Department of Community Development
Staff Report

PROPERTY OWNERS:	Earnest C. Dodson, Linda A. Breeden & Diane E. Williamson
APPLICANT(S):	Earnest C. Dodson
LOCATION:	Covingtons Corner Road (Route 663) and Hair of the Dog Lane (Private)
DISTRICT:	Lee
PIN(S):	6980-00-1243-000 and 6980-10-2526-000
ACREAGE:	48.9653 acre
ZONING:	Agriculture (RA)
LAND USE:	Rural
MEETING DATE:	October 20, 2016

REQUEST:	SPEX-16-005691 – Virginia M. Dodson Trust: The Applicant is seeking approval of a Special Exception for a reduction in the common open space requirement in accord with Section 5-2700 of the Zoning Ordinance.
OUTSTANDING ISSUES:	There are no outstanding issues identified by staff.
RECOMMENDATION:	Staff advises the Planning Commission to recommend approval of Special Exception SPEX-16-005691, subject to the conditions below. The application satisfies the standards of Zoning Ordinance Sections 5-006 and 5-2700.

STAFF RECOMMENDED CONDITIONS:

1. This Special Exception is granted only for the purpose(s), structure(s) and/or uses approved with this application, as qualified by these development conditions.

2. A non-common open space agreement shall be recorded on the 48.97 acres identified as PINs 6980-00-1243-000 and 6980-10-2526-000 at the time of lot consolidation.

3. Any uses on the property shall be consistent with non-common open space requirements, and obtain the necessary permits or be relocated.

Topic Description:

The Applicant is requesting approval of a Special Exception to reduce the common open space requirement on a previously approved subdivision. According to the Statement of Justification, the Applicant is requesting approval to convert three acres of common open space to non-common open space in order to settle the family estate.

On October 21, 1986, the Fauquier County Administrator approved the Dodson Subdivision Plat. This subdivision created eight lots containing a total of 10.6528 acres, three acres of common open space and 45.9653 acres of non-common open space. Staff would note, the non-common open space agreement was never recorded on the residue parcel. The common open space parcel was used for recreational purposes until 1994; since that time it has been vacant. Should this application be approved, the Applicant will record a non-common open space agreement on the entire 48.9653 acres.

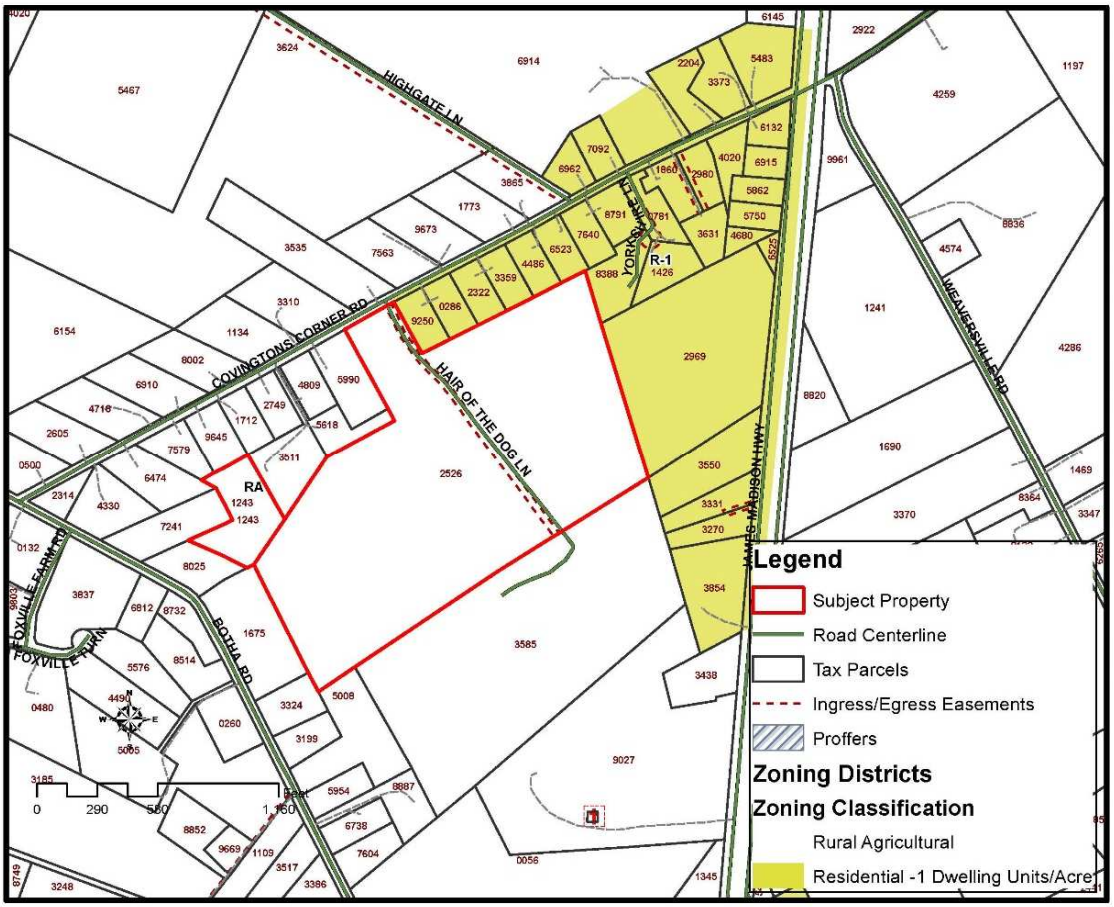
Current Location, Zoning and Land Use:

The properties are located on the south side of Covingtons Corner Road (Route 663) and on the east and west sides of Hair of the Dog Lane (private). The properties are zoned Agriculture (RA) and are mostly vacant with a small area used for storage of top soil and other agriculturally related products stored in trailers.

Neighboring Zoning and Current Land Use:

Adjacent properties to the north, south and east are zoned Agriculture (RA) and are largely used for residential and agricultural purposes. A major home occupation, Meadows Electric, operates on the parcel immediately to the south. Properties to the east are zoned Residential (R-1) and used for residential purposes.

Zoning Map



Comprehensive Plan:

The subject property lies outside of a service district in an area designated for Rural Land Use, where rural and agricultural uses are sought. The Comprehensive Plan includes many goals aimed at enhancing and preserving agricultural areas and the rural character of the County. Staff believes that the conversion of three acres from common open space to non-common open space, which meets the applicable sections of the Zoning Ordinance and Special Exception standards, would be in conformance with the Comprehensive Plan.

Special Exception Analysis:

The Special Exception must comply with General Standards for Special Permits and Special Exception Uses, found in Section 5-006 and Section 5-2700, Standards for Reduction of Common Open Space. Staff's analysis of the standards are provided below in italics.

<u>5-006 General Standards for Special Permits and Special Exception Uses</u>

In addition to the special standards set forth hereinafter for specific uses, all Special Permit and Special Exception uses shall also satisfy the following general standards.

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

   The proposal will not adversely affect the use or development of neighboring properties. The common open space parcel was once established as a playground; however, due to lack of use the playground was removed. The parcel has not been used as a playground since 1994.

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

   The proposed use will not generate pedestrian or vehicular traffic. As previously noted, the existing non-common open space parcel is currently being used for storage of agricultural products and top soil. Staff is recommending a condition of approval that requires these uses to obtain any necessary permits or be relocated.

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

   Staff is not recommending additional landscaping or screening of the site.

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

   In exchange for reducing the common open space, the Applicant is proposing to increase the non-common open space by three acres.

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

   No new land disturbance or construction is proposed with this application; therefore, this standard does not apply.

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

No signs are proposed; therefore, this standard does not apply.

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

   Staff is not recommending any time limit be placed on the permit.

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

   No new land disturbance or construction is proposed with this application; therefore, this standard does not apply.

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

   Lot size, bulk regulations and performance standards for the Agriculture (RA) zoning district are being met with this application.

5-2700 Standards for Reduction of Common Open Space as Permitted by Paragraph 2-406

In any zone, the percentage of the gross site area required as common open space may be reduced by the Board upon a determination that:

1. The required amount is not necessary in order to establish neighborhood open space for useable recreation space, accessibility, visibility and linkage with other established or planned subdivisions, adjacent opens space, parks, schools or similar land uses.

   The three acre common open space lot is not necessary to establish neighborhood open space for the eight lots created in 1986. Each of these eight lots contain over an acre and have ample usable open space on each lot. The common open space lot has been used for agricultural purposes since 1994.

2. The area, particularly adjacent parcels, is developed predominantly as conventional subdivisions without open space and the required open space would result in an inconsistent pattern of development, in which case open space may be reduced to zero.

   None of the surrounding subdivisions contain common open space. The Koebig Property and Allen Subdivisions are located to the north across Covingtons Corner Road (Route 663). Neither of these subdivisions have common open space, only non-common. Located to the west across

Botha Road (Route 661) is the Foxville Farm Subdivision which also only contains non-common open space.

Staff and Agency Review 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. Following each comment is a staff note in italics stating how the comment has been addressed.

Planning Analysis

Planning analysis is provided within this report.

VDOT

Since this application is to reclassify common open space to non-common open space, VDOT has no comments and recommends approval.

Provided for informational purposes; no action required.

Soils

- Both the common and non-common lots meet one or more of the criteria in Zoning Ordinance Section 2-406.4 (Location of non-common open space).
- It appears the common open space lot has been in continuous agricultural use since 1994, rather than used for recreation.
- Subdivision is all one to two-plus acre lots. Based on soil map, topo and photo, considerable space for recreation available on each lot, mostly in turf.

Provided for informational purposes; no action required.