

STAFFORD COUNTY, VIRGINIA
ZONING RECLASSIFICATION APPLICATION

IMPACT STATEMENT

Applicant: BREEDEN INVESTMENT PROPERTIES, INC. (the “Applicant”)
Property: Tax Map Parcel 53-1E, containing a total of 25.5263 acres subject to the rezoning (the “Property”)
Owner: KS Stafford Land LLC (the “Owner”)
Project Name: “Rappahannock Landing Apartments” (the “Project”)
Rezoning Request: From R-1 to UD-3
Date: April 2, 2018
File No.: RC18_____

Rezoning Application Request

The Applicant hereby requests a rezoning of the following parcels from Residential (R-1) to Urban Development Residential Mixed Use (UD-3) 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 Parcel 53-1E (of record by Instrument No. 140019814) (the “Property”), consisting of approximately 25.5263 acres, and generally located near the intersection of Warrenton Road (Route 17) and Musselman Road, at the end of Krieger Lane, within the George Washington Voting and the Falmouth-Hartwood Magisterial District, all as more particularly described on that certain generalized development plan entitled “Rappahannock Landing Apartments”, dated March 2018, as last revised April 2, 2018, and prepared by Bowman Consulting, attached hereto as Exhibit A (the “GDP”), which plan is incorporated as a material part of this application by this reference.

Also attached as Exhibit B are several 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 (collectively, the “Renderings”).

This application provides the following key development features:

- (1) No more than 324, quality multifamily units;
- (2) Density of 12.69 dwelling units per acre as compared to at least 12 units to the acre required under the County's UD-3 zoning ordinance;
- (3) Open space of approximately 10.12 acres or 39% of the development, exceeding the UD-3 district's minimum requirement of 25%;
- (4) Proffered architectural and design features as generally provided on the Renderings referenced above;
- (5) Total of \$1,052,028.00 in monetary cash proffers for 324 units or \$3,247.00 per unit, all as provided more particularly in the attached proffer statement;
- (6) Project is located within Stafford County's (the "County") Urban Service Area, and will connect to public water and sewer;
- (7) Project is consistent with County's Comprehensive Plan, as described below; and
- (8) Onsite amenities include a clubhouse, fitness center and swimming pool, several pocket parks, a dog run and a playground, which have been proffered as well.

Overview

As noted above, the Property is currently zoned R-1. The Applicant proposes changing the zoning of the Property from R-1 to UD-3 and to allow for 324 multifamily units. Section 28-34 of the County's Zoning Ordinance states the following concerning the UD district:

"The purpose of the UD district is to provide for areas of the county that are suitable for an urban approach to land-use planning and urban design that promotes the development or redevelopment of pedestrian-friendly, walkable neighborhoods with a mix of uses and housing types served by an interconnected network of streets. The UD district shall only be applied to property located within an urban development area designated on the future land use map in the comprehensive plan." The *Residential Mixed Use (UD-3)* subdistrict "allows apartments at a density of least twelve (12) units per acre. The subdistrict allows limited retail and services subject to use standards that limit the size, scale, and location."

The Applicant's proposed subdivision includes 324 units located on approximately 25.5263 acres. The GDP reflects approximately 10.12 acres of open space accounting for approximately 39% of the Property. This exceeds the 25 percent minimum required by the UD-3 district. The open space will be used for stormwater management facilities, passive recreation (e.g. pocket parks), and preservation of natural areas, to the extent practical.

The Property is generally located south of Warrenton Road (Route 17) and east of Interstate 95. The Property is bordered on the East by Interstate 95. To the east is Rappahannock Landing, Future Section 4, which will be townhomes. To the north is single-family detached homes.

As described below, the Applicants' proposal conforms to the policies established by the County's Comprehensive Plan (the "Comp Plan"). Adjacent properties will experience minimal impacts as the project is very similar to the development pattern within Rappahannock Landing which immediately abuts the Property.

Comprehensive Plan

Future Land Use Map

The Property is within the Targeted Growth Area ("TGA") of the Warrenton Road Planning Area. Within the Warrenton Road Planning Area, the Property is designated as within the Residential Future Land Use Category. The residential areas within the Warrenton Road Planning Area are recommended to include a total of 1,500 multi-family, 800 townhouse and 1,000 single-family units.

TGAs are designated by the County as locations appropriate to accommodate higher density development, in proximity to adequate transportation facilities, and within the Urban Services Area ("USA"). The purpose of TGAs is to highlight the locations where a significant amount of new development (both commercial and residential) is expected to occur, and where much of the County's infrastructure and public facility planning should be focused. The Comp Plan recommends that approximately 50 percent of the County's residential growth should occur within TGAs. Thus, TGAs are areas of the County where a concentrated urban or higher density suburban development patterns is most appropriate.

The target density for development within a TGA is twelve (12) dwelling units per acre for condominiums or apartments. The Comp Plan suggests that to provide flexibility and allow for variations in individual projects, a range of eleven (11) to fourteen (14) dwelling units per acre is appropriate for condominiums or apartments. The Project's proposed density of 12.69 dwelling units per acre complies with the Comp Plan's target density.

The Comp Plan suggests that TGAs should include recreational amenities, open common areas, or public spaces for residents and/or employees to enjoy leisure time activities. The Project's proposed amenities include a clubhouse, fitness center and a pool, as well as several pocket parks, as more fully shown on the GDP.

The Comp Plan further suggests that buildings should not exceed six (6) stories in height. The Project complies with this suggestion, as the proposed buildings do not exceed three (3) stories.

Finally, the Comp Plan recommends that development in TGAs should accommodate the need for affordable housing. Objective 5.3 of the Comp Plan is to promote housing opportunities for all income ranges and ages. Policy 5.3.1 is to include a mix of housing types with access to infrastructure. The Project promotes the Comp Plan's housing goals as it proposes a mix of 1, 2 and 3 bedroom apartments to accommodate a range of housing needs in close proximity to infrastructure.

Urban Service Area

The Comp Plan includes the Property in the USA. The goal under 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 Urban Service Area supports any new development which is compatible with the Property's Future Land Use Map designation.

The Property's location in the USA supports the project's utilization 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.

Transportation

As stated above, the Property is located within a Targeted Growth Area and in close proximity to primary road networks and transportation hubs. Planned transportation improvements relevant to the Project include the widening of I-95 from 6 to 8 general purpose lanes. In addition, it is anticipated that the Project will minimally impact traffic on Warrenton Road, Rising Sun Road, and Krieger Lane.

The Applicant performed a transportation impact analysis, which we have enclosed with this application. The analysis was prepared by our consultant, Bowman Consulting and the report is titled "Traffic Impact Analysis Rappahannock Landing Apartments", dated March 30, 2018 (the "TIA Report").

The following intersections were evaluated in this TIA Report:

1. Warrenton Road (Route 17) and Short Street/Hotel Entrance (Signalized Intersection);
2. Warrenton Road (Route 17) and Olde Forge Road (Unsignalized Intersection); and
3. Warrenton Road (Route 17) and Solomon Drive/Lendall Lane (Signalized Intersection).

The TIA Report includes the following analyses:

- Existing conditions (2018);
- The build out year without the proposed development (background) (2022 No Build);
- The build out year with the proposed development (2022 Build);
- The build out year without the proposed development (background) (2028 No Build); and
- The build out year with the proposed development (2028 Build).

The TIA Report concludes the following:

- The proposed development was found to present minor increases of delay and/or changes in Levels of Service on the existing roadway network during the 2022 & 2028 build out conditions.

- The minor increases and/or changes can be mitigated by adjusting/optimizing the traffic signal timings to accommodate future traffic demand. Traffic signal timing evaluations are recommended once the proposed development is constructed by the year 2022.
- The proposed development is not expected to adversely impact the existing roadway network with or without the proposed VDOT improvements.

Please review the enclosed TIA Report for further information and analysis.

Proffer Analysis

Pursuant to 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 S. Patz and Associates, Inc. to prepare a proffer analysis for the proposed project, a copy of which is attached hereto and entitled “Proffer Analysis Rappahannock Landing Apartments Stafford County, Virginia”, dated October, 2017 (“Proffer Analysis”). The Proffer Analysis is incorporated into this Application as a material part of 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 \$3,247.00 per unit to address impacts to schools, all as provided more particularly in the enclosed proffer statement of event date herewith. For purposes of transportation proffers, the TIA Report addresses impacts to the immediate County transportation network, including any necessary mitigation measures for the same.

We do believe the proposed cash proffers are reasonable and specifically attributable to anticipated impacts of the project on County schools. 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.**

Based on the analysis results presented in the TIA Report, it is proposed that the site will generate approximately 1,764 trips per day, with 108 trips during the morning peak hour and 137 trips during the evening peak hour. The minor increases of delay and/or changes in Levels of Service from the project can be mitigated by adjusting/optimizing the traffic signal timings, as described in the TIA Report.

Access to the project will be from Krieger Lane and eventually also Rising Sun Lane to connect with Rappahannock Landing Section 4.

By Right Impacts: The subject parcels are currently zoned R-1, which in relevant part permits 1.5 residential units to the acre or a yield of thirty-eight (38) lots. Thus, the by-right use would generate 427 daily trips.

- B. Utilities. As noted above, the proposed rezoning is located within the County's Urban Service Area and has access to public water and sewer.. Existing 16" water and 8" sewer mains are available along Rising Sun Road and appear to have available capacity, or the reasonable ability to be upgraded by the developer to provide adequate capacity. The Applicant will extend utility lines to serve the development.

Public Water: This project is located in the 480 Pressure Zone (planned to be changed to 410). There is an existing 16" water line along Rising Sun Road. 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: 324 units x 200 gpd/lot = 64,800 gpd.

Sewer: This project is located in the Falls Run sewer service area. An existing 8" sewer line is located along Rising Sun Road. Onsite sewer lines will generally be constructed along the proposed roads within the development creating loops and networks throughout the Property. The anticipated daily demand for sewer is as follows: 324 units x 250 gpd/lot = 81,000 gpd.

By-Right Impact: If developed by right, the applicant would likely have to connect to public water and sewer (water connection and sewer connection are proposed on-site with Rappahannock Landing Section 4).

- 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 43% of the total Property will consist of impervious surface. As shown on the GDP, one stormwater management facility is planned for the development. The proposed development will have minimal impacts downstream of the proposed 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, as the project with 324 multifamily units, is estimated to generate 104 total school aged children at full build-out. This

range is based on the County School system's estimate of 0.32 students generated from multifamily units. As stated herein, the project's economic benefits will result in a positive net annual fiscal impact; meaning the project will pay for itself from a County operating services cost perspective. The project will be in the attendance areas of Falmouth Elementary School, Gayle Middle School, and Stafford High School. The proposed development will only cause Stafford High to exceed maximum capacity, all as described in the attached Proffer Analysis. Since the project does exceed the capacity numbers for these schools, the Applicant, in accordance with applicable state code requirements, is proposing to proffer \$3,247.00 per unit 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 38 dwelling units or approximately 36 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 per 1,000 residents, the proposed development (633 estimated persons) would require roughly 12.5 acres in parkland. In addition, the project will provide certain on-site passive and active recreational areas within the development, including a clubhouse, fitness center, pool and pocket parks, all as shown on the GDP. The Applicant's Proffer Analysis concludes that since the Project is not within a priority area (per the County's Park Utilization Plan), we can assume there is adequate park service levels at this time and no proffers are needed. Please also review additional details provided in the attached proffer statement.

By-Right Impact: A by-right development would generate approximately 38 dwelling units. The by-right development would require approximately 2.3 acres of parkland.

2. Fire & Rescue. It is anticipated that the proposed project will be served by Fire and Rescue Stations #1 (Falmouth) & #12 (Berea), all as provided more particularly in the attached Proffer Analysis. The Applicant's Proffer Analysis shows that these facilities have sufficient capacity and therefore, no proffers are needed. Please also see the attached proffer statement provided with this Application.
3. Fiscal Impact. The FIA, prepared by S. Patz and Associates, Inc., entitled "Market & Fiscal Impacts Analyses Rappahannock Landing Apartments Stafford County, Virginia" and dated September, 2017, concludes that at full build-out the project will generate annual gross county tax revenues of approximately

\$1,036,460.00 , and will result in an annual net fiscal benefit to the County of \$175,110.00. Essentially, the project will more than pay for itself from an annual operating perspective and partially subsidize current per capita County tax revenue losses. The FIA's assumptions are based on several factors, including the County's current tax rate, budget and CPI projections, County estimates for the costs for public services, market conditions, and County demographics, all as more particularly described in the FIA.

4. **Environmental Impact.** Based on a due diligence review of the USGS Quadrangle Map, County GIS, and National Wetlands Inventory mapping information, there are no wetlands, streams, or Critical Resource Protection Area (CRPA) mapped on the Project.

Preliminary wetland and stream boundaries are based on a site visit conducted by Bowman Consulting on May 16, 2017, and represent those areas that may be considered jurisdictional wetlands and other waters of the U.S. by the U.S. Army Corps of Engineers 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). A formal wetland delineation and survey, and USACE Jurisdictional Determination, should be conducted concurrent with the construction plan drawings to determine the final approved limits of jurisdictional areas within the Project.

A Perennial Flow Determination study was originally conducted by Bowman Consulting on the Project (formerly known as Rappahannock Landing II, Report and Map dated August 28, 2006), and approved by Stafford County under SRE 2600799 dated November 14, 2006. Based on the results of that study, no perennial streams are located on or immediately adjacent to the Project; therefore, a Critical Resource Protection Area (CRPA) was not mapped on the Project.

The proposed development has been designed to avoid disturbance to the RPA and the majority of the wetlands and streams on the Property, with only minor impacts to environmentally sensitive features (wetlands) proposed, and those impacts being within the thresholds of the Virginia Water Protection (VWP) General Permit WP4 and the State Program General Permit (17-SPGP-01).

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 DCR's Project Review dated June 2, 2017, yellow lance has been historically documented downstream of the Project within the Rappahannock River. As also noted by DCR, the proposed Project will not affect any documented State-listed plants or insects. Based on a review of DGIF's Virginia

Fish and Wildlife Information Service (VaFWIS), 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. According to the Official Species List obtained from the F&WS' Information, Planning and Conservation System (IPaC), the Project has the potential to support populations of northern long-eared bat (*Myotis septentrionalis*, FT) and harperella (*Ptilimnium nodosum*, FE/SE) should suitable habitat be present. It should be noted that yellow lance (*Elliptio lanceolata*) is also listed as a proposed Federal threatened species. No suitable habitat is present on the Project for harperella. 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 existing habitat conditions, the absence of stream channels on the Project, that appropriate stormwater management and erosion and sediment control plans shall be implemented during construction and strictly adhered to, and the evaluations for those identified Federal and State-listed species, the potential for occurrences of listed species or prohibited take impacts are considered low, and no Federal or State-listed threatened or endangered species are anticipated to be adversely affected by the proposed development activities on the Project.

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 either vacant land or developed for residential uses similar to Applicant's proposal, including Rappahannock Landing, Section 4, which will be single family attached homes. The proposed development is compatible with and similar to development on surrounding properties, 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' (DHR) Virginia Cultural Resource Information System (V-CRIS), one archaeological site (DHR ID 44ST1154) overlaps onto the northwestern portion of the Project; while this site has not been formally evaluated by DHR, it is recommended as not eligible for listing on the National Register of Historic Places (NRHP). All of the adjacent houses along Krieger Lane and Musselman Road have been determined by DHR to be not eligible for listing on the NRHP. Likewise, nearby archaeological sites identified within the existing Rappahannock Landing community were determined by DHR to be not eligible for listing on the NRHP. Finally, the southern portion of the Project is located within the designated Battle of Fredericksburg I Historic District (DHR ID 111-5295). During the Section 404/401 permitting process, the USACE will complete Section 106 coordination with DHR to confirm that the proposed Project will not adversely affect historic resources.

7. **Exhibits:** The following exhibits are enclosed herewith and are a material part of this application:

(a): Generalized Development Plan entitled “Rappahannock Landing Apartments”, dated March 2018, as last revised April 2, 2018, and prepared by Bowman Consulting.

(b) Renderings

(c) Transportation impact analysis prepared by Bowman Consulting, entitled “Traffic Impact Analysis Rappahannock Landing Apartments”, dated March 30, 2018.

EXHIBIT A

Generalized Development Plan

Generalized Development Plan entitled “Rappahannock Landing Apartments”, dated March 2018, as last revised April 2, 2018, and prepared by Bowman Consulting.

EXHIBIT B

Renderings

EXHIBIT C

Transportation impact analysis prepared by Bowman Consulting entitled “Traffic Impact Analysis Rappahannock Landing Apartments”, dated March 30, 2018

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