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MINTBROOK REZONING AMENDMENT / SPECIAL EXCEPTION - Statement of Justification

Overview:

Mintbrook was successfully rezoned by the Fauquier County Board of Supervisors on April 12, 2012. In the spring of 2013 Mintbrook Developers LLC engaged JBG Rosenfeld Retail to market the commercial village center to both local, regional, and national office and retail users. We have also kept in contact with the Fauquier County Economic Development office. Over the past three years they have been unsuccessful in getting any commercial user to express interest in the village center. The most common response is there is not enough residential density to support additional commercial office or retail in the Bealeton service area. A repeated comment from the two existing builders at Mintbrook is there is a strong demand for a more entry level owner occupied home and for upscale rental type units for those who are unable to qualify for the housing product being sold today and for those who do not yet qualify for the age targeted senior apartments.

Since the fall of 2014 single family detached and attached homes have been constructed at a pace of 2-4 residential dwelling units per month. With an average absorption of 3 units per month, based on the approved maximum residential density permitted, this equates to a potential residential project buildout past 2026 and assuming the current commercial proffer obligations can be met. This is an impossible task. The current Proffer Statement limits buildout of the single family detached and attached homes to 149 before 8,000 sf of commercial must be built contemporaneously with at least 1 specifically located multi-story commercial building. The rezoning amendment being offered suggests revisions to the current commercial design of the village center, more importantly to allow additional residential density, and also to the Proffer Statement; to allow additional residential buildout over 149 homes prior to commercial buildings constructed all in an attempt to

attract commercial users to the village center, and most importantly provide a path for success for the Mintbrook project.

It is the additional residential density being proposed as part of the village center both entry level single family attached dwelling units and work force apartments; the reduction and other modifications in the amount and location of specific commercial buildings that must be built by a specific number of residential building permits; all in an effort to allow the Mintbrook residential community to grow to a point where additional commercial uses in the Bealeton area are then needed and allowing market forces to dictate the amount of viable commercial uses to be built and be successful.

This rezoning amendment application has several local and regional goals for the Bealeton community. The most important is to follow what Fauquier County has had a longstanding planning goal that is to concentrate and direct growth into the service districts. By doing so, attainment of several inter-related objectives is facilitated, to include provision of local employment opportunities, realization of a variety of residential choices, and establishment of a mix of community-serving commercial uses. Coupled with protection of green infrastructure features and the integration of active and passive recreational opportunities, this community development proposal is intended to enhance the quality of life in Fauquier County.

The revised village center plan better incorporates many of the design elements found within the Bealeton Service District Land Use Plan. From the several pocket parks being proposed to the public plaza designed to be a gathering place within the more urban commercial and residential area. The new design also focused on the screening of vehicles from view along Route 17 while also proposing commercial buildings closer to the Route 17 right of way in an attempt to create a more main street approach. In addition to the grid design all buildings will need to comply with required piedmont vernacular architectural design. The proposed Mintbrook commercial village center project, located in the Bealeton Service District, provides each of these elements in a well-designed setting, and will ultimately emerge as the first truly mixed-use community in Fauquier County.

Mintbrook is comprised of approximately 343 acres that form the largest remaining assemblage of undeveloped property in the Bealeton Service District. The project is proposed to be developed with a variety of 4 residential product choices totaling 645 units complemented by up to 280,000 square feet of commercial retail and office uses. The project will continue to include land dedication for public uses and facilities, including 16.3 acres for an elementary school, 47.2 acres for a middle school, 22.17 acres for a recreation

complex, and 3.5 acres for a fire and rescue station. The development program further provides for preservation of the historic Cheatham House on the Mintbrook Farm property.

The Application will continue to have a combination of zoning districts to implement the development program described above, which includes the Planned Residential (PRD) District for the residential neighborhoods and the Mixed Use – Bealeton (MU-B) District (Core Sub District) for the mixed-use village center. The acreage dedicated for public uses will remain zoned Agriculture (RA) District. Development of the PRD and MU-B zoned acreage will be governed by a unifying Code of Development (COD) and Concept/General Development Plan (C/GDP).

JUSTIFICATION Statement:

The proposed Mintbrook rezoning amendment and special exception application will continue to establish the land use and transportation goals for the Bealeton Service District. Specifically, the proposed applications will achieve the following inter-related objectives:

GUARANTEED and continued Service District Buffer and Rural “Hard Edge”:

The Fauquier County Service Districts were established to provide designated areas into which future growth would be directed. It has been the County’s policy as well to form a discernable edge between developed and rural areas. Moreover, the Bealeton Service District Plan specifically identifies the need to not only concentrate development within the District but to also buffer rural areas to the north from the existing western neighborhoods... The proposed Mintbrook applications continue to provide the buffer intended by policy, and further guarantee that a “hard edge” to the service district will be achieved through the dedication of 105 acres for public uses.

The ultimate development of this area for the proposed uses within the commercial village along with the public uses will establish a discernable break between urban and rural land uses, shielding otherwise vulnerable rural acreage from gradual encroachment by transitional land uses. Additionally, the mix of built uses and open spaces customary with public uses, and school facilities in particular, will ensure that development within the service district buffer is compatible with, and complementary to, adjoining rural lands. A further assurance of this separation will occur through the continued provision of a 100’ wide buffer area along the entire northern boundary of the project.

PROTECTION of Local Historic Resources:

Bealeton traces its history to the 1850's and the construction of the former Orange & Alexandria Railroad. It has been documented that few historic resources remain from that period with sufficient integrity to justify their preservation, and such resources are generally scattered throughout the area, lacking the critical mass necessary to establish a historic district for inclusion in the National Register of Historic Places or the Virginia Landmarks Register. Nevertheless, the policies of the Comprehensive Plan identify the preservation of what remains as a key priority.

The RA-zoned portion of the Mintbrook site contains one such resource, the historic Cheatham House. The house site serves as a visual reference signaling the entrance to Bealeton from the north, on US Route 17. The Cheatham House, and its immediate surroundings, was the subject of an extensive archeological study completed in 2008, and the Mintbrook project maintains that it be preserved within a 6.67 acre out-parcel with proffered restrictions as to how the house and property may be used and altered. The preservation out-parcel will be incorporated into the project design as an element of a gateway landscaping and open space feature to extend along the project's frontage on US Route 17.

The 2008 archeological study also identified an area containing the remnants of what is believed to be the original Mintbrook farmhouse. Located on a small bluff within a portion of the existing Cheatham Farm tract, this resource area has been incorporated into Mintbrook's residential layout, as part of future phases 5 and 6, as an open area, and will remain preserved in an undisturbed state. Protection of the Cheatham House and farmstead remnants ensure that development of Mintbrook will conform to the heritage preservation policies of the Comprehensive Plan.

EXTENSIVE Transportation Improvements:

The site is bounded to the east and south by US Route 17 (Marsh Road) and VA Route 28 (Catlett Road), respectively. Both are classified as rural arterial roads and serve critical roles in the movement of local and regional traffic, the burden of which has resulted in deteriorating levels of service in the Bealeton Service District. The Mintbrook rezoning amendment application includes a revised VDOT 527 Traffic Impact Study, which quantifies the anticipated impacts of the proposed Mintbrook development program and confirms a series of previously approved improvements to mitigate such impacts, while simultaneously addressing existing system deficiencies. This latest Mintbrook application will continue to proffer these improvements as summarized as follows:

New Regional Road (East-West Connector)

- Signalization of the intersection of East-West Connector Road (Jefferson Boulevard) and US Route 17, as well as related intersection improvements on US Route 17 (turn and through lanes).
- Dedication of 60' right of way from US Route 17 to western project boundary for construction of East-West Connector Road (Jefferson Boulevard) as generally shown on the Bealeton Town Center Land Use Plan.
- Construction of two-lane section of East-West Connector Road (Jefferson Boulevard) from US Route 17 to immediately west of planned intersection with Blair Way.

US Route 17 (Marsh Road)

- Signalization and related improvements at intersection of US Route 17 and proposed Lafayette Avenue.
- Construction of continuous right turn/through lane along project frontage between East-West Connector Road (Jefferson Boulevard) and main project entrance at proposed Lafayette Avenue.
- Improvements to the existing intersection of US Route 17 and VA Route 28 (Catlett Road), to include signal modification and addition of second left turn lanes on both southbound and northbound segments of US Route 17.
- Construction of a 10 foot wide pedestrian trail.

VA Route 28 (Catlett Road)

- Signalization and related improvements at intersection of VA Route 28 and proposed Lafayette Avenue, to include dual through lanes.
- Lane demarcation to facilitate transition of VA Route 28 from four lane section to two lane section at western project boundary.

The Mintbrook applications also facilitate a multi-modal transportation network for the Bealeton Service Area. An extensive system of sidewalks and multi-use trails will promote pedestrian and bicycle access throughout the project, and will further ensure the integration of Mintbrook with the surrounding community through connections to adjoining neighborhoods. The proposed location of sidewalks and trails are shown on the proffered C/GDP and described in detail in the COD.

Recognizing the planned transition of US Route 17 from its current role as a major rural arterial road to Bealeton's "Main Street Boulevard," particular attention is given to the treatment of the project's frontage along this roadway. The latest Mintbrook commercial

village plan is designed to develop with a series of buildings that will be located immediately adjacent to US Route 17. Moreover, enhanced landscaping, a 10 foot wide trail, and other frontage improvements will be provided along the right-of-way to promote an improved corridor appearance, as detailed in the C/GDP and COD.

DETAILED Proffer Statement:

The Proffer Statement provided with the rezoning amendment application commits the Applicant to implementation of the land use program, design guidelines, and infrastructure improvements specified by the Mintbrook COD and C/GDP, respectively. The Proffer Statement further obligates the Applicant to an annualized phasing program applicable to both residential and commercial uses, and payment of the following monetary contributions:

- \$8,740.00 per single family detached dwelling
- \$6,240.00 per single family attached dwelling
- \$4.00 per square foot of commercial floor area

The Proffer Statement thus provides Fauquier County with the binding assurance that the TND vision for new development within the Bealeton Service District will be realized at Mintbrook, and that its impacts will be appropriately mitigated.

PROFFERED (updated) Code of Development:

The Mintbrook Code of Development provides a comprehensive framework for the design and development of Mintbrook, and effectively serves as the blueprint for the TND neighborhood. While the COD is unique to Mintbrook, much of its content was inspired by design guidelines applicable to TND projects that have been approved and successfully developed in other parts of Virginia. Borrowing from such projects ensures delivery of the core characteristics of a TND neighborhood and piedmont vernacular desired by Fauquier County with a development program conducive to market performance and success.

The Mintbrook COD follows the structure and content requirements of Fauquier County's adopted *Outline for a Code of Development*. Distinctive design elements incorporated into the COD include the following:

- The Mintbrook commercial village center is to be a walkable mixed-use center that includes multi-story commercial buildings, destination retail uses, formal and informal open spaces, and a residential component comprised of work force multi-family

housing units and single family attached dwellings. Consistent with TND requirements, the proposed multi-story buildings will line two key pedestrian streets complemented by generous pedestrian amenities and outdoor seating areas, which will combine to achieve the vitality of a traditional downtown. Moreover, by orienting several of the multi-story buildings toward US Route 17, the design of village center will further promote the planned transition of US Route 17 from a rural arterial road to Bealeton's "Main Street" as envisioned by adopted policy.

- Multiple open spaces for passive and active use by residents and visitors will continue to be located throughout the project. Such open space amenities will be integrated in each of the community's neighborhoods and will consist of formal greens that incorporate benches, lighting, and hardscape elements, as well as areas prepared for active recreation use. All of Mintbrook's open space areas will be accessible via a pedestrian network comprised of sidewalks and recreation trails.
- A comprehensive pedestrian network will be constructed comprised of 5' sidewalks on both sides of all residential streets, various width sidewalks within the village center, and 6' to 10' recreation trails connecting Mintbrook's neighborhoods internally as well as to on-site the commercial uses.
- Streetscape treatments evocative of a traditional town will be implemented throughout Mintbrook, to include street trees, curb extensions, pedestrian crossings, light fixtures, and coordinated street furniture.
- Commercial and residential building design standards within the village center governing such key aesthetic features as exterior colors and materials for walls, roofs, roof pitch, windows, doors, relationship and between wall openings, porch size and materials. Moreover, these proffered standards specify that commercial building elevations will not be repeated more than once in any block.
- On-street parking is envisioned on both sides of the commercial and residential streets to complement traditional off-street parking, and the village center will be served by a mix of spaces both "parallel" and "head in." The provision of varied parking options promotes consistency with the pedestrian-oriented layout expected with TND development, while also ensuring safe and convenient access for residents and guests alike.

- Shared parking and loading arrangements are anticipated as a means of minimizing areas of impervious surface, and will be incorporated to the fullest extent possible within the village center. Moreover, the parking facilities serving the village center have been designed to include generous landscaped areas, shade trees, and strategically located open spaces to ensure ample green relief for residents, employees and patrons.

County guidelines, appendices governing further Architectural Styles and Signage will be prepared and submitted subsequent for rezoning approval. However, the COD contains ample detail concerning layout and building design sufficient to establish Mintbrook's intended character, and that will serve as the conceptual framework for the more refined standards required in these appendices.

POSITIVE Fiscal Impact:

At build-out, Mintbrook will contain a diverse land use program comprised of 645 residences and up to 280,000 SF of commercial uses. This program will create employment opportunities and provide current and future residents of southern Fauquier County with a greatly enhanced selection of goods and services without having to travel into neighboring Prince William, Culpeper, and Stafford Counties.

By the year 2024, residential and commercial property values in Mintbrook are projected to total approximately \$317 million, with village center commercial uses yielding annual gross sales revenues of roughly \$39 million. Such values translate into annual real estate tax payments to Fauquier County of \$3.3 million and annual State Sales Tax recoveries of \$781,000 (assuming 2% tax rate). While real estate and sales taxes are the most significant revenue sources accruing from Mintbrook, many other taxes and fees will be generated by the project, furthering its positive fiscal impact. The Fiscal Impact Study included with the Mintbrook rezoning application provides a comprehensive assessment of the costs and revenues attributable to the proposed development program and quantifies the net positive fiscal impact of the project on Fauquier County.

Another key fiscal benefit of the Mintbrook application are the myriad one-time/up-front community development fees payable with the issuance of building permits that will total approximately \$4.9 million. These direct monetary contributions will be applied toward implementation of the County's capital improvement program and infrastructure plans during the development period. Moreover, using the most recent National Association of Homebuilder's (NAHB) study of the impact of development on economic growth (06-09), it is estimated that the completed Mintbrook community will support 314 jobs between the employment generated by the village center's commercial tenants and the various trades and other support services associated with construction of the planned 645 residences.

Complementing the cash flows generated by the development, the previous Mintbrook rezoning application included land dedications to Fauquier County for public uses, eliminating all land acquisition costs for needed and planned facilities. Specifically, the rezoning application approved in April 2012 provided two school sites totaling 63.5 acres in a critical growth area for Fauquier County Public Schools, and in close proximity to existing Liberty high school. The application also provided for dedication of approximately 3.5 acres for a future fire and rescue station, and a 22.17 acre site for public recreation uses, which may include athletic fields and YMCA type facility.

Fauquier County's key fiscal goal for new development is that it be fiscally balanced, with any public costs at least off-set by the totality of its revenues. Mintbrook will do more than

merely “self-fund”; it will ultimately be a net revenue generator, contributing to the fiscal health and quality of life of the Bealeton Service District and Fauquier County as a whole.

AVAILABLE & ADEQUATE Public Utilities:

The Bealeton Service District is currently served by an extensive system of water and sewer mains. A regional system of force mains conveys sewage to the Remington Wastewater Treatment Plant, discharges treated effluent into the Rappahannock River. Construction of the force main system was largely undertaken and financed by the Fauquier County Water and Sanitation Authority (WSA). The Remington Wastewater Treatment Plant is said to have a current capacity to 2.0 million gallons per day, and with the recent construction of the water treatment facility located within the Meadowbrook community adjacent to Mintbrook and based on a meeting with senior WSA personnel on May 9, 2016 there is sufficient water and sewer utility availability for the build-out of Mintbrook. .

The Mintbrook rezoning amendment application embodies and advances implementation of the policies of the Bealeton Service District Land Use Plan. Design standards establishing the aesthetic and functional character of Mintbrook in the proffered Code of Development, and the Concept Development Plan define the physical framework for development, to include off-site road improvements and infrastructure phasing. These documents reflect the results of the revised VDOT 527 Traffic Impact Analysis and the several commitments included in the Proffer Statement, to include land dedication for public uses and monetary contributions to address capital facilities impacts. Building on the proposed amendment of the Bealeton Service District Land Use Plan, the totality of the Mintbrook application provides a model for mixed-use development that is ambitious yet attainable, and whose ultimate realization will serve as a justifiable source of pride for Fauquier County.

Category 1 Special Exception – Statement of Justification:

The Fauquier County Zoning Ordinance permits special exception (SE) uses to be approved as part of a rezoning in both the PRD and MU-Bealeton Zoning Districts. The following SE use has been incorporated into the proffered Code of Development and Concept/General Development Plan, and is hereby requested with approval of the Mintbrook rezoning amendment application:

Special Exception (SE) Use

1. CATEGORY 1 SPECIAL EXCEPTION FOR UP TO Sixty (60) FEE SIMPLE TOWN HOUSES IN THE MU-CORE SUB-DISTRICT

The Applicant requests a Category 1 special exception under Section 4-904 of the Fauquier County Zoning Ordinance in order to allow up to sixty (60) fee simple town house units in the Core Sub-District of the MU-Bealeton Zoning District.

The proposed development program for the Mintbrook village center includes a residential component that is comprised of sixty (60) fee simple town house units and one hundred and two (102) “work force multi-family” units, which will be located as depicted on the proffered C/GDP. This combination of dwelling types is intended to satisfy the mix of uses required in the MU-Core Sub-District. The proposed 60 townhouse units also successfully function as a transitional use located between existing single family detached dwellings and the proposed work force multi-family apartment units. The proposed work force multi-family housing units will provide a desirable housing format within the village center, and will further serve to visually integrate the village center with the adjoining residential neighborhoods.

The proposed fee simple town house units will be constructed pursuant to the residential building standards of the proffered COD, which will ensure continuity and quality of design within the village center and Mintbrook as a whole. All such units will be rear-loaded, with each home incorporating a single car driveway and garage, and accompanied by complementary open space thereby facilitating the village center’s pedestrian scale. The recommended change from 54 stacked-multi-family units to the now proposed 60 fee simple town homes is due to consumer demands within the Bealeton market area providing for a more affordable entry level home.

The updated fiscal impact study completed in support of the Mintbrook rezoning amendment application assumes the inclusion of sixty (60) fee simple town house units and the one-hundred and two (102) multi-family units in the village center. Specifically, the revised VDOT 527 Traffic Impact Analysis assumes the trip generation and distribution characteristics associated with said dwellings, and the proffered C/GDP includes the off and on-site infrastructure improvements necessary to mitigate all projected impacts.

Please Note:

It should be pointed out that the several previous Special Exceptions associated with the April 12, 2012 Board of Supervisors approval shall convey as part of this rezoning amendment application.

Modification Requests

The Fauquier County Zoning Ordinance permits modifications to the requirements of these MUB district to be included with rezoning approval. The following modifications are incorporated into the proffered Code of Development and Concept/General Development Plan, and are hereby requested with approval of the Mintbrook rezoning application:

1. MODIFICATION OF SECTION 4-906.1.A. – MIX OF USES REQUIRED
(MU-CORE SUB-DISTRICT)

The Applicant requests two modifications of Section 4-906.1.A. of the Fauquier County Zoning Ordinance to permit an alternative mix of uses in the MU-Core village center, as follows:

Minimum Civic Uses

Ordinance Requirement:	5% of gross floor area in MU-Core (26,880SF*)
Proposed Standard:	1% of gross floor area in MU-Core (5,376 SF) (For proposed Child Care Facility or similar use)

Minimum Ground Floor Commercial Uses

Ordinance Requirement:	75% of gross floor area in MU-Core (54,350 SF*)
Proposed:	58-76% of gross floor area in MU-Core (42,450-55,650 SF*)

**Based on gross floor area along key pedestrian streets in the MU-Core of 72,500 SF.*

In accordance with Section 4-906.1.B., the Board of Supervisors may modify the required mix, when the broader mix of uses in the immediate area compensates for providing the mix within a particular project and eliminates any compelling necessity therefor.

Mintbrook will include approximately 105 acres dedicated solely for public uses. This equals 29% of the total project area. These uses will be located in close proximity to the MU-Core Sub-District, with pedestrian access facilitated by inter-connecting trails and sidewalks. While the village center will not include civic uses, the civic/public component of the overall Mintbrook project is more than sufficient to compensate for the elimination of such uses from the MU-Core Sub-District.

The village center development program includes sixty five (162) residential units with a corresponding gross floor area on key pedestrian streets of approximately 16,800 SF, or 23%. Depending on the commercial uses that ultimately are established in the village center it is

estimated that 58-76% (42,450-55,650 SF) of gross floor area on key pedestrian streets in MU-Core will be active commercial uses. The village center adjoins and is connected via sidewalks and trails to Mintbrook’s residential neighborhoods, which are proposed to consist of 645 dwellings of mixed unit types. Such inter-connection will facilitate walkable access for Mintbrook residents and, coupled with the village center’s residential component, will achieve the vitality intended by the use mix required by ordinance.

2. MODIFICATION OF SECTION 4-909.4. – LOT & BUILDING REQUIREMENTS
(MU-CORE SUB-DISTRICT)

The Applicant requests modification of Section 4-904.4. of the Fauquier County Zoning Ordinance to permit alternative lot requirements for the MU-Core village center, as follows:

Ordinance Requirement: Buildings must abut front property lines.

Proposed Standard: Buildings must be located as shown on the proffered Concept/General Development Plan (C/GDP) and as described in the proffered Code of Development (COD).

The requirement that buildings abut front property lines in the MU-Core Sub-District is intended to form a streetscape that embodies the pedestrian scale and aesthetic quality of a traditional downtown. The assumption underlying this requirement is that an area zoned MU-Core Sub-District will be subdivided into multiple lots with each fronting on an internal street, and does not account for an alternative method of development or ownership. The requested modification would permit the MU-Core village center to be developed and owned as a single parcel or multiple parcels independently of one another, pursuant to the layout and design standards of the proffered C/GDP and COD, respectively.

The proffered C/GDP and COD for Mintbrook expressly provide for the orientation of multiple commercial and residential buildings on two key pedestrian streets within the village center. Coupled with generous pedestrian amenities, parallel parking spaces, and architectural design standards, the building layout depicted on the C/GDP will ensure that the intended pedestrian scale of the MU-Core Sub-District is achieved, regardless of parcel configuration or ownership. As such, the building layout standard proposed with the requested modification will equally fulfill the public purpose of the lot requirements of Section 4-909.4.

3. MODIFICATION OF SECTION 4-107.C.3. – LOT & BUILDING REQUIREMENTS
(MU-CORE SUB-DISTRICT)

The Applicant requests modification of Section 4-107.C.3. of the Fauquier County Zoning Ordinance to permit alternative lot requirements for the MU-Core village center, as follows:

Ordinance Requirement: The driveway for an individual house shall not exceed 10 feet in width up to where the driveway meets the vertical plane of the front wall or porch of the house.

Proposed Standard: The curb-cut onto a public street for a front loaded lot will not exceed twelve (12) feet in width. A driveway width transition from twelve (12) to eighteen (18) feet will occur between the sidewalk and garage at up to a forty-five (45) degree angle. No alley-served lots will be permitted a curb cut onto the public street fronting the lot.

While the intent of ordinance is to insure residential units shall be designed so that garages do not dominate the street the Applicant believes experience shows this modification is necessary to allow for the safe entry and exit from the driveway by the residents. As currently required the throat of the driveway is too narrow and traveling movement is awkward and difficult. This modification will not undermine the goal of minimizing the impact of garage structures on the residential streetscape.