

WALNUT HILL DEVELOPMENT CORPORATION

1005 Sophia St.
Fredericksburg, VA 22401

Ms. Heather Hall, CZA
Director of Community Development
10459 Courthouse Drive, Suite 104
King George, VA 22485

Re: Walnut Hill Subdivision Rezoning
Request to Planning Commission for Exceptions to Various Subdivision Ordinance
Requirements

Dear Ms. Hall:

May 22, 2023

As set forth in your comment letter dated March 21, 2023 regarding your review of the Rezoning Application for Walnut Hill Subdivision, you have suggested that approval of the current plan may require exceptions to various provisions of the King George County Subdivision Ordinance (“**Ordinance**”) (Note all code section references are to the Ordinance).

We apologize in advance for the request for so many exceptions. We understand that it appears that we are attempting to circumvent many of the County’s rules – and we wish to avoid that perception. Our original project was designed under the A-2 zoning and much of the project has already been constructed. A-2 zoning has very different street design requirements from the R-2 zoning that we have now requested. As a result, the roads that we have already designed and built, which already meet all of the A-2 requirements, fall short of a few of the R-2 requirements. Accordingly, we request some leeway as we try to revise this partially constructed project to create a better community for all involved.

Pursuant to Section 9.1 of the Ordinance, Walnut Hill Development Corporation, the Applicant and subdivider of the proposed Walnut Hill Subdivision hereby requests exceptions from Section 8.3.1.(b), 8.3.1(c), and 8.3.5(a) of the Ordinance.

EXCEPTION REQUESTS

1. SECTION 8.3.1(B) – TWO ENTRANCES

A. DESCRIPTION OF REQUEST

Applicant meets the requirement of Section 8.3.1(b) that the project be served by an entrance to a public highway. Because the new plan calls for 100 lots, then under Section 8.3.1(b), the Planning Commission has the authority to require an additional entrance to a public road. The Applicant is requesting that it be allowed to serve the project by just one entrance.

Under the original plans for the existing, 42 lot subdivision, the project was served by only one entrance: Hazelnut Lane at its intersection with Owens Dr. To provide better emergency access,

Hazelnut Lane was constructed such that the first 85' of the road was a divided road. This would reduce the chance that the entire entrance would be blocked by a single accident. The Planning Commission approved the original plan with just one entrance.

Under the current plan, Hazelnut Lane, as constructed, will still serve as the sole entrance for the public, with the divided roadway feature. However, we propose to provide a secondary gated emergency access that connects Wildflower Way to Route 206 for use by emergency responders.

In anticipation that the Planning Commission will consider whether to require an additional entrance into the subdivision pursuant to Section 8.3.1.b of the Ordinance, we request that the Planning Commission not require more than one entrance. We request that Walnut Hill be served solely by the one existing entrance onto Owens Drive (Route 624) along with the gated emergency access road.

B. JUSTIFICATION

The Walnut Hill project has a number of unique physical conditions which make it very impractical to provide more than one entrance to the project:

- 1) **Limited Road Frontage**: The 123 acres of the project has a very limited amount of road frontage. It fronts for 95 feet on Owens Drive and 85 feet on Route 206. There is only room for one entrance onto Owens Drive. The Route 206 frontage is in a congested area and it has been recommended by VDOT that this area not be utilized as an entrance.¹
- 2) **Future Access to Route 301 Has Been Supplied**: The subdivision currently provides a future inter-parcel connection to Route 301 through Pewter Lane which abuts parcel TM 9-35E. Parcel 9-35E fronts on Route 301 and it is anticipated that the development of that parcel will include a future connection to Pewter Lane.
- 3) **No Practical Direct Access to US Route 301**: The Applicant does not own any frontage onto Route 301. The only possible ways for the project to connect to Route 301 would be through the Bayberry subdivision or through one of the commercial lots located along Route 301.
 - a. **Bayberry Subdivision Connection**: There are no locations in Bayberry Subdivision where the Walnut Hill property fronts onto a public right of way, so a homeowner would need to provide access for the connection. A connection through Bayberry does not seem possible.
 - b. **Commercial Connection**: The Applicant does not have the right to cross any of the commercial properties that front on Route 301. The 123 acres of the subdivision is bisected by a very large and significant wetlands feature consisting of approximately 27.5 acres. These wetlands extend completely across the property and in effect divide the property from Route 301. If the

¹ When we designed the original subdivision in 2017, County Staff was adamant that there was to be no entrance onto Route 206. We have continued under the assumption that County Staff still prefers that there be no entrance onto Route 206. Nonetheless, if an additional entrance is required, then the Applicant will have no choice but to request from VDOT an entrance onto Route 206, even though VDOT does not wish for an entrance in this location.

subdivision is required to have an entrance onto US Route 301, then a road will be required to cross this large wetland area. We would argue that this road would violate the spirit of the King George County Wetlands Ordinance which has a goal of preserving wetlands to the extent possible while allowing for economic development of property. In this case, the road would impact wetlands, yet create a negative economic impact. In addition, this length of road, while not needed to directly serve any residences, will be an unnecessary burden on VDOT to maintain in the future.

- 4) To offset the potential impacts of this exception request, we have designed the entrance from Owens Drive as a divided road. The first 85' feet of Hazelnut Lane from Owens Drive will be a divided road with a median. This will lessen the chances that both sides of the entrance would ever be blocked by any particular incident.
- 5) To further offset the potential impacts of this exception request, we have designed a gated emergency access entrance from Wildflower Way to Route 206. This would provide access for emergency responders if the entrance from Owens Drive was to become blocked for any reason.

We are unaware of any negative impacts on any adjoining landowner, or the community in general, if this request is granted.

In summary, we request that when the Planning Commission reviews this project with respect to Section 8.3.1b of the Ordinance, that Walnut Hill be allowed to have only one entrance – onto on Owens Drive (Route 624).

2. SECTION 8.3.1(C) – TWO INTER-PARCEL CONNECTORS

A. DESCRIPTION OF REQUEST

Section 8.3.1(c) requires that there be two connections to adjoining properties. Hazelnut Lane is currently dedicated and constructed and serves as one of those connections. No change is proposed for Hazelnut Lane, and Hazelnut Lane meets the requirements to serve as one of the connections.

Pewter Lane is proposed to serve as the second required connection. The current status of Pewter Lane is that the right of way has been dedicated to King George County, the construction plans call for the road to be paved, and the road has been partially constructed to a gravel road state. The Applicant proposes that Pewter Lane remain dedicated to the public, that it be constructed as a gravel road to the extent necessary only to provide access to the SWM facilities and common area, and that the HOA assume maintenance of the road until it is accepted into the VDOT system.

Section 8.3.1(c) requires that Pewter Lane be (i) dedicated with an appropriate cul-de-sac, and (ii) that the road be constructed to the adjoining property line. As proposed, Pewter Lane will meet the first requirement, but it will not meet the second requirement. Therefore, the Applicant requests an exception from Section 8.3.1(c)'s requirement that Pewter Lane be paved.

B. JUSTIFICATION

Under the original 42 lot layout, Pewter Lane was planned to serve multiple purposes: (1) access to Stormwater Management Facilities, (2) access to common area, (3) direct access to 3 homes, and (4) future inter-parcel connector to TM 9-35E. Pewter Lane was to be a paved road and would be maintained by VDOT.

The change to the layout of Walnut Hill makes it impractical to fully construct Pewter Lane. Under the proposed plan, Pewter Lane would be dedicated to the County and constructed as a finished gravel road. Pewter Lane would serve as (1) access to common area, and (2) future inter-parcel connector to TM 9-35E. As set forth in the proffers, the HOA for the subdivision will be responsible for the maintenance of the gravel road until Pewter Lane is accepted for VDOT maintenance at some future date. Pewter Lane will no longer directly serve any homes.

Because Pewter Lane will not directly serve any homes, it is not eligible for acceptance into the VDOT system for VDOT maintenance, so the HOA will be responsible for the maintenance of the road. Due to the limited purposes of Pewter Lane, as an access to common area and a future connector road, a gravel surface will be sufficient, and a paved surface is unnecessary. If a paved surface is not required, then the environmental impacts of the runoff from the paved street, as well as the economic impacts to the homeowners of maintaining a useless street, can all be avoided. Therefore, the Applicant requests an exception from Section 8.3.1(c)'s requirement that Pewter Lane be paved.

3. SECTION 8.3.5(A) – CUL-DE-SAC LENGTH – HAZELNUT LANE

A. DESCRIPTION OF REQUEST

Section 8.3.5(a) limits the length of a cul-de-sac in residential zones to a maximum of 600' in length. Hazelnut Lane is fully constructed from Owens Drive to Hazelnut Lane's cul-de-sac. The distance from the intersection of Wildflower Way and Hazelnut Lane to the Hazelnut Lane cul-de-sac is 825'. Therefore, the Applicant requests an exception from Section 8.3.5(a)'s requirement that Hazelnut Lanes's cul-de-sac be limited to 600' in length.

B. JUSTIFICATION

Hazelnut Lane was constructed under the A-2 rules which allow for a cul-de-sac to be up to 1800' in length. Hazelnut Lane's cul-de-sac was less than ½ of the allowed length under those rules. However, it's length of 825' exceeds the length allowed under the residential district's rules. Hazelnut Lane is fully constructed and has two existing houses that front on it. There is no way to shorten the cul-de-sac without a redesign of the entire project, which would defeat the purpose of the rezoning request.

Therefore, the Applicant requests an exception from Section 8.3.5(a)'s requirement that Hazelnut Lanes's cul-de-sac be limited to 600' in length.

We appreciate the Planning Commission's consideration of these requests.

Respectfully submitted,

Walnut Hill Development Corporation

By: _____
James E. Jarrell, III, President