

APPLICATION AND REQUEST FOR MODIFICATION AND WAIVERS OF CERTAIN  
ZONING ORDINANCE, SUBDIVISION ORDINANCE AND DESIGN STANDARDS  
MANUAL REQUIREMENTS  
VILLAGE OF CATLETT

REZONING: Rezoning Project No. \_\_\_\_\_  
R-1 and RA to Planned Residential Development, “PRD”

Property: 793.11 acres; Parcel Identification Number (G.P.I.N.)  
7922-34-3184, the “Property”

Applicant: Catlett Farm, LLC

Record Owners: Catlett Farm, LLC, a Virginia limited liability company, the  
“Applicant”  
c/o Andrew McGeorge  
Monday Properties Services, LLC, agent  
1000 Wilson Boulevard  
Suite 700  
Arlington, Virginia 22209

Project Name: VILLAGE OF CATLETT

Magisterial  
District: Cedar Run

Date: November 16, 2009 – First Submission

INTRODUCTION.

In accordance with § 4-112 of the Fauquier County Zoning Ordinance, “Zoning Ordinance”, Catlett Farm, LLC, the “Applicant”, requests the following modifications and waivers of certain sections of the Zoning Ordinance, the Fauquier County Subdivision Ordinance, the “Subdivision Ordinance”, and the Fauquier County Design Standards Manual, the “Design Standards Manual” or the “DSM”, as a part of this Application, in order to better accomplish the purpose and intent of the Planned Residential District, Section 4-101 et. seq., of the Zoning Ordinance, the “PRD Ordinance”, and to facilitate the development in compliance with Applicant’s Conceptual Development Plan and the Code of Development, included as part of this rezoning.

## FACTUAL STATEMENT.

The Applicant has filed contemporaneous herewith an application for a Zoning Map Amendment to rezone the Property from R-1 and R-A to R-A with proffers and to Planned Residential Development, "PRD", and has filed therewith a Conceptual Development Plan entitled "PRD – Conceptual Development Plan", dated November 16, 2009, for its project, the Village of Catlett, and hereinafter referred to as the "CDP". In addition, the Applicant has filed therewith a companion Code of Development as required in Section 4-113 of the Zoning Ordinance, entitled "Village of Catlett, Code of Development", dated November 16, 2009, hereinafter referred to as the "Code of Development", which specifies the conditions of development of the Property. The Code of Development and the CDP specifically identify land uses, design standards, architectural standards, design requirements, phasing and sequential plans and the mechanism for the implementation of the Code of Development. To ensure development of the Property in compliance with the Code of Development and the PRD Ordinance the Applicant proposes the following waivers and modifications as necessary to ensure compliance with the intent, spirit and the purposes of the PRD Ordinance.

## STREET MODIFICATIONS.

The Applicant has submitted in its Code of Development and its CDP specific standards for the streets to be developed on the Applicant's Property. Article 7, Parts 3 and 4 and Section 12-605, Section 12-606, Sections 12-607, Sections 12-608 of the Zoning Ordinance as well as Sections 5, 6, 7, 8 and 17 of the Subdivision Ordinance establish certain requirements, restrictions and standards applicable to streets proposed by the Applicant for development of its Property. In addition, the Zoning Ordinance requires compliance with the standards specified in the County's Subdivision Ordinance unless modifications are approved by the Board.

In order to meet the intent, purposes and goals of the Planned Residential Zoning District, the Applicant hereby requests the modification and waiver of all street standards contained in the Zoning Ordinance, the Subdivision Ordinance, and the Design Standards Manual and proposes in lieu thereof to comply with the street standards contained in the Code of Development, including specifically, those standards identified in Sections 4E, 5G, Streetscape Sections 1, 1A, 2, 3, 4, 5, 5A, 6 and Section 9C and in the CDP street sections, collectively the "Proposed Street Standards." The Applicant shall comply with the Proposed Street Standards established herein for each of the street types designated in the Code of Development illustration entitled "Street Network Diagram", in Section 5. The Applicant, or its successors, shall be required to submit final designs for each street at site plan to ensure compliance with the standards established in the Code of Development.

## PARKING MODIFICATIONS

In addition, the Applicant has proposed in its Code of Development specific standards for both on-street and off-street parking on the Applicant's Property. Article 7 of the Zoning Ordinance establishes in Part One, Section 7-100, et. seq., standards for off-street parking and in

Part Four, Section 7-401, standards for public streets. Both referenced Zoning Ordinance sections contain provisions which establish restrictions and standards applicable to the parking requirements for the parking requirements for the development of the Applicant's Property.

In order to meet the intent, purposes and goals of the PRD Zoning District, the Applicant hereby requests the modification and waiver of all such standards and requirements for on-street and off-street parking contained in the Zoning Ordinance, the Subdivision Ordinance and the Design Standards Manual and proposes in lieu thereof to comply with the standards contained in the Code of Development, including specifically those standards identified in Sections 4E, 5G, Streetscape Sections 1, 1A, 2, 3, 4, 5, 5A, 6 and Section 9C as the same are contained in the CDP street sections. The Applicant shall comply with the standards established in the Code of Development for on-street and off-street parking as designated in the Code of Development and CDP street sections referenced in this paragraph. The Applicant, or its successors, shall be required to submit final designs for all parking spaces at site plan to ensure compliance with the standards established in the Code of Development.

#### RETAIL PARKING AND OFF-STREET LOADING

The Applicant has proposed in its CDP and its Code of Development specific standards for on-street and off-street parking and off-street loading to be located in the retail section of the Catlett Neighborhood as defined on the CDP. Article 7 of the Zoning Ordinance, including specifically Part 1, Off-Street Parking and Part 2, Off-Street Loading, as well as Part 4, Public Streets, established the standards for parking and loading in the retail areas of the Applicant's proposed development. In order to meet the intent, purposes and goals of the PRD Zoning District, the Applicant hereby requests the modification and waiver of all such standards for public streets, on-street and off-street parking and loading contained in the Zoning Ordinance, the Subdivision Ordinance and the Design Standards Manual and proposes in lieu thereof to comply with the standards contained in the CDP and the Code of Development, including specifically Streetscape Section 5, Retail Streets, and Streetscape Section 5a, Retail Streets, identified in Section 5G of the Code of Development and further provided that the Applicant construct a minimum of 550 parking spaces off-street, 100 spaces on-street and six loading spaces, all as more thoroughly identified in the CDP. The Applicant, or its successors shall be required to submit final designs for all such retail on-street, off-street parking and off-street loading at site plan to ensure compliance with the standards established in the Code of Development, the CDP and the standards established in these modifications and waivers.

#### COMMERCIAL AND RESIDENTIAL BUILDING SETBACKS

The Applicant in its Code of Development has proposed specific setbacks from specific streets as contained in Section 4E of the Code and illustrated in the Setbacks Diagram on page 31 of the Code of Development. The setbacks are prescribed for both residential and non-residential streets and properties. Section 4-107A.1 establishes maximum setbacks for single family residential in a PRD zone. There are no prescriptions for setbacks of non-residential property in the PRD Ordinance. Part 4 of Article 3, Section 3-401, at et. seq., establishes

specific building setbacks for each use in each of the zoning districts, not including the PRD Zoning District, for development in Fauquier County.

In order to meet the intent, purposes and goals of the PRD Zoning District, the Applicant hereby requests the modification and waiver of all setback requirements contained in the Zoning Ordinance, the Subdivision Ordinance and the Design Standards Manual, including specifically Section 4-107A.1 of the PRD Zoning Ordinance and proposes in lieu thereof to comply with the standards contained in the Code of Development, including specifically those standards identified in Section 5E and the Setbacks Diagram on page 31 of the Code of the Development and those established in the Neighborhood Regulating Plans contained on sheets 6, 7 and 8 of the CDP. The Applicant shall comply with the standards established in the Code of Development and the CDP for residential and non-residential setbacks. The Applicant, or its successors shall be required to submit final designs for all residential and non-residential structures at site plan to ensure compliance with the standards established in the Code of Development.

### STORMWATER MANAGEMENT

In order to meet the intent, purposes and goals of the PRD Zoning District, the Applicant hereby requests the modification and waiver of the requirements contained in Appendix A201.8, A204.1.9 and Appendix A204.1.12, all of the DSM pertaining to surface runoff crossing more than two residential lots less than 30,000 square feet in size, the use of gabion baskets in design of stormwater management and the use of primary and emergency spillways in stormwater management. These requirements limit the ability of the Applicant to construct the development on the Applicant's Property proposed in the Applicant's application to create pedestrian-oriented residential neighborhoods of traditional design, physically integrated with existing surrounding development as is the stated desire of the Board under the PRD Ordinance.

### JUSTIFICATIONS

Each of the modifications and waivers herein are for the sole purpose of providing the flexibility in the development of the Applicant's Property sought by the Board in the PRD Ordinance and to permit compliance with the goals of the Comprehensive Plan and the purposes and intent of the PRD zoning district. Section 4-101 of the PRD Ordinance states the Board's intent that the PRD be utilized to create pedestrian oriented residential neighborhoods of traditional design, physically integrated with existing surrounding development. The Board also states its desire to provide flexibility in the internal relationship of design elements of a project, and has specifically provided for modifications to be permitted under Section 4-112 of the PRD Ordinance. The Board chose not to adopt specific regulations for parking, loading or street designs for the PRD zoning district.

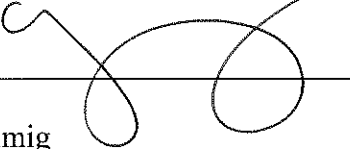
The existing regulations of the Board contained in its Zoning, Subdivision Ordinance and the Design Standards Manual were adopted prior to the adoption of the PRD Ordinance, were adopted to control development of the traditional R-A and R-1 zoning development and were not designed for the type of development envisioned for the PRD zone. The Code of Development

and these modifications and waivers are the logical vehicles to establish the design criteria for a PRD development. The Applicant proposes that these modifications and waivers are justified to encourage the Board's goal of community design, including a variety of residential unit types in an orderly relationship to one another, as is the stated intent, purpose, and goals of the PRD ordinance.

Respectfully submitted,

CATLETT FARM, LLC

By: Monday Property Services, LLC, its authorized agent

By:  \_\_\_\_\_

Name: Tim Helmig

Its: Executive Vice President