



COUNTY OF PRINCE WILLIAM

5 County Complex Court, Prince William, Virginia 22192-9201

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PLANNING
OFFICE

Christopher M. Price, AICP
Director of Planning

November 22, 2013

STAFF REPORT

Public Facility Review #PLN2014-00071 Sewer Extension to 12012 Nokesville Road
(Brentsville Magisterial District)

Planning Commission Public Hearing: December 4, 2013

Staff Recommendation: Denial

I. Background:

- A. Request – This is a request for a public facility review (PFR) under §15.2-2232 Code of Virginia requesting connection to public sewer service in the Rural Area for construction of a new single-family dwelling on an existing vacant parcel. The administrative determination of the Planning Office, provided September 18, 2013, found the request to be not substantially in accord with the Comprehensive Plan. At the October 23, 2013 Planning Commission meeting, the Brentsville District Planning Commissioner requested a public hearing be held on this case at the December 4, 2013 Planning Commission meeting.
- B. Location – The site is located approximately 500' northwest from the intersection of Nokesville Road and Bristow Village Boulevard; GPIN 7594-28-5174. Currently landlocked, the parcel will have frontage on the realigned Vint Hill Road. See Attachment A for the reference maps.
- C. Comprehensive Plan – The site is designated AE, Agricultural or Estate on the Long Range Land Use Map and is in the Rural Area. See Attachment A for the Long Range Land Use Map. The Zoning Ordinance prohibits extension of public sewer into the Rural Area except under special circumstances specifically enumerated in the Comprehensive Plan that maintain the land use densities delineated in the Long-Range Land Use Map. This application does not meet any of those special circumstances.
- D. Zoning/Acreage – The property is zoned A-1, Agricultural and is approximately one acre. See Attachment A for the Zoning Map. Section 32-250.75 of the Zoning Ordinance states that residential and nonresidential uses within the rural

areas (as defined in the Comprehensive Plan) shall not connect to the public sewer system, except in accordance with the Comprehensive Plan.

- E. Availability of Sewer – Public sewer is available nearby in the Nokesville Road right-of-way. As part of the Vint Hill Road realignment the existing dwelling on an adjacent parcel will be provided a connection to public sewer.

II. Current Situation:

- A. Administrative Public Facility Review – The property does not have access to a public road currently, but access will be provided with the construction of realigned Vint Hill Road. The request was found to be not substantially in accord with the Comprehensive Plan for reasons that are outlined in the Administrative Determination Report found in Attachment B.
- B. Planning Office Recommendation – The Planning Office recommends that the request be found not substantially in accord with the Comprehensive Plan and therefore deny the request for the extension of public sewer to this site.
- C. Planning Commission Public Hearing – A public hearing before the Planning Commission has been properly advertised for December 4, 2013.

III. Issues:

- A. Comprehensive Plan – How is the location, character, and extent of the proposed sewer extension to be (not to be) substantially in accord with applicable Comprehensive Plan policies?
- B. Community Input – Have members of the community raised any issues?
- C. Legal Uses of the Property – What uses are allowed on the property? How are legal issues resulting from Planning Commission action to be addressed?
- D. Timing – When must the Planning Commission take action on this application?

IV. Alternatives beginning with the staff recommendation are as follows:

- A. Find PFR #PLN2014-00071, Sewer Extension to 12012 Nokesville Road, is not substantially in accord with the Comprehensive Plan.
 - 1. Comprehensive Plan – A finding that the request is not substantially in accord with the Comprehensive Plan would restrict development of the property to those uses that do not require sewer, consistent with the purpose of the AE, Agricultural or Estate land use designation, which is to protect existing agricultural lands and open space and maintain a

maximum density of one dwelling per 10 acres. Such a finding is also consistent with Sanitary Sewer Plan Policy #3 of prohibiting the extension of public sewer into the Rural Area except under special circumstances; none of which apply to this case.

2. Community Input – Notice of the application has been transmitted to adjacent property owners within 200 feet of the property. As of the date of this staff report, the Planning Office has not received any comments on the case.
3. Legal Uses of the Property – The site can be used for purposes identified in A-1, Agricultural zoning district. The decision of the Planning Commission can be appealed to the Board of County Supervisors. Legal issues resulting from Planning Commission action are appropriately addressed by the County Attorney’s Office.
4. Timing – The Planning Commission must take action on this case no later than December 10, 2013 to meet the 60-day deadline. Failure of the commission to act within that time frame will be deemed a finding of consistency.

B. Find PFR #PLN2014-00071, Sewer Extension to 12012 Nokesville Road, to be substantially in accord with the Comprehensive Plan.

- 1.
2. Comprehensive Plan – A finding that the request is substantially in accord with the Comprehensive Plan would allow the property to connect to public sewer.
3. Community Input – Notice of the application has been transmitted to adjacent property owners within 200 feet of the proposed facility. As of the date of this staff report, the Planning Office has not received any comments on the case.
4. Legal Uses of the Property – The proposed extension of sewer service would allow development of a use requiring sewer service. Legal issues resulting from Planning Commission action are appropriately addressed by the County Attorney’s Office.
5. Timing – The Planning Commission must take action on this case no later than December 10, 2013 to meet the 60-day deadline. Failure of the commission to act within that time frame will be deemed a finding of consistency.

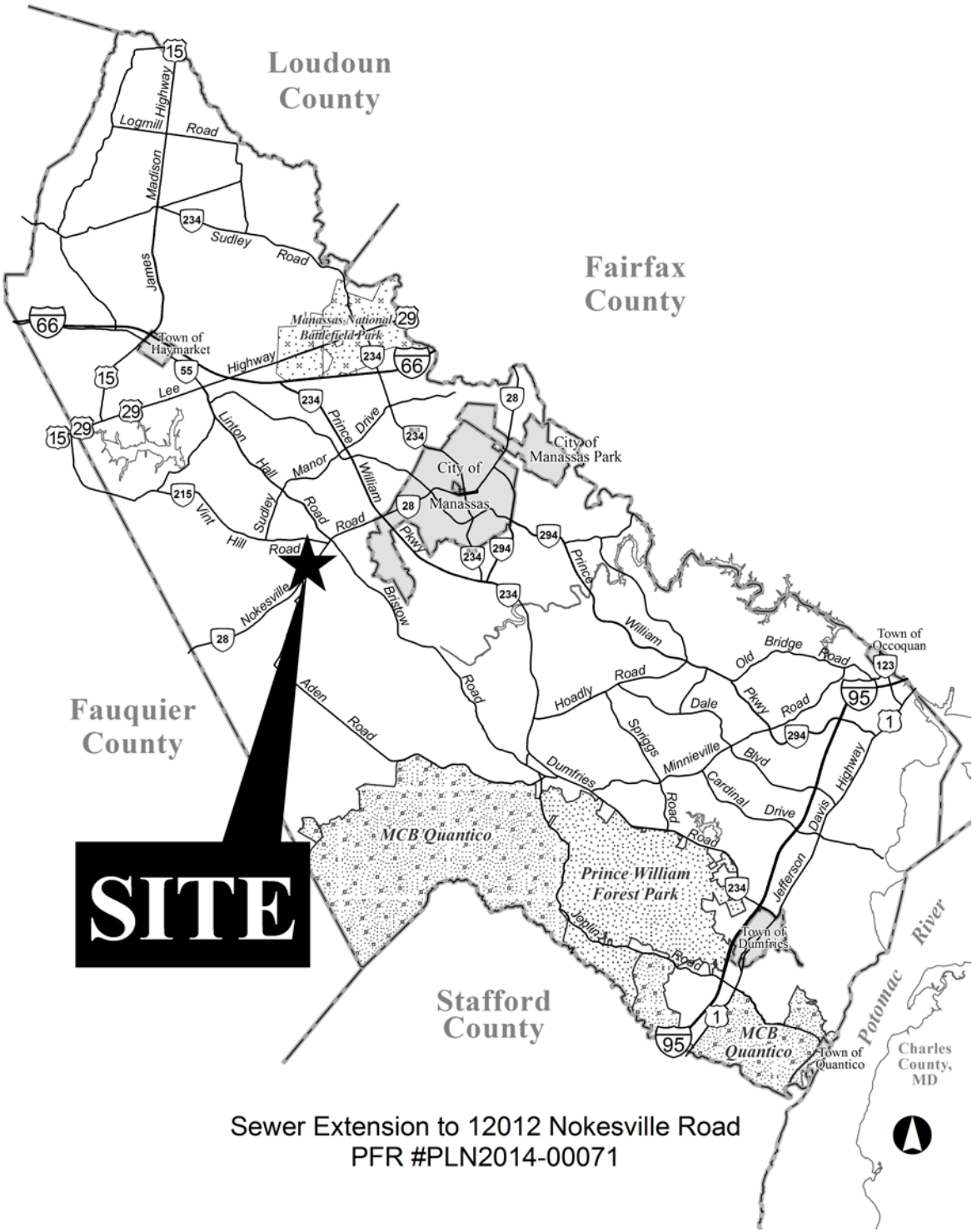
- V. **Recommendation** is that the Planning Commission concur with Alternative A and determine that PFR #PLN2014-00071, Sewer Extension to 12012 Nokesville Road, is not substantially in accord with the Comprehensive Plan and therefore deny the request for the extension of public sewer to this property.

Staff: David McGettigan, 703-792-7189

Attachments:

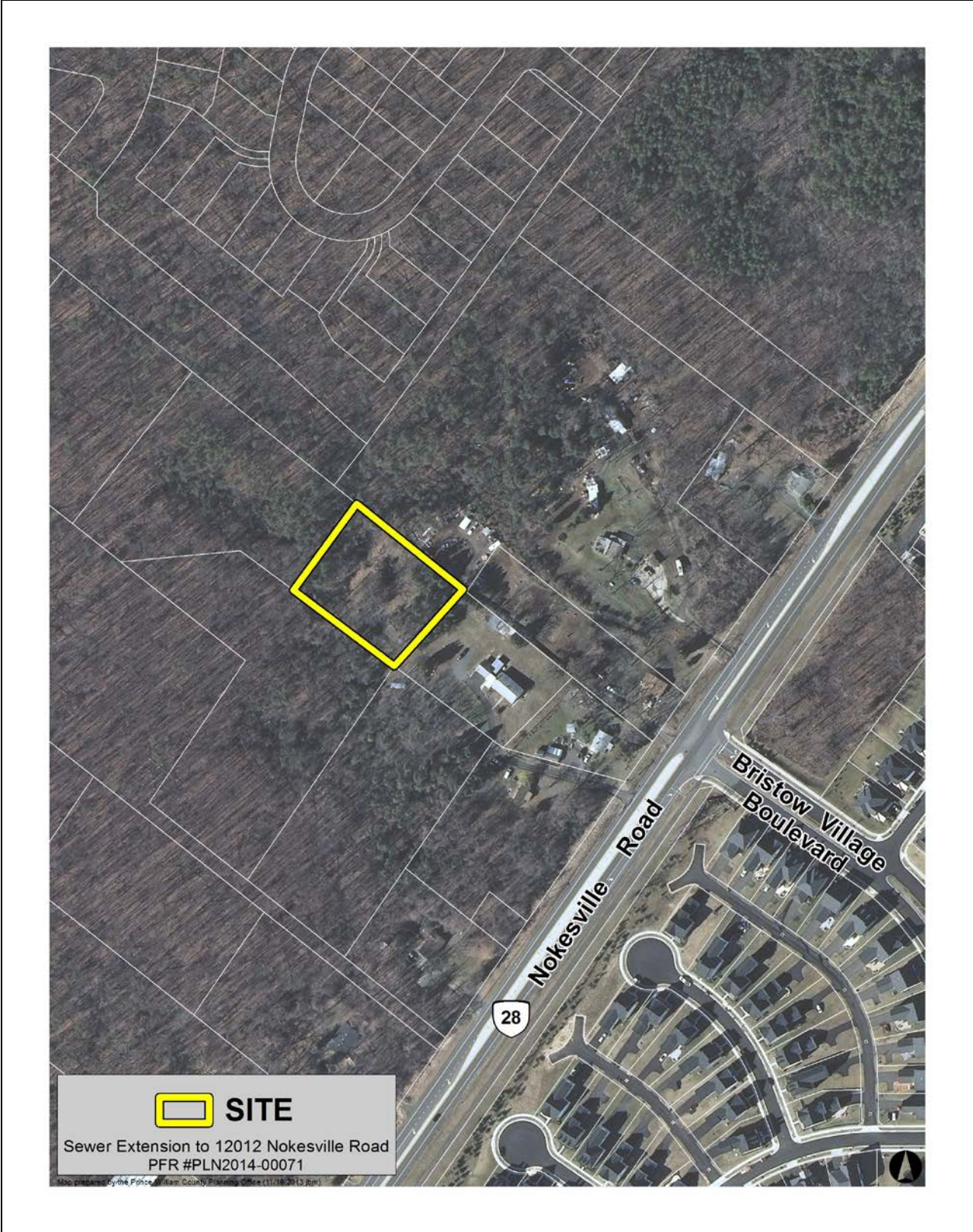
- A. Maps
- B. Administration Determination Report

Attachment A – Maps
VICINITY MAP

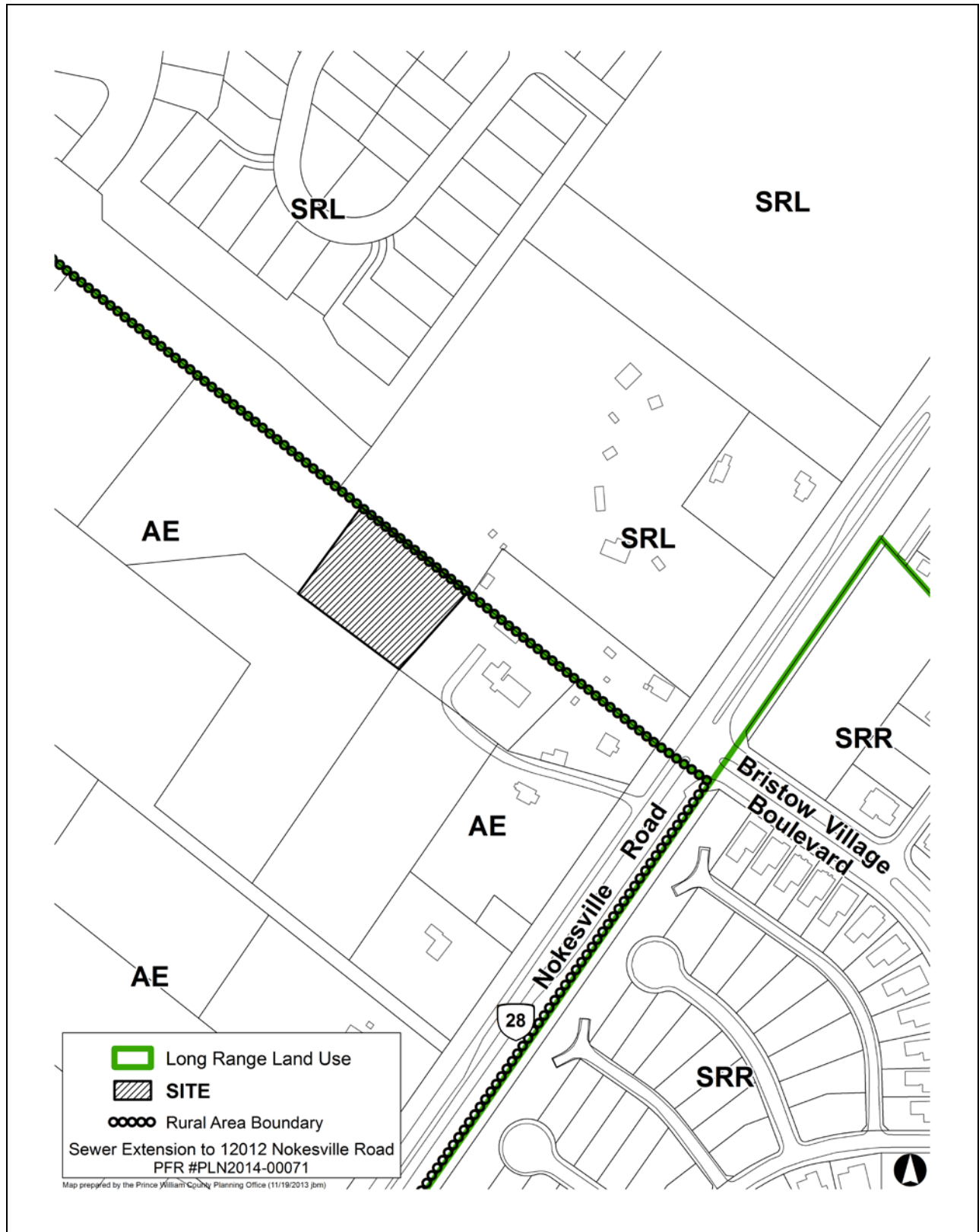


Sewer Extension to 12012 Nokesville Road
PFR #PLN2014-00071

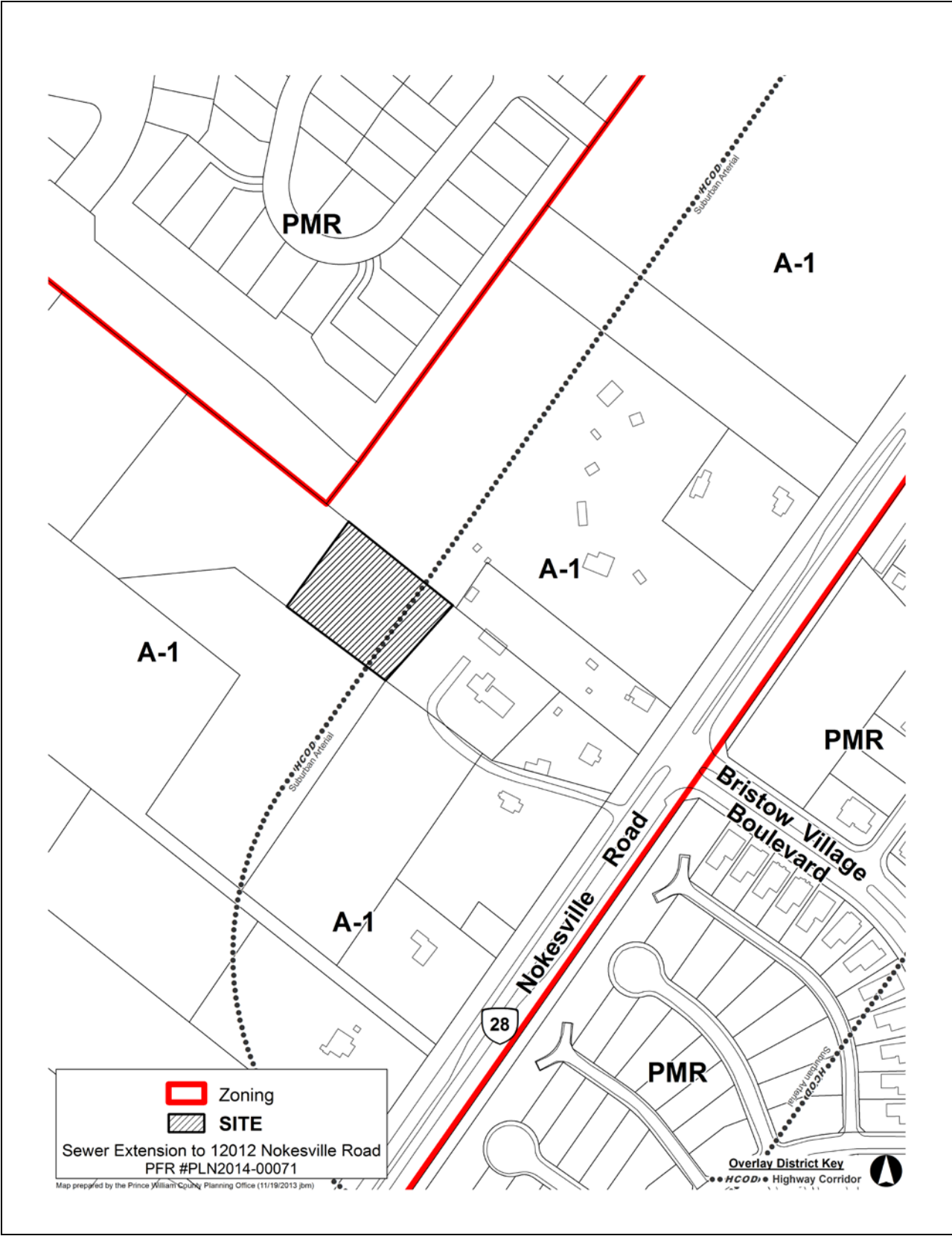
Attachment A – Maps
AERIAL MAP



Attachment A – Maps
LONG RANGE LAND USE MAP



Attachment A – Maps
ZONING MAP



Attachment B – Administration Determination Report



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PLANNING
OFFICE

Christopher M. Price, AICP
Director of Planning

September 18, 2013

Brookfield Vint Hill LLC
Scott Gookin c/o Brookfield Homes
8500 Executive Park Ave., Suite 300
Fairfax, VA 22031

RE: Public Facility Review Determination PFR #PLN 2014-00071
Proposal: Sewer Extension to 12012 Nokesville Road
Location: 12012 Nokesville Rd., Bristow, VA 20136
GPIN: 7594-28-5174
Comprehensive Plan: AE, Agricultural Estate
Zoning: A-1, Agricultural
Magisterial District: Brentsville

Dear Mr. Gookin:

This letter is in response to your request for determination of consistency with the Comprehensive Plan to connect to public sewer located in close proximity to the 12012 Nokesville Road property.

We have reviewed your proposal and found the general location or approximate location, character and extent of the proposed request not to be substantially in accord with the Comprehensive Plan for the following reasons:

1. This property lies in the Rural Area as defined in the Prince William County Comprehensive Plan.
2. Section 32-250.75.3. of the Prince William County Zoning Ordinance states that "Residential and nonresidential uses within the Rural areas (as defined in the Comprehensive Plan) shall not connect to the public sewer system, except in accordance with the Comprehensive Plan."
3. The Sanitary Sewer chapter of the Comprehensive Plan states that "All new development within the Rural Area shall be served by individual-lot, on-site sewerage systems."

Due to the fact that your property is located in the County's Rural Area, is undeveloped, and does not meet any of the special circumstances outlined in Sewer Policy 3 of the Comprehensive Plan; connection to public sewer is not permitted.

An Equal Opportunity Employer

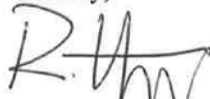
Attachment B – Administration Determination Report

PFR PLN2014-00071, Sewer Extension to 12012 Nokesville Road
September 18, 2013
Page 2

The Planning Commission will be notified of this action in a Public Facility Reviews Report prior to its October 16, 2013 meeting. In accordance with Virginia Code Section 15.2-2232, the Planning Commission has the right to request a formal review and schedule a public hearing on this matter within the 60-day period following the dispatch of this report.

In addition, any decision by the Planning Commission regarding this action may be overruled by the Board of County Supervisors in accordance with Section 32-201.16 of the Zoning Ordinance. You will be notified in the event the Planning Commission requests a public hearing.

Sincerely,



Raymond E. Uitz, AICP
Chief, Long Range Planning

cc: Nick Evers
Oscar Guzman
Debbie DeGuzman

Attachment B – Administration Determination Report

DATE STAMP



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Christopher M. Price, AICP
Director of Planning

APPLICATION FOR A PUBLIC FACILITY REVIEW AND DETERMINATION
(Please type or print.)

Description of Proposed Public Facility:

See Attached.

Facility Location: Adjacent to the future realigned Vint Hill Road
GPIN: 7594-28-5174 Address: 12012 Nokesville Road

Applicant Name: Brookfield Vint Hill LLC
Applicant's Representative: Scott Gookin c/o Brookfield Homes
Representative's Address: 8500 Executive Park Ave., Suite 300, Fairfax, VA 22031

Representative's Phone Number: (703) 289-3720

Representative's E-mail: Scott.Gookin@brookfieldhomes.com

Applicant / Owner's Signature:

BROOKFIELD VINT HILL LLC

BY: [Signature]
NAME: Richard J. Dwyer
TITLE: V.P.

P0343841.pdf

Public Facility Review Application

Updated April 1, 2013

Attachment B – Administration Determination Report

Public Facility Review Narrative

July 25, 2013

The Applicant, Brookfield Vint Hill, LLC (hereinafter, the "Applicant") is requesting a Public Facilities Review for 12012 Nokesville Road/GPIN 7594-28-5174 (hereinafter, the "Property"). The Property is approximately 1.02 acres and is zoned A-1, Agricultural. The request is for the extension of public sewer to the Property because a unique situation exists.

Proposal:

Due to the realignment of Vint Hill Road, size of the Property, and proximity of public sewer, the Applicant is requesting a connection to public sewer for the Property.

Realignment of Vint Hill Road:

The construction of realigned Vint Hill Road, which has been long shown on the Comprehensive Plan, was proffered in connection with REZ #PLN2006-00781, Avendale. This realignment will be immediately adjacent to the Property and will require right-of-way from the Property, such that the 1.02 acre Property will be reduced to 0.85 acres. Due to the right-of-way need, the Applicant acquired the Property and two adjacent properties, GPINs 7594-28-8747 (hereinafter, "Lam") and 7594-28-7058 (hereinafter, "Thorton") for the realignment of Vint Hill Road.

Size:

The County Zoning Administrator has certified that the Property is a lawfully non-conforming lot. The Property was one acre prior to the 1982 Zoning Ordinance amendment that required A-1, Agricultural, lots to be a minimum of ten acres. The Property will be reduced in size due to the realignment of Vint Hill Road. The developable area of the Property will be further reduced with the road improvements, specifically the grade slope required where the new roadway will tie into the existing grades. The size of the Property and developable area impacts the Applicant's ability to site a septic system and limits the Applicant's ability to use the Property.

Proximity:

Public sewer is located immediately adjacent to the Property. Sewer will be extended to Lam and Thorton, per the attached Zoning Determination Letter. Sewer currently exists immediately north of the Property on GPIN 7594-28-9193 and immediately south of Route 28 to New Bristow Village Community.

Attachment B – Administration Determination Report

