AGENDA REQUEST

Owners/Applicants:

L & J Property, LLC

Planning Commission Meeting Date:

November 30, 2006

Staff Lead:

Holly Meade, Senior Planner

Department:

Community Development

Magisterial District:

Scott

PIN:

7012-73-5993-000

Topic:

Virginia Pines: Preliminary Plat PPLT07-SC-006

Topic Description:

The applicant is seeking Preliminary Plat approval to divide one parcel of approximately 204.7224 acres into six (6) lots, ranging in size from 2.68 acres to 5.99 acres, with a non-common open space parcel of 174.68 acres. This represents a by-right cluster subdivision in the Rural Agricultural (RA) zoning district. The dedication of the large non-common open space parcel will preclude further subdivision. Individual well and septic will serve the parcels. The Preliminary Plat is included as **Attachment 1**.

The applicant is seeking a waiver of Section 5-8 of the Subdivision Ordinance (Cul-de-sac Streets) to allow a cul-de-sac greater than 700 feet. The applicant is proposing a cul-de-sac of approximately 2,400 feet. A Statement of Justification for this request is included as **Attachment 2**. The applicant's reasons for requesting the extended cul-de-sac are three-fold: (1) to avoid developing the property's existing road frontage on Bull Run Mountain Road, (2) to avoid disturbing the existing FEMA delineated floodplain, and (3) to utilize the best drainfield soils on the property.

Project Update:

On October 26, 2006, the Planning Commission postponed action on the application for thirty days. A meeting was held between neighbors in the area of the proposal, the Scott District Commissioner, staff and the owner's representatives. The neighbors expressed their concerns with regard to the cul-de-sac length request and location of the proposed road. At the writing of this staff report, no new material has been submitted from the neighbors or applicant.

Zoning/Acreage/Land Use:

The parcel is zoned a combination of Rural Agricultural (RA) and Rural Conservation (RC).

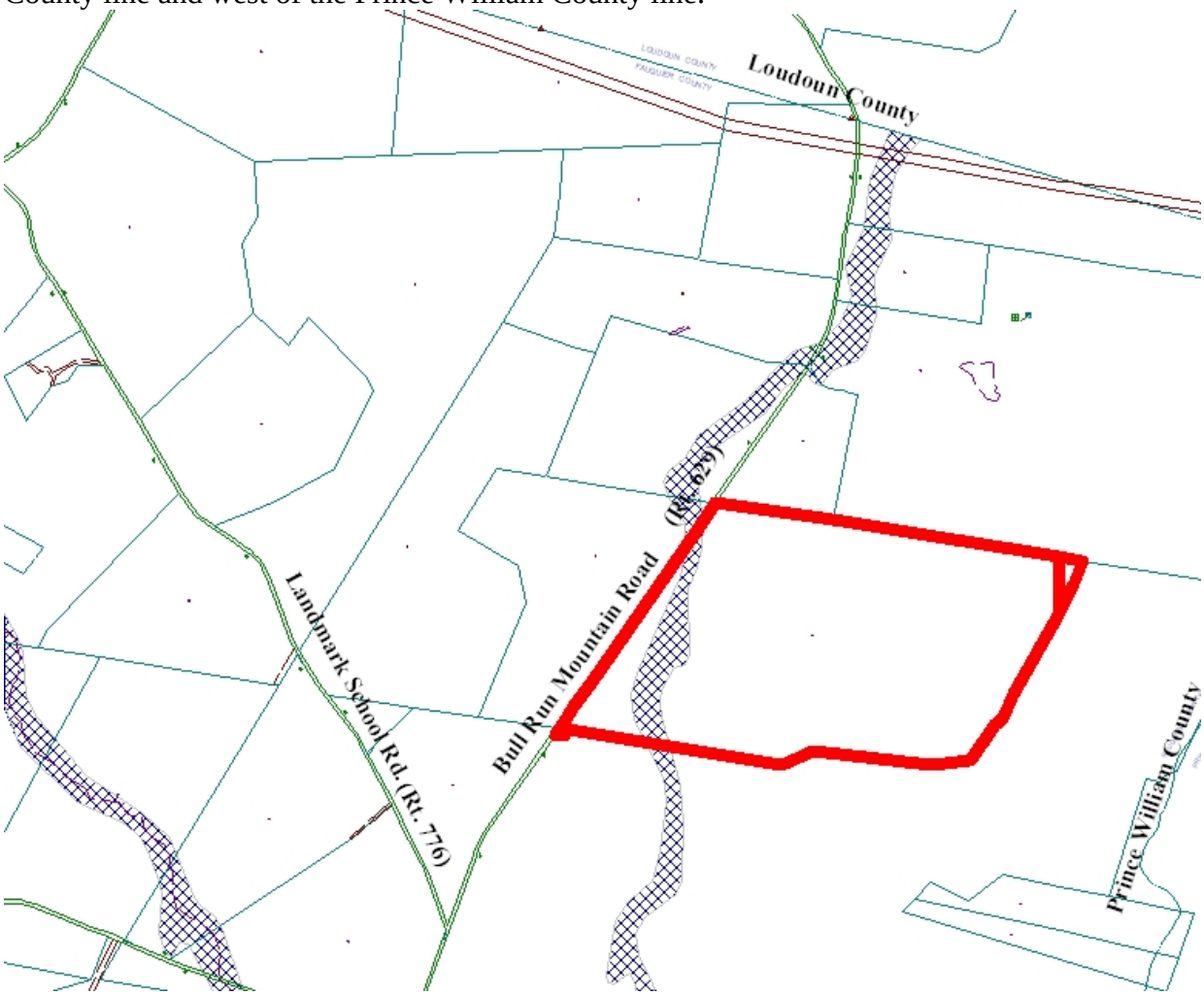
Properties to the north, south and west are zoned RA with the property to the east being zoned RC.

Requested Action of the Planning Commission:

There are unsolved issues with the proposed location of the road and the applicant's cul-de-sac length request. If the Planning Commission wishes to approve the Preliminary Plat, draft conditions of development are included as **Attachment 3**. If the Planning Commission wishes to deny the request, staff can prepare a resolution of denial.

Location:

The parcel is located east of Bull Run Mountain Road (Route 629) south of the Loudoun County line and west of the Prince William County line.



Staff Analysis:

Staff and appropriate referral agencies have reviewed this request for conformance with the Comprehensive Plan, the Zoning and Subdivision Ordinances, and other relevant policies and

regulations. Findings, comments, and recommendations are summarized below.

Zoning Considerations

The Zoning Office has reviewed the Preliminary Plat and has the following comments:

1. The existing structures on site will need to meet current setback requirements. Identify the existing structure located on the northern portion of the property closest to Lot 4. If this structure is a barn, houses livestock or feed, it must be located 100 feet from the property line.

2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a complete landscape plan shall be submitted with the construction drawings for approval. That landscape plan must:

   A. Provide street trees every 50 linear feet along street.(7-603.2b). The proposed tree locations shown the preliminary plan do not meet the minimum requirements. Additional trees are required along the entire length of Evelyn Avenue.

   B. A minimum of 15% crown coverage calculated at 20 years maturity must be provided (7-603.2a). Ordinance requires specific additional information be provided with the plan (7-603.4). The location and type of existing trees should be noted on the plan and located in an easement to ensure their continued existence.

Engineering Considerations

The Engineering Office has reviewed the Preliminary Plat and has the following comments:

1. 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 licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Unless, in the opinion of the County Engineer, the topography of the lot in relation to the overlot-grading plan precludes grading the site to drain the basement to daylight, all basements shall be designed to gravity daylight without assistance from mechanical means. 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, "Basements are not recommended in mapping units 2A, 3A, 15A, 15B, 16B, 16C, 17B, 17C, 81C, 81D, 82C, 415C, 416B, 416C, 416D, 417B,417C, and 417D. 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."

2. All culverts are to be designed to pass the 10-year storm. This includes driveway culverts.

3. The Fauquier County Subdivision Ordinance requires that road grades not exceed 10%.

The existing grade, where the road is shown, exceeds this in sections. If grading cannot be contained within the proposed right-of-way grading and maintenance easements will be required.

4. The intersection of Evelyn Avenue and Bull Run Mountain Road are to meet the County's IL-1 Standard for intersections.

5. Houses are not to be located in natural drainage ways. Natural drainage ways are to be protected and left in their natural state.

Soils/Environmental

The County Soil Scientist has reviewed the Preliminary Plat and has the following comments:

A Type I Soil Map (1" = 400') was completed on this parcel on 12/20/05. This involved walking over the entire property, boring auger holes and drafting the different soil types and cultural features onto the base map. Being very familiar with this parcel, the following comments are made.

1. Drainage lines need to match the legend.

2. The proposed well locations for Lots 5 and 6 need to be moved out of drainage ways. (County Code Section 19-11)

3. This office recommends that Lot 4's proposed house location be moved further up the slope from the drainageway. This will reduce the possibility of drainage issues.

4. We recommend that the proposed house site for Lot 2 be moved to the southwest, further up the nose of the ridge or closer to the cul-de-sac in the 153C3 and 153B3 map units. This is to avoid the 133E soil map unit which is very steep and has a very high erosion potential.

Recommendations are noted first due to importance, with details following. Recommendations 1-8 should be forwarded to the Planning Commission in the staff report as conditions of approval prior to final plat acceptance.

Recommendation

1. A Virginia Certified Professional Soil Scientist (CPSS) **(needs to adjust the Type I Soil Map soil lines)** or **(needs to adjust the preliminary soil map with revisions)** onto the Final Construction Plan. This needs to be done in the field and checked for any additional soils information to be added to the Final Construction Plan.

2. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated _____. This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=___') and certifies that this is the Best Available Soils Information to Date for Lots 1-____. _____ Va. Certified Professional Soil Scientist DATE CPSS #3401-_____

3. Interpretive information from the Type I soil report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.

4. This final soil map will be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.

5. A copy of this final soil map with CPSS signature needs to be submitted to the Soil Scientist Office before Final Plat approval is made.

6. The final signature sets will require original CPSS signature.

7. The type of primary and reserve drainfield area shall be stated for each lot.

8. The following statements shall be placed on the same sheet as the final soils map:

   a. Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on the Final Construction Plan to be placed in the front office of Community Development: "The County recommends that no below grade basements be constructed on soil mapping units 15B, 16B, 416B, 416C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures."

   b. The following statement shall be included on final soils map and E & S plans:
   "PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT."

   c. Roads built on153B3, 153C3, and 153D3 mapping units will need to be designed to overcome the low bearing capacity caused by the substratum of these soil types,

which are high in mica.

d. Due to the mica content of the soils in the mapping units 33D, 33D3, 33E, 133C, 133D, 133E, 153C3, 240C, and 241D3, these soils are highly erosive. The erosion and sedimentation plans need to consider more filtration practices as compared to sedimentation. Special precaution will need to be addressed in stabilizing the cut-banks along the proposed road.

e. Soil mapping units 33D, 33D3, 33E, 133C, 133D, 133E, 140C, 240D, 241B3, and 241D3 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 33D3, 33E, 133C, 133D, 133E, 140C, 240D, 241B3, and 241D3, 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."

f. Areas of steep slopes should be avoided at all cost due to high erosion hazard. Proper erosion and sedimentation practices need to be installed before construction begins. Soil mapping units 33D, 33D3, 33E, 133D, 133E, 153D3, and 241D3 should be left in their natural state.

Transportation

The Virginia Department of Transportation has reviewed the Preliminary Plat and has the following comments:

1. Sheet 3 shows the area north of Evelyn Avenue at the intersection of Route 629 between the proposed right-of-way dedication and the property line as being subject to a boundary line adjustment. However, on sheet 5 this same area is shown as being included in the dedication. The area in question appears too large to be accepted as dedication with the street.
2. Dimension offset of cul-de-sac.
3. Provide curve data for the centerline of Evelyn Avenue. (Preliminary Subdivision and Site Plan Checklist – Geometrics Item 10)

Parks and Recreation

The Department of Parks and Recreation has reviewed the Preliminary Plat and has the following comments:

Although there is an effect on the recreational needs of the county caused by this development, the effect is small enough as to not be cost effective for the developer to provide these facilities. Request a donation of $2,260 per dwelling to offset cost associated with new recreational facility construction or donation of a 30-foot easement for future construction of a recreation trail segment proposed along the county's eastern border. Easement would run from boundary to boundary along Route 629.

Summary and Recommendation:

If the Planning Commission wishes to approve Preliminary Plat PPLT07-SC-006 and waiver request WVRP07-SC-003, staff recommends doing so subject to the draft Conditions of Development included as **Attachment 3**. If the Planning Commission wishes to deny the request, a resolution of denial can be prepared prior to the meeting.

ATTACHMENTS: Not Included

1. Preliminary Plat
2. Statement of Justification for cul-de-sac length waiver
3. Conditions of Development

ATTACHMENT

Denial Action (Minutes of the November 30, 2006 Meeting)Planning Commission Minutes
Regular Meeting
November 30, 2006

#PPLT07-SC-006 – L & J Property, LLC, owner and applicant – Virginia Pines – applicant wishes to subdivide approximately 204.9 acres into seven (7) lots. The property is located east of Bull Run Mountain Road (Route 629), Scott District. (PIN 7012-73-5993-000)

Ms. Meade reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone, seconded by Mrs. McCarty, moved to deny for the following reasons.

1. Section 4-27 of the Fauquier County Subdivision Ordinance states "whenever because of unusual size, topography, or shape of the property or other unusual condition not resulting from the developers deliberate act, a strict compliance with the requirements of this Ordinance would result in extraordinary hardship to the developer, or wherever standards for waiver of specific provision of this Ordinance by the Planning Commission are set forth, the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided that such variance, modification, or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with implementing the Comprehensive Plan of Fauquier County." The applicant has not demonstrated that the size, topography or shape of the property prohibits strict compliance with the Ordinance and/or creates extraordinary hardship to the developer. Therefore, the Planning Commission does not approve the cul-de-sac length waiver and the applicant shall revise the plat to meet Section 5-8 of the Fauquier County Subdivision Ordinance requires "cul-de-sacs not to exceed 700 feet in length, exclusive of the turnaround." The applicant is proposing a cul-de-sac of approximately 2,400 feet. The proposed cul-de-sac should be reduced to 700 feet in length.

2. Section 7-10 of the Fauquier County Subdivision Ordinance requires "grades of streets submitted on subdivision plat shall be approved by the Virginia Highway Department Engineer prior to final action by the agent for the Fauquier County Board of Supervisors and shall be in accordance with the road designs and standards of Fauquier County. Where the grade of any street exceeds 5% and on grades of less than 5% where soil conditions and the general topography make such necessary as determined by the governing body or its agent in conjunction with the engineer for the Virginia Department of Transportation, paved roadside ditches of a design satisfactory to meet the standards set forth in the Subdivision Ordinance and the Virginia Department of Transportation standards shall be required." Demonstrate this road can be approved by the Virginia Highway Department Engineer with paved roadside ditches of a design satisfactory to meet referenced standards.

3. Section 5-6 of the Fauquier County Subdivision Ordinance requires that "maximum street grades permitted shall not exceed 10%. Grades in excess of 8% should be avoided. Ditches on grades 5% or more shall be paved and catch basins installed where required under the current standards of Fauquier County or the Virginia Department of Transportation. All paved ditches shall be of an approved concrete mixture." Demonstrate the street grade will not exceed 10%.

4. Section 9-5 of the Fauquier County Subdivision Ordinance (C) requires an approved Preliminary Soils Report as part of the Preliminary Plat application. The following items shall be corrected:

    - Drainage lines shall match the legend.

    - The proposed well locations for Lots 5 and 6 shall be moved further up the slope from the drainage way.

    - The location of the house on Lot 4 shall be moved further up the slope from the drainage way.

    - The proposed house site for Lot 2 shall be moved to the southwest, further up the nose of the ridge or closer to the cul-de-sac in the 153C3 and 153B3 map units.

    - Houses shall not be located in natural drainage ways. Natural drainage ways shall be protected and left in their natural state.

    - The type of primary and reserve drainfield area shall be stated for each lot.

    - Areas of steep slopes shall be avoided at all costs due to high erosion hazard. Property erosion and sedimentation practices need to be installed before construction begins. Soil mapping units 33D, 33D3, 33E, 133D, 133E, 153D3, and 241D3 shall be left in their natural state.

5. The applicant shall obtain approval from the Virginia Department of Transportation prior to Planning Commission approval pursuant to Section 9-6 of the Subdivision

Ordinance. Corrections include, but are not limited to the following items:

- Offset of the cul-de-sac shall be dimensioned.
- Curve data shall be provided for the centerline of Evelyn Avenue.
- Sheet 5 needs to label the area north of Evelyn Avenue as subject to boundary line adjustment.
- All culverts, including driveway culverts, shall be designed to pass the 10-year storm.
- The intersection of Evelyn Avenue and Bull Run Mountain Road shall meet the County's IL-1 standard for intersections.

6. Article 2-309 of the Fauquier County Zoning Ordinance requires "the Commission shall have the authority to determine whether lands qualify as open space." It appears that rock outcroppings, steep slopes and highly erodible soils are included within the proposed cluster lots. Revise the lot layout to include these features in the non-common open space lot.

7. The application fails to satisfy the requirements of the provisions of the Zoning Ordinance outlined in Article 1-200 (1-15). This provision states that the Ordinance is intended to promote the health, safety and general welfare of the public; and to implement the adopted Comprehensive Plan for the orderly and controlled development of the County. It states the Ordinance is designed to create and maintain conditions under which people and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations. Furthermore, the Ordinance is to facilitate the creation of a convenient, attractive and harmonious community, promote the conservation of natural resources and to ensure that development in such areas is well-controlled. Provide a Preliminary Plat with (a) a 700 foot cul-de-sac that meets the grade requirements for proposed streets outlined in the Subdivision Ordinance, (b) the Large Lot option as outlined in the Fauquier County Zoning and Subdivision Ordinances, or (c) with all lots having direct access to Route 629, Bull Run Mountain Road.

8. Article 2-406 (5)(B) of the Zoning Ordinance states the Board shall take into account any scenic and/or historic resources that would be impacted by the development and may require that adverse impacts be mitigated. Furthermore, the Ordinance states site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities. Demonstrate the street grade will take advantage of the topography and not exceed 10%.

9. It is not clear that the applicant will be able to obtain the necessary off-site easements for the construction of the proposed road. Provide a letter of intent to grant the easements or some similar document indicating the willingness of these property owners to allow this easement.

The motion carried unanimously.