

## Department of Community Development Staff Report

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**PROPERTY OWNER:** Red Maple Properties LLC

**APPLICANT:** Elm Street Development

**LOCATION:** Located off Catlett Road (Route 28) and James Madison Highway (Route 15/29), Bealeton

**DISTRICT:** Lee District

**PIN:** Portion of 6889-31-6326-000

**ACREAGE:** 41.35 Acres to be Rezoned (Entire Parcel is 79.8 Acres)

**ZONING:** Rural Agriculture (RA)

**LAND USE:** Bealeton Service District – Low Density Residential: 1 to 3 Dwelling Units per Acre, Residential: No Sewer or Water and FEMA Floodplain

**MEETING DATE:** September 17, 2020

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**REQUEST:** REZN-19-011292: An application to rezone approximately 41.35 acres from Rural Agriculture (RA) to Residential: 3 Units per Acre (R-3) with proffers.

**OUTSTANDING ISSUES:** The Planning Commission is advised to thoroughly consider the items summarized below. Additional information and a staff evaluation is included within this report.

1. Staff has concerns that the proposed R-3 zoning district, and corresponding lot sizes and density, may not be compatible with the existing use and character of the area. Additionally, when evaluating the entire Bealeton Service District Plan, the proposal appears to be inconsistent with the development pattern envisioned in the Comprehensive Plan and being realized by the existing zoning throughout the Service District.
2. Several of the proposed proffers may not be appropriate, have difficulty in being achieved and/or ultimately enforced, or are not related to an impact that is specifically attributable to a proposed new residential development.

3. The Traffic Impact Analysis (TIA) for the project has not been approved by the Virginia Department of Transportation (VDOT) or County staff. While not required, without the analysis impacts to nearby intersections or other roadway elements (such as median breaks) are unknown; and, therefore, it cannot be determined what mitigation measures are needed and appropriate.
4. The application proposes extending Southcoate Village Drive westward to Route 15/29 across a FEMA 100-year floodplain associated with a tributary to Craig's Run, which requires approval of a Category 23 Special Exception for floodplain uses. It should be noted that the Special Exception application, per Zoning Ordinance §5-009.1.1, cannot be filed until after the Board acts on this Rezoning application.

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**Topic Update:**

This application was on the Planning Commission's March 19, 2020 public hearing agenda. The meeting agenda and associated staff reports were published and made publicly available on March 13, 2020. Subsequently, a Local Emergency was declared in Fauquier County effective March 17, 2020, at 9:00 a.m. As such, the Planning Commission's meeting was cancelled.

Following publication of the March staff report, the Applicant prepared a response to some of the concerns raised in the report. Additionally, the Applicant revised and re-submitted the Statement of Justification, the Proffer Statement and Concept Development Plan. These new materials have a date of March 26, 2020, and have been attached for reference. This report has been updated to incorporate the revisions made by the Applicant.

**Topic Description:**

Elm Street Development is seeking to rezone approximately 41.35 acres, referred to as the Pelham Property, from Rural Agriculture (RA) to Residential: 3 Units per Acre (R-3) with proffers. The proposal is to develop the property with 65 front loaded single-family detached homes, using the Zoning Ordinance's cluster provisions. The Applicant has stated the future homes within the Pelham development will have characteristics similar to those in the neighboring Southcoate Village and be placed on lots of comparable size. The proposed development has net density of 2.17 dwelling units per acre, and includes 22.15 acres (53.5%) of open space. Within the open space area, the Applicant is proposing five exercise stations, a tot lot, trails, and a 4.13-acre active recreation area.

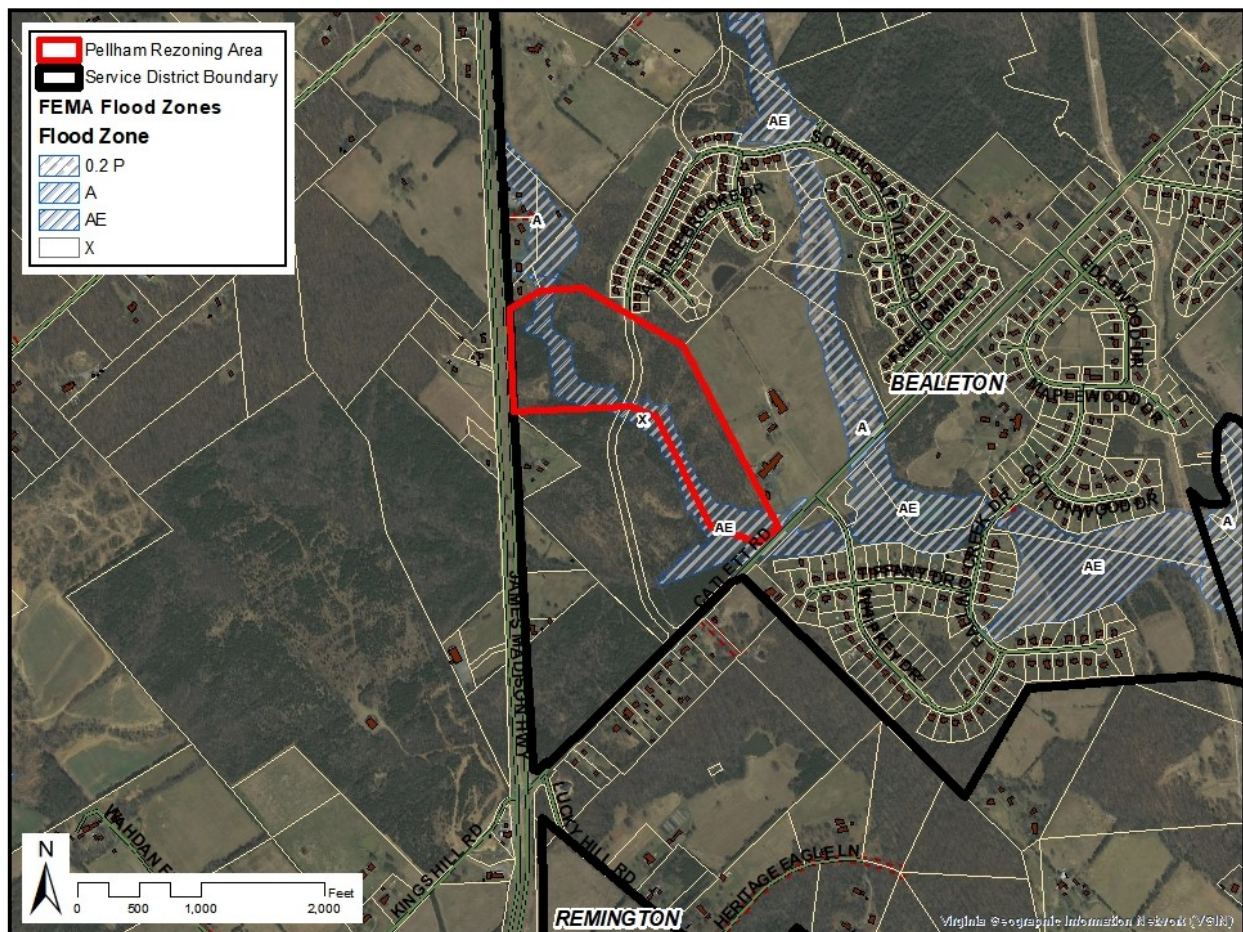
The project will be connected to public water and sewer provided by the Fauquier County Water and Sanitation Authority (FCWSA). The development will be primarily accessed by extending Southcoate Village Drive, across a creek and its associated floodplain, to James Madison Highway (Route 15/29). This access point will be limited to left and right turns in, but will only allow right turns out (north onto Route 15/29). Existing Southcoate Village Drive also provides a direct connection, through neighboring Southcoate Village, to Catlett Road (Route 28). This access point will allow for all

movements (both left and right turns in and out) to occur. The Applicant believes that the proposed development is able to meet all of the Zoning Ordinance requirements and fulfills the goals and policies of the County's Comprehensive Plan.

### **Location, Zoning and Current Land Use:**

The 41.34-acre portion of the 79.8-acre property to be rezoned is located on the north side of Catlett Road (Route 28) between Whipkey Drive (Route 1128) and James Madison Highway (Routes 15/29). It also has 880 linear feet of frontage along James Madison Highway, starting approximately 3,000 feet north of the intersection with Catlett Road. The entire property is zoned Rural Agriculture (RA). The property is vacant and primarily wooded. A tributary to Craig Run flows from north to south through the center of the property. It, as well as its associated FEMA floodplain and jurisdictional wetlands, generally define the western limits of the area to be rezoned.

### **Regional Aerial Map**



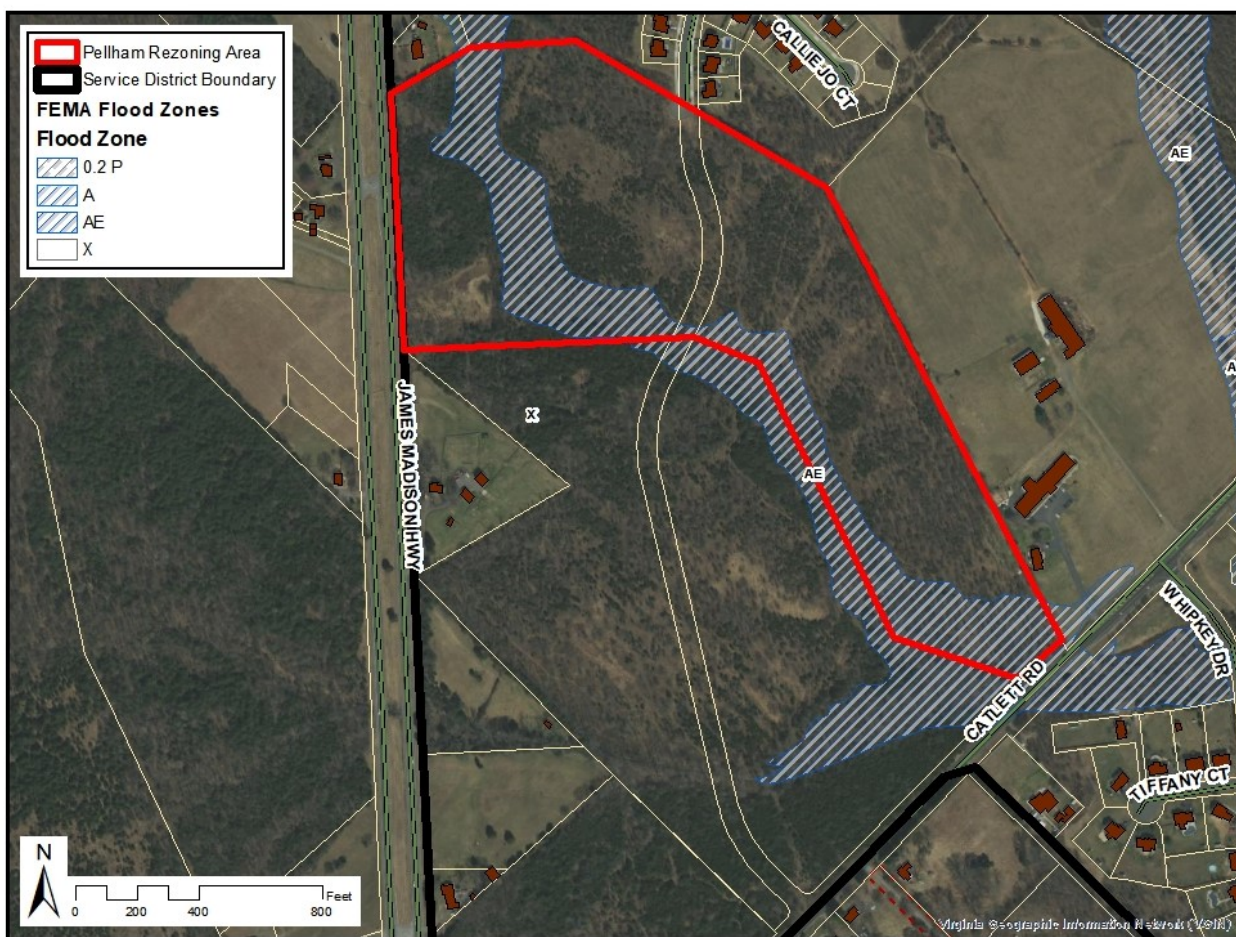
The property also contains previously dedicated right-of-way, which provided a means to extend Southcoate Village Drive (Route 1161) to Route 28. This alignment was based on previous County approvals; however, the associated road construction never took place. It should be noted that this



application proposes a different alignment (connecting Southcoate Village Drive to Route 15/29 versus Route 28).

On August 23, 2019, the County issued a subdivision potential letter (see attached) for the entire 79.79 acres. This letter indicated that a maximum of four new lots plus the residue (for a total of five lots) could be created on the property. It also indicated that if the property is subdivided, 67.82 acres must be maintained in a single lot subject to the non-common open space requirements, and that additional approvals would be required to meet the non-common open space requirement due to the fact the property is bisected by public right-of-way. If this Rezoning application is approved, a new subdivision potential letter would be required for the 38.46 acres to remain zoned RA prior to any future subdivision of it.

### Site Aerial Map



### **Surrounding Zoning and Current Land Use:**

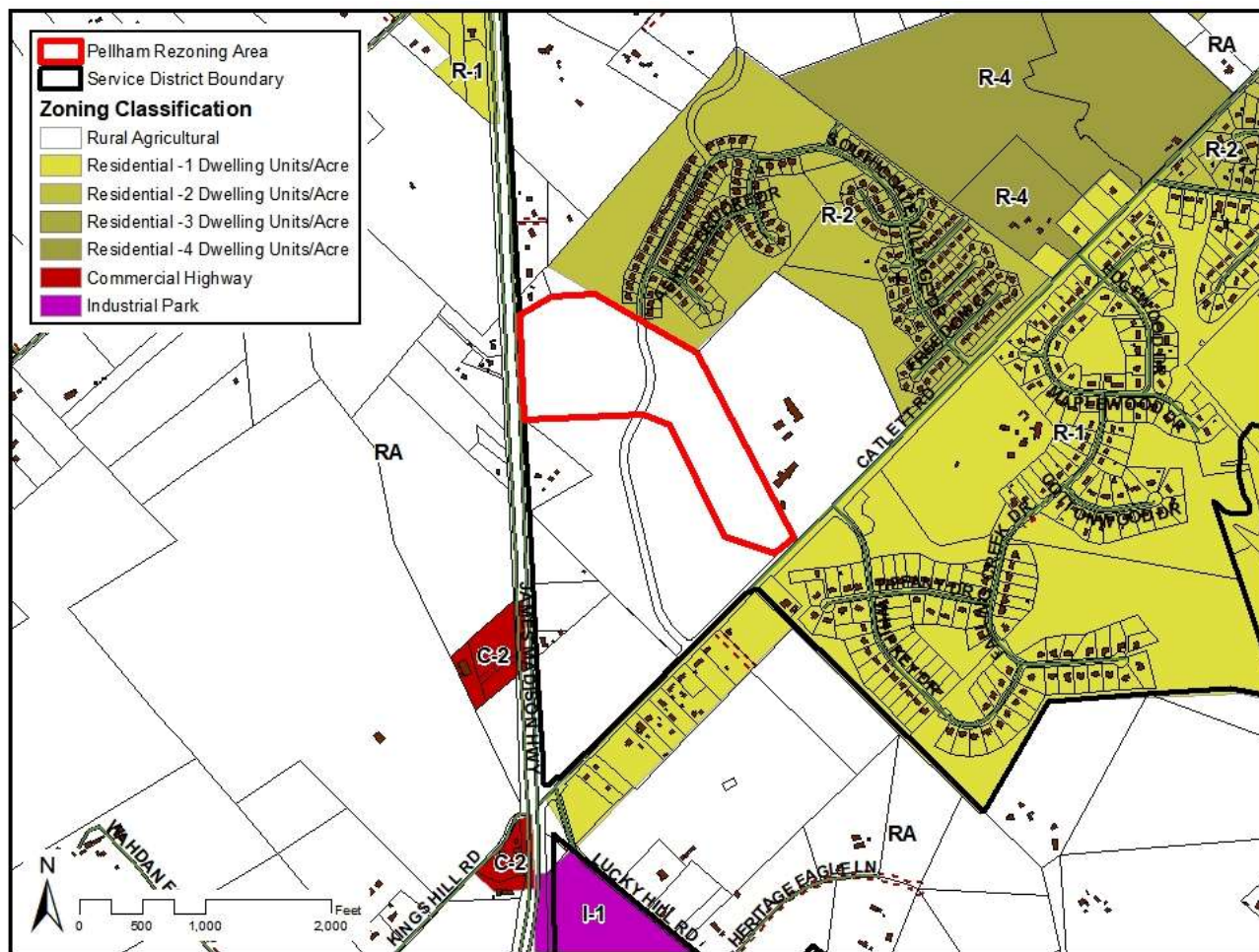
The neighboring property to the northeast is the Southcoate Village subdivision, which is zoned Residential: 2 Units per Acre (R-2) with proffers. Southcoate Village consists of 179 lots that are each approximately 10,000 square feet in size. All but five of these lots have homes constructed on them. Currently, the Southcoate Village subdivision only has one point of access at Catlett Road (Route 28);

however, there are proposed connections and road stub outs to the future Foxhaven subdivision and the Craig property to the east and the subject property to the west.

The Bender property lies to the east and is zoned Rural Agriculture (RA). It is currently being used as the Blue Ridge Christian Home, which is an assisted living facility for seniors with a maximum of 36 residents. Additionally, the property is being used for agricultural purposes and contains a single-family residence.

Properties to the south are zoned Residential: 1 Unit per Acre (R-1), and contain single-family residential uses. Several of these properties are outside of the Service District and have direct access to Route 28. These properties generally range from one acre to four acres in size. The properties within the Service District are a part of the Edgewood East subdivision. These lots are generally half an acre in size.

### Location/Zoning Map



West of the subject property, the properties are generally zoned RA, and contain a mix of rural residential and agricultural uses. It should be mentioned that approximately 200 acres, on the west side of James Madison Highway are planned to be the future Fauquier County Southern Sports

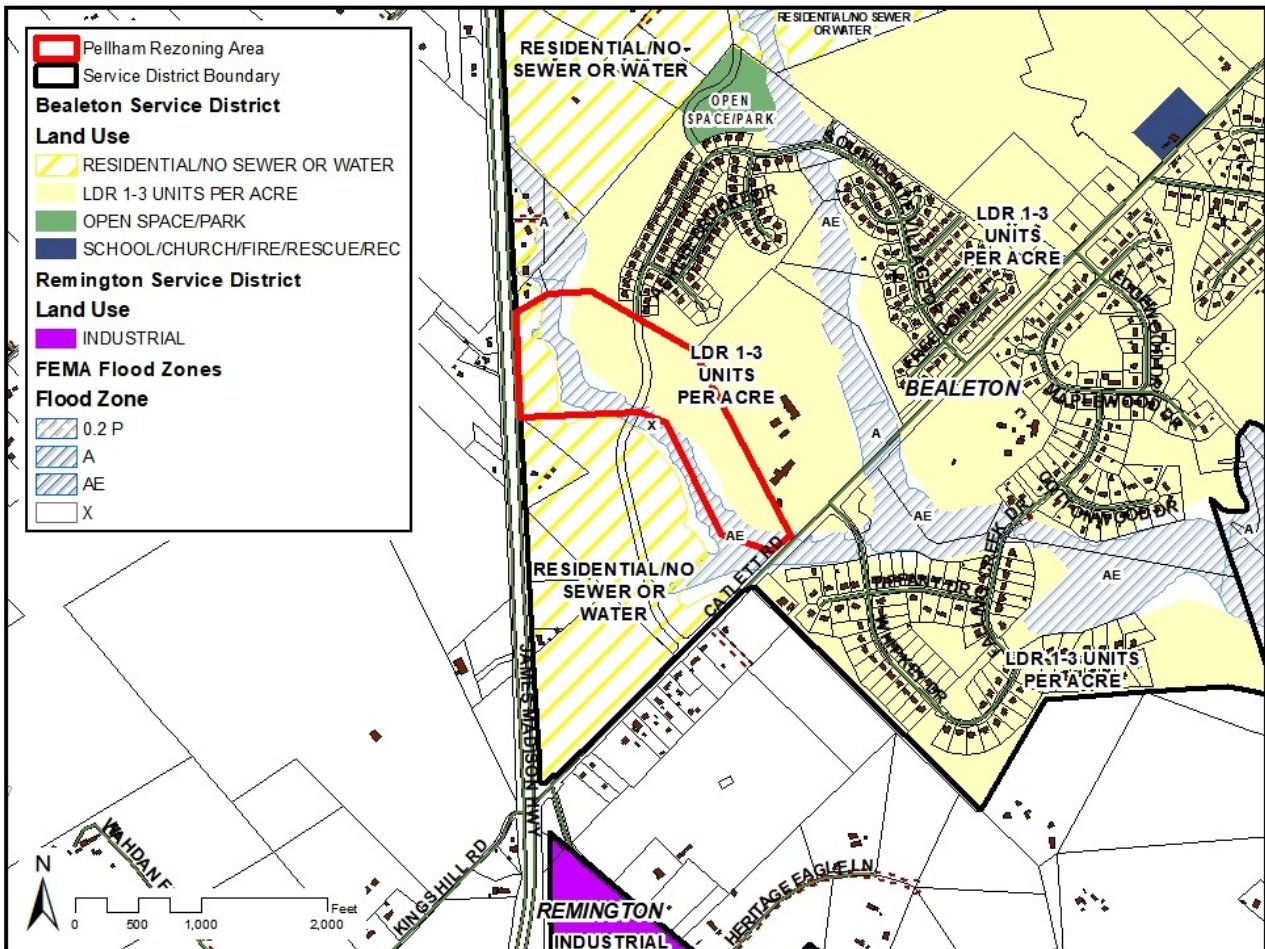


Complex. Additionally, there are 5.8 acres of land zoned Commercial – Highway (C-2). This land includes two vacant parcels and the Remington Lions Club.

### Comprehensive Plan/Land Use:

The property is within the Western Neighborhoods area of the Bealeton Service District. A majority of the area to be rezoned has a future land use designation of Low Density Residential: 1 to 3 Dwelling Units per Acre. It also has land use designations of Residential: No Sewer or Water and FEMA Floodplain. The western edge of this portion of the property is the Service District's western boundary. The portion of the property that is not to be rezoned with this application has land use designations of Residential: No Sewer or Water and FEMA Floodplain. This portion of the property defines the southwestern edge of the Bealeton Service District.

### Land Use Map



The Service District Plan envisions Bealeton to be a “people friendly” community of distinct neighborhoods, built to the east and west of the town center. Housing is planned to range in size, type and price, with smaller and denser types of development located within the town center, and lower density single-family detached housing in neighborhoods further away from Route 17. It is anticipated

that the community will be surrounded by large lot housing along the perimeter. Staff believes that this envisioned development pattern closely mimics an urban-to-rural transect planning model which is based upon the transition from sparse rural farmhouses to a dense urban core. The Service District Plan also envisions that future local roads in Bealeton will be designed for cars, pedestrians and bicycles on a generally rectangular grid network with sidewalks. Pedestrian and bicycle paths, within parkland along the floodplains, are to provide links between the residential neighborhoods and connections to the town center.

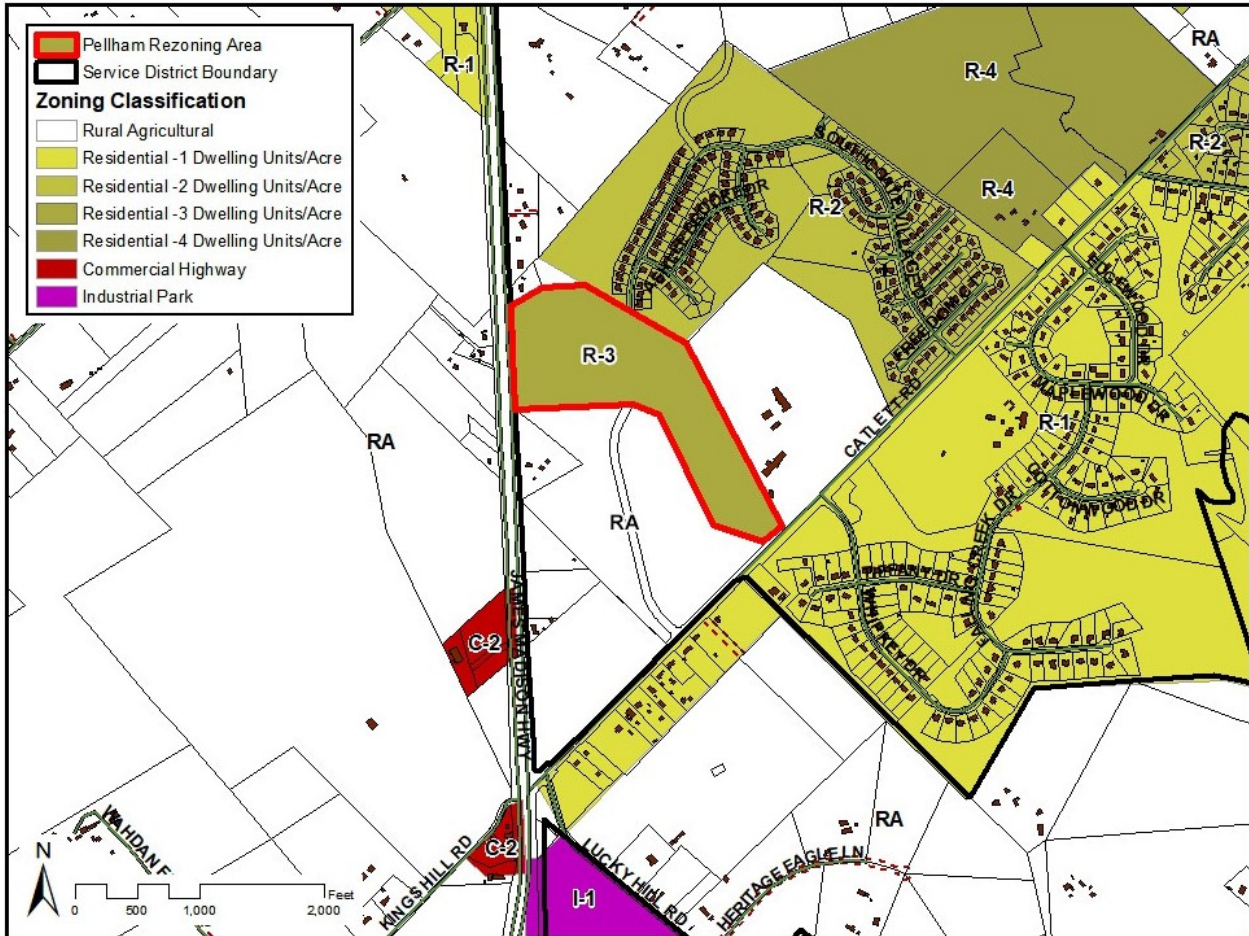
Within Bealeton's Western Neighborhoods, development density is planned to continue in the existing pattern of 1 to 3 dwellings per gross acre. The Service District Plan recognizes that existing subdivisions within the western neighborhoods of Bealeton have decisively established a conventional suburban design style; however, the County should encourage development proposals that seek to incorporate elements of a more traditional grid settlement pattern to the extent possible given adjoining developments and roads. Stream valleys and floodplains, within the Western Neighborhoods, are to be redesigned and redeveloped as parks, and then systematically incorporated into a predominately natural/passive park network with pedestrian paths and bike trails. Land in the far western portion of the Service District (with a land use designation of Residential: No Sewer or Water) is intended to act as a buffer between the more intense residential uses of the western neighborhoods and the rural lands beyond. New development in this area should generally have residential lots located on existing streets or close to the Low Density Residential Land Use areas. Open space should be located towards the Service District Boundary, and be used to provide a natural edge to the Service District.

### **Proposed Rezoning Analysis:**

This application is seeking to rezone approximately 41.35 acres from Rural Agriculture (RA) to Residential: 3 Units per Acre (R-3) with proffers. This request, if approved, would allow for the development of 65 front loaded single-family detached units using the R-3 cluster development standards of the Zoning Ordinance. Section 13-210 of the Zoning Ordinance gives additional guidance when reviewing and considering approval of Rezoning applications; it states:

*"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."*

## Proposed Zoning Map



The Comprehensive Plan, within the Chapter 6 – Service Districts: Introduction, also offers further guidance to be considered with Rezoning applications. It suggests that rezonings should occur when the Applicant can demonstrate how the proposed zoning meets the intent of the Plan more effectively than the by-right zoning. The Comprehensive Plan also states that residential applications are expected to be presented at the low end of each density range for the specified Service District location. It goes on to state that applications above the low end density range should justify those increases with the:

1. Provision of affordable housing (low/moderate income housing); and/or
2. Elimination of lot subdivision potential through easements (Purchase of Development Rights) on: (a) Rural Agricultural (RA) and Rural Conservation (RC) zoned properties generally located within the Service District's magisterial district; (b) property designated as parkland or marked as a hard open space edge along the Service District boundary within the Service District plan; or (c) a critical future transportation corridor designated by the Board of Supervisors needing protection from further development; and/or



3. Implementation of unique town-scaled designs consistent with the adopted Service District plan; and/or
4. Other combinations other than cash/material contributions to the needs of the County.

The Planning Commission should consider these matters when making its recommendation to the Board of Supervisors. Particular attention should be paid to the existing use and character of the area; the character for the area as envisioned in the Bealeton Service District Plan; and the requirements for schools, parks and recreation areas, as well as other public services. The Commission should also evaluate if the proposed zoning meets the intent of the Plan more effectively than the by-right zoning, and further if the Applicant has justified an increase in density above the low end density range envisioned in the Comprehensive Plan.

#### Capital Impacts Analysis

As a part of the application, the Applicant submitted a Proffer Analysis report titled “Pelham Village - SB 549 Proffer Analysis.” The Applicant’s analysis is for a new residential community that includes 66 single-family detached units. The study mentions that there is no existing development on the site, and the area of the property to be rezoned has two “by-right” units allowed under the existing zoning designation. As such, impacts within the report are estimated for anticipated units beyond the two by-right units, or 64 single-family detached units. It should be mentioned that subsequent to submitting the report, the Applicant modified the development proposal. The current proposal is for 65 new single-family detached units, which would be an increase of 63 units over the current by-right allowable development.

The document focuses on the identification of potential impacts to public facility improvements resulting from the proposed development and includes calculations of the projected impacts of the development. Public School Facility impacts are calculated collectively for elementary, middle, and high schools, and are based on projected incremental students added by the development. Public Safety (Sheriff’s Department and Fire and Rescue) and Public Park impacts are based on projected incremental residents added by the development. Impacts to the public road network attributable to the Development are identified in a separate document, the Transportation Impact Analysis (TIA). The full report, which includes the methodology employed by the Applicant in estimating impacts, has been attached for reference.

Proffer Categories	Cost per Unit	Project’s Total (65 Units)
Public School Facilities	\$0.00	\$0.00
Public Safety Facilities	\$694.69	\$45,154.85
Public Parks Facilities	\$55.51	\$3,608.15
Public Transportation Facilities*	-	\$100,000.00
<b>TOTAL DEVELOPMENT</b>	<b>\$750.20</b>	<b>\$148,763.00</b>

\*Note: The contribution toward Public Transportation Facilities is proposed to be at approval of the first Construction Plan and not provided on a per unit basis. It should be mentioned that neither the Applicant’s Proffer Analysis nor TIA indicate the basis for this contribution, the impact it is intended to address, or how the amount was derived.

For comparison purposes, the application was also analyzed in a capital impact model developed for Fauquier County by TischlerBise. The generated report details the estimated capital facility impact of the development proposal and is provided for informational purposes only. The report should not be considered a negotiation, a request, a suggestion or demand for proffers on the part of Fauquier County. The model estimates impacts that are directly attributable to the proposed new development while also taking into account existing capacities within constructed public facilities. The model evaluates capital impacts for the following categories of public capital improvements: (1) Public Schools; (2) Libraries; (3) Parks and Recreation; (4) General Government; (5) Sheriff and Emergency Services; (6) Courts; (7) Fire and Rescue; (8) Environmental Services/Solid Waste; (9) Water; and (10) Sewer (County Funded Projects).

The model provides two sets of outputs. The first represents the full capital impact of the proposed development on the ten capital facility categories listed above. This estimate utilizes a per capita impact approach and assigns a proportionate share cost to each citizen based on the County's actual level of service in each public facility. The second set of outputs incorporates the State's legislation mandate that new development cannot contribute cash proffers for existing capacity within a public facility system. This analysis looks at the capacity within the County's public facilities as well as the geographic location of that capacity and identifies where new development will directly trigger a need for additional capital infrastructure. In accordance with State Code, only the categories of Public Schools, Parks and Recreation, Public Safety (Sheriff, Fire, Rescue and Emergency Services) and Transportation are eligible for cash proffer contributions from proposed development to mitigate their impacts.

The County's Capital Impact Model report has been attached for reference. It should be noted that if there are any unmitigated capital impacts, the County would need to address them in its budget process and/or consider appropriate reductions of level of service to make up the difference.

### Proffers

A Proffer Statement has been submitted by the Applicant as a part of the Rezoning application. The Proffer Statement commits the project to being developed generally consistent with the Concept Development Plan (CDP) and limits the development to 65 homes. It also states that the project will incorporate a variety of architectural styles, building forms, and lot types. To mitigate the project's impacts, as defined in the project's Proffer Analysis (see above and attached), the Applicant is proffering to contribute a total of \$8,763.00 (\$750.20 per lot). This breaks down to \$3,608.15 (\$55.51 per lot) for capital impacts to Parks and Recreation and \$45,154.85 (\$649.69 per lot) for capital impacts to the Department of Fire Rescue and Emergency Management (DFREM). The Applicant has also proffered to make a one-time \$100,000.00 monetary contribution to the County, to be used for Route 29 road improvements, as may be determined by the County at its sole discretion. All of these monetary contributions, after 36 months from the date of Rezoning approval, are subject to adjustment in accordance with the Urban Consumer Price Index ("CPI-U"), as published by the United States Department of Labor.

In addition to the previously mentioned Parks and Recreation contribution, the Applicant has proffered to construct five exercise stations and one tot lot with the project. Internal trails (subject to Southcoate Village approval) will connect the two communities, and a trail along the Route 28 frontage has been

proffered. The Applicant has also committed to constructing a rectangular recreation field within the active recreation area that may be used for active or passive recreation purposes, and reserving (if requested) the active recreation area for five years for the sole use of the Parks and Recreation Department.

The Public Safety proffers include coordinating with the Sheriff's Office and VDOT to identify a suitable place along the property's Route 28 frontage for shoulder improvements to provide a safe parking and stopping location for public safety vehicles. The Applicant has also proffered to install a fire hydrant on the property south of the connection of Southcoate Village Drive Extended at Route 29, to provide a location at which fire trucks may resupply themselves with water.

In addition to the monetary contribution, the Transportation proffers commit the Applicant to the design of all on-site and off-site improvements shown on the Concept Development Plan (CDP). The Applicant has also committed to, subject to VDOT approval, installing a traffic calming device in Southcoate Village. It is proposed to be installed on Southcoate Village Drive between Eagle Court and Logan Way. Additionally, the intersection of Southcoate Village Drive Extended and Pelham Court is committed to being striped for pedestrian crossings, and marked as a four-way stop upon the approval of VDOT and the County. The Applicant has stated that, as an alternative, a roundabout may be constructed at this intersection.

Additional proffers have been included which outline the responsibility of the Homeowners' Association, list requirements for the construction of subsurface structures (basements), and commit the homes to be constructed using one of several green building practices.

#### Concept Development Plan (CDP)

A CDP was included as part of the Rezoning application materials. The plan clusters the development of the 65 single-family detached lots on the eastern portion of the property and primarily uses the FEMA 100-year floodplain and the portion of the property along Route 15/29, west of the floodplain, as open space. The development area accounts for approximately 46.5% (19.23 acres) of the property; the remaining 22.12 acres (53.5%) will be open space. The open space area includes 11.33 acres of floodplain and 4.13 acres for active recreation. It should be mentioned that approximately 42% of the active recreation area is indicated on the CDP as being wetlands. The open space also includes a 100 foot wide buffer (as required by Zoning Ordinance § 2-309.6) along the RA zoned Bender property and the residue portion of the property which is proposed to remain zoned RA.

The proposed road network extends Southcoate Village Drive westward, across the floodplain, to Route 15/29. This intersection is proposed to be limited access - only allowing left turns in, right turns in and right turns out. This would allow traffic traveling north or south on Route 15/29 to enter the project at this location; however, any traffic exiting the property at this location would only be permitted to go north on Route 15/29. As mentioned previously, existing Southcoate Village Drive will also provide a connection through Southcoate Village to Route 28. A new street, Pelham Court, is proposed to run north/south on the eastern side of the floodplain. Pelham Court terminates in cul-de-sacs in the northern and southern portion of the development area. A third, unnamed, street provides a future connection to the Bender property (PIN 6889-42-5068-000) to the east. These streets are all proposed to have two travel lanes with four foot wide green strips and five foot wide sidewalks



on each side. The CDP also indicates a 50 foot wide right-of-way reservation, which would provide future access to the residue portion of the property (which is to remain zoned RA with this application), at such time if it were to be developed.

The residential development is proposed entirely on the east side of the floodplain, in the area designated as Low Density Residential: 1 to 3 Dwelling Units per Acre in the Bealeton Service District Plan. All 65 of the lots are to contain front loaded single-family detached homes. The lots typically are between 55 and 85 feet wide and 100 and 155 feet deep. The proposed lot areas range from a minimum of 8,500 square feet to a maximum of 14,503 square feet, with 47 (72%) of the lots being less than 10,000 square feet and 18 (28%) of them being greater than 10,000 square feet.

Within the open space area, the Applicant is proposing an internal trail network which connects to the subdivision streets (in five places), ties into the Southcoate Village trail network, and connects with a 10 foot wide multi-use trail (as shown in the Comprehensive Plan) along a portion of the Route 28 frontage. The internal trail network is proposed to be five feet wide and surfaced with stone dust over a gravel base. Additional amenities include an active recreation field, five exercise stations and a tot lot. It should be mentioned that most all of the internal trail network and several of the exercise stations are located within the floodplain area.

### Transportation

The project proposes to extend existing Southcoate Village Drive into and through the Pelham development. This will provide direct access to Route 15/29 via a new un-signalized partial-access (no left out) point. It will provide indirect access to Route 28, by traveling through Southcoate Village. As a result of this inter-parcel/inter-project connection both Southcoate Village and the future Foxhaven subdivision will be able to indirectly access Route 15/29 through the Pelham project.

A Traffic Impact Analysis (TIA) for the proposed Pelham development, while not required, has been submitted as a part of the application materials. It estimates that the proposed project will generate approximately 700 vehicle-trips per day with 51 AM peak hour and 67 PM peak hour vehicle trips. The TIA's Intersection analyses reveal that with the addition of the project's traffic, the signalized Route 15/29 and Route 28 intersection continues to operate at the same level of service; however, with slightly higher delays. The un-signalized Route 28/Southcoate Village Drive intersection also will continue to operate at the same level of service with slightly higher delays. The new partial-access (no left out) site entrance intersection on Route 15/29 will operate at an "excellent" level of service during both the AM and PM peak hours. The TIA concludes that the addition of the project's traffic does not cause a traffic impact at any of the analyzed intersections; therefore, no impact mitigation measures are warranted or required. The Applicant further states that the TIA indicates no impact or need to build more than VDOT-standard length turn lanes at the new site entrance on Route 15/29.

It should be noted that the TIA has not yet been approved by VDOT or Fauquier County. As the access to Route 15/29 prohibits left turns out, VDOT has stated that the TIA needs to evaluate the adequacy of the left turn lane at the median break where U-Turn movements will take place (approximately 1,250 feet north on Route 15/29). It is unknown, without this analysis, if any improvements will be required at this location. VDOT has also cautioned that the project's proposed access and modifications to the median will restrict the existing access for PIN 6889-22-3374-000 and

that the Applicant needs to coordinate with the affected owner. At the Construction Plan phase of the project the Applicant will need to provide documentation demonstrating that the owner of PIN 6889-22-3374-000 agrees with the proposed improvements and understands the impacts to their current access. Please see VDOT comments below for additional information.

### Utilities

Public Utilities for the site are to be provided by the Fauquier County Water and Sanitation Authority (FCWSA). It is believed that adequate water and sewer service is available to serve the proposed project. FCWSA reviewed the application and had no comments.

### Stormwater Management

A preliminary Stormwater Management Concept Plan was submitted with this application. The County's engineer reviewed the proposal, and had no comments. It is believed that the stormwater can be adequately accommodated on-site as proposed.

### Site Suitability

This property appears to be generally suitable for the type of development proposed. There are no known limiting environmental features or restrictive site elements in the proposed development area. There are no known significant landscape features or vegetated areas to be impacted. However, it should be mentioned the entire development area has soil map units that indicate a seasonal high water table and shallow bedrock. Basements are not recommended on these lots unless the site grading allows the basement floor elevation to be above the seasonal high water table or the basements have a gravity, day-lighted drain. Additionally, any deep excavations will likely require ripping, hoe ramming and/or blasting.

### Cultural and Historic Resources

There are no known cultural or historical resources on the property.

### Natural and Environmental Resources

A tributary to Craig Run flows from north to south through the center of the property. It, as well as its associated FEMA floodplain and jurisdictional wetlands, generally define the western limits of the area to be rezoned. All of the home sites are proposed to be located outside of the floodplain and wetland areas. Additionally, the proposed road network, except for one proposed floodplain crossing and a future right-of-way reservation (to serve the undeveloped portion of the site), avoids these environmentally sensitive areas. It should be mentioned that the proposed floodplain crossing associated with the extension of Southcoate Village Drive westward to Route 15/29 requires approval of a Category 23 Special Exception for floodplain uses. The Special Exception application, per Zoning Ordinance §5-009.1.1, cannot be filed until after the Board takes action on this Rezoning application. The design and details associated with this proposed floodplain crossing will be thoroughly evaluated during the Special Exception process.

The project proposes to locate a five foot wide gravel path and five exercise stations within the FEMA floodplain. While the CDP indicates that the exercise stations will be securely anchored to the ground, staff has concerns related to the following: (1) the ability to use these amenities during and after flood events; (2) the ability of the Homeowners' Association to adequately and consistently maintain these amenities after flood events; and (3) the potential for the gravel to be washed into the stream channel during a flood event. The proposed 4.13-acre active recreation area is indicated on the CDP as being approximately 42% wetlands. As such, staff has concerns over the ability of this site to be used for active recreation.

### **Planning Analysis:**

As previously mentioned, the proposal is to rezone 41.35 acres of the Pelham property from Rural Agriculture (RA) to Residential: 3 Units per Acre (R-3) with proffers. The Applicant intends to develop the property using the Zoning Ordinance's R-3 cluster provisions, with 65 front loaded single-family detached homes. In reviewing the application materials, staff has concerns that the proposed R-3 zoning district and corresponding development pattern may not be compatible with the existing use and character of the area. This concern also applies when evaluating the development pattern envisioned in the Comprehensive Plan and being realized by the existing zoning throughout the Service District. Additionally, staff has concerns related to school capacity, particularly as it relates to the elementary students that will be generated by the proposed development. Lastly, staff has concerns related to the appropriateness and ultimate enforceability of several of the proposed proffers.

The Planning Commission, in its evaluation of the application, is advised to thoroughly consider each of these concerns which have been highlighted and analyzed below.

### **Land Use/Development Patterns**

As mentioned previously, staff believes that the land use plan for the Bealeton Service District generally mimics a traditional urban-to-rural planning transect. This type of planning model typically has six zones, moving from rural to urban. It begins with two zones that are entirely rural in character: "Rural Preserve" (protected areas in perpetuity); and "Rural Reserve" (areas of high environmental or scenic quality that are not currently preserved, but perhaps should be). In Fauquier County these two zones would represent the Rural Lands (outside of the Service Districts), where the County has been actively seeking conservation easements and has developed its ordinances to ensure that any development in these areas is an appropriate low intensity/density use.

The transition zone between rural countryside and urban town is called the "Edge," which encompasses the most rural parts of the town or community, and the rural countryside just beyond. In the Bealeton Service District the Residential: No Sewer or Water and Open Space/Park land uses would generally represent the "Edge" zone. It would also encompass the western portions of the land designated for Low Density Residential: 1 to 3 Dwelling Units per Acre. The next zone is "General," which is typically the largest zone in most communities. The "General" zone primarily includes residential uses, but is more urban in character (somewhat higher density with a mix of housing types and a slightly greater mix of uses allowed) as it moves further from the "Edge" zone. In Bealeton, this can be seen in the central and eastern portions of the Low Density Residential: 1 to 3 Dwelling Units per Acre land use area as well as the Medium Density Residential: 4 to 6 Dwelling Units per Acre



land use area. The Bealeton Service District also locates civic land uses within this “General” zone. At the urban end of the spectrum are two zones which are primarily mixed use: “Center” (this can be a small neighborhood center or a larger town center); and “Core” (serving the region — typically a central business district). The “Center” zone in Bealeton would be generally defined by the High Density Residential: 7 to 20 Dwelling Units per Acre, Mixed Use, Commercial Office/Mixed Use and Institutional/Office/Mixed Use land use designations, and the Town Center land use would generally represent the “Core.”

The urban-to-rural planning transect in Bealeton can also be visualized through the current zoning and development patterns within the Service District. The most intense commercial districts [Mixed-Use Bealeton (MU-B), Commercial - Neighborhood (C-1), Commercial - Highway (C-2) and Commercial - Shopping Center Community/Regional (C-3)], and the highest density districts [Residential: Garden Apartments (GA), Planned Residential Development (PRD) and Residential: 4 Dwelling Units per Acre (R-4)] are located in the “Core” and “Center” zones. Then transitioning from PRD and R-4 to Residential: 2 Dwelling Units per Acre (R-2) and Residential: 1 Dwelling Unit per Acre (R-1) in the “General” zone; to R-1, Rural Residential (RR-2) and Rural Agriculture (RA) being located in the “Edge” zone; and ending with RA outside of the Service District in the “Rural Preserve” and “Rural Reserve” zones.

As the subject property lies at the western edge of the Service District, with adjacent properties to the east being zoned R-2 and RA and properties to the west being zoned RA and outside of the Service District, it seems counterintuitive and ill-advised to rezone the property to the requested Residential: 3 Dwelling Units per Acre (R-3) district. Staff surmises that a proposal that included R-1 zoning in the Low Density Residential: 1 to 3 Dwelling Units per Acre land use area and RA in the Residential: No Sewer or Water land use area would be more appropriate when evaluating the development patterns within Bealeton and be in greater conformance with the goals and vision of the Service District Plan.

#### Public School Capacity

The Applicant’s analysis of public school capacity estimates 47 new public school students (24 elementary, 11 middle, and 12 high). Liberty High School and Cedar Lee Middle School which will serve the proposed development have capacity for the additional students. However, the projected 24 elementary school students from the development exceeds the existing capacity at Pierce Elementary, where these students would likely attend, from today through the 2021-22 school year. The Fauquier County Public Schools published Ten-Year Enrollment Projections also indicate that enrollment at Grace Miller Elementary School should be monitored closely because projected capacity is approaching 95% in future years, 2023-24 and beyond. The Applicant has not included any mitigation measures to address impacts to the elementary school. If the school students generated from the proposed development exceed the capacity at any of the schools, the County would need to consider adding additional capacity and/or redistricting the region as needed to accommodate the students.

#### Proffer Statement

As mentioned above, staff has concerns over the appropriateness and enforceability of a few of the proffers. The Planning Commission should thoroughly evaluate the proffer statement in its consideration of the Rezoning application.

- Proffer 7.F. states: (i). *The Applicant will construct a rectangular field within the 3.15 acre “Active Recreation Area” identified on the CDP, which may be used for recreational purposes, prior to the issuance of an Occupancy Permit for the tenth (10<sup>th</sup>) residence. The Applicant will coordinate with the Parks and Recreation Department the design of such field, but will not be required to provide irrigation, lighting, or artificial turf. The field shall be maintained by the HOA.* (ii). *If requested in writing by the Parks and Recreation Department, the Applicant will, for a period of five years from the date the aforesaid field is completed as determined by the said Department, reserve the Active Recreation Area for the sole use of the Parks and Recreation Department. At the end of that five years, the HOA will assume the use of the Active Recreation Area, and shall continue to use the area for recreational purposes, which may include its use as a fishing pond.*

The Active Recreation area is shown as 4.13-acres on the CDP. As mentioned previously, this active recreation area is indicated as being approximately 42% wetlands. As such, staff has concerns regarding suitability of this location for such a use and, the ability to construct a rectangular field of usable size in this location without the potential for significant wetland impacts.

It should also be noted that the Parks and Recreation Department is currently updating their Master Plan. As a part of this effort they are evaluating the County’s current facilities and projecting the demand for future facilities. Therefore, it is not known at this time, if there is or will be a need for an additional active recreational area/rectangular field for the “sole use of the Parks and Recreation Department” in this location.

Staff also has concerns about the appropriateness of this site being used as a public active recreation facility due to: (1) its location adjacent to the Route 15/29 corridor which has 26,000 average daily trips; (2) the lack of available parking for a public facility; and (3) the previously mentioned environmental constraints.

- Proffer 8.C. states: *“The Applicant will install a fire hydrant on the Property south of the connection of Southcoate Boulevard Extended at Route 29 in order to provide a location at which firetrucks may resupply themselves with water.”*

This proffer would extend the public water to a portion of the Service District which is designated as Residential: No Sewer or Water. While it may be appropriate to provide a location for fire trucks to resupply, staff has concerns about the future unintended consequences of extending the utility to the edge of the Service District in an area not envisioned for public utilities and the potential for the utilities to be extended outside of the Service District into the Rural Land in the future.

Additionally, it is not clear (based on the application materials), where this truck filling station is to be located and/or if there is a safe and suitable area which would not impede or restrict traffic for it to occur. If it is to be located along Route 15/29 or within the right-of-way of a future public street, it would be subject to VDOT review and approval. We also do not know at this time if the Fauquier County Water and Sanitation Authority (FCWSA), which would ultimately own and maintain the infrastructure, will accept a 500 foot extension of the water line for only a fire hydrant/firetruck water resupply station.

Lastly, it should be mentioned that neither the Fauquier County Department of Fire Rescue and Emergency Management (DFREM) or Fauquier Volunteer Fire Rescue Association have provided comments regarding the proposed hydrant. As such, it is unknown if it would be utilized as intended or where an appropriate location for the proposed hydrant would/could be.

- Proffer 9.D. states: *“The applicant will, subject to VDOT approval, install a traffic calming device in order to assist in reducing speeds on Southcoate Boulevard at a location approved by VDOT, between Eagle Court and Logan Way.”*

This location, while within the public right-of-way, is in the neighboring Southcoate Village subdivision. It is not known at this time what type of traffic calming device the Applicant is considering, where it will exactly be, or if it can be entirely accommodated within the existing right-of-way. It is also not known if the residents of Southcoate Village are supportive of this commitment; and therefore, it may be problematic for the County to accept this proffer. Additionally, this proffer has no trigger as to when the traffic calming device will be installed which could be problematic in future applications.

- Proffer 9.G. states: *“The intersection shown on the Concept Development Plan at Southcoate Village Drive Extended and Pelham Court will be striped for pedestrian crossings, and marked as a four-way stop upon the approval of VDOT and the County. As an alternative, a roundabout may be constructed at this intersection as shown on Sheet 2 of the CDP.”*

Staff believes that a roundabout would be the better intersection improvement in terms of safety, traffic calming, and placemaking. As such, it would be beneficial to have the roundabout as the preferred design and the four-way stop be the fallback alternative. It should be mentioned that VDOT shares this opinion, see Agency Comments below.

- Proffer 9.H. States: *“As a condition of the first site plan approved for the Property, the Applicant shall make a monetary contribution to the County in the amount of \$100,000.00 to be used for Route 29 road improvements, as may be determined by the County at its sole discretion.”*

Based on the information submitted by the Applicant, it is unclear what impact this contribution is to address; if this impact is specifically attributable to the proposed new residential development; or if the proposed \$100,000 contribution adequately addresses the potential impact. As mentioned above, the TIA concludes that the addition of the project’s traffic does not cause a traffic impact at any of the analyzed intersections; therefore, no impact mitigation measures are warranted or required. The Applicant further states that the TIA indicates no impact or need to build more than VDOT-standard length turn lanes at the new site entrance on Route 15/29.

As such, staff has concerns over the appropriateness of accepting this proffer. Prior to accepting this proffer the Applicant should demonstrate that the new residential use creates a need, or an identifiable portion of a need, for one or more public roadway improvements in excess of existing capacity, and further that the new residential development will receive a direct and material benefit from a proffer.



Staff should also mention that this development (if approved) will proceed through the County's Construction Plan process and not the Site Plan process. Therefore, Proffer 9.H should be revised to reflect the appropriate approval (Construction Plan) before being accepted.

### **Agency Comments:**

Staff and the appropriate referral agencies have reviewed the application and have the following comments. Any agency comments are not a request, suggestion or demand for a proffer from the County. 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:

1. Sheet 4 of 6 has a 3.15 acre active recreation area that is 40-50% wetlands per the U.S. Fish and Wildlife National Wetlands Inventory maps. The Soils Map on Sheet 5 of 6 shows this area as a pond; however, recent aerial imagery indicates there is no water in the subject pond. Active recreation space may be used for fishing, boating or swimming; however, if this area is just wetlands and the area cannot be used for active recreation activities it will not count as active recreation. Proffer 7.F. is very specific to this area and more detailed information will be required with future applications to determine the usability of this space. The Applicant may want to amend proffer 7.F. to allow flexibility in the location of the active recreation in the event the area needs to be modified based on more detailed reports and studies.

*Provided for reference. The Applicant should be aware that if the proposed active recreation area is unable to meet the Zoning Ordinance requirements or proffered commitments that future amendments may be needed.*

*The CDP has been revised to expand the active recreation area to 4.13 acres. Additionally, the proffer has been revised to afford the Parks and Recreation Department the opportunity (at its discretion) to be the sole user of the recreation field for a maximum of five years.*

#### Virginia Department of Transportation (VDOT):

The following comments need to be given consideration as part of the rezoning process:

1. There appears to be an impasse regarding improvements on Route 15/29; therefore, VDOT makes no commitment at this time to allow any of the proposed options including the entrance into the subdivision.

*Provided for reference. Improvements to Route 15/29 will continue to be evaluated by County staff and VDOT during the Preliminary Plat and Construction Plan phases of the project.*

2. Final engineering drawings will need to meet all VDOT standards. The rezoning documents do not provide enough detail for a complete technical review.

*Provided for reference; final engineering drawings will be reviewed by County staff and VDOT and be subject to all applicable standards, specifications and ordinances.*

3. CDP, Sheet 2: The right-of-way shown in the Pelham Court Typical section needs to be extended to 51 feet in order to provide at least one (1) foot behind the sidewalk.

*The Applicant revised the typical section on the CDP to provide one foot behind the sidewalk. It should be noted that this was accomplished by reducing the verge by six inches on each side; therefore, the proposed right-of-way continues to be 50 feet wide.*

4. Future development of the remaining RA parcel will have an entrance on Route 28 and will need to meet connectivity, but it would not be through another entrance on Route 29. Therefore, a stub out on this CDP needs to be provided to meet the connectivity standards specified in the SSAR.

*The Applicant revised the CDP to include a 50 foot right-of-way reservation (between lots 8 and 9) to provide connectivity to the remaining RA land. It should be mentioned that the future construction of this road (if the residue ever develops) will require approval of a Category 23 Special Exception for floodplain uses, as it crosses a FEMA 100-year floodplain.*

5. Transportation proffer 9G: VDOT Traffic Engineering highly recommends having the roundabout as the default option and the 4-way stop with the crosswalks as the alternative option.

*Provided for reference. Staff agrees with VDOT that a roundabout would be the preferred option.*

6. The Traffic Impact Analysis (TIA) needs to evaluate the adequacy of the left turn lane (storage and taper) at the median break where U-Turn movements will take place. The left turn lane at the median break needs to be included in the conceptual layout in Figure 9 of the TIA. Since the west bound left turn is being restricted out of the development, the designer is responsible for providing an alternative access point and assessing the safety of it.

*Provided for reference. Staff recommends that these comments be addressed, to VDOT's satisfaction, prior to approval of this application.*

The following comments need to be considered when the final engineering drawings for construction are submitted for review:

7. Provide a revised traffic study evaluating the adequacy of the left turn lane (storage and taper) at the median break where U-Turn movements will take place on Route 29. The left turn lane at the median break needs to be included in the conceptual layout in Figure 9 of the TIA. According to the Comment Response Letter (CRL) page 8, the applicant states the following:

*"As the Staff Report notes, no TIA was required for this Application because of the minimal amount of new traffic generated. Yet one was provided. When the project was scoped with the County and VDOT, no study was asked of the existing, substandard, U-Turn movement to the north of the proposed Pelham Village entrance onto Route 15/29. It was only much later that VDOT belatedly asked that this be done. That is not possible*

*now, because (a) with the closure of schools it is not possible to take valid vehicle counts, and (b) that location is now, and always has been, substandard. When VDOT was asked to what standard it should be improved, it did not respond, because in all likelihood there is no such standard. The Applicant is prepared, however, to proffer \$100,000 to the VDOT or the County, as the County may elect, towards the improvement of roads in the vicinity of the Property. Finally, in response to the comments that the Applicant seek the approval of the owner of PIN 6889-22- 3374-000, neither the Applicant nor its counsel, having been involved in dozens, if not hundreds of land use applications in Virginia, have been involved in any case in which another property owner has been granted an outright veto over a project in the event that it does not agree with an aspect of a proposal.”*

VDOT agreed that the project would not trigger a Chapter 527 TIA. However, a traffic impact report is needed in accordance with Access Management Regulations and can have an expanded scope given that this application is a Rezoning. In regards to the scoping meeting and the discussion about the northern crossover along Route 15/29 for the subject project, during the scoping meeting, the limit of the study area was changed from a full access entrance on Route 15/29 to a partial access with no left out. This change was agreed upon by the Applicant and was incorporated into the revised scoping document. With this modification to the development access, VDOT Traffic Engineering (TE) expected that the first submittal of the TIA would explore different alternatives to accommodate the U-Turn traffic caused by restricting the left-out. However, the TIA did not provide any alternatives to accommodate the U-Turn movement. As a result, VDOT TE commented on the absence of the location where the U-Turn movement will be accommodated. Furthermore, per VDOT TIA Regulations and Administrative Guidelines, TE provided guidance on where the U-Turn movement can take place and recommended the evaluation of the existing northern crossover.

According to Page 28 of the VDOT Administrative Guidelines for the Traffic Impact Analysis Regulations: "It is important to note that the conclusions from the scope of work meeting should not be considered “a contract.” As the VDOT or local TIA is being prepared, it may be necessary to revise various details of the TIA that were discussed at the meeting. To assure flexibility in the development of the TIA, the results of the initial scoping meeting may be adjusted if agreed upon by VDOT, the locality and applicant, if applicable."

In regard to the evaluation of the existing turn lane on Route 15/29 NB, between the dates of March 24 and March 30, 2020, VDOT sent emails to the Engineer with a reference to the VDOT standard by which a turn lane needs to be designed. Nevertheless, minimum turn lane standards are provided in the VDOT Road Design Manual. This manual is public information that the development team should already know. The existing turn lane may be substandard based on current standards, but this condition has no bearing on assessing impacts due to the proposed traffic volume.

In regard to speaking with the owner of PIN 6889-22-3374-000, VDOT was not asking the applicant to seek this owner’s approval, nor did VDOT say anything about granting them an outright veto. However, knowing how such a preposterous conclusion was reached would be interesting. The Applicant should be willing to hear the opinions of all property owners directly impacted by the project, just as the Applicant has apparently done with the residents of Southcoate Village.

*Provided for reference.*

8. The final design should provide a profile projection and grading for the future road extension (into the portion of the property that will remain undeveloped for now) of at least 300 feet and provide any required onsite easements needed to build the extension in the future.

*Provided for reference.*

9. VDOT's preference is to continue the approximately 44 feet wide pavement section from the existing Southcoate Village Drive up to the proposed intersection. If a narrower pavement section (36 feet wide) is proposed, then the design will need to show a gradual transition based on a design speed; there should not be an abrupt transition.

*A note has been added to the CDP to address this comment. The final design will be reviewed during the Construction Plan phase of the project.*

10. The latest CDP shows a proposed RCUT at the existing median break across from the site entrance. This RCUT layout includes a concrete median that extends along the south bound left turn lane storage restricting the existing access from PIN 6889-22-3374-000 to the median break. Even though the proposed improvements will occur within the State maintained right-of-way, the Applicant needs to coordinate with the affected owner and provide documentation demonstrating that the owner agrees with impacts that the proposed improvements will have to their current access.

*Provided for reference. The Applicant revised the CDP to show an alternate design of the median. The alternate design allows for northbound Route 15/29 traffic to continue to make a U-Turn at this location and allow for a left-turn into PIN 6889-22-3374-000; however left-turns out of PIN 6889-22-3374-000 remain restricted with either of the proposed designs.*

*Should this application be approved, this comment will be addressed during the Construction Plan phase of the project. The ultimate design will be reviewed by both VDOT and County staff and subject to their approval.*

#### Fauquier County Public Schools:

New residential development creates an impact on the School Division's operating and capital costs. Based on the requested development, the project will add 65 single-family detached homes which are anticipated to generate students who will enroll in Fauquier County Public Schools.

#### OPERATING COSTS

This development will create an impact on operating costs from new student enrollment as estimated in the following table. Each student increases operating costs by \$13,084.

Elementary school students	24
Middle school students	11



High school students	12
Total students from development	47
Cost per student	\$13,084
<b>Total Annual Operating Costs</b>	<b>\$614,948</b>

State funding offsets a portion of these costs. For school year 2019-20, the state contributes 32.93%. The remaining funds must be borne by the locality.

## CAPITAL COSTS

In addition to operating costs, new development creates an impact on capital costs for schools by absorbing existing capacity and/or creating the need for additional capacity. The developer should demonstrate how they will mitigate this impact on schools.

This subdivision is currently located in the following school zones. These zones are subject to change at the discretion of the school division.

Elementary school:	Pierce Elementary School
Middle school:	Cedar Lee Middle School
High school:	Liberty High School

The impact from a build-out from this development may exceed the capacity available in one or more of these schools. The impact of this development may create the need to rezone, add temporary classrooms, or expand the school.

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.*

### Parks and Recreation:

1. The internal trail system should connect to the existing subdivision trails.

*The CDP has been revised to show the internal trails to be five feet wide with a gravel surface. These trails connect to the Southcoate Village Trail, streets to be developed within the project, and the 10 foot wide multi-use path along Route 28.*

*As previously mentioned, these internal trails are proposed to be primarily within the FEMA 100-year floodplain area. As such, they may not be useable during flood events. Furthermore, Planning staff has concerns related to the long term maintenance of these trails after flood events, and the potential for the gravel to be washed into the stream channel during a flood event.*

2. The Connections Plan calls for a trail along Route 28. Whether that would be part of a future Route 28 improvement project and which side of the road the trail would be located on is still to be determined.

*The CDP has been revised to show a 10 foot wide multi-use path within a 20 foot wide easement along Route 28 for the portion of the property to be rezoned; a 20 foot wide easement has been shown on the portion of the property which is not being rezoned.*

Soils:

1. A geotechnical study was completed on the parcel in 2007. The nine test pits were on western side of Craig Run, but all nine had refusal at 1.8 to 7.3 feet. The soils on the east side of Craig Run are similar, so deep excavations will probably require ripping, hoe ramming and/or blasting. Additional geotechnical investigation on the east side of the parcel would be beneficial.

*Provided for reference.*

2. At the construction plan phase, the following will apply:
  - a. Jurisdictional Determination of wetlands (SO 10-6.M and 9-5.B.34)
  - b. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. All exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means unless, in the opinion of the County's Review Engineer, the topography of the lot in relation to the overlot-grading plan precludes grading the site to drain the basement to daylight. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating that "Basements are not recommended in mapping units 74B, 78A and 78AX. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure." [map units 74B, 78A, 78B, 1723B, 178A, 474A and 474B if using Type 1] (SO 10-6F7).
  - c. The following statement needs to be placed on the final construction plan: "Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent "Interpretive Guide to the Soils of Fauquier County, Virginia" will require a geotechnical evaluation in order to determine proper design." (SO 10-6F7).
  - d. Soil mapping units 74B, 77C, 78A and 78AX are usually shallow to bedrock. The following statement needs to be placed on the final construction plan: "The County recommends that before road or home construction begins in soil mapping units 74B, 77C, 78A and 78AX, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done. Office of Emergency Services shall be contacted prior to blasting." [map units 73B, 74B, 78A, 78B, 173B, 178A, 474A and 474B if using Type 1] (SO 10-6F7).

*Provided for reference. Should this application be approved, these comments will be addressed during the Construction Plan phase of the project.*

Engineering:

All previous Engineering comments have been addressed through re-submissions of the materials. It should be noted that a conditional Letter of Map Revision will be required from the Federal Emergency Management Agency (FEMA) for the proposed culvert crossing of the Craig Run FEMA-designated 100-year floodplain.

*Provided for reference. The conditional Letter of Map Revision will be addressed during the future Category 23 Special Exception and related Construction Plan applications.*

Fauquier County Water and Sanitation Authority (FCWSA):

The Authority has reviewed the Pelham Property Rezoning Application and has no comments.

*Provided for reference.*

Department of Fire Rescue and Emergency Management (DFREM):

This office does not oppose the rezoning request. Detailed plan review for fire apparatus access and fire protection water supply to be done during construction plan review.

*Provided for reference.*

Fauquier County Sheriff's Office:

1. The Fauquier County Sheriff's Office does not have any objection based upon the information listed in the application.

*Provided for reference.*

2. The County should remain cognizant of traffic impacts although the application indicates the impact to fewer than 100 VPH. That said, some impact will be experienced at both James Madison Highway and Catlett Road.

*Provided for reference; traffic impacts associated with the proposal are outlined in the project's TIA. As mentioned previously, the TIA indicates that these intersections will continue to operate at the same level of service as they do today; however, there will be a minor increase in delays.*

3. The developer should work with both VDOT and the County to consider "shoulder" enhancements along Catlett Road from Southcoate Village Dr. to James Madison highway to ensure safe pull offs for law enforcement during enforcement efforts.

*The Applicant added Proffer 8.A to address this comment.*

4. As developments continue to be approved and take shape, the demand for law enforcement will continue to increase exponentially.

*Provided for reference.*