

STAFFORD COUNTY, VIRGINIA

ZONING RECLASSIFICATION AND CONDITIONAL USE PERMIT APPLICATION

IMPACT STATEMENT

Applicant: Drees Homes of DC, Inc. (“Applicant”)
Owner: Raymond & Aria B. Orris
Development: Tax Map Parcel 43-74A, containing a total of approximately 12.78 acres subject to this rezoning request (the “Property”)
Project Name: “Orris Estates” (“Project”)
Rezoning Request: From A-1 to R-1
CUP Request: Cluster subdivision in the R-1 District
Voting District: Hartwood
Date: June 29, 2020
File No.: RC _____
CUP20 _____

Rezoning Application Request

The Applicant hereby requests a rezoning of the Property from Agricultural (A-1) to Suburban Residential (R-1) in accordance with the Stafford County, Virginia (the “County”), zoning ordinance, including without limitation Article III, Section 28-35, Article X, Section 28-161, et seq., and Article XII Section 28-201, et seq.:

Tax Map Parcel 43-74A (the “Property”), consisting of approximately 12.78 acres, and generally located southwest of Warrenton Road and east of the intersection of Manorwood Drive and Royal Crescent Way, within the Falmouth-Hartwood Magisterial and Hartwood Election Districts, all as more particularly described on that certain generalized development plan prepared by Bowman Consulting, titled “Generalized Development Plan – Orris Estates, Tax Map #: 43-74A, Falmouth-Hartwood Magisterial District, Hartwood Election District, Stafford County, Virginia,” dated June 3, 2020, attached hereto as **Exhibit A** (the “GDP”), which plan is incorporated as a material part of this application by this reference.

The R-1 district permits cluster subdivisions pursuant to a conditional use permit (“CUP”). Concurrently with the proposed rezoning, the Applicant requests a CUP to develop the Property for a cluster subdivision, as generally shown on the GDP.

Applicant is also submitting illustrative renderings depicting the proposed architectural design and building material features for the Project, which include only general type, character, and quality of architectural design, details, and materials, which are attached as **Exhibit B** (collectively, the “Renderings”).

Overview

As noted, the Property is currently zoned A-1. The Applicant proposes changing the zoning of the Property from A-1 to R-1 to allow a cluster subdivision consisting of 28 single-family detached dwelling units. Section 28-34 of the County’s Zoning Ordinance states the following concerning the R-1 district:

The purpose of the R-1 district is to provide areas which are in close proximity to existing or future development of equivalent or higher densities, and which are intended for low density residential development where public water and sewerage facilities are available. Development in the R-1 district is intended to be characterized by single-family dwellings.

Pursuant to Article III, Section 28-35 of the Zoning Ordinance, a CUP is required in order to develop a cluster subdivision in the R-1 district. Under Section 22-4 of the Zoning Ordinance, “cluster” means “[a] subdivision development design technique that concentrates detached single-family dwellings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features and rural character.”

Cluster subdivisions in the R-1 district permit an average density of up to 2.25 dwelling units per acre, while conventional subdivisions permit an average density of up to 1.5 dwelling units per acre. The proposed development includes 2.202 dwelling units per acre, which requires a conditional use permit.

The proposed Project includes a total of 28 units located on approximately 12.78 acres. The Project will include approximately 4.48 acres of open space, accounting for over 35% of the Property which exceeds the 30% minimum open space required for R-1 district for cluster subdivisions. The open space will be used for stormwater management facilities, if necessary; passive and active recreation, as described in more detail in the Comprehensive Plan analysis below; and preservation of natural areas, to the extent practical.

The Property is generally located southwest of Warrenton Road, and east of the Stafford Lakes Village neighborhood, just past the intersection of Manorwood Drive and Royal Crescent Way, within the Reservoir Protection Overlay District. The Property is bordered by residential development to the west, Rocky Pen Run Reservoir (“Reservoir”) to the north and east, and

residential and vacant land to the south. The Project site has access through Stafford Lakes Village via Manorwood Drive to a main public road, Village Parkway.

As described below, the Applicant's proposal conforms to the policies established by the County's Comprehensive Plan (the "Comp Plan").

Comprehensive Plan

The proposed Project satisfies the Comp Plan's intended future land use goals for the area by (1) its location within the County's Urban Service Area ("USA"), (2) its location within the area designated by the County for future suburban development ("Suburban Area"); and (3) conforming to the Comp Plan's policies for residential areas within Suburban Areas, all as discussed in turn below.

1. The Project's location in the Urban Service Area supports the proposed use.

The Property's location within the USA supports approval of the Project. The County's goal, as stated in the Comp Plan, is to locate 80% of future cumulative residential growth within the County's USA. This designation attempts to funnel new development in the County to the land around I-95 and other major transportation corridors in order to take advantage of existing public utilities in the area. The USA supports any new development which is compatible with the Property's Future Land Use Map designation. Because the Property is located within the USA, close to I-95, and southwest of Warrenton Road—one of the major transportation corridors in the County—the Project helps achieve the County's goal of locating the majority of new residential growth within the USA.

Further, the Property's location in the USA supports the Project's use of existing public utilities. The Applicant will extend water and sewer lines from nearby rights-of-way as necessary in order to serve the Property, which will support the goals of the USA and concentrate growth within that area.

2. The Project's location in the Suburban Area supports approval of the development.

The County's Comp Plan Future Land Use Map classifies the Property as part of the "Suburban" designation. Per the Plan, the County's Suburban Areas are areas where suburban scale of development is most appropriate. "Suburban scale of development" is considered single-family detached dwelling units, typically on one-quarter to one-half acre lots, which may include community amenities, and are buffered from any adjacent commercial development. These areas are intended to serve as infill development in the proximity of the established communities in the northern and southern areas of the County and in close proximity to major existing or planned transportation networks. The Plan recommends that new residential development in Suburban Areas should be limited to a maximum density of 3 units per acre. Further, all structures should be low rise in nature and not exceed three stories in design. Site lay-out and building design should be oriented to complement, be in scale with and minimize undesirable effects to existing neighborhoods and communities, and preservation of unique or sensitive environmental features should be incorporated into the development design.

The Proposed Project satisfies the County's goals for Suburban areas. The Project site is situated in an area that has currently been developed with suburban housing, and is buffered from any commercial development, as the Property sits on the eastern edge of an existing suburban community and is bordered on the north and east by the Rocky Pen Run Reservoir. Further, the Project's location adjacent to an already established community provides infill development as envisioned by the Comp Plan. The Property's satisfies the County's goal of locating suburban development near major existing transportation networks, due to its close proximity to and easy access to Warrenton Road by way of Manorwood Drive to Village Parkway. Warrenton Road further connects the Property to the additional existing transportation networks of I-95 and Route 1, thereby linking the new development to the County's major existing transportation networks.

Further, the proposed density of the Project is 2.202 dwelling units per acre, which is lower than the Suburban Area's recommended 3 units per acre. The site layout will complement, harmonize with, and preserve the site's unique environment adjacent to the Reservoir. Additionally, the low rise nature of the dwelling units, as well as their building design, will minimize adverse impacts to the neighboring communities and the Reservoir.

3. The Project conforms to residential policies of the Comp Plan.

Finally, the proposed Project conforms to the Comp Plan's policies for residential developments within Suburban Areas. For these developments, the Comp Plan recommends that only single-family detached housing types should be built at a maximum density of three units per acre. Further, residential development should be designed and located with consideration given to the local road network, typically by providing access to collector streets. And interconnecting local streets should be planned between residential subdivisions. Buffering should be provided along major arterial and collector roads to limit road noise. Residential developments should be designed to provide an aesthetically pleasing community with open space areas and in proximity to public parks and schools. The use of innovated development techniques—such as clustering—are encouraged to allow for development with minimal impact on sensitive natural resources, and developments are encouraged to preserve 25–50% of the site for open space.

The proposed Project satisfies these goals in multiple ways. First, the proposed 28 single-family detached units conform to the housing type recommended for residential developments within Suburban Areas. Second, the Project will be built at a density of only 2.202 units per acre, under the recommended density of 3 units per acre. Third, the Project will have easy access to Warrenton Road, which in turn will connect the development to the County's other major transportation networks. Fourth, the development will include plenty of open space—over 35%, and the Project's cluster design will minimize impacts on the surrounding natural resources.

In sum, the proposed Project's design and location within the County's USA, as well as its future designation for residential, suburban use, supports approval of Applicant's rezoning request.

Proffer Analysis

Pursuant to Virginia State Code Section 15.2-2303.4 and for purposes of this application, proffers may be offered by the Applicant for residential rezoning projects if such proffers are not unreasonable and are specifically attributable to the proposed use. In this regard, the Applicant retained MuniCap, Inc. to prepare a proffer analysis for the proposed Project, a copy of which is attached as **Exhibit C**, titled “Orris 2 Residential Development – Stafford, VA – VA Code 15.2-2303.4 Proffer Analysis,” and dated May 22, 2020 (“Proffer Analysis”). The Proffer Analysis is incorporated as a material part into this Application by this reference.

In summary, the Proffer Analysis provides that the proposed Project will generate a need for certain cash proffers. In this regard, the Applicant is proposing reasonable cash proffers in the amount of \$16,991.15 per single-family detached unit for the 28 units, to address impacts to schools and public safety, all as provided more particularly in the enclosed proffer statement. For purposes of calculating these cash proffers, the by-right units allowed under the current A-1 zoning have been exempted per applicable state code provisions. No transportation proffers are required due to the size of the proposed Project and the absence of any adverse traffic impacts.

We believe the proposed cash proffers are reasonable and specifically attributable to anticipated impacts of the Project on County schools and fire and rescue services. The proffers will also materially and directly benefit the proposed Project.

Impact Analysis

1. **Current capacity of and anticipated demands on highways, utilities, storm drainage, schools, and recreational facilities.**
 - A. Roads. Access to the Project will be provided via Manorwood Drive. The Project is anticipated to generate approximately 280 trips per day; thus, no traffic impact analysis is required, and the Project will not adversely impact traffic in accordance with County policy.
 - B. Utilities. As noted above, the proposed Project is located within the County’s USA and has access to public water and sewer. The availability and capacity of the water and sewer lines will be verified at the time of the final site plan. The Applicant will extend utility lines from nearby rights-of-way as necessary in order to serve the development.

Public Water: This Project is located in the Berea Pressure Zone. An existing 8" water line lies along Manorwood Drive. Onsite water lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for water is as follows: 28 units × 240 gpd/lot = 6,720 gpd.

Sewer: This Project is located in the Rocky Pen Run sewer shed. An existing 8" sewer line is adjacent to the Property in the southwest portion of the site. Onsite sewer lines will generally be constructed along the proposed roads within the subdivision to the gravity sewer tie-in connection in the southwest portion of the site. The anticipated daily demand for sewer is as follows: 28 units × 300 gpd/lot = 8,400 gpd.

By-Right Impact: If developed by right, the Applicant would have to connect to public water and sewer.

- C. Storm Drainage. The proposed development will incorporate low impact development techniques, as well as conventional stormwater management techniques in order to reduce the post-developed runoff from the site to pre-developed levels in accordance with County and state requirements. Upon build-out, approximately 20% of the total Property will consist of impervious surface. The proposed development will have minimal impacts downstream of the site.

By Right Impact: Both the by-right and proposed developments would result in the same post-developed flow requirements after stormwater management practices are in place, and would have minimal impacts downstream.

- D. Schools. As noted in the Proffer Analysis, the proposed rezoning will have an impact on schools. Using the County School system's estimate of 0.431 students generated from single-family detached units for elementary schools, 0.235 students for middle school, and 0.281 students for high school, the 28 single-family detached units are expected to yield 26.52 students. Based on these estimates, the Project is expected to generate a net student impact of approximately 22.73 total school-aged children at full build-out. As of the date of this Application, the Project will be in the attendance areas of Rocky Run Elementary School, Gayle Middle School, and Colonial Forge High School. The proposed development will cause the elementary and high schools to exceed maximum capacity, all as described in the attached Proffer Analysis. According to the County's most recent Capital Improvement Plan, no improvements are planned in the near future for any of these schools. Therefore, since the Project exceeds the capacity numbers for these schools, the Applicant, in accordance with applicable state code requirements, is proposing to proffer \$14,066 per single-family unit for the 28 Units to offset necessary school capital facility impacts in the relevant school zone area of the development. We have also enclosed a draft proffer statement for your review.

By Right Impact: A by-right development would result in approximately four (4) single-family detached dwelling units yielding approximately four

school-aged students without the benefit of any proffers for school improvements.

- E. **Recreational Facilities.** It is reasonably anticipated that the proposed rezoning will have minimal impact on park and recreational facilities. Per the Comp Plan's recommendation of 20 acres of park per 1,000 residents, the proposed development (88 estimated persons) would require roughly 1.76 acres in parkland. The Applicant's Proffer Analysis concludes that since the Project is not within a priority area (per the County's Park Utilization Plan), we assume there is adequate park service levels at this time and no proffers are needed. In addition, the Project will provide over 35% open space onsite for passive and active recreation, as shown on the GDP.

By-Right Impact: A by-right development would generate approximately four single-family detached dwelling units. The by-right development would require approximately 0.25 acres of parkland.

2. **Fire & Rescue.** The proposed Project is within the Fire and Rescue Station #6 (Hartwood) service area and it is anticipated that it will be served by Station #6, located approximately 5 miles from the Project site. The Applicant's Proffer Analysis shows that these facilities lack sufficient capacity and therefore, the Applicant is proposing a proffer of \$2,924.66 per single-family detached unit for the 28 Units. Please also see the attached proffer statement provided with this Application.
3. **Fiscal Impact.** No fiscal impact analysis is required for this Project. All impacts to schools and fire and rescue services will be offset by proffers, as detailed in the proffer statement submitted with this application.
4. **Environmental Impact.** Based on a due diligence review of the USGS Quadrangle Map, County GIS, and National Wetlands Inventory mapping information, the Property contains intermittent streams and Critical Resource Protection Areas ("CRPA"), as shown on sheet 3 of the GDP.

The waters of the U.S. and wetland boundaries depicted on the GDP were delineated by Bowman Consulting on April 6, 2016, based on the requirements of the Corps of Engineers *Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Atlantic and Gulf Coastal Plain* (Version 2.0, November 2010) (Report and Map dated April 22, 2016); refer to the Waters of the U.S. and Wetlands Summary Table on the GDP. The flagged waters of the U.S. and wetland boundaries were field located by Bowman Consulting using conventional survey methods. Survey information is provided at NAD83, Virginia State Plane, North Zone, -4501, NAVD88, U.S. Survey Feet. These boundaries were verified by the U.S. Army Corps of

Engineers (USACE) under Jurisdictional Determination No. NAO-2005-00942 dated June 13, 2016.

Preliminary stream classifications (perennial vs. non-perennial, or intermittent) indicated on the GDP are based on field assessments by Bowman Consulting conducted on April 6, 2016, and March 5, 2020, using the *North Carolina Division of Water Quality Identification Methods for the Origins of Intermittent and Perennial Streams* (Version 4.11, September 2010), as approved for use by Stafford County. Based on the results of the perennial flow evaluation, all stream channels located within the Project should be considered non-perennial, or intermittent.

The site-specific CRPA boundaries depicted on the GDP are based on the results of the wetland delineation and perennial flow evaluation and CRPA determination studies conducted by Bowman Consulting. The results of the Perennial Flow Evaluation and CRPA Determination study (Report and Map dated March 19, 2020), should be considered preliminary until approved by Stafford County. In accordance with section 27B-3(1)(a) of the County's Chesapeake Bay Preservation Area (CBPA) Policy and the Virginia Department of Conservation and Recreation's Resource Protection Areas: Nontidal Wetlands, Guidance on the Chesapeake Bay Preservation Area Designation and Management Regulations, the preliminary CRPA boundaries depicted on the GDP are mapped 100-feet upslope or landward of the normal pool elevation for the Rocky Pen Run Reservoir (226' contour). The site-specific preliminary CRPA encompasses approximately 3.72 acres within the Project.

Minor impacts to environmentally sensitive features (streams) are proposed with the development of the Project; however, these impacts will be within the thresholds of the Virginia Water Protection General Permit WP4 and the State Program General Permit (17-SPGP-01), and compensatory mitigation should not be required. No adverse impacts to threatened and endangered species, critical habitat, or historic resources are anticipated to result from the development of the Project.

An evaluation of the likelihood of Federal and state-listed threatened and endangered species occurring on, or in the vicinity of the Project was conducted by Bowman Consulting based on information obtained from the U.S. Fish and Wildlife Service ("F&WS"), Virginia Department of Conservation and Recreation ("DCR"), and Virginia Department of Game and Inland Fisheries ("DGIF"). According to the Official Species List obtained from the F&WS's Information Planning and Conservation System, the Project has the potential to support populations of northern long-eared bat (*Myotis septentrionalis*, FT/ST), harperella (*Ptilimnium nodosum*, FE/SE), yellow lance (*Elliptio lanceolate*, FT/ST) and small whorled pogonia (*Isotria medeoloides*, FT/SE) should suitable habitat be present. According to DCR's Project Review dated February 26, 2020, the Project will not impact any documented state-listed plants or insects, nor are there State

Natural Area Preserves under DCR’s jurisdiction in the Project vicinity. Based on a review of DGIF’s Virginia Fish and Wildlife Information Service, the Rappahannock River is designated as Threatened and Endangered Waters for dwarf wedgemussel (*Alasmidonta heterodon*, FE/SE), Atlantic sturgeon (*Acipenser oxyrinchus*, FE/SE), green floater (*Lasmigona subviridis*, ST), and as an Anadromous Fish Use Stream. Based on a habitat evaluation and field survey conducted by Bowman Consulting on the Project dated July 15, 2016, no individuals or populations of small whorled pogonia were observed, and there is no suitable habitat for this species located onsite.

Based on instream conditions, habitat requirements, the presence of the Rocky Pen Run Reservoir along the Project, and the fact that the Rocky Pen Run Reservoir embankment at Greenbank Road is identified as an impediment to fish passage by DGIF, no potential suitable habitat for dwarf wedgemussel, Atlantic sturgeon, green floater, yellow lance, or harperella is located onsite, and no impacts are proposed to the Rocky Pen Run Reservoir. The Project will rely upon the findings of the January 5, 2016, Programmatic Biological Opinion for Final 4(d) Rule on the Northern Long- Eared Bat and Activities Excepted from Take Prohibitions to fulfill the Project-specific Section 7 responsibilities. Based on current site conditions, the potential for occurrences of, or potential impacts to listed species is considered low, and no Federal or state-listed threatened or endangered species are anticipated to be adversely affected by the proposed development activities at the Project site.

By-Right Impact: Any development utilizing the same developable area will have the same impacts on environmentally sensitive features.

5. **Impact on Adjacent Properties.** Generally, nearby properties are composed of residential and vacant properties. Given the suburban, residential nature of the surrounding developments, the proposed Project is compatible with and similar to nearby development, and we do not believe there will be any adverse impacts to surrounding properties.
6. **Historical Sites.** Based on a review of the Virginia Department of Historic Resources’ Virginia Cultural Resource Information System, one archaeological site and one architectural resource no architectural or archaeological resources are located on, or immediately adjacent to, the Project.
7. **Exhibits.** The following exhibits are enclosed herewith and are a material part of this application:
 - (A) Generalized Development Plan titled “Generalized Development Plan – Orris Estates, Tax Map #: 43-74A, Falmouth-Hartwood Magisterial District, Hartwood Election District, Stafford County, Virginia,” prepared by Bowman Consulting and dated June 3, 2020

(B) Renderings

(C) Proffer Analysis titled “Orris 2 Residential Development – Stafford, VA – VA Code 15.2-2303.4 Proffer Analysis,” prepared by MuniCap, Inc., and dated May 6, 2020

EXHIBIT A

Generalized Development Plan

EXHIBIT B

Renderings

EXHIBIT C

Proffer Analysis

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