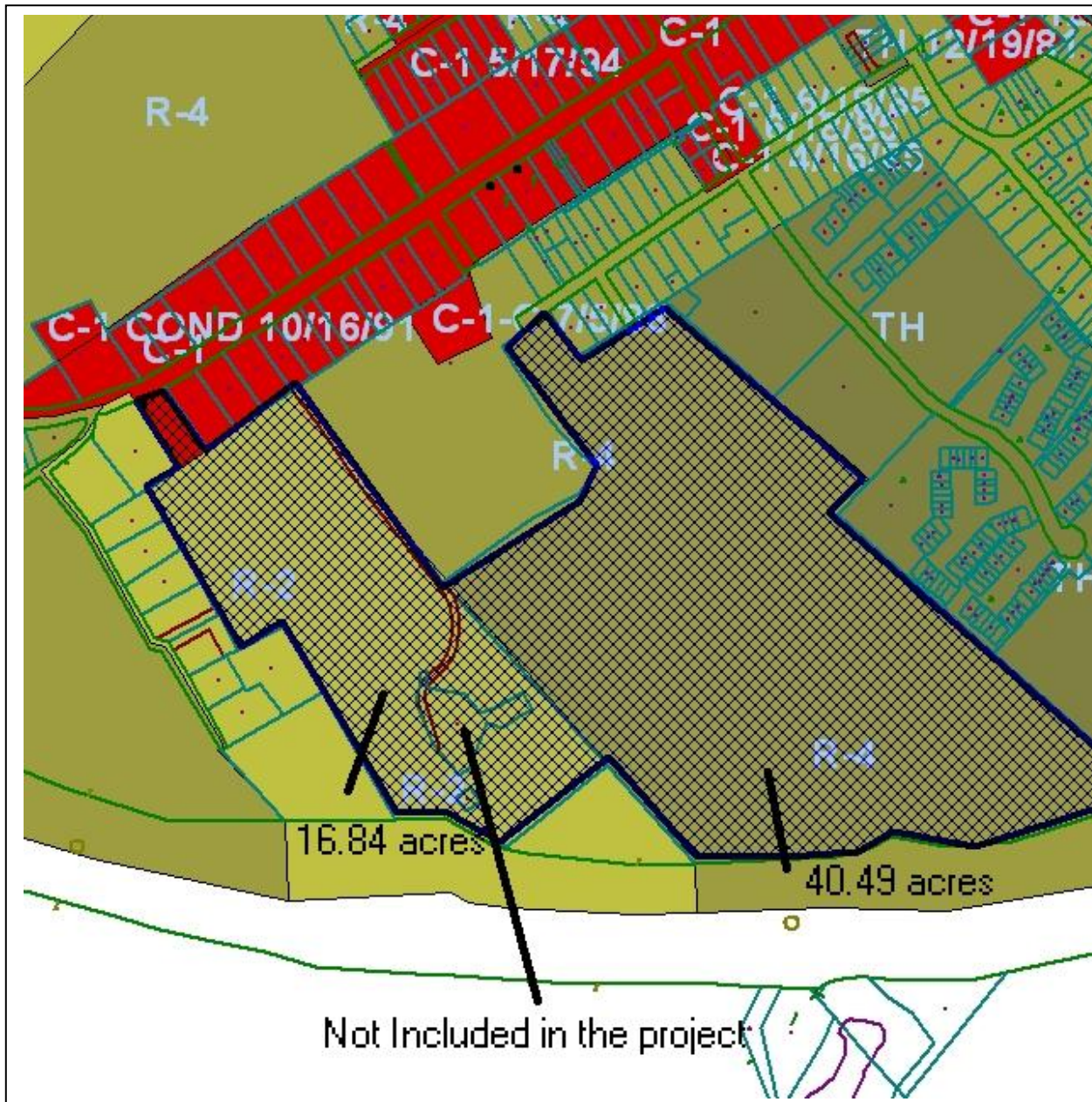
REZN09-MA-003 - Cannon Ridge: A Request to Rezone a 16.84-acre parcel zoned Commercial - Neighborhood (C-1) and Residential-2 (R-2) (PIN #6969-46-8936-000), and a 40.49-acre parcel zoned Residential- 4 (R-4) (PIN #6969-56-9904-000) to Planned Residential Development (PRD) for a 280-lot residential development.

Project Update:

At a Planning Commission work session on May 28, 2009, the applicant presented an overview of the project and Staff provided a visual presentation illustrating the topographical conditions at the project site. The applicant's proposed Planned Residential Development (PRD) Text Amendment which was submitted in advance of the Comprehensive Plan Amendment and Rezoning, was approved in an amended form at the Board of Supervisors' July 9, 2009 meeting. (The implications the new PRD Ordinance will have on review of this project are discussed in the Project Design section of this report.)

Location, Zoning and Current Land Use:

The properties are located south of Route 55 (Main Street) and north of Interstate 66 on land that is currently vacant except for one single-family residence on Stephenson's Hill, which is not included in this project proposal. The site is comprised of two parcels, a 16.84-acre parcel zoned Commercial - Neighborhood (C-1) and Residential-2 (R-2), and a 40.49-acre parcel zoned Residential-4 (R-4).



Surrounding Zoning and Current Land Use:

Surrounding parcels to the north are zoned Commercial-1 (C-1), and Residential-4 (R-4). To the east parcels are zoned Residential District, Townhouses (TH). To the west the parcels are zoned Residential-2 (R-2). The majority of the southern boundary of the site is lined by Interstate 66, minus a small triangular corner piece of a 187-acre parcel that is divided by Interstate 66 which is zoned Residential-2 (R-2). The project surrounds a one-acre lot on the top of Stephenson's Hill which is zoned Residential -2 (R-2).

Commercial uses and a vacant assisted living facility are north of the project site. To the east lies a small-scale single-family residential neighborhood along Anderson Road, a vacant parcel, and a townhome neighborhood. To the west is a single-family residential neighborhood along Lunceford Lane. Interstate 66 spans most of the project's southern edge, except for the vacant piece of the 187-acre parcel that is divided by the freeway. The project envelopes a one-acre parcel on the top of the 750 foot Stephenson's Hill that contains one single family house.

Site History:

The 16.84-acre parcel that forms part of the current Cannon Ridge project is the same parcel, less almost an acre of land, that was approved as the Cannon Ridge Preliminary Plat in 2003. This approved Cannon Ridge plat was for 30 single family homes with lots clustered to the north close to Main Street varying in size between 10,000 and 35,000 square feet. The density of this project was 1.75 units per acre. This plat preserved Stephenson's Hill as the required open space lot. The applicant received an open space reduction that took into consideration the single family lot at the top of the hill. The Construction Plan for this project was never approved due to the Engineering Division's determination that the project did not meet adequate outfall regulations that protect downstream properties from erosion created from the project. In Virginia, preliminary plats are only valid for a period of five years; therefore, the previously approved Cannon Ridge Preliminary Plat has expired.

The 40.49-acre lot was part of a 172-lot subdivision on 71 acres called Carter's Crossing Preliminary Plat, which expired in 2005. The density of this project was 2.42 units per acre.

Applicant's Proposal:

The applicant's submittal package is comprised of a Comprehensive Plan Amendment (CPA), a Rezoning (RZ), and a Text Amendment to the PRD Ordinance. The PRD Ordinance Text Amendment was processed in advance of the other applications by several months and, as previously noted, was approved in an amended form by the Board of Supervisors.

The applicant's Comprehensive Plan Amendment involves a request to change both the text and the land use map for the 2003 Marshall Service District Plan. The applicant's proposal is to change the land use designations on a 16.84-acre parcel from Mixed-Use, Low Density Residential, and Park/Open Space/Public Use/Preservation to Mixed Use and High Density Residential. The applicant also proposes to change the land use designation on a 40.49-acre parcel from Low Density Residential and High Density Residential to High Density Residential. The applicant is

requesting changes in the plan text to supplement the requested change in the land use designations.

The applicant has also submitted a companion rezoning application to rezone the 16.84-acre parcel (Zoned C-1 and R-2) and the 40.49-acre parcel (Zoned R-4) to Planned Residential Development (PRD) for a 280-lot development the applicant characterizes as a “Traditional Neighborhood Design.” The proposed density for the residential component of the property is approximately 4.8 dwelling units per acre.

The application package proposes that regional stormwater management be encouraged in the Marshall Service District. The applicant has submitted an informational map that identifies off-site locations proposed for potential facilities. The applicant believes that regional stormwater management, along with low impact development and on-site stormwater management, has a role to play in this area. The applicant is seeking county support to further this concept.

The applicant’s goal for the joint CPA and Rezoning application is the approval of a 280-lot subdivision that has features reminiscent of a traditional town. The applicant is proposing residential buildings that are close to the street. The applicant is proposing narrower streets than what are typically found in modern developments with wide streets that often encourage drivers to speed through the neighborhood. The Cannon Ridge application also features an inter-connected pedestrian network that leads directly onto Main Street.

Adopted Marshall Service District Plan

The Marshall Service District Plan (See Attachment 1) was adopted in November 2003 following a two-year Citizen Committee, Planning Commission, and Board of Supervisors’ adoption process. The plan envisions the ultimate size of Marshall with approximately 2,500 to 3,000 dwellings and 6,000 to 7,000 residents in a town organized around the historic Main Street core. The plan has policies and guidelines envisioning community neighborhoods with a street grid design linked to schools, parks and the local businesses. The community vision for new development is that it is focused in and around the village core, along Main Street, and that it reinforces the vitality of Main Street rather than competes with it.

In December 2007, Marshall District Supervisor Schwartz began a plan update to the Marshall Service District and that update is still ongoing.

Staff Analysis:

Key issues highlighted in this staff report include the following:

1. Residential Density;
2. Project Design;
3. Live-Work;
4. Public Utilities;
5. Public Facilities;

6. Transportation;
7. Regional Stormwater Management; and
8. Proffer Statement.

1. Residential Density

Fauquier County's Comprehensive Plan promotes a range of residential densities for its Service Districts, including low density (single family detached homes at a density of 1-3 dwelling units per acre), medium density (typically townhouses at a density of 4-6 dwelling units per acre) and high density (garden apartments or low-rise apartments at a density range of 7-10 dwelling units per acre). While this is generally true for Service Districts, the Marshall Service District Plan contains different residential designations:

- Low Density Residential: Less than 2 Units Per Acre;
- Low Density Residential: 1-3 Units Per Acre; and
- High Density Residential: 1-7 Units Per Acre.

The Marshall Land Use Plan (Figure 9) maps these residential areas and the text provides further clarification. In the Main Street Corridor – “In-town housing at medium density and a neighborhood park would be located to the north of Main Street, as well as on the south side of Main Street.” In addition “the land uses fronting and adjacent to Main Street should include a mix of pedestrian-oriented uses and should gradually decrease in intensity the farther they are from Main Street.” For new residential neighborhoods, the Plan states “Development density within the new residential neighborhoods will continue in the existing pattern of 1 to 3 dwellings per gross acre.”

Further analyzing density, the applicant's proposed text amendments would add a significant number of residential units to the 2003 Marshall Service District Plan by adding a policy that Traditional Neighborhood Development (TND) projects at a 5.5 dwelling unit/acre Planned Residential Development (PRD) or Mixed Use density is appropriate throughout the *entire* service district. These text changes can be found on pages 6, 18, 24, 27, 28, and 29 in the applicant's proposed Marshall Service District Plan. Staff's calculates that residential development at an overall density of 5.5 units per acre across the 752 acres of residentially designated land in the Service District would translate to a total of 4,136 units. This amount is almost double the current build-out figures in the adopted Plan. (Approximately 2,574 dwelling units can currently be built under existing zoning and 2,781 dwelling units would result from build-out of all residentially designated land.)

At the 57.33-acre project site, the applicant proposes a designation of High Density Residential Development (1-7 du per acre). This designation would allow up to a total of 401 residential units. The scope of the Comprehensive Plan Amendment changes significantly if this is the applicant's intent, and all of the agency comments would need to be revised accordingly.

This project proposal is also not entirely clear and consistent in regards to limiting the project to 280 dwelling units. The Rezoning Statement of Justification evaluates the fiscal impact analysis of 280 dwelling units. The draft proffer statement also specifies a limit of 280 dwelling units.

However, the draft proffer statement also references the Code of Development which lists “Urban Cottages” as by-right uses, thereby seemingly allowing 280 urban cottages in addition to the 280 main dwellings.

In staff’s view the applicant’s request for a higher density in the northern portion of the property is not a radical departure from the Comprehensive Plan as it is “in the Main Street Corridor,” and based on the current plan text could justify a medium residential density, such as 4-6 units per acre called for in the other Service Districts. A density higher than 4-6 units per acre would be a radical departure from the adopted Plan. As with all density ranges, such as 1-3 or 4-6, the adopted Comprehensive Plan (Chapter 6, page 10) states “Residential rezoning applications are expected to be presented at the low end of each density range for the specified service district location.” Increases in density can be justified with:

1. Provision of affordable housing;
2. Elimination of lot subdivision potential through easements;
3. Implementation of unique town-scale designs consistent with the adopted Service District plan; and/or
4. Combinations other than cash/material contributions to the needs of the County.

The Planning Commission and Board will need to consider the justification presented by the applicant to determine if increases over the minimum are justified. This is true whether the Commission and Board are considering the applicant’s suggested range of 1-7 units per acre or the staff suggested ranges of 1-3 and 4-6.

Staff further suggests that the applicant confine his text changes to those affecting his site and refrain from making wholesale changes to other portions of the Marshall Service District Plan.

2. Project Design

The newly adopted PRD Ordinance provides measures to ensure the implementation of the best elements depicted in the applicant’s Cannon Ridge Code of Development and Concept Development Plan, both of which must be significantly revised and expanded to meet the new Ordinance requirements.

Some of the key new PRD text amendments that will help to address some issues raised by staff in this first review of the project include new provisions to arrange lots and buildings with diversities in heights and separations, along with minimized garage frontages. Additionally, the revised Ordinance more clearly spells out how a required Code of Development must include clear and concise architectural standards and project design criteria that are referenced to sketches and renderings.

The next submission of application materials will need to include all the required PRD submission materials in order to ensure timely review. The applicant was made aware at the Planning Commission work session that there is considerable community concern that the project must respect the site’s environmental features and respect the building form and design of Marshall.

3. *Live-Work*

The Live-Work concept continues the traditional pattern of having living space located in the same building as work space and presents small business start up opportunities that would otherwise be limited in a standard suburban development. Live-Work units are beginning to appear in small portions of mixed use projects throughout the region.

As a commercial use, these Live-Work units should be logically placed along the main artery. The Code of Development should codify the range and intensity of commercial uses envisioned in this particular project given that this project is being justified as necessary to supply Main Street a larger customer base.

4. *Public Utilities*

As in several other Service Districts, development in Marshall is restricted significantly due to water and sewer service. The sewer limitations are a result of statewide caps set by the Department of Environmental Quality (DEQ) to limit nitrogen and phosphorus loads into local rivers and the Chesapeake Bay by 2010. Future water availability will ultimately depend on additional well-water yields.

The Fauquier County Water and Sanitation Authority (WSA) has been the Marshall community's sole franchise provider for both public sewer and water since they were deeded Marshall Water Works in December 2006. At a June 25, 2009 Planning Commission work session, Barney E. Durrett, Director of WSA, updated the Planning Commission on the status of water and sewer service conditions previously outlined in the 2003 Marshall Plan and the Business Development Strategies Report (March 2, 2007). Mr. Durrett's and his staff's comments are summarized as follows:

- Water Service: The WSA is currently implementing a three-phase project to repair and expand the previously privately-owned water system. Groundwater based systems like the Marshall system require ½ gallon per minute of well water source capacity per connection to meet Virginia Department of Health standards. There are currently 580 existing water customers. At this time, the Marshall Water plant has a water production deficit. A drilling program has been underway for the last four months, but to date has not located any source that would provide a supply of water adequate to justify development as a public water supply well. More drilling is scheduled in the coming weeks. Once the system is fully repaired and the 17/66 well comes online, WSA will have available a total of 30 additional water connections. Additional capacity for future developments will have to be secured on a project-by-project basis, with the burden on the developers to locate and fund production of additional sources of water.
- Sewer Service:

The Marshall wastewater treatment plant is already expanded to its DEQ allocated 2010 capacity of 640,000 gallons per day (gpd). (This sewer cap is identified in the 2003 Marshall Plan and the 2007 *Business Development Strategies Report*.) If the 2003 Marshall Service District Plan is fully built out, the land already planned for these utilities would

consume approximately 829,880 gpd of public sewer. (These calculations do not include the sewer demand requirements for the Town of The Plains which is also served through this facility.) WSA currently services 750 sewer customers. WSA has 850 unallocated sewer taps. By Virginia Law, these are offered on a first come first serve basis. WSA has no plans to increase the capacity of the Marshall wastewater treatment plant, so only 850 taps are available for the foreseeable future.

The Planning Commission should give serious consideration to the allocation of public utilities to this project in context of the impacts to the entire Marshall Service District, particularly in terms of meeting the County's long-term economic development goals to sustain and enhance its commercial and industrial tax base. The Planning Commission and Board will need to determine if the location and merits of this project justify using 280 of the 850 unallocated taps left at the Marshall treatment plant for this project.

5. Public Facilities

Comprehensive Plan Amendments must include an analysis of infrastructure such as fire and rescue facilities and schools and the fiscal and community-wide impacts. Rezoning applications typically use the proffer model to determine impacts. The community facility needs generated by the proposed development and the community facility needs of the Service District need to both be considered.

The proposed Comprehensive Plan Amendment eliminates approximately 8 acres of designated Park/Open Space/Public Use/Preservation. In 2003, the Marshall Citizen Committee identified the 8 acres, known as Stephenson's Hill, as an important community cultural and environmental resource. According to John Gott, a renowned local historian, Colonel John Mosby and his raiders used Stephenson's Hill to their advantage to fire cannons to disrupt Federal troop activity at the Marshall depot in the fall of 1863.

At this time, the draft proffer statement does not address any funding for public facilities.

More detailed information on school impacts is provided later in this report in the comments from the School Division.

6. Transportation

The transportation network put forth in the Cannon Ridge CPA and Rezoning could be a laudable example of a pedestrian oriented infill subdivision that continues Marshall's existing traditional development pattern, if in fact all of the details laid out in the Code of Development are secured through the project approval process. The transportation system details are immensely important to achieving the vision presented in the Code of Development, which should be more prescriptive in terms of the landscaping, lighting, the trail and sidewalk widths and surface treatments, and the maintenance thereof. Staff concerns and issues regarding transportation infrastructure are extensively outlined in the County and agency comment section of this report.

Community Development conceives of this project as one that could lay the groundwork for a prototype neo-traditional street section that can be utilized in all of the Service Districts. As it currently stands, each applicant has to painstakingly coordinate their efforts with VDOT, WSA, and Dominion Power.

As noted in the Zoning comments, the project as designed would require a waiver of the 200' setback required from Route 66. The Planning Commission will want to carefully consider this issue.

7. Regional Stormwater Management

The applicant's Comprehensive Plan Amendment and Rezoning application seeks recognition that a regional stormwater management approach, as shown on its Concept Plan, is a desirable approach to address storm drainage problems within the Marshall Service District. In addition, many of the proposed text changes promote the inclusion of this position along with other creative concepts. The County has not previously taken such a position. In fact, the U.S. Army Corps of Engineers has not shown much support for this type of Stormwater Management. Advancing this type of Stormwater Management Plan may be in conflict with present day preservation techniques employed by a revised more low-impact approach of treating Stormwater Management. On a more global level, should regional Stormwater Management be an avenue that the Planning Commission and Board of Supervisors wish to investigate and pursue, there is a significant amount of preliminary work that will be necessary on behalf of the County to establish such a plan. Fauquier County has been advised by the Virginia Department of Conservation and Recreation that in order to pursue such an undertaking, Fauquier County would need a Regional (Watershed-wide) Stormwater Plan in place in order to utilize a regional facility per 4 VAC50-60-90. A regional approach would also require facilities outside of the applicant's site at a future date. Greater details are contained in the comment letter from the County Engineer.

In light of the County's still developing understanding of Regional Stormwater Management, it would be imprudent to include the applicant's suggested off-site Regional Stormwater Management ponds on any Concept Plan adopted as part of the Comprehensive Plan. Until such time as the County adopts a regional stormwater management plan for Marshall, the applicant will be required by Virginia law to accommodate all of their stormwater management on-site.

8. Proffer Statement

The applicant included draft proffers which focus on the Code of Development, density, and yet to be determined cash contributions. The applicant should not forget to consider traditional proffers such as the timing of road construction and open space improvements.

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.

The Planning Division of Community Development comments regarding the privately-initiated Cannon Ridge Comprehensive Plan Amendment (CPA), Rezoning, (RZ) and companion Planned Residential Development (PRD) Text Amendment are organized into three categories:

- 1.) Site specific planning issues on the 57.33-acre subject property, and**
- 2.) Impacts to the 2003 Marshall Service District Plan, and**
- 3.) Impacts to the Fauquier County Comprehensive Plan.**

1.) Site Specific Issues regarding the Cannon Ridge CPA, Rezoning, and Planned Residential Development (PRD)

RESIDENTIAL DENSITY:

- a.) The applicant has requested a designation of High Density Residential Development (1-7 du per acre) for the subject property as represented on the Marshall Service District Land Use Map (Figure 7 in the application.) This designation would allow up to a total of 401 residential units. The scope of the Comprehensive Plan Amendment changes significantly if this is the applicant's intent, and the agency comments would need to be revised accordingly.
- b.) Further, the application package is also not entirely clear and consistent in regards to limiting the project to 280 dwelling units. The Rezoning Statement of Justification evaluates the fiscal impact analysis of 280 dwelling units. The draft proffer statement also specifies a limit of 280 dwelling units. However, the draft proffer statement also references the Code of Development which lists "Urban Cottages" as by-right uses, thereby seemingly allowing 280 urban cottages in addition to the 280 main dwellings. Urban cottages need to be removed as a by-right use in the Code of Development since the current PRD Ordinance and the draft proposed PRD Ordinance limit urban cottages to 7,500 square foot lots, and no lots that size are proposed in the Cannon Ridge Code of Development.
- c.) The code of Development lists a range of lot dimensions (pgs. 12-23) proposed for the project; however, because the PRD application materials in the Zoning Ordinance (ZO) (Section 4-113) have not been provided by the applicant to date (Please see Zoning Office comment #28) it is not possible to assess the site design in terms of the variation in lot layout. Does the current Concept Development Plan plat represent 250 single family units and 30 townhomes at the minimum lot size? Maximum lot size? Does the current Concept Development Plan have the assortment specified on page 11?

COMMERCIAL USES

- d.) The proposed Cannon Ridge Comprehensive Plan Amendment and the proposed Rezoning

request for a 280-lot subdivision are not consistent or clear applications in terms of proposed commercial uses. Chapter V in the proposed Code of Development proffered with the Rezoning application references “Neighborhood Commercial,” (pg. 8); however, there are no commercial sites mapped or denoted either in the Rezoning Concept Development Plan or on the proposed Land Use Map (Figure 7).

- e.) The application needs to clarify the amount and location of the commercial uses that are being requested as specified in the PRD Ordinance. The applicant did not discuss commercial uses in the Traffic Impact Analysis (TIA) scoping meeting; therefore, the TIA does not model commercial uses.
- f.) The live-work concept continues traditional town planning concepts but these units should be properly located in central areas of the community, limited in total number, and the Code of Development should list allowable uses and intensities of uses. Please justify why the live-work unit is limited to townhomes shown on page 22 in the Code of Development.
- g.) There is no exhibit for pure commercial use on page 22 in the Code of Development.
- h.) Additional commercial space in this development, in addition to the live-work units, may drain vitality from Main Street. The Planning Office recommends institutional uses, such as a day care or a church, in lieu of commercial uses. (pg. 36)

COMMUNITY DESIGN: (The page references are to the proffered Code of Development.)

- i.) The number of single family homes proposed is too large a percentage for the project to be realized as a varied housing style type of development represented in the Code of Development.
- j.) The lot mix is not varied enough (pg. 11) and a transect area could end up with all single family detached structures (pg. 11), which is not the mix alluded to in the Code of Development language and currently depicted on the Concept Development Plan.
- k.) Please provide a phasing plan that ensures a mix of housing types on page 46, first paragraph.
- l.) The lot widths shown on Exhibit 5 (page 14) do not replicate the traditional building pattern layout in Marshall. There is no space available for small outbuildings and sheds.
- m.) The minimum 5-8 foot yard setbacks (pages 15-22) between buildings does not replicate the traditional building pattern layout in Marshall.
- n.) The neighborhood house shown on Exhibit 8 (page 17) is disproportionately large for the lot.
- o.) The Estate House shown in Exhibit 9 (page 18) is disproportionally large for the lot. The 25’ front yard setback is closer to a conventional design than a traditional design.

- p.) The building height proposed on page 12 is not consistent with building heights in Marshall. (The work completed by Milt Herd on form-based code indicated a maximum height of 35' in the Gateway West Area.)
- q.) The requirement that all townhomes be a minimum of 30' in height (page 19) is inconsistent with the project's goal for a variety of housing types and styles.
- r.) On page 23 (Exhibit 14), the side entry garages appear more spacious and less crowded than the rear-loaded lots. If the lots are front or side loaded, they cannot meet the side setback criteria in Exhibits 6-13. Front loaded units create a conventional style suburban streetscape, whereby the application promotes this project as neo-traditional.
- s.) On page 39, the sign regulations are too weak. There are several types of sign prototypes found on Main Street, such as hanging signs, so special standards are warranted.
- t.) Buildings should be oriented to front the parks in keeping with traditional town building layouts and as shown on an illustration on page 1, but the plan does not show the buildings fronting the parks.
- u.) Language on page 6 asserts that all of the site is central to Main Street; however, the southern end is somewhat distant. Where is exhibit 2 on this page?
- v.) On page 42, text should be added to require lighting in alleys, fences should be restricted in front yards, and given the existing topography of the site, the Code should require quality retaining wall standards.
- w.) Architectural Review and Design Standards

Virginia Laws preclude localities from requiring specialized architectural designs or materials on developments outside corridor overlay districts and local historic districts, unless the architectural standards are preferred. Since that is the case, it is extremely important that the Cannon Ridge preferred Code of Development include codified architectural standards and materials that are based on local architectural precedents. The broad architectural concepts of scale, order, rhythm, and proportion (pages 52-54) need to be translated into clear enforceable design regulations, not "recommended design standards" that cannot be legally enforced. These generalized architectural concepts would not allow Fauquier County to require the types of designs represented on the visuals presented in the Cannon Ridge Code of Development.

-The Code of Development promotes an *option* for the County to establish a design review decision-making apparatus (page 52, paragraphs 1-3) involving an architect or design review committee. The fact that this is an optional review process needs to be clarified throughout the document (page 2, Chapter X, and any other text references).

-On page 54, the standards for materials are missing. Materials are a critical element at this

level of density.

-Who will pay the town architect described on page 66? Is there any appeal of the town/architect/DRC decision (page 67)?

-On page 68, first paragraph, the Design Review Committee (DRC) is initially controlled by the owner, but the owner is not obliged to give up control. How will the owner phase out and the homeowners' association (HOA) be phased in? In the third paragraph on page 68, "or special exception" should be added to the last sentence.

x.) Landscaping and Open Space:

-The illustrations show a lake as the stormwater management facility that is intended to function as a neighborhood amenity. Please justify and explain how the proposed "enhanced extended detention pond," which is a type of dry pond, will function as a community amenity.

-The application notes that significant trees and tree stands are to be preserved but there are no sites identified for preservation (page 55).

-The Code of Development (page 26) should also decrease the intervals for tree plantings from 45' o.c. to achieve the foliage cover represented in the application visuals.

-On page 57, the third paragraph is missing a serious discussion of landscaping along Route 66 and adjacent to existing residences to the west.

-On page 58, the first paragraph should state the minimum size means at time of planting.

-On page 63, in the sixth paragraph: Will developer/HOA maintain street trees? Their long term maintenance would likely be better if HOA maintained than if VDOT maintained them.

-The Open Space plan shown on page 56 should include how spaces will be used. For example, will there be a child's play area or a gazebo? Green areas along alleys should not be counted as open space. Further, what does the clause at the end of the first paragraph mean on page 32? Please clarify.

y.) Pedestrian and Vehicle Transportation:

-On page 34 (Exhibit 19), the alley west towards Lunceford Lane should be a street, so a future connection is possible. There needs to be a public street connection to the small triangular property owned by Cedar Grove Limited Liability Company.

-Sidewalks should be 5' (page 28) and they belong on both sides of the street (page 26.)

-Fauquier County trail standards are 10' wide in a 20 foot right-of-way with asphalt

surface. (page 40.)

-On page 40 the third paragraph should be made consistent with the Statement of Justification (April 7, 2009) that promises raised brick sidewalks and brick herringbone design sidewalks. Similarly, the Statement of Justification calls for curb extensions (bulb-outs). If so, where?

-On page 41, there needs to be a clarification whether hardscape is the same as a sidewalk.

z.) TECHNICAL EDITS:

-Amend the charts on pages 20-22 in the 2003 Marshall Service District Plan to represent additional build-out.

-Label Figure 6 in the application as the “Current Land Use Plan” since “Existing Land Use” is used to describe existing site conditions.

-Revise *all* graphics to show the PIN #6969-36-8870 (owned by Cedar Grove Limited Liability Company) along Route 66 is not part of the application.

-Exhibits C-.7 and C.-8 are missing in the most recent submittal packages although they are referenced on pages 2 and 3 of the April 10, 2009 “Addendum Memorandum in support of the Cannon Ridge Comprehensive Plan Amendment.” (These exhibits were submitted with the first submittal but were not included in the most recent submittal.)

-The rendering on page 28 should be removed since lots on Main Street are not part of this application.

2.) Impacts to the 2003 Marshall Service District Plan

RESIDENTIAL DENSITY

a.) The Statement of Justification for the Comprehensive Plan Amendment (pgs. 9-10) states that “Language contained in the Marshall Service District Plan indicates that Marshall should develop its new residential areas as medium density.” Staff does not concur with this interpretation.

b.) The applicant has requested a designation for High Density Residential Development (1-7 du per acre) for the subject property as represented on the Marshall Service District Land Use Map (Figure 7 in the application.) Existing zoning on the site would allow up to 190 residential units and the proposed designation would potentially allow up to 401 residential units.

c.) The proposed text amendments add significant amounts of density to the 2003 Marshall Service District Plan, which is currently undergoing an update. The proposed new text

amendments infused throughout the 2003 Marshall Service District Plan outline a policy that the Traditional Neighborhood Development (TND) project at a 5.5 PRD or Mixed Use density is appropriate throughout the entire service district (pgs. 18, 27, 28, and 29.) According to a recently conducted build-out analysis completed by Community Development, an overall 5.5 dwelling units/acre density in Marshall across 752 acres of residentially designated land would double the amount of planned residential units to allow up to 4,136 total residential units. The current build-out figure based on 2003 land use designations is 2,574 dwelling units. The existing zoning would permit 2,781 dwelling units.

UTILITIES and FACILITIES:

- d.) The 2003 Marshall Service District Plan (pg. 11) Public Sewer Capacity table already represents an excess demand over supply of available sewer. One of the requirements in the ZO for a Comprehensive Plan Amendment is analysis of the “Public facilities and utilities, and their availability to the site, as well as an analysis of the facility and utility needs which will be generated as a result of the proposed amendment.” Please clarify how this amendment is justified in light of the sewer constraints.
- e.) The proposed Comprehensive Plan text amendment on pg. 12 needs to be revised to add language clarifying that any plans for a regional stormwater system would need to be preceded by engineering and financial studies and authorized by the Board of Supervisors.

3. Policy Impacts to the Fauquier County Comprehensive Plan

RESIDENTIAL DENSITY

- a.) The Statement of Justification for the Comprehensive Plan Amendment (pg. 9) states that the “County’s Comprehensive Plan recognizes Medium Density Residential as the land use designation to accommodate future growth in its service districts.” This is an inaccurate statement since the Comprehensive Plan promotes a mix of densities. The applicant may have reached this inaccurate conclusion by taking an average of density ranges outlined in Chapter 6 - Service Districts - Fauquier County Comprehensive Plan which states: Land use mix and densities are also important elements of the service district plans. The service district plans include a range of residential densities that include low density (single family detached homes at a density of 1-3 dwelling units per acre), medium density (typically townhouses at a density of 4-6 dwelling units per acre) and high density (garden apartments or low-rise apartments at a density range of 7-10 dwelling units per acre).

Zoning (Kim Johnson)

NOTE: The Zoning Comments include general comments about the proposed Code of Development, to include confusing or inconsistent elements and broad substantive comments related to the proposed nature of the development, as well as comments on technical compliance with the Zoning Ordinance PRD and other provisions. Please note, the PRD regulations were amended by the Board of Supervisors at its July meeting. Staff has attempted to provide comments on both existing and proposed PRD regulations, but final

comments cannot be provided since the BOS just approved the revised Ordinance.

1. The Code of Development contains a substantial amount of soft language which helps to paint a broad picture but will have no force or use in the ongoing evaluation of projects. It would be helpful if the Code clearly separated such “soft language” from the standards and requirements and identified and labeled the portions that are Standards (requirements) and Guidelines and also clearly distinguished between the two and defined the difference. Staff presumes that standards are absolutes that cannot be waived whereas Guidelines are open to interpretation by the administering agent. The proffers (1b) continue this confusion by failing to distinguish between standards and guidelines.
2. The Land Use Summary on Page 6 is confusing with respect to density, and this appears to be the only place within the submission where density is addressed, other than the limit in the proffers (2a). The table shows a maximum density of 4.8 units per acre, but based on the rest of the data in the table, it appears that this is actually 4.8 *lots* per acre, with some lots planned for multi-family uses per the remainder of the Code (p. 38 Text provides for residential apartments and condominiums over 1st floor commercial uses.) Clarify and make consistent, and show compliance with Section 4-108 of the existing ZO which limits density. [Note: under the draft version of the revised PRD Ordinance, the amount of residential allowed over 1st floor commercial changes.]
3. The Land Use Summary on Page 6 does not include any purely commercial lots, yet the language under mix of uses on page 8 states that “occasional single purpose commercial uses are encouraged.” Are such uses allowed anywhere within the development? Also, p. 38 bullet three refers to the “commercial zone”; is this zone identified in the documents? Staff cannot find it. The maximum amount of commercial allowed is not tabulated to show compliance with existing ZO Section 4-106.b. [Note: under the draft version of the revised PRD Ordinance, the tabulation requirements change and live-work commercial space is excluded from being counted as commercial space.]
4. The list of Permitted Land Uses in the Appendix conflicts with the existing PRD zoning provisions. The only primary uses allowed are: detached single family dwellings, attached single family dwellings including duplex townhouses atrium houses and patio houses, multi-family dwellings and urban cottages. The Code listed Live-Work Townhouses, Commercial/office uses co-located with residential or live work dwellings (isn’t this the same thing?) and stand alone commercial uses. The existing PRD does not allow these additional uses, although they are allowed as secondary uses. [Note: Under the draft version of revised PRD Ordinance, Live-work dwellings become a primary use.] However, secondary uses are only allowed subject to designation of areas and sites for such uses in the approved Development Plan and subject to further limitations (Section 4-104 of the ZO). No specific locations are identified in the Development Plan or Code of Development. Such uses appear to be allowed at all locations without restriction. Likewise, the uses that are designated as secondary uses in the Code need to have more clearly designated areas (not necessarily specific lots, if not appropriate, but location standards for such uses). Also, the reference to “atrium and patio houses” should be removed unless they are defined in the Code to have some meaning. Also, urban cottages are not allowed in this PRD, as no lots meet the locational

requirements for such units wherein the minimum lot size is 7,500 square feet.

5. Insufficient information is provided on the open space proposed. Provide breakdown of open space areas (sizes) and clearly show all areas being counted as open space. Alleys, sidewalks along streets, are not counted as open space (although page 55, Exhibit 23 note suggests that alleys have been counted and page 32 text wrongly presumes that private alleys may be counted as open space whereas public alleys cannot). Also, the character of the proposed open spaces is not clear. Some active open space areas are labeled but no information is provided about the amenities proposed. How is a median like the one in front of the main road between “E Zone” units possibly active open space? Conceptual plans for key open spaces should be provided as part of the Code of Development so that staff can assess the adequacy of open space. Note, under the existing ZO Section 4-109, 25% open space is required, to be calculated as set forth in Section 2-309 of the existing ZO. Certain areas (such as utility easements) cannot be counted. In addition, Section 4-109 of the existing Ordinance also requires a certain amount of recreational open space, with active amenities provided. [\[Note: Under the draft PRD provisions, the specific requirements for active open space are changed.\]](#) Tabulations should be provided to show compliance with these requirements, in addition to the details on open space character as noted above. If lesser open space is proposed in the development (total or active), an SE for an open space reduction pursuant to Section 3-327 is required with the rezoning application.
6. The preamble to Neighborhood Standards states that each Block will have a mix of lot sizes, yards, building heights and architectural massing, but staff did not find more specific standards actually requiring such variation. Nor does the illustrative plan appear to provide such variation. The requirement to have 3 of 9 lot types and 2 of 4 lot categories in each “Transect Zone” would not appear to accomplish the goal of variety within blocks. Entire streets, under this scenario, could have similar lots and house types. [\[Note: the draft PRD Ordinance includes specific lot and building requirements which must be addressed in the Code of Development.\]](#)
7. In addition, the use of “Transect Zones” on the Concept Plan is somewhat confusing. They are mentioned again in the Code of Development, but no information is given regarding the changing character of the different Transect Zones; they are all subject to the same rule of having 3 of 9 lot types and 2 of 4 lot categories. Typically, “Transect” is utilized in the Planning field to denote a transition from one character to another (i.e. from a more rural to a more urban character). Is this the intention here? Is the intent to simply identify “neighborhoods” or “phases”? If so, the location of the different transect zones does not appear to relate well to the surroundings, and the boundaries for the neighborhoods appear to be drawn more to facilitate phasing, rather than neighborhoods each designed around a focal point. Staff believes such neighborhoods/phases are important to identify, but each should be of a particular character with a particular focal point, and additional information should then be provided about the proposed land use and character of the proposed neighborhoods.
8. Exhibit 5, Residential Block Prototypes, does not match setback from rear in Exhibit 3 (15’ from rear property line for primary building). The setback suggests a block prototype could be entirely filled in, yet the prototypes do not show this as being an option, which is misleading

with respect to coverage. The proffers (2b) indicate coverage is addressed in the Code of Development, but if these prototypes can be filled in, how is coverage addressed?

9. Exhibit 14 has a note that “the majority of Cannon Ridge lots are served by an alley.” While this is technically true, it is worth noting that a significant number of lots—60—are not served by an alley, including entire stretches of some streets. Furthermore, the standards for the “Primary Residential Street” provided on page 26 state that “alley access is recommended” for lots along such streets. Yet, most of the front loaded units are located along the Primary Street, appearing to violate this standard. [\[Note: the draft PRD provisions provide for more stringent requirements related to alley parking and front loaded design in the Lot and Building Requirements.\]](#)
10. Page 28 notes sidewalk widths of 5’ for all streets except one-way, and 4’/5’ for one-way. Page 40 states all sidewalks can be reduced to 4’; inadequate for most streets, certainly Primary. Also page 40 says trails only need to be 4’ to 6’ wide. Typically a trail needs to be wider than a sidewalk to be functional for bicycles and pedestrians.
11. Page 36 suggests that live-work units can be incorporated into single family lots as well as townhouse lots? Additional information is needed for this prototype. Also, clarification is needed regarding specific neighborhoods where such units would be allowed. Likewise, page 36 states all townhouses can be converted to live-work. In order to meet the variety requirements, staff would anticipate that townhouses are located throughout the project. Does it make sense to allow all locations to be live-work? Also the statement on page 72 that live-work units must be on streets with parking. Do not all streets have parking? How does this help identify appropriate areas?
12. Page 43 (paragraph 3) requires mailboxes (if they cannot be on individual homes per Post Office), to be located in a centrally located mail kiosk. Staff would recommend requiring a location next to a small commercial use, so that the foot traffic generated by the postal facilities can be utilized as an engine for at least one small business.
13. Process issues raised by language of the Code (i.e., pages 43/57 uses language of “1st final site plan”). Is this intended to also mean construction plan (for residential units) and infrastructure plan. Likewise, the Code refers to a Public Improvements Plan (page 64). What is this? Is it required? The Code also refers to the special use permit for the project (page 68)... How does the requirement for a 15 day-turnaround of review, including “Zoning Review” (page 69) fit into County’s processes? Need to define a process that works within our established regulations and procedures (or develop revised procedures as part of this approval, where possible and appropriate). Note that under the County’s Zoning Ordinance, Subdivision/Final Plat and Site Plans are required for multi-family and townhouse type units as well as for the creation of commercial lots.
14. Page 51 - The Design Review process as described is potentially substantially within the hands of the developer, as the developer controls the DRC and then the DRC eventually becomes the HOA. Such a body would not necessarily be positioned to enforce the broader goals of the County, as opposed to the interests of the developer or the residents themselves. DRC/HOA

given authority to change the Design Review Process (page 68). All requirements can be waived by the DRC/HOA (page 68). The County may appoint and employ a Town Architect, who will handle some responsibilities. Does the developer propose to help fund such a position? [Note: the draft PRD regulations include specific requirements for the Design Review Process.]

15. Page 44 calls for utilities to be located in public right-of-way to the extent possible, “to this end, modifications and variations to the County’s existing utility easement policies and design standards shall be approved at the time of rezoning.” If modifications are desired, the specific regulations from which modifications are sought should be identified. Staff is unclear on what policies are at issue. Potential issues will arise from VDOT and WSA. Has this issue been coordinated with them to assure utilities can, in fact, be placed in the public streets?
16. Construction phasing is not addressed. (page 46 leaves such phasing decisions entirely up to a “Review Committee”).
17. Page 46 indicates that all temporary facilities shall be removed within 30 days of issuance of a Certificate of Occupancy (CO). Is 30 days long enough for construction trailers, etc.?
18. Parking is not adequately or clearly addressed. How much on-street parking is projected to be available? Page 42...How will shared parking strategies be employed to “significantly” reduce parking requirements, when minimal commercial uses are planned and the document states that extra spaces are required for live work units? Seems like superfluous language. Also, the Parking Standards in the Appendix refer to parking for Urban Cottages, but such units are not allowed (see comment 4). In addition, the last bullet under the parking standards states that a waiver may be granted to parking requirements pursuant to the PRD provisions. Waivers are clearly required (and desired) in order to allow parking to be located off-lot and on the public streets and to waive loading requirements for any commercial uses. Any waivers desired must be identified and specifically requested as part of the rezoning.
19. Other than the basic SWM concept presented on p. 48, there is little information about the proposed regional stormwater management strategy, nor do the statement of justification, concept plan or proffers develop the concept. More details should be provided at this stage regarding the overall concept, phasing and payment for construction, and strategy for ongoing maintenance.
20. While saving existing trees on the site seems to be an important point made throughout the Code, no specific standards or guidelines appear to achieve this goal (i.e. p. 57 par. 3 calls for the preservation of mature vegetation around the perimeter of the Cannon Ridge PRD”). Key areas/trees worthy of saving should be identified with the concept plan. It is unclear from the Concept Development Plan what areas are to be preserved (for example, some areas are labeled as alley buffers; but they include the alley itself).
21. Page 3 (3rd paragraph) talks about “public and private streets,” and page 8 (2nd paragraph) talks about “public streets and other internal streets” but it appears that all streets other than alleys in the development are planned to be public. Please clarify. A special exception is

necessary to provide private streets (except alleys).

22. All of the language related to architectural prototypes (Section VIII) is vague, referring generally to “architectural designs based on local and Virginia vernacular styles.” The Code should reference specific examples of such architectural prototypes. Likewise, page 52 states a major objective is to create architectural characteristics common to “successful, contemporary Traditional Neighborhood Developments.” Isn’t the goal to avoid a cookie cutter traditional development and create a neighborhood unique because of its local references?
23. Page 51 states “that repetitious track housing will not be permitted.” What mechanisms in the code will prohibit development of tract housing by developers, with only minor variations in architectural details?
24. Page 63 (D.) defines what constitutes a violation of Town Architect/DRC requirements. Enforcement mechanism?
25. Nothing in the application addresses the adequacy of necessary public facilities such as roads, public facilities and utilities, as required by Section 4-102 of the existing PRD regulations.
26. The limitation on size of units over commercial (live/work) set forth in Section 4-106.g of the existing ZO is not addressed.
27. The lot and building requirements and necessary modifications are not set forth as required under Section 4-107 of the existing ZO. [\[Note: This would not be required under the proposed revised PRD.\]](#)
28. The following materials required pursuant to the existing PRD provisions of the ZO (Section 4-113) were not provided as part of the application [\[Note: Other additional materials are required to be submitted for a PRD under the proposed revised PRD provisions\]:](#)
 - a. A 24” x 36” Concept Development Plan showing all of the specific items listed in 4-113 a-h.
 - b. Specific requests for modifications.
 - c. A statement detailing anticipated impacts of development, including the extent, approximate timing and estimated costs of proposed off-site infrastructure improvements.
 - d. A complete draft proffer statement to address mitigation of impacts, including but not limited to transportation impacts, impacts on public facilities such as schools.
29. Proffer 1c appears to over-extend the Director’s authority to grant revisions, which is set forth in Section 4-115 of the ZO, as well as Section 13-202.2.D.5 of the ZO which sets forth the definition of substantial conformance with respect to rezoning. Amend.

30. Proffer 1f excludes Nursing Home and Assisted Living units from proffer payment. However, these uses are not authorized in the PRD, so this section should be deleted. Note, Live-Work units are considered residential units; if the applicant seeks a distinction for such units, this should be clarified.
31. The language of proffer 6 is unclear with respect to whether or not the amount proffered is in addition to the previous amounts.
32. [Note: the revised PRD contains new standards for the Board of Supervisors to consider in approving a PRD.]
33. Modifications from Zoning Ordinance required (staff notes that given the limited information provided, we may not be able to identify all necessary modifications; the applicant should carefully review Zoning and Subdivision Ordinance requirements to determine whether modifications are required in conjunction with the rezoning. Most requirements in the ZO cannot be modified except as part of the rezoning). These requirements must be met under the existing ZO unless a modification pursuant to Section 4-112 of the ZO is specifically requested and approved as part of the rezoning. No modifications have been requested.
 - a. The loop road exceeds the maximum length and number of units allowed on a dead-end street. A higher degree of connectivity would be anticipated in a traditional neighborhood development (TND). This could be remedied by converting the alley located at the end of the loop to a street.
 - b. 2-411.1 - 200' setback requirement from I-66 right-of-way line for Residential.
 - c. 2-406.1.3.B - Requirement for slopes over 25% to be located in common open space (appears an area of "E" soil south of the water tower location is likely steep slopes).
 - d. 2-309.2 - Partial Credit for Open Space when in a major utility easement.
 - e. 7-102.1 - Parking must be provided on same lot as use (and not on street).
 - f. 7-202 - Waiver of all loading requirements.
 - g. 7-450 - Public street length limits, as well as number of lot limits for dead-end streets.
 - h. 3-506 More than 8 townhouses in a single row.

Engineering (Jennifer Kilanski)

The Technical Division has reviewed the plans for the above referenced project sealed on 04/20/09 by Frank D. Cox, Jr., P.E. The following issues are to be addressed prior to plan approval.

FINDINGS:

Site Conditions:

1. The geotechnical report by Engineering Consulting Services, Ltd., dated August 27, 2001

for the portion of this property formally known as Carter's Crossing, states that there is shallow bedrock over portions of the site. The report also states that blasting or hoe ramming will most likely be required and the depths could be as shallow as 2'-3'. The report also states that it appears that ripping and/or blasting will be required for the installation of utilities and possibly for the excavation of basements depending on final grades.

2. The Phase I Environmental Site Assessment report by Environmental Service and Technology Corporation dated August 2, 2007 for this site states that the adjoining property to the north is listed as a site of reported petroleum contamination by Virginia Department of Environmental Quality. The Virginia Department of Health records indicate that historical testing of the supply wells for the adjoining former Marshall Manor facility detected concentrations of volatile organic compounds in two of the facility's supply wells in 1998 and 2005 at levels exceeding the EPA Maximum Contaminant Levels for Drinking Water. A third well was recently drilled and initial analysis in January 2007 detected trace concentrations of chlorinated solvents and petroleum indicators. A test in March of 2007 did not find these solvents or indicators.

Stormwater Management:

1. It appears that the applicant is proposing a regional pond to serve this site. The Master Plan Stormwater Concept presented in this submission shows seven (7) other ponds on private lots that are not part of this application.
2. This applicant is proposing an enhanced extended detention pond which is a type of dry pond. Since this is a drainage area of roughly 100 acres and the stream appears to be perennial, an adjustable orifice should be used according to the Virginia Stormwater Management Handbook. This will require continuous monitoring to maintain the proper marsh volume to keep the plant life viable.
3. In the draft proffers dated April 1, 2009, the applicant proposes that the County be responsible for the maintenance of the stormwater management and BMP facilities for this development including establishing, and it appears assessing and managing, a fund for the perpetual maintenance of these facilities.
4. In the "Code of Development" dated April 10, 2009, the applicant states that the regional stormwater management plans will not be submitted until the final site plan or plat is submitted.
5. It appears the road downstream of the proposed pond may be part of the pond embankment. Typically VDOT does not allow a State maintained road to be part of a pond embankment.

Erosion and Sediment Control:

1. The "Code of Development" states that the home-builder will be held responsible for maintaining SWM/BMP capacities during construction. By State law, the land owner will be held accountable for maintenance of all E&S controls during construction. This responsibility cannot be delegated to the home-builder.

2. The discharge point shown on the north side of Route 55 appears to include a pipe installation across a private property and the fire station property. In addition, the pipe appears to discharge onto a third property. Any proposed change to this outfall should be investigated thoroughly due to the fact that three (3) off-site properties and Route 55 could be impacted.

RECOMMENDATIONS:

1. Prior to considering this plan in its current design, it is strongly encouraged that the concept of regional stormwater management for Marshall be investigated in much greater detail to assess if regional stormwater management is appropriate and, if so, where the most suitable location for the facility(s) based on environmental resources (protection of streams, wetlands, waters of the US, etc.), minimizing flood hazard, providing recreation opportunities for Marshall residents and most advantageous location for improving water quality.
2. A financial assessment should be performed to determine the cost and resources for the County to maintain the stormwater management facilities, including continuous monitoring and adjustments as needed to seasonally regulate the orifice (due to a dry pond being used in a perennial stream) and long term maintenance as the applicant has proposed.
3. A concept SWM plan should be provided with the rezoning rather than waiting until final construction plans so that proper space allocation, the need for wetland permits, etc. can be assessed during the land planning stage. Currently, this concept plan is required at the rezoning phase by ordinance.
4. Further investigate the possibility of contamination of this site due to the well contamination identified or from any of the eleven (11) sites that are identified in the Leaking Underground Storage Tank (LUST) database that were listed in the Phase I Environmental Site Assessment.
5. Minimize grading on the site to minimize the potential for blasting.
6. Do not use the road or road fill as any part of the pond embankment.

Soils (Jim Sawyer)

Code Compliance:

The development plan shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features (Zoning Ordinance 4-114). The characteristics listed in “Findings” identify some of the important natural features.

Findings:

1. Based on the USDA, NRCS soil survey:
 - 44% of the site is mapped soils with a moderate or higher shrink-swell potential. Therefore, a geotechnical study will be required at construction plan phase of the

project.

- 56% of the site is mapped soils with bedrock at 20 to 40 inches. Therefore, deep excavations may require blasting, resulting in higher site development costs.
 - 35% of the site is mapped soils with seasonal high water table at 10 to 40 inches. Therefore, sediment basin and traps, stormwater management facilities and houses with basements located carefully to avoid problems caused by groundwater (flooded basements, basins and dry ponds filled with water, etc.).
 - 70% of the site is mapped soils with a low bearing capacity. Therefore a geotechnical study shall be required at construction plan phase so that foundations and roads can be properly constructed.
 - 47% of the site is mapped soils that are “Very Limited” for dwellings; 34%, as “Somewhat Limited”. 47% of the site is mapped soils that are “Very Limited” for dwellings with basements; 53%, as “Somewhat Limited.” Therefore, dwellings should be located carefully to avoid problems with construction and/or maintenance.
 - 35% of the site is mapped soils with the potential for hydric soil inclusions. Hydric soils indicate the presence of jurisdictional wetlands. Therefore, a jurisdictional determination will be required at future phases of the project. The presence of jurisdictional wetlands can reduce the amount of area available for development.
 - 45% of the site is mapped as soils classified as “Prime Farmland” and 51% is mapped as “Farmland of Statewide Importance”. Prime farmland soils have optimal properties for production of crops. Once the soils are altered for site development, the properties are destroyed and cannot be recreated. Preservation of Prime Farmland is critical for the preservation of the domestic food supply
 - 95% of the site is mapped soils that are classified by Fauquier County as “Prime Agricultural Soils”; 73% as “Prime Forest Soils”; 21% as “Highly Erodible Land”; and 2% as “Steep Slopes.” The Zoning Ordinance, Comprehensive Plan goals, and the Board of Supervisors’ Strategic Goals identify these characteristics as environmentally sensitive features that should be protected and preserved.
 - 26% of the site is mapped soils (10A and 17B) that occur on minor floodplains and stream valleys. The Marshall Service District Plan (pages 26 and 27) indicate that stream valleys and minor floodplains should be used as parks.
2. The Environmental Site Assessment identifies contaminated groundwater on the site. On-site wells are not a viable water supply source. The applicant should provide evidence of an alternative water supply sufficient to meet the needs of the proposed development.
 3. Significant individual hardwood trees (mainly chestnut oak and green ash) as well as a

significant tree mass in areas south of existing house (part of zone D and E). Also significant individual trees and tree mass in area southwest of townhouses (part of Zone G). The trees and tree masses should be protected and preserved.

4. Comments may change substantially when additional information is submitted.

Future Actions:

- Preliminary Soil Report;
- Geotechnical Investigation;
- Jurisdictional Determination;
- Hydrogeologic Study if an untested water supply well is to be utilized.

Erosion & Sediment Control – Heather Ambrose, E&S Specialist

No comment.

VDOT (Kim Yeatman)

The Warrenton Residency staff reviewed the above referenced Comprehensive Plan Amendment and Rezoning dated April 2009, and has the following comments:

Code of Development

1. Provide ADT for each internal street to determine the necessary street design in accordance with the Road Design Manual Appendix B(1).
2. Proposed street sections need to address the following items:
 - a. What is meant by speed deflectors?
 - b. In accordance with GS-SSR (Table 1), the minimum design speed for a road with 2001 to 4000 ADT must have a minimum design speed of 30 mph.
 - c. Block length needs to be determined by the Road Design Manual.
 - d. (S1) - Street width with parking on both sides must be 36' from face of curb to face of curb.
 - e. Provide a minimum of 1' from back of sidewalk to right-of-way line.
 - f. Clarification is needed on the proposed location for water and sewer within the "pavement zone."
 - g. Use of roundabouts may need to be approved by the Department's Roundabout Committee.
 - h. Minimum radii must be in conformance with the Road Design Manual Section B(1) – 4D.
 - i. Streets with parking on only one side need to provide signage to notify residents, and signage should be installed when the street is constructed.
 - j. (S2) street section needs to provide a 6' planting strip between the back of curb and the sidewalk. (Road Design Manual B(1) Figure 6)
 - k. Street lighting is indicated as being public, but does not identify who will be responsible for the maintenance of the lights within the right-of-way.
 - l. (S3) one-way street section must have a minimum design speed of 25 mph, and an

ADT of less than 400.

- m. One-way streets must be a minimum of 15' wide with no parking, and must include an additional width of 7' to accommodate on-street parking.
3. Code of Development is indicating there will be commercial and live-work units within the subdivision, but this has not been incorporated in the TIA.
4. Any special material that is being proposed for crosswalks or sidewalks must be in conformance with VDOT standards.
5. Gateway Improvements on page 43 is indicating the placement of a sign at the primary entrance on Route 55; however, this area has all been shown as right-of-way. All subdivision signs should be accommodated outside of the right-of-way.
6. Exhibit 22 on page 45 shows sewer and water under the parking lanes on opposite sides of the street, but some streets are proposed with parking only on one side. Location of any utilities within the roadway must be coordinated with VDOT.
7. Public Street Lights are shown within the right-of-way, but the COD does not indicate who will be responsible for the maintenance of the lights.

Master Plan

8. Provide anticipated ADT for all streets.
9. Provide street names or some reference for each street that can be used in the comment letter.
10. Label Main Street as Route 55, and Anderson Avenue as Route 1002.
11. Identify end of state maintenance of Anderson Avenue.
12. Show Manor Drive, and label as a private street.
13. Dimension the distance to the intersection of Emerald Lane.
14. Identify which streets are public versus private, and indicate which street type from the Code of Development will be used for each street.
15. Based on meeting with the applicant, a public road was to be provided to the western property line that may allow for a future closing of the intersection of Emerald Lane due to the intersections not being in conformance with the Access Management separation requirements.
16. Roads along the eastern property line appear as if they should be realigned with the adjacent property line to allow for future development. For example, locate one of the streets at the property line between the 2 adjacent parcels.
17. Recommend looking at realigning the proposed roundabout on the Manor Drive connection to provide a four-way connection at the roundabout.
18. There are several areas on the grading plans that are shown with a 10% grade. Depending on the design speed and roadway classification, this may not meet the current standards.
19. All utility lines need to be as close to perpendicular as possible, and should minimize the area within the pavement.
20. Provide a right turn taper on eastbound Main Street approach at the main site entrance. The westbound Main Street approach will need to be remarked, and no parking signs will need to be installed in the area to allow motorists to pass traffic to the right when a vehicle is making a left turn into the site.
21. Applicant is to submit access management waiver for entrance separation on Route 55 between their proposed site access and Emerald Lane.

Proffers

22. No cash contribution amount has been indicated nor have any specific transportation proffers been identified.
23. Phasing of the residential units has been indicated, but a number of units has not been specified.

Traffic Impact Analysis

On June 17, 2009, we met with the applicant's representative and County staff to discuss the TIA, and the following items were to be addressed by the applicant in order for our office to complete our review. A complete review of the traffic impacts has not been completed due to questions that came up during our initial review of the Traffic Impact Analysis, and additional comments may be made after the next submission.

24. Truck traffic on Route 17 at the ramp to I-66 is averaging 20% or higher based on traffic counts.
25. Traffic counts were taken on January 2 and 3, 2008. County staff was going to check and determine if school was in session.
26. Intersections 5 and 10 were counted in November 2008, and the total for the intersection is showing a 14% increase in traffic in the AM.
27. Applicant is indicating some individual movements increased and some turn movements decreased. Applicant is to provide an explanation of the differences in traffic counts to justify there was not an impact, and indicate whether or not school was in session.
28. Tables on pages 60 and 61 do not match the Synchro output for intersections 12 and 13 in the back of the report.
29. Provide copy of revisions made to Synchro animation for review, and a snapshot of I-66 ramps at 17 and 721 in 2015 for the AM and PM peak.
30. TIA is recommending mitigation of 2 ramps at Route 17 and I-66 with signals, but the proffer package does not include any mitigation or contribution toward a signal at these intersections.
31. Provide diagram showing how Anderson Avenue will be accessed if the applicant cannot negotiate access to Manor Drive, and address the issue with access to Manor Drive and Anderson Avenue in their proffers. We also recommend they address the condition of access to Anderson Avenue in their proffers, and any necessary upgrades to the road that are needed to handle the additional traffic particularly without a connection to Manor Drive.
32. Provide more detailed distribution of traffic all of the way to I-66.
33. Label on Figure 8 and 8B which trip distribution figure matches with it, such as Figure 9 (2012 – one connection).
34. Provide diagram that shows 80/20 split of traffic with just the site trips.
35. Applicant indicated they ran the traffic numbers with all access to the site coming from one entrance, and it showed that it worked with a LOS of C. We requested the applicant provide a graphic showing distribution with one access.
36. Traffic simulation files were not showing any traffic exiting from I-66 onto to northbound

Route 17. Applicant indicated that this was due to a fault with the program when an intersection was shown at less than a 90 degree skew. They indicated they have fixed the program, and were to provide a summary sheet showing the differences.

37. Provide an electronic copy of the TIA with the revisions for the next submission.

Please provide a comment response letter indicating how the above referenced comments have been addressed. The comment response should be as specific as possible, and include the page number where the information can be found. All corrections to the plan should be highlighted. If you have any questions, please call Kim Yeatman at (540) 347-6441.

Emergency Services (Sara Makely)

This office does not oppose the Rezoning request at this time. No exceptions area noted at this time.

This office does not oppose the Comprehensive Plan Amendment request. No exceptions are noted at this time however, a detailed site plan will be required, once development reaches that phase, in order to insure adequate fire apparatus access and placement of fire hydrants.

Fauquier County Health Department

Fauquier County Health Department did not comment on this project.

School Administration (Janice Bourne)

New residential development creates an impact on the School Division’s operating and capital costs. The proposed development includes a maximum of 280 lots. The allocation of lots for single family detached, attached, and mixed use is unknown at this time. The calculations herein uses the maximum number of single family detached units of 250 and the minimum number of single family attached units of 30.

The capital cost (note 1) to the school division for each single family detached dwelling is \$21,424, and for each single family attached unit is \$13,390. In addition, the school division incurs an annual per pupil operating cost (note 2). Estimated costs to the school division resulting from this development are shown in the table below:

CAPITAL COSTS FROM DEVELOPMENT

<u>Dwelling Type</u>	<u>Number</u>	<u>Per Unit Cost</u> ¹	<u>Total Cost</u>
Single family detached	250	\$21,424	\$5,356,000
Single family attached	30	\$13,390	+ 401,700
Total Capital Costs			<u>\$5,757,700</u>

ANNUAL OPERATING COSTS FROM DEVELOPMENT

Elementary school students	101
Middle school students	43
High school students	<u>50</u>

Total students from development	194
Cost per student ²	x \$11,359
Total Annual Operating Costs	<u>\$2,203,646</u>

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

This subdivision is currently in the following school zones:

Elementary school:	Thompson
Middle school:	Marshall
High school:	Fauquier

These zones are subject to change at the discretion of the school division.

Sheriff’s Office

No comments received.

Library Board of Trustees (Barbara Severin)

The rezoning, if approved, will increase the number of allowed lots by 88, from 192 to 280. In their proffer statement, Mr. Darling, et al, offer cash or in-kind contributions to offset Cannon Ridge’s effect on the need for new or improved public capital infrastructure. The addition of housing units such as those proposed by this application will accelerate the need for a larger library facility to serve northern Fauquier residents. The John Marshall Library located in the Marshall Community Center on Rectortown Road already suffers from overcrowded conditions and lack of space.

The Library Board believes that the Board of Supervisors should request funds as allowed by the proffer policy for the number of residential units requested by in excess of those allowed by-right under current zoning of this parcel of land. Or, the Supervisors may also consider asking for a five- acre site for a future free-standing Marshall branch library.

Planning Commission Summary and Action of May 28, 2009:

The Planning Commission discussed this item at its work session. A number of community residents attended the work session to voice their concerns.

Summary and Recommendation:

Section 13-202(4)(A)(c)(2) of the Zoning Ordinance lists considerations for evaluating Comprehensive Plan Amendments, all or some of which may be applicable:

- Creative Concepts;
- Oversights;
- Change in Circumstances;
- Goals; and
- Hardship

This application will clearly demonstrate creative concepts as a sensitively designed infill project that is compatible with Marshall’s established scale of development, but only if the Code of Development and the Rezoning Concept Plans are amended to address staff and agency concerns. This application does meet some of the goals of the adopted Marshall Service District Plan. Staff does not concur with the applicant’s justifications under the other considerations.

In summary, this application involves the balancing of competing issues. This is clearly a traditional neighborhood development. The Planning Commission will need to carefully consider the advantages and disadvantages of increasing the residential density across the entire site. Input from the public at the public hearing must also be carefully considered.

Requested Action of the Planning Commission:

Conduct a public hearing and make a recommendation to the Board of Supervisors.

Identify any other Departments, Organizations or Individuals that would be affected by this request:

- Department of Community Development
- Fauquier County Water and Sanitation Authority
- Department of Emergency Services
- Sheriff’s Department
- Fauquier County Public Schools

Attachments:

1. Marshall Service District Land Use Plan Map
2. Proposed Text Changes to the Marshall Service District Plan
3. Proposed Concept Plan and other Informational Materials
4. Proposed Code of Development
5. Proffers
6. Proposed Concept Development Plan Engineering Package
7. Statement of Justification