

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: August 27, 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 235-Unit 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, 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 Planning Commission held a work session and a Public Hearing on July 30, 2009. (See Attachment No. 4 for the July 30, 2009 staff report.) Members of the Marshall community and surrounding area raised concerns about the need to defend the existing community-based plan, impacts from additional density, limited sewer and water availability, traffic, the impact on Anderson Avenue, and the proposed destruction of Stephenson's Hill, a local Civil War battlefield site. The public hearing was continued for up to 90 days at the applicant's request.
- The applicant petitioned staff to schedule another Planning Commission public hearing on August 27, 2009, with a verbal commitment that they would submit revised application materials early in the week of August 10-14, 2009. (See Attachment Nos. 1-3.) Staff informed the applicant that this schedule would not allow County agencies adequate review time; however, staff agreed to schedule the hearing to obtain additional public input and allow the applicant the opportunity to obtain broad policy recommendations from the Commission prior to submitting more detailed revised application materials. The Commission's early comments on broader policy issues will allow the applicant, the County, and the community to more efficiently process and review this application by deferring attention and time to technical details that could change depending on the Commission's land use policy recommendations. However, again, since the Planning Commission will not have the advantage of any staff comments regarding the new application materials, the Commission may need to continue their policy evaluation through to a subsequent meeting.

Outstanding Policy Issues:

Public Utilities, Residential Density and Project Design are the three most significant broad policy topics affecting all other elements of the project proposal. The Planning Commission may consider focusing on these three elements to develop its broad policy recommendations.

This section serves as an addendum to the July 30, 2009 staff report, which includes all department and agency comments and synthesizes them within eight categories of issues for discussion purposes. All of the issues raised in the July 30, 2009 staff report remain outstanding. The eight categories of issues are summarized below:

1. Residential Density: The applicant's request for a Comprehensive Plan Amendment to redesignate the 57.33-acre project site for High Density Residential Development (1-7 du per acre) has wide-ranging impacts. Staff advises the applicant to reduce the density request. The applicant will be required to process a Comprehensive Plan Amendment to accompany any PRD Rezoning request that exceeds the current land use designation densities.
2. Project Design: The County has not received all the required application materials specified in the former and the current PRD Ordinance, including modification requests; a conceptual stormwater management plan; a statement detailing anticipated impacts of development, including the extent, approximate timing and estimated costs of proposed off-site infrastructure improvements; a complete draft proffer statement to address mitigation of impacts, including but not limited to transportation impacts, impacts on public facilities such as schools; as well as the newly included requirements for

architectural standards that are keyed to illustrations and drawings.

3. Live-Work: Questions remain about how many live-work units are proposed, where, what sizes, what range of uses and how these units might affect downtown businesses.
4. Public Utilities: The Water and Sanitation Authority has informed the County that there are 30 water taps available in Marshall at this time, and a remaining 850 unallocated sewer connections. This project would utilize over a quarter of the remaining sewer connections, raising a significant concern regarding this project's impacts on utility provisions to other areas of the Marshall Service District planned and zoned for commercial and industrial development.
5. Public Facilities: Like all residential projects, this project would have significant associated public service and facility costs, with school capital and school operating costs figuring as the highest.
6. Transportation: Issues include the need for more than one access road to the site, the road designs, public versus private roads, impacts on Anderson Avenue, and impacts to the existing transportation system and infrastructure.
7. Regional Stormwater Management: The application proposes a Regional Stormwater Management System, however 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. Prior applications on this property have had adequate outfall issues, thus submittal and review of the conceptual stormwater management plan, as required in the adopted PRD Ordinance, prepared in accordance with the Fauquier Design Standards Manual Section 203.2, is essential in order to evaluate the feasibility and constructability of the proposed project.
8. Proffer Statement. The application includes draft proffers that 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.

The following discussion on conventional, cluster, and PRD Ordinance developments may help to serve as a starting point for these policy discussions.

By-Right Versus Requested Density

It is important that the Commission understand the by-right development regulations within the R-2 and R-4 Zoning Districts so the Cannon Ridge Rezoning request for a Planned Residential Development and a Comprehensive Plan Amendment can be understood in context.

A 40-acre property developed with a conventional R-4 subdivision has a 15% open space requirement and a minimum 10,000 square foot lot requirement, therefore yielding a maximum total of 148 dwellings, notwithstanding reductions in density that would occur from road, storm water management, utility dedications and other applicable zoning requirements. Similarly, a 16-acre property developed with a conventional R-2 subdivision has a 20% open space requirement and a minimum 20,000 square foot lot requirement, therefore yielding a maximum of 27 dwellings, also notwithstanding all other zoning ordinance provisions which will affect the total yield. A conventional subdivision would allow this project to be developed with some figure less than 175 dwelling units.

The County's Zoning Ordinance incentivizes the provision of open space by reducing the required lot sizes in its cluster subdivision in exchange for 50% open space requirements. Lot size can be reduced to 5,000 square feet in an R-4 cluster subdivision thereby allowing for a 160-unit maximum unit yield on a 40-acre parcel. An R-2 cluster subdivision requires a minimum 10,000 square foot lot, thereby allowing for a 32-unit maximum unit yield on a 16-acre parcel. Since less roadway is used to service more housing units on smaller lots, cluster subdivisions also save the developer in road construction costs. (The recently expired Cannon Ridge Preliminary Plat was a cluster subdivision for 32 units that preserved Stephenson's Hill in the required open space area.) A cluster subdivision would preserve half the site as open space and allow the developer up to 190 units on this project site, which is equal to the maximum amount under the zoning calculations.

The Planned Residential Development (PRD) Ordinance does not have a minimum lot size requirement and requires 25% of the project to be placed in open space. The PRD Ordinance essentially requires a higher grade building and project design in lieu of the 50% open space and the absence of a minimum lot size allows a developer to achieve the maximum density yield. There is no requirement that the County calculate a PRD density equal to or higher than the existing zoning and there is no requirement to allow for the PRD density to be appropriated across the entire site, simply because a by-right conventional subdivision would allow it to be developed as such. The PRD Ordinance is intended to allow small lots and the density associated with small lots with minimum open space *if* the site is sensitively developed to preserve environmental features and *if* the site development and building standards justify the additional density.

In the case of this project, there is the overarching concern that even if this project was in fact worked into a superbly designed neo-traditional project that warranted the additional density and loss of open space because of the good design, there is still the unavoidable fact that the project will usurp limited remaining sewer taps, some of which might be better allocated to commercial and industrial development as well as to other undeveloped residential sites throughout the Service District. Although the WSA must provide the sewer and water connections on a "first come, first serve" basis, the County is responsible to study and consider utility allocation and facility impacts for all proposed Comprehensive Plan Amendments.

Staff and Review Agency Comments

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.

Planning Commission Summary and Action on July 30, 2009:

The Planning Commission discussed this item at its work session. Approximately 35 community and area residents attended the public hearing to voice their opposition.

Summary and Recommendation:

The Planning Commission should consider the proposed project in contrast with existing zoning conditions as a basis to prepare to consider alternative Comprehensive Plan Amendments, one of

which will be presented by staff on August 27, 2009. This alternative will build on the current Marshall Service District Plan promotion of higher densities immediately south of Main Street, with gradually decreasing densities in outlying areas. The applicant does in fact currently have by-right zoning that would allow for the development of the entire site, including Stephenson's Hill. However, since this application for a PRD Rezoning request requires a Comprehensive Plan Amendment, the County can fully consider *all* policy implications referenced in the July 30, 2009 staff report.

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. Second Submittal Cannon Ridge Cover Letter Received on August 13, 2009
2. Second Submittal Amended Proposed Concept Development Plan Received on August 13, 2009
3. Second Submittal Open Space Illustration Received on August 13, 2009
4. Cannon Ridge Staff Report Dated July 30, 2009 (Without Attachments)
5. Marshall Service District Land Use Plan Map
6. First Submittal Proposed Concept Plan and other Informational Materials
7. First Submittal Proffers
8. First Submittal Statement of Justification
9. First Submittal Proposed Text Changes to the Marshall Service District Plan

(Note: The First Submittal Code of Development was included in the July 30, 2009 materials, but is not copied again due to its size and lack of change.)