

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
FEBRUARY 26, 2009**

*The Fauquier County Planning Commission held its regular meeting on Thursday, February 26, 2009, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mr. John Meadows, Vice-Chairman; Ms. Adrienne Garreau, Secretary; Ms. Ann McCarty and Mr. Ken Alm. Also present at the meeting were Mr. Kevin Burke, Mr. Frederick Carr, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mrs. Bonnie Bogert, Mr. Andrew Hushour, and Mrs. Rebecca Kellert.*

<p><i>Regular Meeting 6:30 P.M. Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>
---

1. **APPROVAL OF MINUTES** – January 29, 2009

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to approve the January 29, 2009 minutes.

The motion carried unanimously.

2. **ZONING AND SUBDIVISION ORDINANCE TEXT AMENDMENTS**

- a. Initiation of a Zoning Ordinance Text Amendment to Section 5-504, Additional Standards to allow the waiver of fencing requirements for recreational facilities (Kimberley Johnson, Staff)

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate this text amendment to the Zoning Ordinance.

- b. Initiation of a Subdivision Ordinance Text Amendment to Section 2-39.3.A to require lots created through the Family Transfer process to have entrances approved by the Virginia Department of Transportation (VDOT) (Bonnie Bogert, Staff)

For purposes of good subdivision practice, convenience, as well as public general welfare, on motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to initiate this text amendment to the Subdivision Ordinance.

3. **BOARD OF ZONING APPEALS AGENDA**

No comment.

4. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

<p style="text-align: center;"><i>Public Hearings</i> <i>7:00 P.M.</i> <i>Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>
---

5. **THE PLEDGE OF ALLEGIANCE**

6. **ANNOUNCEMENTS**

Mr. Stone stated that citizens may speak for three (3) minutes. He also stated that Fauquier County would present Bivouacs & Battlefields, which is a free one day symposium, on Saturday, March 28, 2009 from 8:00 a.m. to 5:30 p.m. at the Fauquier High School Auditorium.

7. **CITIZENS' TIME**

Mr. Bill Clark, Marshall District, stated that he appreciates that some of the Planning Commissioners have expressed their disapproval of the proposed dismissal of three County engineers to help meet the budget deficit. Mr. Clark stated that he supports keeping the County engineers on staff and does not think it is a good idea to let them go.

8. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN**

- a. Zoning Ordinance Text Amendment to Article 3 and Article 5 to modify requirements and limitations in the C-1 Zoning District, to include changes to Setbacks, Addition of Use Limitations, allowing upper-story residential uses by right, and allowing up to 100,000 square feet of retail/shopping center with approval of a Special Exception (Kimberley Johnson, Staff)

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

Mr. Stone opened the public hearing.

Mr. Charles Ebbets, Center District, stated that he is a real estate agent and approximately 70-80% of his clients who are looking for commercial property say that Fauquier County is difficult to work with and have chosen to locate in Culpeper or Prince William counties. He wanted ordinances that were business friendly.

Mr. James Downey, Center District, stated that the proposed text amendment would be very restrictive.

Mr. Thomas Campbell, Center District, stated that Fauquier County is not business friendly, which is why many businesses are going to other counties.

Mr. William Swick, Scott District, stated that he has lived in the county for 25 years and was on the New Baltimore Citizen's Committee, which never discussed this proposed text amendment.

In that there were no further speakers, Mr. Stone adjourned the public hearing.

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 5-1812 to allow Farmer's Markets with approval of a Special Exception (Andrew Hushour, Staff)

Mr. Hushour reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

Mr. Todd Benson, Piedmont Environmental Council, stated that he is opposed to the approval of this proposed text amendment and that the current regulations on this issue make perfect sense.

In that there were no further speakers, Mr. Stone closed the public hearing.

Ms. Garreau stated that this proposed text amendment would effectively open up large portions of rural areas to potential retail development and is, therefore, inconsistent with the Comprehensive Plan. Ms. Garreau further stated that the standards for Community Farmer's Markets should be reviewed.

On motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of denial because it is inconsistent with the Comprehensive Plan.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Article 2, General Regulations, and Article 6, Accessory Uses, regarding the height and location requirements for accessory windmills (Andrew Hushour, Staff)

Mr. Hushour reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone adjourned the public hearing.

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Article 4 to amend the Planned Residential Development (PRD) district provisions (Douglas E. Darling, Applicant; Kimberley Johnson, Staff)

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

Mr. Stone opened the public hearing.

Mr. Frank Cox, representative of the applicant, stated that he would like the Planning Commissioners to favorably consider this proposed text amendment.

In that there were no further speakers, Mr. Stone closed the public hearing.

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to forward this text amendment (Alternative 2) to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

9. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM09-CR-001 – Fauquier County Board of Supervisors (Owner/Applicant) – Warrenton-Fauquier Airport** – Applicant wishes to amend the conditions of a previously approved Special Exception which allowed for the construction and operation of a wastewater treatment disposal system. The property is located at 5053 Airport Road and Area “A” west of Midland Road (Route 610), Cedar Run District. (PIN #7900-51-6351-000 and 7809-78-6301-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to forward this application to the Board of Supervisors with a recommendation of approval, subject to conditions.

The motion carried unanimously.

10. **REZONING/SPECIAL EXCEPTIONS**

- **REZN08-LE-007, SPEX08-LE-028, SPEX08-LE-029, & SPEX08-LE-030 – James I. & Grace S. Lim and In Seok Lim (Owners/Applicants)** – Applicants wish to rezone 6.7 acres from Rural Agricultural (RA) to Commercial – Highway (C-2) and 1.56 acres from Commercial – Highway (C-2) with proffers to Commercial – Highway (C-2) with revised proffers. Applicants are also requesting three Category 13 Special Exceptions to allow for drive-throughs to accommodate a bank, restaurant, and pharmacy. The property is located at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), at 10772 Bowers Run Drive, Lee District. (PIN #6899-16-9374-000 and 6899-16-6332-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Merle Fallon, Esq., representative of the applicant, stated that he would be willing to answer any questions from the Planning Commission.

Mr. Chuck Medvitz, Scott District, stated that he is opposed because the application is inconsistent with the existing Comprehensive Plan.

Ms. Bonnie Kidwell, Lee District, stated that she is opposed and that this proposal duplicates services that already exist in the area. Ms. Kidwell stated that she would like to see other types of businesses that comply with the Comprehensive Plan.

In that there were no further speakers, Mr. Stone closed the public hearing.

Mr. Meadows stated his recommendation as follows:

A RESOLUTION OF THE  
PLANNING COMMISSION OF THE COUNTY OF FAUQUIER  
REZONING APPLICATION REZN08-LE-007 AND SPECIAL EXCEPTION  
APPLICATIONS SPEX08-LE-028, SPEX08-LE-029, AND SPEX08-LE-030:  
LIM

BE IT RESOLVED by the Planning Commission of Fauquier County that, in the matter of the Rezoning application REZN08-LE-007 and Special Exceptions SPEX08-LE-028, SPEX09-MA-029, and SPEX09-MA-030 said Commission hereby makes the following affirmative findings and recommendation:

1. That the provisions of the Zoning Ordinance applicable to Rezoning and Special Exceptions are not met in these applications and the approval of the applications would negatively impact the public health, safety, and welfare of residents of Fauquier County.
2. That the proposed uses will hinder and discourage the appropriate development and use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Section 5-006 of the Zoning Ordinance.
3. That the proposed uses will be incompatible with existing or planned development in the general area, as set forth in Section 5-006 of said Zoning Ordinance, and will be incompatible with the general area and the Comprehensive Plan.
4. That the proposed uses fails to comply with and is not in conformity with all the applicable standards of Article 5 or Article 13 of said Zoning Ordinance and all other applicable requirements of the Zoning Ordinance.
5. That the proposal does not conform to the Comprehensive Plan as it relates to uses, design standards and site layout for the Bealeton Service District.
6. That the Traffic Impact Analysis (TIA) indicates the proposed development will produce service levels of E and F and that the impact is unreasonable and inconsistent with the requirements of the Zoning Ordinance.
7. The traffic impacts of the proposed use have not been adequately mitigated.
8. That the proffers presume approval of waivers to access, landscaping and yard requirements, whereas such waivers have not been requested or analyzed.
9. That the applications are premature in that a waiver to allow access from both Routes 17 and 28 has not been requested or analyzed, but access to both is shown on the proffered Concept Development Plan (CDP).
10. That the property has available to it uses which are available under the existing zoning.
11. That the applicant has failed to carry the burden to demonstrate that the proposed zoning is reasonable and appropriate.

NOW, THEREFORE, be it resolved by the Planning Commission of the County of Fauquier, Virginia that the subject applications be forwarded to the Board of Supervisors of Fauquier County with a recommendation of denial.

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to forward this application to the Board of Supervisors with a recommendation of denial based upon the above findings.

Mr. Alm stated that the application is not in compliance with the Comprehensive Plan.

Mr. Stone also stated that the application is not in compliance with the Comprehensive Plan.

Ms. Garreau expressed agreement with the other Planning Commissioners.

The motion carried unanimously.

11. **COMPREHENSIVE PLAN AMENDMENTS**

- a. **CPAM09-LE-001 – David Leroy Hodgson, Terry Lynn Hodgson, Jean Elizabeth Cheatham, & William Wirt Goulding (Owners)/Douglas E. Darling/Bealeton Gateway, LLC (Applicant) – Mintbrook/Cheatham Farm –**

Applicant wishes to obtain a Comprehensive Plan Amendment to expand the Bealeton Service District by approximately 125 acres to the north and to allow for a change in land use designation from Medium Density Residential, Residential/No Sewer or Water, Rural (outside of service district), Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation) to Institutional/Office/Mixed Use, Medium Density Residential, Park/Open Space and SCFRR (School/Church/Fire/Rescue/Recreation). The applicant is also proposing text changes to the Bealeton Service District Plan and inclusion in the Bealeton Service District Plan of an Illustrative Development Plan. The properties are located at 6331 Mintbrook Lane and 10633 Bowers Run Drive, Lee District. (PIN #6899-18-3742-000 and 6889-89-6214-000) (Melissa Dargis, Staff)

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

Mr. Stone opened the public hearing.

Mr. Frank Cox, representative of the applicant, presented a slide-show, of which a copy of has been included in the file. The slide-show highlighted maps of the adopted future land use plan as well as the applicant's proposed future land use plan of the Bealeton Service District.

Mr. Jim Van Luven, Lee District, voiced concern about the proposal. Mr. Van Luven stated that he was the co-chairman of the Bealeton-Opal-Remington Citizen's Committee and that the 125-acre portion of the Cheatham Farm was intentionally left out of the service district because of the floodplain.

Mr. Chuck Medvitz, Citizens for Fauquier County, expressed concern about this proposal and stated that we should learn from the experiences of other jurisdictions such as Reston, Virginia. Mr. Medvitz stated that those residents were unhappy when they had to pay for the dredging of stormwater management ponds because this was not a planned expense.

Ms. Mary Root, Lee District, stated that she is opposed and that she served on the Bealeton-Opal-Remington Citizen's Committee. Ms. Root stated that the committee specifically designed that area so that no water or sewer lines could cross over the floodplain, thereby alleviating flooding and erosion.

Mr. Todd Benson, Piedmont Environmental Council, stated that the applicant has not presented a compelling reason to amend the existing Comprehensive Plan.

Mr. Brad Carr, Lee District, stated that he is a resident of Meadowbrook subdivision. Mr. Carr further stated that this proposed town center appears too large for the area and expressed concern about having to view a large commercial building from his backyard.

Ms. Dawn Scardina, Lee District, stated that she moved to Bealeton because of its rural character and expressed concern about the potential traffic impact of this proposal.

In that there were no further speakers, Mr. Stone adjourned the public hearing.

After a brief recess, on motion made by Mr. Meadows and seconded by Mr. Alm, it was moved to postpone action on this item until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

- b. **CPAM09-SC-004 – Beights Development Corporation (Owner/Applicant) – Mill Run Business Park** – Applicant wishes to obtain a Comprehensive Plan Amendment to change the designation of 3.295 acres in the New Baltimore Service District from Land Use Area 6 (Low Density Residential) to Land Use Area 3 (Commercial Neighborhood). The properties are located on the east side of Lee Highway (Route 15/29/211) approximately 1,300 feet south of its intersection with Grays Mill Road (Route 674), Scott District. (PIN #7906-21-3506-000 and 7906-21-1470-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Mr. Peter Karanovich, Scott District, expressed concern that if this application is approved, he could experience even more run-off from a storm drain that runs through his property.

Mr. Chuck Medvitz, Scott District, stated that it is his understanding that the existing buffer will remain between this site and the surrounding residentially zoned property. Mr. Medvitz expressed concern about having any additional driveways in this area. He noted that the late afternoon sun, makes visibility difficult.

Mr. Justin Beights, applicant, stated that he is committed to working with staff to resolve any concerns.

In that there were no further speakers, Mr. Stone adjourned the public hearing.

Ms. Garreau presented the following resolution:

A RESOLUTION INITIATING A COMPREHENSIVE PLAN AMENDMENT  
TO THE NEW BALTIMORE SERVICE DISTRICT PLAN

WHEREAS, the Beights Development Corporation has applied for a Comprehensive Plan Amendment to change the land use designation of two parcels (PINS 7906-21-3506 and 7906-21-1470) totaling 3.295 acres on the east side of Lee Highway (Routes 15/29/211) in the new Baltimore Service District; and

WHEREAS, the Fauquier County Planning Commission finds that a more comprehensive study of the land use and transportation in the area east of Lee Highway (Routes 15/29/211), west of Grays Mill Road (Route 674) and north of the Mill Run Business Park would be beneficial; now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 26<sup>th</sup> day of February 2009, That the Commission does hereby initiate a study to consider an amendment to the New Baltimore Service District Plan in the area east of Lee Highway (Routes 15/29/211), west of Grays Mill Road (Route 674) and north of the Mill Run Business Park.

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to adopt this resolution and postpone action on this item, with the public hearing left open, until the above mentioned study can be completed.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:32 p.m.

*A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Suite 305, Warrenton, Virginia, for a period of one year.*