

**Department of Community Development
Staff Report**

PROPERTY OWNER: Mintbrook Developers, LLC

APPLICANT: Mintbrook Developers, LLC

LOCATION: Marsh Road, Bealeton

DISTRICT: Lee District

PINS: 6899-18-3742-000, 6899-17-2503-000, 6899-16-4132-000, 6899-16-3430-000, and a portion of 6889-99-3419-000

ACREAGE: 332.41 Acres

ZONING: Mixed-Use Bealeton (MU-B), Planned Residential Development (PRD) and Rural Agriculture (RA) – All subject to proffers

LAND USE: Commercial Office/Mixed-Use, Medium Density Residential, School/Church/Fire/Rescue/Recreation; and Park/Open Space – Bealeton Service District and Rural

MEETING DATE: November 17, 2016

REQUEST: REZN-16-005320 & SPEX-16-005322: The Applicants are seeking to amend portions of a previously approved Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD) within the Mixed-Use Bealeton (MU-B) zoned portion of the project, and approval of a Category 1 Special Exception to allow up to 60 townhouse units within the Mixed-Use Bealeton (MU-B) zoned portion of the project.

OUTSTANDING ISSUES: Staff has identified three main areas of concern regarding the current application and proposed amendments to the previous approvals. These items are summarized below, with additional information and staff evaluation included within the report.

1. Consistency with the Comprehensive Plan
 - a. This area of Bealeton is intended to be developed as a mixed-use town center which is predominately commercial. As proposed, when comparing gross floor areas, the plan includes between 39% and 45% commercial uses and between 61% and 55% residential uses.

- b. Marsh Road (Route 17) is envisioned to develop into the Main Street of Bealeton, with new buildings fronting the road which are designed to reflect a traditional town character. The approved plan has seven commercial buildings fronting Marsh Road, whereas the requested plan only includes two buildings fronting Marsh Road.
2. Compliance with the Zoning Ordinance requirements for the Mixed-Use Bealeton Core (MU-B Core) District, and its intended development type
- a. The MU-B Core District requires that primary structures, other than single family homes, be a minimum of two stories unless they are expressly authorized by the Code of Development to be only one story. It also states that the predominant building type is to be two to four story buildings to create the feel and function of a traditional town. The approved CDP shows that seven of the 16 commercial buildings (44%) in the Village Center are required to be at least two stories in height, with the opportunity for future unplanned MU-B buildings to be taller. With this proposal, only two of the nine (22%) proposed commercial buildings in the Village Center and none of the eight proposed commercial buildings in the MU-B Core portion of Neighborhood A are required to be more than one story. Staff would point out that the three multi-family buildings in the Village Center are proposed to be three stories and required to be a minimum of two stories. Additionally, the Senior Residences building, in Neighborhood A, is currently being constructed at three stories.
 - b. The MU-B Core District has specific requirements for active commercial space along the key commercial pedestrian streets; total residential space in the project, with a maximum permitted to be located on the ground floor space; and public/civic/institutional space. With this application a waiver is being requested to decrease the active commercial space along key pedestrian streets, increase the ground floor residential space, and decrease public/civic/institutional space.
 - c. The Zoning Ordinance provides no by-right density for first floor residential development in the MU-B Core. This application is proposing stand-alone income restricted multi-family residential units (apartments) and single-family attached residential units (townhomes). The Board of Supervisors can only approve these units through the Transfer of Development Rights, as affordable housing units, and/or by the project utilizing Traditional Neighborhood Design (TND) principles and techniques. As there is currently no ability to Transfer Development Rights in Fauquier County, the Board

must make the other findings in order to approve the units. The 102 multi-family units have been committed to being affordable; whereas the 60 townhomes have not. In order to permit the townhomes, the Board would need to determine that the project is utilizing TND principles and techniques and that they are consistent with the policies set forth in the Comprehensive Plan.

3. Unmitigated impact to the County caused by the proposal
 - a. The Applicant is requesting 90 additional residential units in the MU-B Core, than is currently permitted. This equates to an additional 190 MU-B Core residential units when compared to the original approval. There continues to be no financial contribution for the residential units in the MU-B Core portions of Mintbrook. Therefore, there are likely impacts to the County's services and infrastructure which are not mitigated. This is further compounded by the reduction of 35,378 square feet of commercial area from the current approvals and an overall decrease in commercial development of 65,000 square feet from the original approval. Commercial development is proffered to contribute \$4.00 per square foot of space. The reduction of overall commercial space will reduce the amount of cash proffers to be received by the County and limit the ability to offset the development's impacts.
 - b. The Applicant is requesting to delay the timing of commercial development in relation to the PRD residential development, while simultaneously significantly reducing the commitment to total commercial space to be constructed. As the County's expenses to provide services to the residential units is incurred, and more units are being requested to be built before any commercial space is required to be built, it may be a significant amount of time before any tax benefits are seen from the commercial development. This concern is further compounded by the fact that only a small amount of commercial space is committed to be built in order to completely build out the residential component.

RECOMMENDATION: Staff advises the Planning Commission to recommend denial of Rezoning REZN-16-005320 to the Board of Supervisors due to the issues indicated above. However, should the majority of the Planning Commission not share the same concerns, a recommendation of approval could be made. In either case, staff advises the Planning Commission to make the same recommendation on Special Exception SPEX-16-005322, as they do for Rezoning REZN-16-005320.

Topic Description:

Mintbrook Developers, LLC (Owner/Applicant), is seeking to amend portions of Mintbrook's approved (with REZN14-LE-004) Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD) within the Mixed-Use Bealeton (MU-B) Core zoned portions of the project. They are also asking for approval of a Category 1 Special Exception to allow up to 60 townhouse units within the MU-B Core zoned Village Center portion of the project. It should be mentioned that Mintbrook's original approval (REZN11-LE-002) included a Category 3 Special Exception to permit a hotel; a Category 12 Special Exception to permit active commercial use(s) within a building exceeding 50,000 square feet and less than 70,000 square feet; and three Category 13 Special Exceptions for drive-through facilities serving a pharmacy, bank, laundry pick-up and one fast food restaurant all within the use within Neighborhood B – Village Center. These previously approved Special Exceptions remain a part of the project, and the Board of Supervisors would be reconfirming the previous approval, if this application is approved. Lastly, the Board of Supervisors is being asked to consider several waivers and modifications of the County's Zoning and Subdivision Ordinances.

There are two design related components to the rezoning request. The first is redesign of the Village Center. With this new design the Applicant has included 102 multi-family units distributed between three three-story buildings. Conceptually, these newly proposed multi-family units replace the previously approved 18 multi-family units over commercial. These newly proposed multi-family units are proffered to be affordable in accordance with Fauquier County's definition of Affordable Housing. They are further limited to having no more than 20 one bedroom units and no more than 42 three bedroom units. The previously approved 54 stacked multi-family (2 over 2) units are generally proposed to be replaced with 60 single-family attached (townhouse) units. This unit type requires the approval of a Category 1 Special Exception within the MU-B Core zoning district. The townhouse units are proposed to be constructed pursuant to the residential building standards of the proffered COD. They will be rear-loaded, with each home incorporating a single car garage and driveway. The balance of the Village Center has been reconfigured to respond to the new residential components, and includes similar commercial and office uses as the original approval. The new Village Center design includes a maximum of 195,000 square feet of commercial development, which is a reduction of 25,000 square feet from the current approval, which permitted up to 220,000 square feet of commercial space in the Village Center.

The Applicant believes that there is a strong demand for more entry level owner occupied homes and upscale rental type units at Mintbrook. The newly proposed units are intended 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. Mintbrook, working with JBG Rosenfeld Retail since the spring of 2013, has been marketing the commercial Village Center to both local, regional, and national office and retail users. To date, they have been unsuccessful in getting any commercial users to express interest in the Village Center. The Statement of Justification indicates that the most common response to those approached, is there is not enough residential density to support additional commercial, office or retail in the Bealeton area. With this proposal, the Applicant believes that the two newly proposed residential unit types will meet the current demands. The newly proposed townhouse units are intended to provide a more affordable entry level home, and the increase of residential units and density is intended to support and generate demand for the commercial development planned for Mintbrook and envisioned for Bealeton.

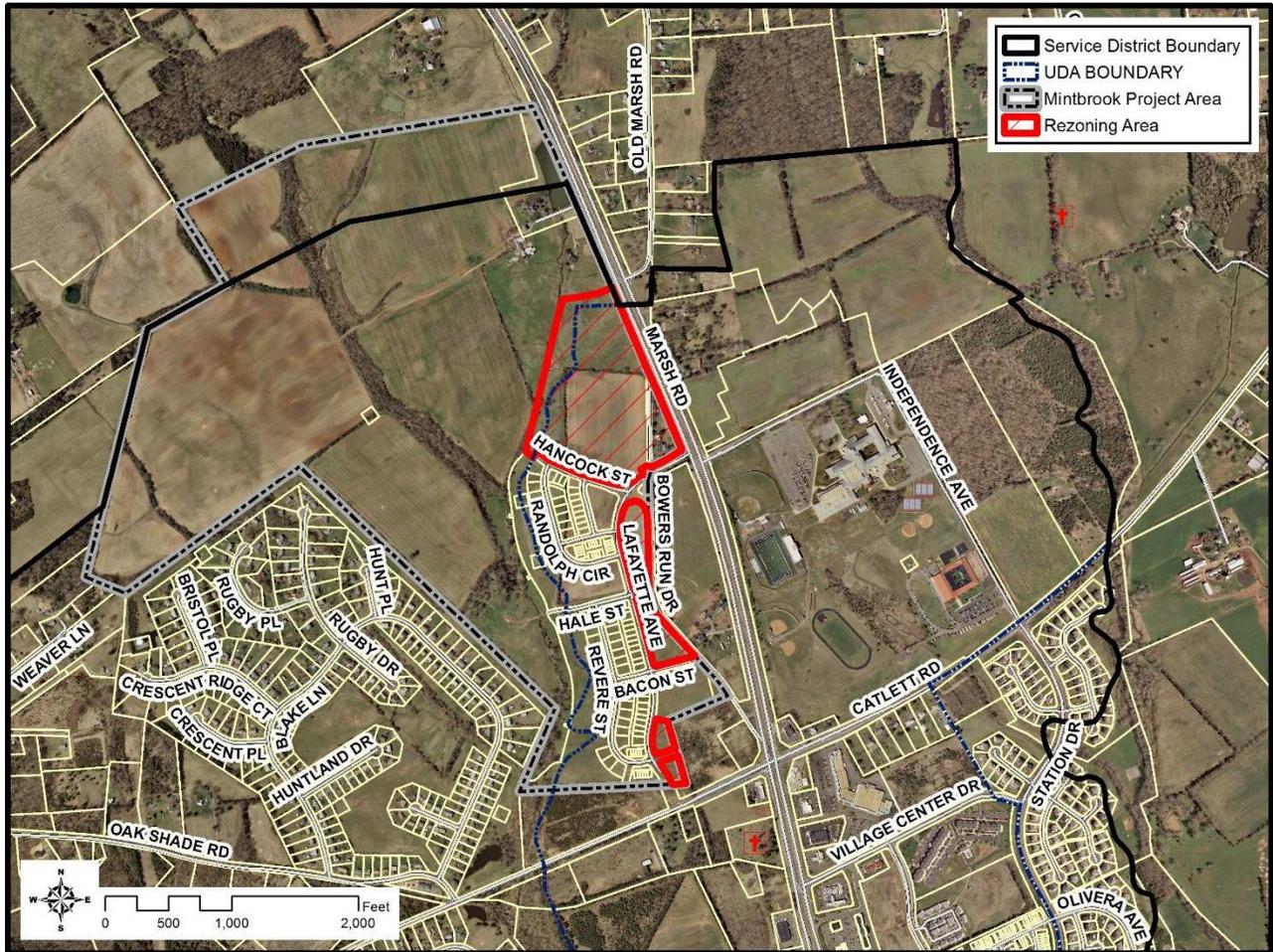
The second design related component of the rezoning request is to show a development concept on the remaining un-designed areas, zoned MU-B Core. The original Mintbrook approval included 13.8 acres of land zoned MU-B that required a future rezoning approval by the Board of Supervisors, prior to development occurring in these areas. At the original approval a 0.20 Floor Area Ratio (FAR) was used to estimate traffic generation and potential buildout. This equated to 125,000 square feet of office/commercial uses. With this proposal, the Applicant included a concept plan for these previously “unplanned” areas. In addition to the 100 Active-Adult multi-family residential units (REZN14-LE-004, approved March 13, 2014) the proposed plan shows 85,000 square feet of commercial and office space. The design for this area has been included to give a more accurate concept of the potential build out of Mintbrook and allow for a more thorough evaluation of the project. Additionally, it would allow for a commercial user who wasn’t ideally situated for the Village Center to easily get started with a site plan and construction in the other MU-B Core portions of Mintbrook.

If this amendment is approved, Mintbrook would be permitted to build a maximum of 665 dwelling units (403 in the PRD zoned area and 262 in the MU-B Core zoned area) and 280,000 square feet of commercial/office space. This is an increase of 190 dwelling units from the original 2012 approval and an increase of 90 dwelling units from the amendment approved in 2014. All of the additional units are located within the MU-B Core zoned area. To allow for the additional residential units in the MU-B Core area, the project’s permitted commercial and office development in the MU-B zoned area was reduced by 65,000 square feet from the original 2012 approval (or 39,622 square feet from the 2014 amendment) to a maximum of 280,000 square feet. There is no change from the original approval to the design and allowable amount of residential development of the PRD zoned area. However, the proposed modifications to the proffer statement and COD would apply to and effect the development of the PRD portion of the project.

The most significant requested change to the proffer statement is within the “Residential and Commercial Phasing” commitment. To ensure that the rate of residential development at Mintbrook did not greatly exceed the rate of commercial development, the proffers included a phasing of commercial square footage in relation to certificates of occupancy for the residential units in the PRD portion of the project. The current approval requires: (a) occupancy permits for 8,000 gross square feet of commercial development prior to the issuance of the 150th residential occupancy permit; (b) occupancy permits for 20,000 gross square feet of commercial development prior to the issuance of the 225th residential occupancy permit; (c) occupancy permits for 30,000 gross square feet of commercial development prior to the issuance of the 300th residential occupancy permit; (d) occupancy permits for 50,000 gross square feet of commercial development prior to the issuance of the 350th residential occupancy permit; (e) occupancy permits for 70,000 gross square feet of commercial development prior to the issuance of the 400th residential occupancy permit; and (f) occupancy permits for 100,000 gross square feet of commercial development prior to the issuance of the 475th residential occupancy permit. With this proposal the applicant is requesting to delay the timing of commercial development in relation to the PRD residential development and reduce the total amount of commercial space that is required to be built to achieve full residential build out. The current request is to require: (a) occupancy permits for 8,000 gross square feet of commercial development prior to the issuance of the 285th residential occupancy permit; and (b) occupancy permits for 30,000 gross square feet of commercial development prior to the issuance of the 350th residential occupancy permit. The residential occupancy permits are proposed to continue to only relate to the residential units constructed in the PRD zone. This allows the 262 units requested in the MU-B Core

zone to be constructed at any time without impacting the timing of the required commercial development.

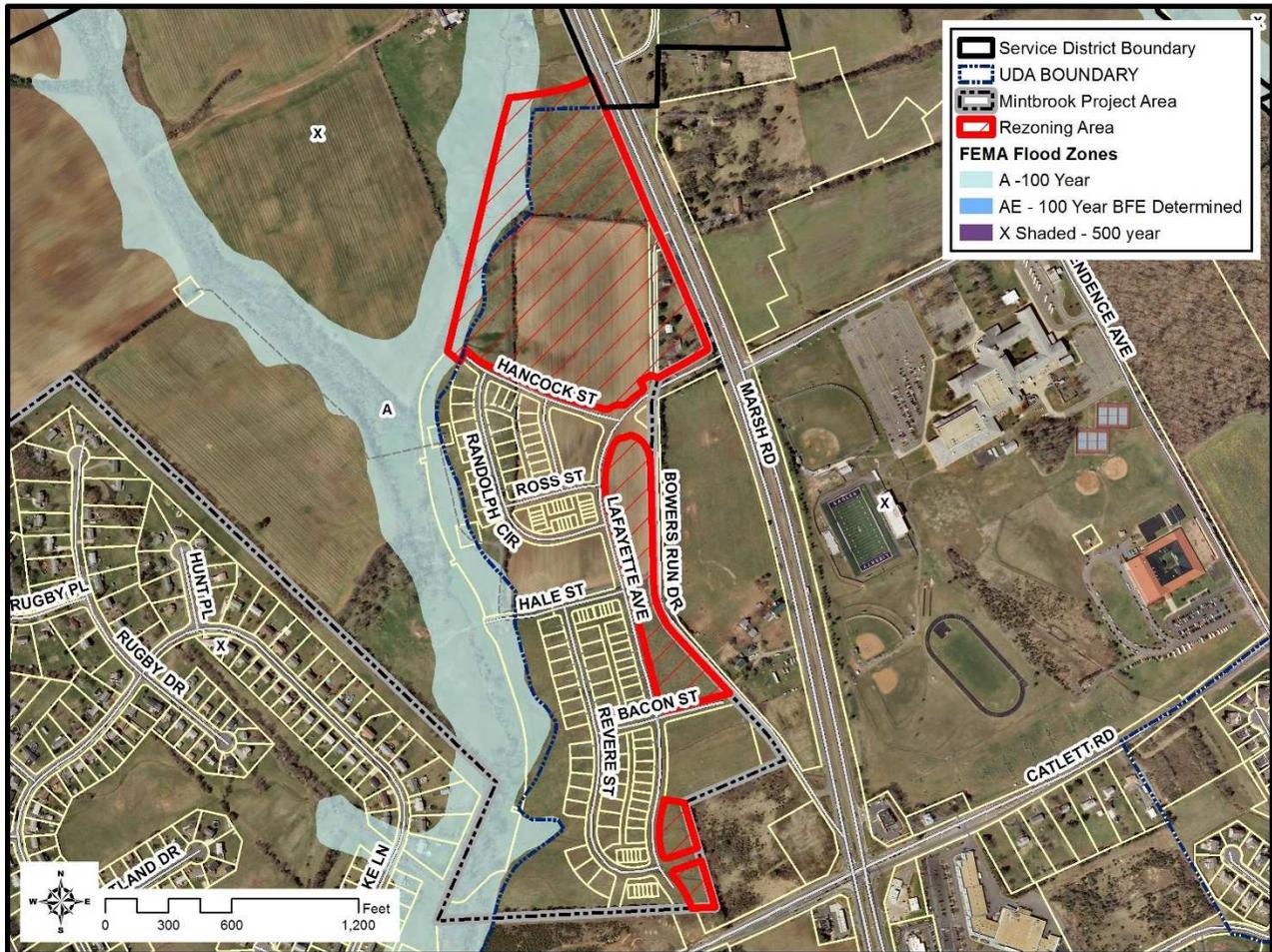
Regional Aerial Map



The Applicant states that single family detached and attached homes (in the PRD zoned area) have been constructed at a pace of two to four residential dwelling units per month. This equates to an average absorption of three units per month. The approved Proffer Statement limits buildout of the single family detached and attached homes, in the PRD zoned portion of the project, to 149 units before 8,000 square feet of commercial must be built. Contemporaneously Mintbrook is required to construct at least one specifically located multi-story commercial building. The Applicant does not believe that Mintbrook will be able to develop at the current rate, meeting the current residential demand, while being able to honor its obligations for commercial development. It is the opinion of the Applicant that this amendment, which includes additional residential density in the Village Center and also allows for an additional 135 units in the PRD portion of the project to be built prior to any commercial buildings being constructed, will attract commercial users to the village center and most importantly provide a path for success for the Mintbrook project.

A detailed analysis and evaluation of the proposed Rezoning Amendment and Special Exception can be found throughout this report. Tables which summarize the current proposal and compare it to the previous approvals have been attached. Additionally, the previously approved versions as well as the currently proposed version of the Concept Development Plan (CDP), Code of Development (COD), and Proffer Statement have been attached for reference and review. Lastly, the Applicant's Statement of Justification and supporting materials have been attached for review and reference.

Site Aerial Map



Project History:

On April 12, 2012 the Board of Supervisors approved a Comprehensive Plan Amendment (CPAM11-LE-001), Rezoning (REZN11-LE-002), Special Exception for Floodplain Crossings (SPEX12-LE-003) and Comprehensive Compliance Review (CCRV11-LE-001) for the Mintbrook project. The Comprehensive Plan Amendment expanded the Bealeton Service District by approximately 78.51 acres, and designated portions of the property with land use categories of Commercial Office/Mixed Use, Medium Density Residential, School/Church/Fire/Rescue/Recreation, and Park/Open Space. The approved Rezoning designated a majority of the property, 198.4 acres, to the Planned Residential District (PRD) zoning district. This portion of the project was to be used for a variety of single family

(attached and detached) units. The eastern portion of the project, 43.19 acres, was zoned Mixed Use Bealeton (MU-B) Core, and planned for a mix of commercial and office uses with some limited multi-family dwelling units. The northern 90.86 acres was zoned RA (Rural Agriculture), and was planned to contain a future public school or park, recreation area, and fire station. With this original approval, Mintbrook was permitted up to 475 dwelling units, 403 in the PRD zoned area and 72 in the MU-B zoned area. Additionally the project was permitted a maximum of 345,000 square feet of commercial and office development in the MU-B zoned area.

The Board of Supervisors approved a Rezoning Amendment (REZN14-LE-004) for Mintbrook on March 13, 2014. This amendment approved uses in the “Future Mixed Use Area” of Neighborhood A, Block 5. The concept plan included commercial uses and a maximum of 100 multi-family units which are both income and age restricted. With this amendment and second approval, Mintbrook is permitted to build a maximum of 575 dwelling units, 403 in the PRD zoned area and 172 in the MU-B zoned area. The project’s permitted commercial and office development in the MU-B zoned area was reduced by 39,622 square feet to a maximum of 305,378 square feet.

Various applications related to the initial phases of construction have been reviewed and approved by the Department of Community Development. These include a floodplain study, an Infrastructure Plan, a Code of Development Major Site Plan for the first phase (with three individual sections) of the PRD portion of the project, and a Code of Development Major Site Plan for Senior Residences located in Neighborhood A, Block 5 (MU-B Core zoned). Additionally, multiple plats have been recorded related to the initial phases of development. A total of 183 single family residential lots have site plan approval and final engineering in the PRD zoned area, and an 80 unit multi-family building has final engineering and site plan approval in the MU-B Core zoned area. Final plats, which total 121 single family residential lots, have been approved for Phase A - Section 1 and Phase A - Section 2. Phase A - Section 3, which includes 62 single family residential lots, has not been platted at this time. As of the time of writing this report 73 of the single family residential homes have been issued Certificates of Occupancy, and the 80 unit Senior Residences building is nearing completion and having occupancy permits issued.

Location, Zoning and Current Land Use:

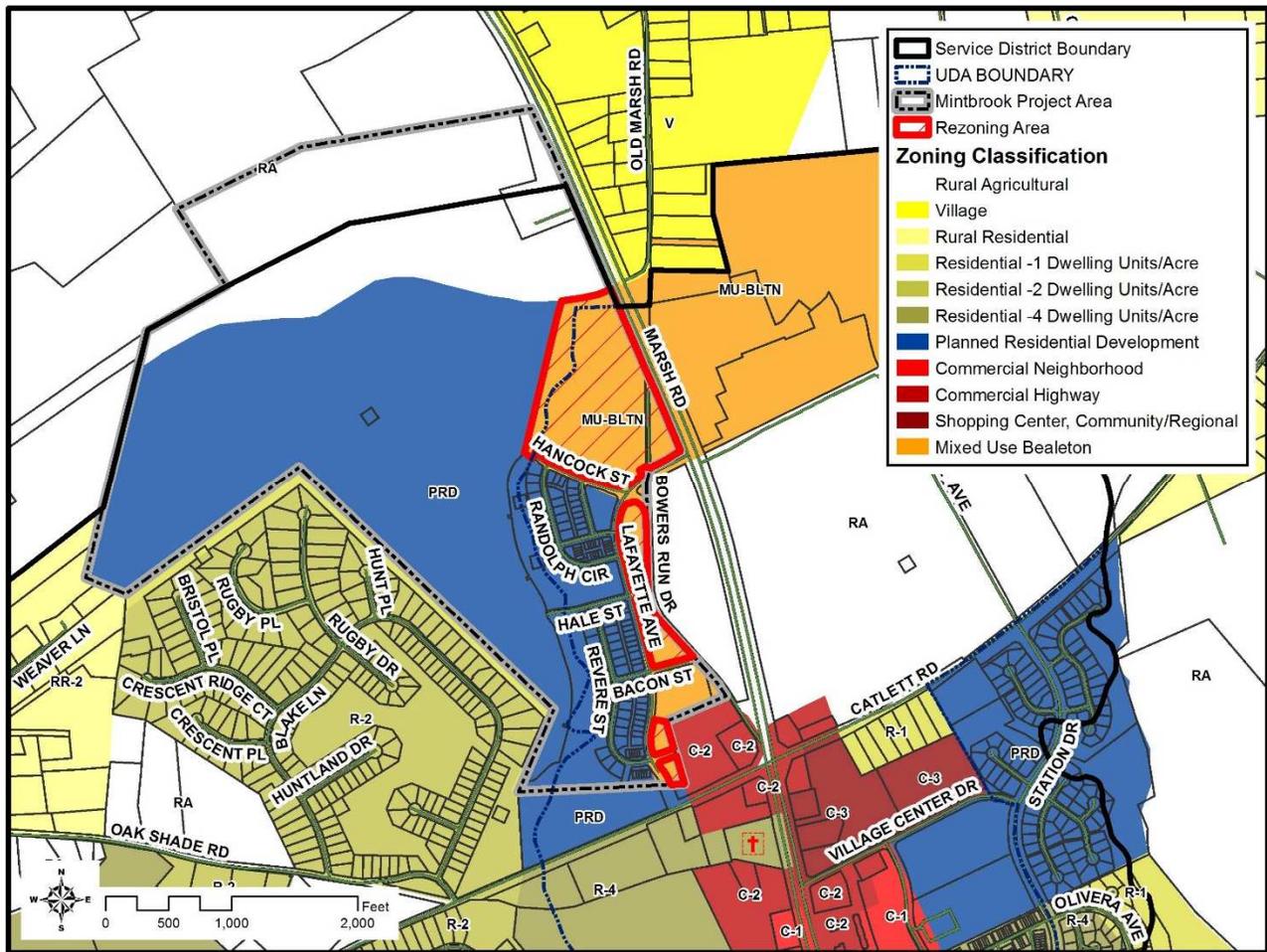
The entire Mintbrook project is 332.41 acres, however the portion of the property most affected by this application accounts for a 34.4 acre area zoned Mixed Use Bealeton (MU-B) Core, with proffers. Mintbrook is located along Marsh Road (Route 17), in Bealeton. The largest MU-B Core portion of the property, along Marsh Road (Route 17) north of the intersection of Lafayette Avenue, is redesigned with this application. Three smaller MU-B Core zoned parcels which are internal to Mintbrook and along the east side of Lafayette Avenue are also designed/redesigned with this application. The entire portions of Mintbrook, which are proposing new designs are currently vacant.

Surrounding Zoning and Current Land Use:

The properties surrounding the newly designed areas are zoned Planned Residential Development (PRD), Mixed-Use Bealeton (MU-B), Commercial – Highway (C-2), and Rural Agriculture (RA). The PRD zoned portions are generally the remainder of Mintbrook, which is planned for a mix of single family residential development. The portion along Lafayette Avenue is currently being

developed as the first two residential phases of Mintbrook. Whereas the other PRD portions, further to the west, are vacant and undeveloped. Additionally, there is a PRD zoned parcel to the south, along Catlett Road (Route 28), which is undeveloped and subject to the previous Freedom Place approvals. The MU-B Core zoned portion within Mintbrook is currently being developed with an 80 unit apartment building which is age and income restricted. It is anticipated that the development of this building will be completed around the end of the year. Several other properties known as White Marsh, on the east side of Marsh Road (Route 17) north of Independence Avenue and Lafayette Avenue are also zoned MU-B. While currently vacant, White Marsh is planned for a mix of commercial and residential uses. There is no known time frame for the development of White Marsh. The properties at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28) are all zoned C-2. The Lim Property is in the northwestern quadrant of the intersection. It is currently vacant, but planned for a mix of commercial and office uses. An Infrastructure Plan has recently been approved for the Lim Property, and staff is currently reviewing a site plan for a portion of the property. The other three quadrants of the intersection are developed with commercial uses. The properties along Marsh Road (Route 17) between the C-2 and MU-B zoned areas are within the RA zoning district. Liberty High School and Grace Miller Elementary are located on the east side of Marsh Road. The property on the west side is being used for both residential and agricultural purposes.

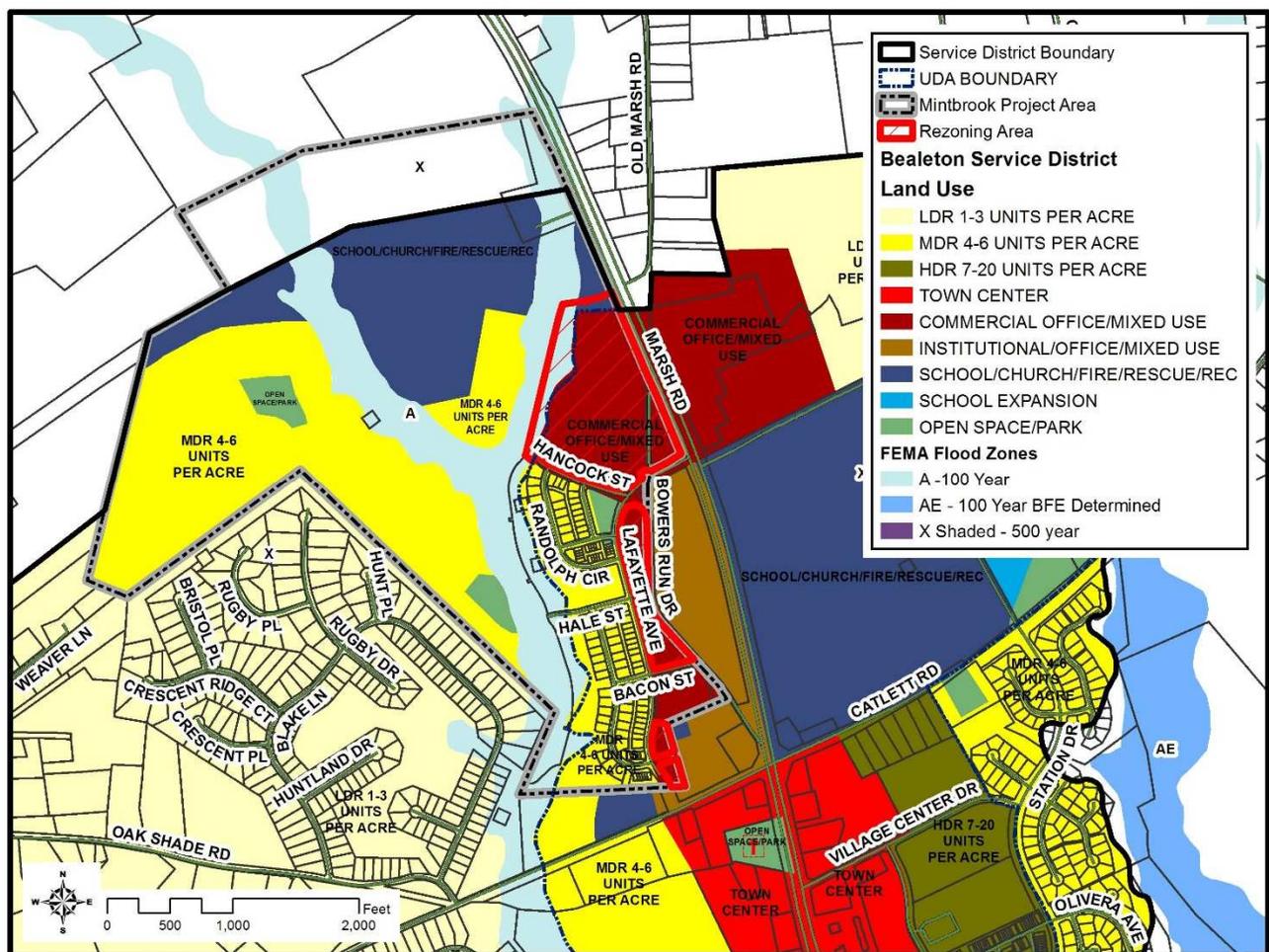
Location / Zoning Map



Comprehensive Plan/Land Use:

The subject portion of the property is within the Bealeton Service District and lies near its at the northern limits. It has a land use designation of Commercial Office/Mixed Use, within the Bealeton Town Center. The property is also within the designated Urban Development Area (UDA) of Bealeton. The Commercial Office/Mixed Use area is planned to be one of the areas that should emerge as the new, traditional downtown of Bealeton with a dominant presence of commercial uses, both office and retail. Residential uses within this area should include a combination of residential units over commercial uses, live-work units, townhouses or multi-family units, with small lot single homes at the outer edges.

Land Use Map



The Service District Plan envisions Bealeton as a “people friendly” community of distinct neighborhoods, built around a town center. Shopping and recreational options, schools, town hall, offices, library, and post office are to be in the Town Center, along streets with ample sidewalks, and large street trees. Housing in Bealeton is to range in size, type and price - from apartments over shops, apartments for the elderly, townhouses, and lower density single family detached housing in

neighborhoods further away from Route 17. The Plan also states that Route 17 will be a four-lane, divided boulevard with wide sidewalks, street trees and cross walks that create a safer, pedestrian friendly experience. In addition, the design character of the corridor is to include mixed use buildings oriented toward the roadway to further enhance the pedestrian experience.

The Bealeton Town Center is specifically planned to be a mixed-use area developed using traditional town planning standards and principles, which should result in a “traditional town” pattern of new development straddling the Route 17 “Main Street Boulevard” north of Route 28. The Plan states that mixed-use development in these areas needs to maintain a strong commercial presence, as these areas are not planned primarily for residential use. Retail, office and institutional uses, together with residential, civic, religious and cultural uses and activities, form the heart of most traditional town centers, and this variety should be the case in the Bealeton Town Center. Bealeton is planned to serve both local and regional retail shopping demands, and eventually develop into be a regional center for expanded office and similar uses that further the County’s economic development goals. A combination of “main street specialty retail” and “destination retail” is envisioned and successful development would require a different orientation from strip commercial centers. “Main street specialty” uses should be located within a pedestrian-friendly environment and would include a dense mix of retail, service, dining, civic, office and residential uses. “Destination retail,” is to be carefully sited intermittently within the “main street specialty” areas. Residential uses of varying types, densities and demographic focus should be considered for all mixed-use projects.

The Service District Plan pays particular attention to Route 17, as today it exists as a major regional arterial route that uncomfortably divides the town in two. Bealeton anticipates the day when Route 17 will become the Main Street of Bealeton in the form of an attractive and walkable boulevard that knits the town together, while still respecting the need for regional through traffic. New buildings should front Route 17, and be designed with appropriate architectural massing, scale and aesthetic presence reflecting a traditional town character. Any appearance of a suburban strip must be consciously avoided. Important local streets, including Lafayette Avenue, help to establish a highly functional street grid and should be developed with a traditional town form, incorporating a range of commercial, residential and civic uses to create a sense of “place” for the community.

As mentioned previously this portion of the property is within the Urban Development Area (UDA) of Bealeton, which is anticipated to be an area of higher density with reasonably compact development that can accommodate 10 to 20 years of projected growth. The Comprehensive Plan states that UDAs are for compact, mixed use development, with residential densities of at least 12 units per acre for multi-family development. It goes on to state that in implementation, densities and intensities for individual parcels or groups of parcels may be higher or lower than the general standards, as long as they are met in some combination within the UDA area as a whole. The UDA portion of the Comprehensive Plan also includes statements and concepts which reinforce urban mixed-use development with traditional town design principles.

The Bealeton Service District Plan includes general town center guidelines, design principles appropriate for a traditional town, design principles that are especially critical in mixed-use areas, and design principles for commercially based mixed-use areas. These as well as several figures which illustrate the design concept have been attached for reference.

13-210 Matters to be considered in Reviewing Proposed Amendments

Section 13-210 of the Zoning Ordinance gives additional guidance when reviewing and considering approval of Rezoning Applications.

Proposed amendments shall be considered with reasonable consideration of the existing use and character of the area, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the County as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community and the County and the requirements for schools, parks, playgrounds, recreation areas and other public services; for the conservation of natural resources and preservation of floodplains; and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County. These considerations shall include, but not be limited to, Comprehensive Plans or parts thereof, capital improvements programs, relation of development to roads or road construction programs, proximity of the development to utilities and public facilities, the existence of an Agricultural and Forestal District created pursuant to Chapter 36 of the Code of Virginia, and any applicable standards contained in Article 5.

The Planning Commission should consider these matters when making their recommendation to the Board of Supervisors. Particular attention should be paid to the existing use and character of Bealeton in comparison with the character envisioned in the Service District Plan. This evaluation should also consider the current and future land uses, in relation to the envisioned use versus the Applicant's proposed development scenario, and how that would affect population and economic projections. The proposal's impacts on the requirements for schools, parks, playgrounds, recreation areas, transportation improvements and other public services should also be contemplated when making the recommendation.

Proposed Rezoning Analysis:

This application is seeking to amend portions of Mintbrook's approved rezoning application (REZN14-LE-004) within the Mixed-Use Bealeton (MU-B) Core zoned portion of the project. A revised Proffer Statement, Concept Development Plan (CDP) and Code of Development (COD) have been submitted for consideration. It should be noted that the revisions to the Proffer Statement and COD would apply to Mintbrook's entire project area.

The main components of this request are: (a) add 102 multi-family units to the MU-B Core and remove the currently approved 18 multi-family units over commercial; (b) convert the 54 previously approved stacked multi-family units to 60 single family attached units; (c) revise the Village Center site design to include these two new residential unit types; (d) show a development concept for the remainder of the "Future Development Areas" of the MU-B Core area (which currently require a rezoning amendment to permit any development); and (e) significantly change the commitment related to the staggered phasing of residential and commercial development, as well as reduce the amount of total commercial space required to be constructed to achieve full residential buildout.

If this amendment is approved, Mintbrook would be permitted to build a maximum of 665 dwelling units (403 in the PRD zoned area and 262 in the MU-B Core zoned area) and a maximum of 280,000

square feet of commercial/office space. This is an increase of 190 dwelling units from the original 2012 approval and an increase of 90 dwelling units from the amendment approved in 2014. There has been no change from the original approval to the PRD zoned area. To allow for the additional residential units in the MU-B Core area, the project's permitted commercial and office development in the MU-B zoned area was reduced by 65,000 square feet from the original 2012 approval (or 39,622 square feet from the 2014 amendment), to a maximum of 280,000 square feet.

The Applicant proffered, with the original approval, \$8,740.00 per single family detached unit in the PRD district; \$6,240.00 per single-family attached unit in the PRD district; \$0.00 per unit in the MU-B Core district; and \$4.00 per commercial square foot in the MU-B Core district. These previously proffered amounts remain unchanged. At the time of original approval the County's proffer policy suggested that the combined impacts to services equated to \$28,613.00 for a single family detached unit, \$20,597.00 for a single family attached unit, and \$13,158.00 for a multi-family attached unit. The applicant justified the reduction in cash proffers with the value of land to be dedicated to the County for public use and the project's other public improvements. This proposal has 65,000 square feet less of commercial space than the original 2012 approval. With the proffered amount of \$4.00 per commercial square foot in the MU-B Core district, this equates to \$260,000.00 less in cash proffers to be received by the county. Additionally in 2014, 100 multi-family units were added to the MU-B Core portion of the project; this proposal seeks to add another 90 residential units to the MU-B Core portion of Mintbrook. This equates to 190 additional units beyond the original approval that do not address impacts to the County, both fiscally and to infrastructure, and would be unmitigated with this proposal.

Staff's concern regarding the application's impacts is amplified by the request to delay the timing of commercial development as it relates to the timing of the residential development. With the original approval the applicant could only construct 149 residential units before needing to complete 8,000 square feet of commercial uses. The amendment approved in 2014 allowed any units constructed in the MU-B Core to not count towards this requirement. As a result the Applicant could construct 304 residential units (150 in the PRD and 154 in the MU-B Core) before needing to complete 8,000 square feet of commercial uses. As proposed, a scenario could present itself where the Applicant constructs 546 residential units (284 in the PRD and 262 in the MU-B Core) prior to constructing any commercial uses. Additionally, the original approval required the Applicant to construct 100,000 square feet of commercial space to achieve full residential build out of 475 units. Whereas, this proposal would only require 30,000 square feet of commercial space to achieve full residential build out of 665 units. This change could cause significant delay for the County seeing any positive fiscal impact from the commercial uses, while needing to provide services to the increased residential development (particularly since there is no mitigation provided for the 190 units added from the original approval).

A summary and analysis of the revisions to the Proffer Statement, Code of Development (COD), Concept Development Plan (CDP), and other elements typically considered in rezoning applications is provided below.

Proffers

An updated Proffer Statement has been submitted by the Applicant as a part of the rezoning amendment application, copies of the proposed proffers as well as the project's current proffers have been attached. Additionally, a redline version comparing the proposed proffer statement to the

currently approved proffer statement has been attached. The requested changes to the proffer statement are outlined and summarized below. Following each summary, in *italics*, is a staff evaluation of the proposed modification.

- Section 4. Land Use, Residential and Commercial - Changes to this section of the proffer statement update maximum unit counts to include the 102 multi-family units and 60 townhomes proposed with this application while removing the 18 multi-family units over commercial and the 54 stacked multi-family units. The proffer now limits the development to 463 fee simple single family detached and single family attached residential dwelling units, 102 work force multi-family residential units, and 100 active adult multi-family residential units. The work force multi-family units are further limited to no more than 20 one bedroom units and no more than 42 three bedroom units. The Applicant has also proffered that the 102 multi-family residential units in the MU-B Village Center Neighborhood B will be affordable in accordance with Fauquier County's definition of Affordable Housing found in Section 15-300 of the Zoning Ordinance, and that the income requirements of the Virginia Housing Development Authority (VDHA) shall be used in calculating tenant income.

In addition to evaluating the proposed additional units and corresponding revision to the unit type mix, the Planning Commission should consider the inclusion of the multi-family apartments as affordable units. It should be determined if there is a need for this type of unit in the Bealeton Service District, and if the proposed location (as stand-alone units within a Village Center zoned MU-B Core) is appropriate. The proposed unit mix should also be considered by the Planning Commission and how the potential impacts of the proposal could change as the unit mix evolves between now and construction. As the proffer is written the new multi-family residential products could be constructed as 102 two bedroom units, or 42 three bedroom units and 60 two bedroom units, or 42 three bedroom units, 40 two bedroom units, and 20 one bedroom units, or 82 two bedroom units and 20 one bedroom units, or any other combination within the requirements. As the household size typically increases as the number of bedrooms increase, the potential impacts of the project could be drastically different depending on the actual build-out of the proposed units.

- Section 5. Residential and Commercial Phasing – The Applicant has requested to increase the number of occupancy permits that can be issued in one year from 75 units to 80 units. This would equate to between six and seven residences being completed each month. The ability to carry over unconstructed units from one year to the next, as long as no more than 100 residential occupancy permits are issued in any one calendar year still remains. The restriction still only applies to the residences constructed in the PRD areas of Mintbrook.

The Comprehensive Plan suggests that new residential development subject to rezoning applications be phased in a manner commensurate with application scale and the capacity of schools and other public infrastructure needed to support the new neighborhoods. As this restriction only applies to the PRD areas of Mintbrook and there is no restriction on the residential units in the MU-B Core there is the potential for 262 dwelling units (100 in the PRD and 162 in the MU-B Core) to be constructed in one calendar year. The Planning Commission should consider if this requested increase is appropriate and if the public facilities and infrastructure is in place to accommodate this many new units in the same general location in one year.

- Section 5. Residential and Commercial Phasing – With this proposal the applicant is requesting to delay the timing of commercial development in relation to the PRD residential development. For this proffer, the residential units in the MU-B Core portions of Mintbrook are not included in the total occupancy permit calculations. The current request is to require: (a) occupancy permits for 8,000 gross square feet of commercial development prior to the issuance of the 285th residential occupancy permit; and (b) occupancy permits for 30,000 gross square feet of commercial development prior to the issuance of the 350th residential occupancy permit. The current approval requires: (a) occupancy permits for 8,000 gross square feet of commercial development prior to the issuance of the 150th residential occupancy permit; (b) occupancy permits for 20,000 gross square feet of commercial development prior to the issuance of the 225th residential occupancy permit; (c) occupancy permits for 30,000 gross square feet of commercial development prior to the issuance of the 300th residential occupancy permit; (d) occupancy permits for 50,000 gross square feet of commercial development prior to the issuance of the 350th residential occupancy permit; (e) occupancy permits for 70,000 gross square feet of commercial development prior to the issuance of the 400th residential occupancy permit; and (f) occupancy permits for 100,000 gross square feet of commercial development prior to the issuance of the 475th residential occupancy permit.

The Applicant contends the additional residential buildout, over 149 homes, prior to commercial buildings constructed, is an attempt to attract commercial users to the Village Center. Most importantly, they believe that this change will provide a path for success for the Mintbrook project. The originally proffered commercial phasing was to ensure that the project would develop sequentially as a mixed-use area, and that the residential product would not be significantly built-out prior to commercial development occurring.

As proposed the Applicant could construct 70% of the PRD units (285) and 100% of the MU-B Core units (262), which would total 82% of the total residential build-out (547 units) while only being required to construct 3% (8,000) of the total proposed commercial space. The only other commercial phasing requirement would allow 87% of the PRD units (350) and 100% of the MU-B Core units (262), which would total 92% of the total residential build-out (612 units) while only being required to construct 11% (30,000) of the total proposed commercial space. Once this second commercial phasing requirement is met, the Applicant would be permitted to completely build-out the residential portions of the project (665 units) with no further requirement to construct any commercial space. Staff is concerned that with this requested change the project will be developed primarily as a residential project with a very limited amount of commercial space, and not as the mixed-use project that was initially approved. Additionally, with this proposal there may be a significant portion of time that the County's expenses to provide services to the residential units is increased, before any tax benefits are seen from the commercial development. This concern is further compounded by the fact that there is no mitigation associated with any of the residential units in the MU-B Core portions of Mintbrook.

- Section 5. Residential and Commercial Phasing – The approved proffers require a two story or taller commercial building on the southwest corner of the intersection of Route 17 and the Village Main Street to be the first commercial structure commenced, and the building immediately to the west is to be the second commercial building constructed. Additionally, the proffers require a two story or taller commercial building on the northwest corner of the intersection of Route 17 and the

Village Main Street be constructed not later than the issuance of the 300th residential occupancy permit for the Property. A minimum of seven separate two story or taller commercial/office/retail/mixed-use/residential buildings are also required within the Village Center. With this application, the Applicant is requesting to change the timing of the construction of the buildings to only require a two story commercial building on the southwest corner of the intersection of Route 17 and the Village Main Street be part of the first 80,000 square feet of commercial space built in the Village Center, and only commit to five commercial/office/retail/mixed-use/residential buildings being two stories or taller.

The approved proffers require the development of the pedestrian oriented portions of the village center to occur early in the project's development phases. This is to create the type of development envisioned in the Comprehensive Plan and required by the MU-B Core zoning district. Staff recognizes that the proposed proffer would allow the Applicant greater flexibility in attracting commercial users, and allow for smaller more incremental commercial development throughout the project. However, Staff also has concerns that the Village Center portion will not develop in a timely fashion, and that the short to medium term commercial development will not be consistent with the Comprehensive Plan's vision for this area of Bealeton. This concern is further increased with the proposed changes in the commercial phasing (describe above), as there is no residential trigger which would require any of the commercial development along the key pedestrian streets in the Village Center.

- Section 21. Dedication of Real Property for Public Uses and Construction of Certain Public Improvements – The Applicant has proposed modified language related to the timing of the dedication of land for public use; the acreage of land and proposed use remain unchanged. Currently the Applicant is required to dedicate land for a fire station, school, recreational purposes and land for a community center or other public or quasi-public use one year following approval of the first site or subdivision plan for the development of the Property, upon written request by the County. They are also required to dedicate land for school or recreational purposes two years following approval of the first site or subdivision plan for the development of the Property, upon written request by the County. The requested language adds clarity to the timing of the dedication and would require the land to be dedicated to the County within 60 days of receipt of written request, if the requested parcel is recorded and utilities are installed and within one year if the requested parcel is not recorded or utilities are not installed. Lastly, the Applicant is currently committed to constructing four youth soccer/lacrosse fields with gravel parking areas and contributing four sets of either soccer or lacrosse goals for the County's use prior to the issuance of the 150th residential occupancy permit. With this proposal the Applicant is committing to having the recreational fields and parking areas developed, as well as the goals being contributed prior to the issuance of the 125th residential occupancy permit.

Staff supports these changes as it adds clarity to when the lands for public use will be dedicated, and commits to a needed public amenity being developed within a shorter timeframe. Staff would note that as of the time of writing this report 73 of the single family residential homes have been issued certificates of occupancy, and 80 age restricted multi-family residences are nearing completion. This equates to a total of 153 residential occupancy permits. Should the proffer related to the development of the recreational fields be changed, or not, the fields would be required prior to completion of the senior residences building currently under construction.

Concept Development Plan (CDP)

An updated Concept Development Plan (CDP) for the MU-B Core zoned areas was included as a part of the rezoning amendment application materials. This new CDP includes a new conceptual plan for the “Village Center” (Neighborhood B) and a conceptual plan for the previously unplanned MU-B Core areas of Neighborhood A.

The new plan for the Village Center contains many of the same uses as the currently approved plan, however, it has been significantly revised to account for the newly proposed 102 multi-family units and the 60 townhomes. The Village Center design can generally be divided into four quadrants. These are bounded by Marsh Road (Route 17), Lafayette Avenue/Hancock Street, the FEMA floodplain, and future Jefferson Boulevard, and defined by the future internal Village Main Street (which generally runs north/south connecting Jefferson Boulevard and Lafayette Avenue) and Village Entry Street (which generally runs east/west connecting Marsh Road to Hancock Street across Village Main Street). The central portions of Village Main Street and Village Entry Street have been identified as key pedestrian streets.

The northern end of the northeast quadrant has a 53,000 square foot one story retail anchor. This building is likely to be developed as a grocery use, but may be another type of retail, office or restaurant use. Its front elevation faces a parking field with side elevations along Marsh Road and Village Main Street. An enhanced buffer has been proposed along the rear elevation of this building which would otherwise be visible from Jefferson Boulevard. Two other buildings which are proposed to contain retail, office and/or restaurant use are located along Village Entry Street. The one which is closest to Marsh Road is required to be two stories and has a footprint of 12,250 square feet. The other building has a footprint of 5,700 square feet and may be one or two stories. Parking for these buildings is located to the rear and shared with the large lot for the retail anchor.

The southeastern quadrant includes four buildings which are proposed to be a mixture of retail, office and or restaurant. The southern two buildings front Marsh Road and have a typical pad site layout, with parking for these uses generally located to the side and rear. These two buildings are proposed to likely develop as a pharmacy and bank, both with drive-through facilities. The northern portion of this quadrant has two buildings which address the key pedestrian streets and a central plaza. The one which is closest to Marsh Road is required to be two stories and has a footprint of 12,250 square feet. The other building has a footprint of 9,300 square feet and may be one or two stories. Parking for these buildings is located to the rear.

The southwestern quadrant contains all of the proposed residential uses. This includes three multi-family buildings closest to the center of the Village Center. These buildings are required to be at least two stories, but will likely develop as three story buildings. Along Lafayette Avenue and Hancock Street (closest to the PRD portions of Mintbrook), there are 12 groups (sticks) of townhomes which include between four and eight units each. In both cases the parking facilities are located to the rear or sides of the buildings, with additional on-street parking available.

In the central portion of the northwestern quadrant there is a commercial building with a 13,200 square foot footprint. This building is proposed to be between one and four stories tall and have hotel, retail, office and/or restaurant uses. A majority of the parking is located behind this building. At the northern

end is a building that is proposed to be developed as a one story fast food restaurant or day care facility. Some additional parking is located along the side and rear of this building. The remainder of this quadrant is defined by a passive park with trails and seating options running along both the FEMA floodplain and future stormwater management facilities.

The last significant change to the CDP is to the buffer along Route 17. The current approvals require a 30 foot wide Corridor Enhancement buffer. The buffer contains a 10 foot wide asphalt trail. Street trees spaced every 60 feet on center are required between the Route 17 right-of-way and the trail, and ornamental trees alternately spaced in intervals of 24 feet and 36 feet are required between the trail and edge of the buffer. This proposal maintains the buffer width and asphalt trail, with street trees generally spaced at 75 feet on center and ornamental trees generally spaced at 25 feet on center along the trail. The buffer also adds alternating sections of a double staggered row of shrubs and a two foot high masonry landscape wall with a row of shrubs. The changes are to add screening of the proposed parking areas and create a more formal landscape, which includes a built element, along the Marsh Road frontage.

Staff has two concerns regarding the new Village Center design, which the Planning Commission should consider when evaluating this application. The first is consistency with the Comprehensive Plan as it relates to the development along Marsh Road (Route 17). The Comprehensive Plan envisions Marsh Road (Route 17) developing into Main Street of Bealeton, with new buildings fronting the road and designed to reflect a traditional town character. It goes on to suggest that any appearance of a suburban strip must be consciously avoided. Mintbrook has approximately 1,400 feet of frontage along Marsh Road (Route 17); with this plan only two buildings are shown as addressing and fronting Marsh Road. These two buildings are shown to likely be developed as a pharmacy with a drive-through and a bank with a drive-through. The remaining portions of the frontage contain the sides of retail buildings or vehicular parking/circulation areas. For comparison purposes, the currently approved plan shows seven buildings which address Marsh Road along approximately 76% of the project's frontage. The remainder of the frontage is planned to be a Village Entry Green. Staff acknowledges that the Applicant has included a two foot high landscape wall along portions of the Route 17 frontage, which will provide a more formal buffer and include constructed elements.

The second concern is the reduction in buildings which are two stories or taller. The Zoning Ordinance states that "Primary structures other than single family homes shall be a minimum of two stories unless buildings of less than two stories are expressly authorized by the Code of Development; provided that it is the intent of this ordinance that the predominant building type shall be two to four stories in order to provide the massing of buildings necessary to create the feel and function of a traditional town. It also states that the predominant building type is to be two to four story buildings to create the feel and function of a traditional town. The current CDP requires that seven of the 16 commercial buildings (44%) in the Village Center be at least two stories in height. With this proposal, only two of the nine (22%) proposed commercial buildings in the Village Center are required to be two stories. Additionally, the Village Center's three multi-family buildings are proposed to be three stories and required to be a minimum of two stories.

The new plan for Neighborhood A shows nine individual buildings, with footprints which range in size from 5,000 square feet to 8,700 square feet. All of the buildings are shown addressing Lafayette Avenue with their parking and service areas to the rear or side. Specific uses for the buildings have

not been identified, but each is proposed to contain retail, office, and/or restaurant uses. Each of these buildings is proposed to be one story, with the option of going two stories. Staff would point out that the Zoning Ordinance requirement relating to buildings being a minimum of two stories also applies to this portion of the project. Similar concerns as noted above would also relate to this section of the project.

The Planning Commission should evaluate the proposed changes to the CDP and consider how it conforms to both the Bealeton Service District Plan and the MU-B Core Zoning Ordinance regulations when making its recommendation to the Board of Supervisors. Additional details regarding the proposed CDP are included throughout the remainder of this report.

Code of Development (COD)

A revised Code of Development for Mintbrook was submitted as a part of the application materials. This document incorporates and is intended to replace the COD approved with REZN11-LE-002 and the COD Addendum – Block 5 approved with REZN14-LE-004. The various tables and charts have been updated to account for the proposed new uses and changes to the CDP. Additionally, all references to the required future rezoning have been removed, as the entire MU-B Core area has a conceptual design shown on it. The Applicant and Staff have worked collaboratively to ensure that the requested changes are in keeping with the originally approved concepts and design standards. A **redline** version of the proposed COD, as well as the previously approved COD and COD Addendum have been attached for review.

Below is a list which summarizes and highlights the significant changes to the COD, which are not described elsewhere in this report and may require additional consideration/evaluation from the Planning Commission:

- The Applicant is requesting to revise the landscaping between the rear lot lines of the PRD lots and the road right-of-way for the segment of Jefferson Boulevard, west of Hale Street. Currently, a mix of evergreen tree varieties is to be planted in a double staggered row, at a minimum rate of ten per every 100 lineal feet. With this amendment the Applicant is requesting to change the rate to ten trees per every 200 lineal feet planted in a single row.

The Planning Commission should evaluate this proposed revision and determine if the proposed single row of evergreen trees provides an adequate year round screen of the rear of the residential lots from the future public road.

- An increase in the spacing of street lighting is being requested. The current COD requires street lights at every street corner. Additionally, street lights are to be spaced no less than 75 feet apart in the MU-B zone and PRD Neighborhoods A and B, and street lights spaced between 100 and 150 feet apart in PRD Neighborhoods C and D. The modification request has lights at every intersection, with street lights spaced no greater than 100 to 150 feet apart on Lafayette Avenue and Village Main Streets, and street lights spaced between 200 to 250 feet apart within the rest of the development. The proposed COD also states that the lights may be located along one side or both sides of the street.

The Applicant believes that the reduction in the street light requirement will create a more pleasant night environment that will help protect the desired dark skies, while providing sufficient lighting to meet safety requirements.

- Language regarding the residential driveway curb-cuts and transition to the garage door has been revised. The change is to meet VDOT requirements and to allow for the safe entry and exit from the driveway by the residents.

See Request for Modifications and Waivers, below, for a more thorough summary and evaluation. Staff would point out that the PRD lots developed to date at Mintbrook have generally used the proposed standard, and this change would bring the COD into conformance with the current practice.

- In order to be compatible with the small town scale envisioned for Mintbrook, currently townhouse groupings are limited to a maximum of six townhouses per “stick.” The proposed COD limits the sticks to 132 feet in length, with no maximum in number of townhouses.

The Applicant has stated that the proposed 132 foot maximum is the same total length as the six unit townhouse sticks that they are currently building, with each unit being 22 feet wide. This revision would allow them to build eight unit sticks with each unit being 16.5 feet wide or seven unit sticks with each unit being 18.8 feet wide within the same 132 foot wide footprint.

It should be noted that the townhouses proposed with this application in the MU-B Core Zone are shown to be approximately 16 feet wide. They are intended to be a smaller and thus more affordable unit than the townhouses being constructed in the PRD portions of the project.

Staff would point out that while this modification was developed in response to the proposed MU-B Core townhomes, the language (as written) would apply to townhouses in both the MU-B Core and PRD zoned portions of Mintbrook.

Fiscal Impact Analysis

The applicant has submitted an updated Fiscal Impact Statement (FIS) dated June 8, 2016. The FIS is intended to show the fiscal impacts of the proposed land use change associated with the Mintbrook development. It should provide a reasonable and defensible estimation of the revenues and associated expenses that the County should expect during the initial construction phase and annually thereafter.

The original application's FIS projected an annual surplus to the County of \$307,385 10 years after initiation of construction and a cumulative surplus of \$6.3 million from 2014 to 2020. The December 8, 2011 Staff Report raised some concerns with this estimation and cited a number of reasons why these values might be inflated, and many of those concerns carry over to today. Indeed, the model in use by the County at that time indicated that the project would lead to a loss of \$2.7 million by 2020.

From the original rezoning, this request represents an increase of 190 residential units (though it should be noted that 100 are age-restricted apartments) and a decrease of 65,000 square feet of commercial and office space. Additionally, the commitment to commercial and office construction has been reduced from 100,000 square feet to 30,000 square feet. Despite the increase in residential units and

decrease in commercial and office space, the updated FIS indicates that at buildout in 2024, the County will have generated a surplus of \$13.2 million (which is a significant increase from the original estimate).

Staff has concerns about some of the assumptions and methodologies utilized in the FIS. The methodology concerns start with the inclusion of \$4.9 million in “one-time building permits and fees through Year 10 proffered buildout”. While these fees may be paid to the County for review services, the cost to the County for the provision of the review services has not been accounted for on the expenditure side. To phrase it differently, the Applicant is claiming credit for paying the fees, but not recognizing that they are generating significantly greater need for the services than the average County taxpayer. In a similar vein, the applicant is claiming credit for not only their own property transfer and deed of trust recordation taxes, but also those of subsequent resales. Additionally, it appears that the Applicant has included capital facility impact mitigation proffers as a revenue stream to the County in their analysis. These contributions are intended to off-set the new development's direct impact on County facilities above and beyond what is permitted by-right. Finally, the Applicant is claiming credit for taxes received by the County on land that they donated to the YMCA in addition to claiming credit for the valuation of the land donated.

The other assumption concerns are primarily related to the assumptions made regarding the valuation of property. As some of the residential units have now been constructed, it is possible to look at actual assessed values and compare them to the assumptions used in the FIS. For the Single Family Small 50 foot wide units, the values appear to be inflated by nearly 10%. For the Single Family Rear 44 foot wide units, it appears the inflation is over 25%. The PRD Village (Towns) units also appear to be inflated by over 25%. Looking at the commercial side of the analysis, a \$450,000 estimated value for commercial land per acre appears high, considering that a 1.9713 acre parcel (PIN 6899-18-3742-000), situated in the northwest corner of the intersection of Marsh Road (Route 17) and Lafayette Avenue, is assessed at \$130,000 for the land. Additional examples of lower assessments can be found on the parcels on the east side of the intersection of Lafayette Avenue and Revere Street at the southern end of the development. Finally, the persons per household assumptions ranging from 1.5 to 2.5 persons per unit depending on the unit appear low in some cases considering that the average persons per household in the County is 2.86 (U.S. Census Bureau ACS 2010-2014).

A final concern regarding the assumptions made in the FIS is the fact that it assumes a full build-out of the commercial and office component of the development. This would certainly be a desired outcome of the development, however, the proffered phasing of the development allows a very plausible scenario in which a significant portion, if not all, of the residential development is constructed with a much more limited portion of the office and commercial development. The Applicant's submitted FIS contains printed sheets of analysis, but in the absence of the ability to manipulate the data, it is difficult to estimate the impact of the commercial versus the residential development. Traditionally, non-residential development tends to be more likely to generate positive revenues to the locality than residential development. Various scenarios containing different amounts of commercial and office buildout would ideally be considered.

In summary, staff has significant concerns that the FIS submitted by the applicant for the Mintbrook development substantially overstates the benefits of the development to the County from a fiscal perspective and that the project as proposed could cost the County money on an annual basis.

Transportation

Transportation was analyzed in the original rezoning as part of the review and approval of Mintbrook's Traffic Impact Analysis (TIA). With this proposal the Applicant submitted an updated Trip Generation Analysis/Comparison, which concluded that the proposed 2016 Mintbrook development is expected to generate less trips (less impacts) than expected from the 2011 approved TIA. VDOT and the County's Transportation Planner concurred with this analysis. Therefore any traffic impacts generated by this proposal were covered in the original approvals. Additionally, the Applicant continues to proffer that a traffic analysis will be submitted with each site plan. This will permit the County and VDOT to determine the adequacy of the proposed improvements and their cumulate impact. Should unforeseen impacts arise they can be addressed during the site plan review.

The road network proposed with this application, connects to and is compatible with the surrounding network. This will create and extend the traditional grid road network seen in the other portions of Mintbrook, as well as provide alternative access options for the internal and adjacent uses. The proposed street sections remain unchanged from the previous approval. All streets include on-street parking, sidewalks and street trees.

Utilities

Public Utilities for the site are provided by Fauquier County Water and Sanitation Authority (FCWSA), and were assumed in the previous rezoning approval. The applicant continues to work with FCWSA to provide adequate utility services to Mintbrook and the Bealeton water and sewer systems.

Stormwater Management

A preliminary Stormwater Management Plan was submitted and approved with the original rezoning approval. The County's engineer reviewed the current development proposal and determined that the previously approved conceptual Stormwater Management Plan for is still valid. Therefore, it appears that this proposed revision will have no impacts on the previously approved stormwater concept plan. The future site plan review will ensure that the facilities are adequate for the proposed development.

Site Suitability/Environment

This portion of Mintbrook appears to be suitable for the type of development proposed. There are no known limiting environmental features or restrictive site development elements on this portion of Mintbrook. As the site has been previously cleared for agricultural uses, there are no significant landscape features or vegetated areas.

Cultural and Historic Resources

There are no known cultural or historical resources on this portion of Mintbrook. The cultural and historical resources which occur on other portions of Mintbrook were addressed in the prior approvals.

Natural Resources

There are no new impacts or any increase of impact on natural resources or environmentally sensitive land with this proposal. Any impacts to natural resources or environmentally sensitive lands were addressed with the prior approvals.

Zoning Ordinance Analysis:

The Mixed Use Bealeton (MU-B) Core sub-district is intended for areas designed to function as a center and major focal point for a service district, with a concentration of active store-front style commercial uses to include retail, restaurants and services as well as a broad range of office and employment uses. The Core is to function as the gathering place for the community, including the opportunity for outdoor events. Multi-family and attached housing types are to be included in the Core to help create a vibrant round-the-clock center and to provide a variety of housing needs.

The MU-B Core district requires active commercial uses for at least 75% of the ground floor space located along the key commercial pedestrian streets, as identified in the General Development Plan. It also requires that residential uses be at least 35% of the total space, and no more than 20% of ground floor space. Public, Civic, Institutional uses are to be at least 5% of total floor space. It should be noted that the Board of Supervisors has the authority to modify these requirements where a waiver would not (a) compromise the traditional town vision embraced by this ordinance or (b) conflict with the adopted Comprehensive Plan for the area and where at least one of the following criteria is met:

- A. the required mix of uses is not physically achievable on an individual site because of the size or other physical characteristics of the site;
- B. the broader mix of uses in the immediate area compensates for providing the mix within a particular project; or
- C. the County's Comprehensive Plan specifically envisions a different mix of uses.

The proposed plan includes between 58% and 76% of active commercial uses along the key commercial pedestrian streets. The variation is due to the fact that one of the buildings has the potential to be developed as hotel use. Should this building be developed as a hotel, the active commercial uses will be at the low end of this range and below the Zoning Ordinance's 75% requirement. It should be mentioned that the 58% active commercial use calculation includes a portion of the hotel building containing accessory components and activities such as a restaurant and/or bar, convenience and/or gift store, meeting rooms, and lobby facilities which will likely be located on the ground floor along the key pedestrian street. Residential uses account for between 55% and 61% of the total anticipated development square footage, and approximately 38% of the ground floor development square footage. Institutional uses are anticipated to account for 1% of the total development area.

The Planning Commission, when making its recommendation to the Board of Supervisors, should evaluate the proposed mix of uses and if they meet the requirements listed above. Staff would mention that the Comprehensive Plan envisions a "dominant presence of commercial uses, both office and retail" for the Commercial Office/Mixed Use designation, within the Bealeton Town Center. It goes on to state that "mixed-use development in these areas needs to maintain a strong commercial presence, as these areas are not planned primarily for residential use." Staff has concerns about the

amount of residential development being proposed with this proposal in an area that is envisioned to be predominately commercial development.

It should also be mentioned that the Board of Supervisors included a modification of this requirement with the April 12, 2012 approval of REZN11-LE-002. This approval granted 1% gross floor area for institutional uses. As Mintbrook was providing land to be used for future schools, fire and rescue station, and recreational facilities it was determined that the institutional uses were being provided outside the MU-B area, but within the project area. This modification also granted a minimum of 25% gross floor area for residential uses in the Village Center portion of the MU-B zoned area. The justification for this modification was that the use mix of the overall Mintbrook project would compensate for the reduction in residential floor area sought for the MU-Core Village Center. With the approval of REZN14-LE-004 on March 13, 2014, approximately 35% of the gross floor area within all of the MU-B zone area was to be residential development. The institutional use remained at 1%.

Within the Mixed Use – Core, there is no limit on the number of units that may be requested as Live/Work units or in buildings with ground floor commercial. Other types of residential units are only achievable as Board of Supervisor approved increases in residential density. Density increases may be allowed if they are consistent with the policies set forth in the Comprehensive Plan and as approved by the Board in exchange for Transfer of Development Rights, affordable housing, and/or traditional neighborhood design.

The Zoning Ordinance provides no by-right density for first floor residential development in the MU-B Core. This application is proposing multi-family residential units (apartments) and single-family attached residential units (townhomes). The proposed residential units are stand-alone (not Live/Work or containing ground floor commercial); therefore, the Board of Supervisors can only approve them through the Transfer of Development Rights, as affordable housing units, or by the project utilizing Traditional Neighborhood Design (TND) principles and techniques. As there is currently no ability to Transfer Development Rights in Fauquier County, the Board must make the other findings in order to approve the units. The multi-family units have been committed to being affordable; however this commitment does not apply to the proposed townhomes. In order to permit the townhomes, the Board would need to determine that the project is utilizing TND principles and techniques and that the units are consistent with the policies set forth in the Comprehensive Plan. Mintbrook contends that both the Village Center and the overall project is based upon and utilize TND principles. These standards are included in both the Code of Development (COD) and the Concept Development Plan (CDP). The TND principles reflected in this application are: the buildings are sited close to and have a relation to the street; the building entrances are placed in close proximity to the sidewalk and have direct access to it; some of the buildings are multi-story and help to create a strong streetscape; and there is both on-street parking and parking to the rear of the building. Additionally, the project includes a rectilinear pattern of blocks, interconnecting streets, and the pedestrian network is continued through this portion of the project to the remainder of Mintbrook.

The Planning Commission should consider this request for additional residential density within the MU-B Core zone and the Applicant's justification, when making its recommendation to the Board of Supervisors.

4-918 Standards for Approval of a MU District

In addition to the specific requirements of MU District and the standards for rezoning for all development contained in Section 13-200 (see below), the following standards shall be utilized and adhered to by the Planning Commission and Board of Supervisors in determining whether to approve the proposed development. Following each standard is a staff evaluation in *italics*.

1. The Board may use its discretion to prioritize mixed-use applications to best support the Comprehensive Plan. A proposed MU-General development must be demonstrated to not detract or otherwise draw commercial development from a future or existing Core, as designated in the Comprehensive Plan. Thus, priority may be given to the development of a vital town or village center over, for example, a MU-General development at the edge or out of walking distance to the anticipated focal or town center.

This application is for an amendment of a prior Rezoning for land in the MU-Core District; therefore, this standard is not applicable.

2. The design of the development is such that it will achieve the stated purpose and intent of the MU District, contributing to the creation of a vibrant pedestrian oriented mixed use area within the Service District that feels and functions like a traditional town providing a center for employment as well as a center for retail, service, entertainment, cultural and civic activities for workers, residents and visitors.

The MU-B Core sub-district is intended for areas designed to function as a center and major focal point for a service district, with a concentration of active store-front style commercial uses to include retail, restaurants and services as well as a broad range of office and employment uses. The proposed plan includes the opportunity for retail, service, and employment. In the Village Center portion (Neighborhood B) of Mintbrook five of the nine proposed commercial buildings are located close to and oriented to address the key pedestrian streets. Staff believes that this portion of the development will be vibrant and function like a traditional town center. The remaining commercial buildings in the Village Center are generally designed to function as typical retail pad sites, with three of them including drive-through facilities and one being a grocery store/retail anchor with a larger foot print. The commercial buildings in the MU-B portion of Neighborhood A all are situated close to and address Lafayette Avenue. These buildings are designated to be a mix of retail, office, and restaurant uses.

The Planning Commission should evaluate the CDP and COD and determine if the proposed site design, mix of uses, and development program meet the purpose and intent of the MU-B Core District.

3. The development is in substantial conformance with the adopted Comprehensive Plan with respect to type, character and intensity of use and public facilities.

The character envisioned for this area of Bealeton is similar to that of the MU-B Core zoning district, a vibrant mixed-use town center. As stated previously, the Comprehensive Plan envisions a “dominant presence of commercial uses, both office and retail” for the Commercial Office/Mixed Use designation, within the Bealeton Town Center. It goes on to state that “mixed-use development in

these areas needs to maintain a strong commercial presence, as these areas are not planned primarily for residential use.” Depending on the actual buildout the proposal would equate to the MU-B Core district being between 55% and 61% residential gross floor area and approximately 38% of the first floor uses would be residential. Staff has concerns about the amount of residential development being proposed with this proposal in an area that is envisioned to be predominately commercial development. Additionally, with the Applicant being able to build all of the MU-B Core residential units prior to any commercial space, there could be an extended period of time where the MU-B Core portions of the project are 100% residential. Even at full residential buildout, the Applicant is only committing to building 30,000 square feet of commercial space. Meaning that for a significant portion of time the MU-B Core portion of the project could contain 8% commercial uses and 92% residential uses.

The Comprehensive Plan also anticipates that Marsh Road (Route 17) will become the Main Street of Bealeton in the form of an attractive and walkable boulevard that knits the town together. The plan suggests that new buildings should front Route 17, and be designed with appropriate architectural massing, scale and aesthetic presence reflecting a traditional town character. Furthermore, any appearance of a suburban strip must be consciously avoided. Mintbrook has approximately 1,400 feet of frontage along Marsh Road (Route 17); with this plan two buildings, which are likely to be developed as a pharmacy with a drive through and a bank with a drive-through, are shown as addressing and fronting Marsh Road. The remaining portions of the frontage are the sides of retail buildings or vehicular parking/circulation areas. For comparison purposes, the currently approved plan shows seven buildings (approximately 76% of the frontage) addressing Marsh Road, with the remainder being the Village Entry Green.

When making its recommendation, the Planning Commission should determine if the proposal is in substantial conformance with the adopted Comprehensive Plan.

4. The development provides for a mixture of compatible land uses, including a mixture of uses within buildings where appropriate.

In the Village Center, the land use is proposed to generally flow from single family residential in the PRD portion of Mintbrook into residential uses (townhomes and apartments) within the MU-B Core area, and then into the commercial/office uses within. Along Lafayette Avenue, the western side (PRD zoned) is being developed with alley loaded small single family detached homes and townhomes. The eastern side of Lafayette Avenue (MU-B Core zoned) is proposed to be a mix of retail, office, and restaurant uses in one to two story buildings. In both cases staff believes that the mixture of land uses is compatible with the surrounding development, and the proposed transition is appropriate.

In this proposal, all of the buildings are proposed to be either commercial (retail, office or restaurant) or residential (multi-family or single family attached). While there may be a mix of commercial uses within a building, no buildings are proposed to be truly mixed-use where commercial and residential uses occur within the same structure. When making its recommendation to the Board of Supervisors, the Planning Commission should consider whether or not including a mixture of uses within buildings is appropriate in this location. For reference purposes the original approval included a minimum of 18 multi-family residential units which were to be located over commercial uses, and the Concept

Development Plan indicated four buildings in which this vertically mixed-use type of development could occur.

5. The development provides for a mixture of housing types, sizes, and affordability. Housing in a range of sizes and styles is integrated throughout the development. Lower priced units are scattered throughout the neighborhood rather than concentrated in one location. Opportunities for accessory apartments and live-work units are provided where appropriate.

The application provides two housing types, single-family attached units (townhomes) and multi-family units (apartments) which are income restricted. The 60 townhomes are proposed to be entirely within Neighborhood B, Block 8. These townhomes are proposed to be a similar unit to what is currently being constructed in the PRD portions of Mintbrook. The 102 apartment units are proposed to be entirely within Neighborhood B, Block 9. These two blocks are adjacent to each other and encompass the southwestern quadrant of Mintbrook's Village Center. Accessory apartments are not provided for in the MU-B portions of Mintbrook; however, the PRD portions permit a maximum of 80 accessory dwelling units on the single family detached lots which are greater than 70 feet wide. No live-work units are provided.

Mintbrook's original approval included 54 stacked multi-family units (2 over 2 style) and 18 multi-family units over commercial; both of which were not found in other portions of Mintbrook or generally found in the greater Bealeton area. The rezoning amendment approved in March 2014 added 100 age restricted multi-family units (apartments) to Neighborhood A, Block 5. This type of unit was not available anywhere else in Mintbrook or generally in the greater Bealeton area. These age restricted multi-family units are currently under construction, whereas the stacked multi-family units and multi-family units over commercial are no longer included in Mintbrook.

The Planning Commission should determine if this proposal, when evaluated with the PRD portions of Mintbrook, includes an appropriate mixture of housing types, sizes, and affordability, with housing in a range of sizes and styles is integrated throughout the development.

6. The development is designed with a pedestrian orientation, with clearly defined continuous sidewalks and paths enhanced by trees, pocket parks, seating and other streetscape elements. Buildings are located close to the sidewalk with the mix of uses providing for a variety of possible pedestrian destinations within walking distance of each other. Defined pedestrian connection shall be provided between parking areas and the buildings they serve.

All of the uses are accessible by the pedestrian. Sidewalks and street trees are included along both sides of the public and private streets in Mintbrook. Additionally, there is a network of trails which runs along Marsh Road (Route 17) and the floodplain in Neighborhood B. These trails connect to the trail system within Mintbrook and will eventually connect to future trails within the Bealeton Service District. The commercial and residential buildings are generally located in close proximity to the street, with entrances that address the street. The only exception to the building location is the grocery/retail anchor building, which is designed to address the parking area. The mix of uses has not yet been developed beyond residential and commercial; this will be further developed as the plan nears construction and end users are identified.

7. Buildings and spaces within mixed use developments are designed to create neighborhoods that are attractive and inviting, and in keeping with the feel, style and architectural vernacular of a traditional town in the Virginia piedmont. The elements of building height, setback, yards, architecture and spatial enclosure as established by the Code of Development for the project all contribute to the appearance and function of the development.

The Code of Development includes design standards which relate to building height, setback, yards, architecture and spatial enclosure. These standards generally remain the same as those that were included in the original approval, with minor revisions to reflect the updated site layout and newly proposed residential use types. Staff believes that these standards will continue to create an attractive inviting development.

8. Streets are designed to consider their influence on the character of the neighborhood as well as their carrying capacity. Street networks provide multiple connections internally and connect through to adjoining properties where appropriate, providing multiple routes to any destination. Generally, local streets are narrower, minimizing pavement. Parking is accommodated on the street. Utilities are provided within the street wherever possible, in order to accommodate a streetscape that includes street trees as well as sidewalks.

All of the streets (public and private) include on-street parking, sidewalks and street trees along both sides of the street. Additionally their design includes narrow pavement widths and the opportunity for underground utilities. In all cases the streets have been designed to follow a generally rectilinear block pattern with multiple connections to other streets. This layout will allow for multiple routes to any destination within the residential or commercial portions of Mintbrook or the greater region.

9. Open space is treated as an integral component of the development design. Small parks are provided throughout the development within walking distance of all residents. In core areas, small open spaces such as plazas or courtyards are provided at appropriate locations to provide a focal point for the community and to serve as gathering places. Larger developments provide for active recreational opportunities for residents. Natural and environmentally sensitive areas are preserved and protected. The open spaces within the development are connected by sidewalks or trails, and connected to other open spaces.

The MU-B Core district requires 10% of the total area to be useable open space which meets standards contained within the Ordinance. The proposal has 11% of the total area being developed as usable open space, with the opportunity for smaller gathering places located throughout the site. In all cases these spaces are connected to each other and the remaining development by sidewalks and also include trails in some instances. The usable open space includes the following areas:

- *Village Corner Green - The village corner green will be located along Lafayette Avenue, between Marsh Road and Village Main Street. It is intended to serve as a pocket park for residents and visitors alike, which will include low masonry walls, seating and landscaping.*
- *Village Central Plaza – The Village Central Plaza is to be located at the southeastern quadrant of Village Entry Street and Village Main Street, and will provide a public gathering space for Mintbrook’s residents as well as the patrons and employees of the businesses comprising the*

Village Center. The central plaza will be finished with a combination of hardscape and landscape treatments inclusive of site furnishings. The central plaza will have a sense of enclosure achieved by buildings located on all four sides, and include a central element such as a fountain, artwork, or structure contributing to the pedestrian space.

- *Village Active Recreation - This active recreation area provides public gathering spaces near the proposed multi-family residential buildings and across the street from the proposed townhomes. This area will include play equipment and open play area to primarily serve the adjacent residential units.*
- *Village Passive Recreation – This passive recreation area is located along the floodplain and potential stormwater management facilities. It will provide an opportunity for patrons, residents and visitors looking for trails, benches, and views of the stream corridor and wildlife. The passive recreation area will include benches and a pergola.*
- *Residential Green – This open space was included in the development of the Mintbrook Senior Residences (Neighborhood A, Block 5), and contributes to the overall open space within the MU-B Core area of Mintbrook. The Residential Green includes pedestrian connections, seating and a community garden.*

In addition to these areas specifically within the MU-B Core portion of Mintbrook, multiple passive and active recreational areas are being developed within the PRD portion of Mintbrook. These areas are connected by sidewalks and/or trails and will be accessible to the residents, patrons and employees of the MU-B Core areas of the project.

10. The development minimizes the amount of parking provided, maximizing opportunities for on-street parking and shared parking. Parking for commercial uses are located to the rear and side of buildings and dispersed in smaller lots where possible, so that it does not dominate the street. Larger parking lots are laid out to accommodate future intensification and redevelopment in appropriately sized blocks. In residential areas, garages are predominately located to the rear, with alley access, returning the street to the pedestrian. Where garages are fronting on streets rather than alleys, they are designed such that they are not a prominent feature of the street, with side-loading doors and greater setbacks than the remainder of the house.

The Applicant has minimized the parking to be provided and included the opportunity for shared parking; on-street parking has been included along all streets. The parking for the commercial uses is generally located to the rear or side of the buildings. The multi-family residential area has a surface parking lot located behind the buildings. The townhome units are rear loaded. They include a single car garage with an additional space in the driveway area. Additionally, the residential areas will have access to the on-street parking areas.

11. Lighting is traditional in form and consistent with the human-scale orientation of the development, oriented toward pedestrians and minimizing impacts on dark-skies.

The type of street lighting remains the same as the original approval. It is traditional in form and consistent with the human-scale and oriented toward pedestrians. With this proposal, the Applicant

has asked to increase the spacing of the street lights (both in the MU-B Core and PDR areas), which will further minimize any impacts on dark-skies.

12. The proposed sign package is consistent with the human-scale orientation of the development, oriented toward pedestrians rather than vehicles and promoting a main street character.

A sign package has not been included at this time; it will be submitted and reviewed at a later date.

13. The development efficiently utilizes the available land and protects and preserves floodplains, wetlands and steep slopes.

The development area remains the same as the original approval. It maximizes the available land while protecting sensitive environmental features.

14. The proposed development provides for a reasonable and sustainable transition to adjoining development, with open space, landscaping and/or larger lots utilized to provide buffers where appropriate. The development is designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede use of surrounding properties in accordance with the adopted Comprehensive Plan.

The transition to adjoining development is either open space, similar uses, or similarly scaled buildings. Staff believes this transition is reasonable and sustainable. Staff does not believe that the proposed development will hinder, deter or impede use of surrounding properties in accordance with the adopted Comprehensive Plan, or be detrimental to the use and value of existing surrounding development.

15. The development shall be located in an area in which transportation, police and fire protection, other public facilities and utilities, including water and sewer, are or will be available and adequate for the uses proposed; provided, however, that the applicant shall make provision for such facilities or utilities which are planned but not presently available.

Public facilities and utilities are available and appear to be adequate for the proposed use. It should be mentioned that the original approvals included the dedication of land for a fire station, schools or recreational facilities, recreational fields, and a community center. This land dedication continues to be part of the overall Mintbrook project.

Request for Modifications and Waivers

As mentioned above, the Applicant is requesting that the Board of Supervisors approve seven (7) modifications and waivers associated with Mintbrook's MU-B Core Rezoning amendment in order to better accomplish the development of the project. Following each standard is a staff evaluation in *italics*.

1. Modification Of Section 4-906.1.A. – Mix Of Uses Required in the MU-B Core Sub-District - The Applicant requests three to permit an alternative mix of uses in the MU-Core village center, as follows:

- a. Active Commercial Uses - to permit a minimum of 58% of gross floor area along key pedestrian streets being developed as Active Commercial Uses vs the Zoning Ordinance requirement of 75%.
- b. Ground Floor Residential Uses - to permit a maximum of 38% of gross ground floor area being developed as Residential Uses vs the Zoning Ordinance requirement of 20%.
- c. Minimum Civic Uses – to permit a minimum of 1% of gross floor area being developed as Civic Uses vs the Zoning Ordinance requirement of 5%.

In accordance with Section 4-906.1. B of the Zoning Ordinance, the Board of Supervisors may modify the required mix upon determining that certain criteria have been met. Please see Zoning Ordinance Analysis (above) for the criteria and a detailed analysis.

Depending on the commercial uses that ultimately are established in the Village Center it is estimated that 58-76% of gross floor area on key pedestrian streets in MU-Core will contain active commercial uses. Additionally, the MU-B Core development program includes residential uses for approximately 38% of the gross floor area. The Applicant believes that the additional residential component and corresponding reduction in the commercial component is needed to achieve the vitality intended by the use mix required by the Ordinance. Staff would mention that the MU-B Core envisions a mix of uses which include types of residential units; however, the Zoning Ordinance provides no by-right density for first floor residential development in the MUB-Core. Residential units on the ground floor can only be approved by the Board of Supervisors as a density increase. Staff has concerns about the amount of residential development included in this proposal and with the amount of ground floor residential uses being proposed along the key pedestrian streets, as the area is envisioned to be predominately active commercial development.

It should be mentioned that the original approval for Mintbrook granted a modification which reduced the total required residential floor space from a minimum of 35% to 25%. The justification for this modification was that the use mix of the overall Mintbrook project will compensate for the reduction in residential floor area sought for the MU-Core Village Center. With the approval of REZN14-LE-004, on March 13, 2014, approximately 35% of the gross floor area within all of the MU-B zone area was to be residential development.

The Applicant believes that 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. Mintbrook continues to proffer that approximately 105 acres (29% of the overall project area) will be dedicated to the County for public uses. These uses will be located in close proximity to the MU-Core Sub-District, with pedestrian access facilitated by inter-connecting trails and sidewalks. Staff agrees with the Applicant's request for the reduction in Civic Uses. Additionally, the requested reduction to 1% is consistent with and granted at time of Mintbrook's original approval (2012).

The Planning Commission, when making its recommendation to the Board of Supervisors, should evaluate the proposed mix of uses and if they meet the requirements listed in the Zoning Ordinance.

2. Modification of Section 4-909.4. – Lot and Building Requirements - The Applicant requests to modify the requirement that building must abut front property lines, and allow them to be located

as shown on the Concept Development Plan (CDP) and as described in the 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, with the assumption that the project will be subdivided into multiple lots with each fronting on an internal street. 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 CDP and COD, respectively. Staff believes that the building layout depicted on the CDP, coupled with the requirements of the COD will ensure that the type of development intended for 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 Zoning Ordinance Section 4-909.4.

3. Modification of Section 4-107.C.3 – Lot and Building Requirements – Within the PRD portions of Mintbrook, the Applicant requests to permit a maximum curb-cut onto a public street, for a front loaded lot, of 12 feet in width, with a driveway width transition to 18 feet wide occurring between the sidewalk and garage at up to a 45 degree angle.

Zoning Ordinance Section 4-107.C.3 requires the driveway, for an individual house, to not exceed ten feet (10') in width up to where the driveway meets the vertical plane of the front wall or porch of the house. The Applicant is requesting a modification for a curb cut of 12 feet to be in accordance with the minimum width of a private entrance as required by VDOT. The Applicant believes requested modification in width and transition 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. Staff would mention that most all of the front loaded lots developed to date in the PRD portion of Mintbrook have used the proposed standard.

Special Exception Analysis:

The standards below apply to the Category 1 Special Exception to permit townhomes in the MU-B Core zoning district. Following each standard is a staff evaluation in *italics*.

Staff would point out that previous special exceptions for three drive-through facilities, a hotel, and a commercial building larger than 50,000 square feet were previously evaluated and approved for the Village Center with the original 2012 approval.

The requested Category 1 Special Exception, as well as each of these previously Special Exceptions has additional design standards and requirements within the Code of Development. These additional requirements mitigate any concerns that staff would typically have with the proposed use.

5-006 General Standards for Special Permits and Special Exception Uses

In addition to the special standards set forth hereinafter for specific uses, all Special Permit 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.

Staff does not believe that the proposed townhouses will adversely affect the use or development of neighboring properties. If the Board of Supervisors determines that the rezoning application is consistent with the vision and applicable provisions of the adopted Comprehensive Plan, they should be able to make the same determination for the requested Special Exception.

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.

Transportation for the entire Mintbrook project was analyzed in the original rezoning as part of the review and approval of a Traffic Impact Analysis (TIA). With this proposal the Applicant submitted an updated Trip Generation Analysis/Comparison, which concluded that the proposed 2016 Mintbrook development is expected to generate less trips (less impacts) than expected from the 2011 approved TIA. VDOT and the County's Transportation Planner concurred with this analysis. Therefore staff believes that any pedestrian and vehicular traffic generated by the townhomes will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood and on the streets serving the site.

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.

Landscaping, screening, and yard requirements for the townhomes are included in the Code of Development (COD). These requirements are consistent with the townhomes currently approved in Mintbrook, which staff believes are adequate. No additional standards or requirements are being recommended.

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.

There is no specific open space requirement for this use in the MU-B Core district. The MU-B Core district requires 10% usable open space across the development area. The application is proposing 11% usable open space throughout the MU-B Core portions of the project.

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.

All of the proposed improvements related to parking, loading, and other necessary facilities appear to be adequate. All required improvements will be further evaluated during the Site Plan review process to ensure that the proposed site development meets all applicable state and local regulations.

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 signage is proposed with this application. A Signage Design Package will be submitted and reviewed independently at a later date.

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.

No time limit is proposed with this application.

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.

Staff does not believe that the proposed townhouse use will degrade or deplete air quality, surface and groundwater quality and quantity. Additionally, the use would have little to no effect on adjacent or nearby land and/or buildings. This standard would be further evaluated during the Site Plan review process to ensure that the development meets all applicable federal, state, and local regulations should this application be approved.

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.

All applicable standards of the MU-B Core have been developed and addressed in the Code of Development.

Agency Comments:

Staff and the appropriate referral agencies have reviewed the application and have the following comments. Many of the agency comments have been incorporated into the body of the report and/or addressed by the Applicant through resubmission of materials. Below are the outstanding items which have yet to be addressed. Staff has noted how the items will be addressed in *italicized* language following the comments.

Zoning:

A majority of the Zoning Comments have been addressed by the Applicant. One comment remains for the Planning Commission's consideration, see below.

1. Section 4-910.1 suggests that primary structures (other than single family homes) shall be a minimum of two stories unless they are expressly authorized by the Code of Development (COD). Only two of the proposed 18 MU-B commercial buildings (11%), both of which are in the Village Center, are required to be two stories with a majority of the buildings having the option to be greater than one story. Staff believes the intent to create a feel and function of a traditional town is being diminished by reducing most buildings below two stories. Should the Board of Supervisors feel the reduced building heights are acceptable, a minimum of 13 feet for all floor space must be held (Section 4-911.1 of the ZO).

Provided for reference only. Staff would point out that currently, seven of 16 commercial buildings (44%) in the Village Center are required to be at least two stories in height.

The Planning Commission should evaluate, if this reduction of multi-story buildings is justified and consider what impacts it may have on creating a traditional town center as envisioned in the Comprehensive Plan and MU-B Core Zoning District.

Transportation Planning:

A majority of the Transportation Planning Comments have been addressed by the Applicant. One comment remains for the Planning Commission's consideration, see below.

1. Proffer 17.3 references the installation of traffic signals on Marsh Road (US 17) at Lafayette Avenue and Jefferson Boulevard. The Commonwealth Transportation Board (CTB) now has to approve any traffic signals added to Corridors of Statewide Significance, such as US 17. Revise this language to include alternative intersection improvements as required by VDOT or the CTB and not limit this to a traffic signal, in the event that they require an alternative improvement.

Provided for reference. The Applicant has revised the proffer statement to include alternative intersection improvements should VDOT or the CTB not approve a signalized intersection.

Schools:

New residential development creates an impact on the School Division's operating and capital costs. Based on the requested development, the parcel will be divided into 60 lots for single-family attached and 102 workforce housing residential dwellings which are anticipated to generate additional students attending Fauquier County Public Schools.

Table 1 and Table 2 below show the total estimated costs to the school division resulting from this development. Table 1 indicates the capital cost and Table 2 indicates the operating cost.

TABLE 1

CAPITAL COSTS

<u>Dwelling Type</u>	<u>Units</u>	<u>Per Unit Cost</u>	<u>Total Cost</u>
Single family attached	60	\$20,597	\$1,235,820
Multi-family units	102	\$13,158	<u>\$1,342,116</u>
Total Capital Costs			\$2,577,936

This development will create an impact on operating costs from new student enrollment. Table 2 summarizes the students generated from a development of this size. Each student increases operating costs by \$12,671.

TABLE 2

ANNUAL OPERATING COSTS

Elementary school students	25
Middle school students	10
High school students	<u>12</u>
Total students from development	47
Cost per student	<u>\$12,671</u>
Total Annual Operating Costs	\$595,537

This subdivision is currently located in the following school zones:

Elementary school:	Miller Elementary School
Middle school:	Taylor Middle School
High school:	Liberty High School

The impact from a build out for this development may exceed the capacity available in one or more of these schools. These zones are subject to change at the discretion of the school division.

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.

Provided for reference. Staff would point out that 72 multi-family units have already been approved in this portion of Mintbrook. Therefore, this proposal is actually asking for 30 new multi-family units and 60 new single-family attached units. The Board of Supervisors considered the impacts of the original 72 multi-family units, and determined that the dedication of public land would adequately offset any impacts generated from the units. The Applicant has offered no mitigation to offset any impacts that the newly proposed units would have on the schools system's capital or operating costs.

The Planning Commission, in making its recommendation to the Board of Supervisors should consider any impacts to the school system that would be generated by this application.

Virginia Department of Transportation (VDOT):

VDOT's comments have been incorporated into the body of the report, see Proposed Rezoning Analysis – Transportation.

Engineering:

Engineering comments have been incorporated into the body of the report, see Proposed Rezoning Analysis - Stormwater Management.

Soils:

Comments from the County's Soils Scientist have been addressed.

Parks and Recreation:

Comments from the Parks and Recreation department have been addressed.

Fauquier Water and Sewer Authority (FCWSA):

Comments not received.