

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

*The Fauquier County Planning Commission held its regular meeting on Thursday, March 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 Mrs. Tracy Gallehr, Mr. Frederick Carr, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Holly Meade, Mrs. Melissa Dargis, Mr. Andrew Hushour, Ms. Kristen Slawter 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** – February 26, 2009

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to approve the February 26, 2009 minutes.

The motion carried unanimously.

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

Initiation of Text Amendments to Sections 9-5 (Preliminary Plan Requirements) and 10-5 (Final Plat Requirements) of the Subdivision Ordinance to require inclusion on preliminary plans and final plats of mapped dam break inundation zones. (Susan Eddy, Staff)

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

The motion carried unanimously.

3. **COMPREHENSIVE PLAN AMENDMENT**

Initiation of a Comprehensive Plan Amendment to Change the “Village” Designation on PIN #6061-49-9360-000 (5.70 acres) to “Rural Agriculture” for purposes of placing the land in a conservation easement. (Kimberly Abe, Staff)

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to remove this item from the agenda, at the applicant’s request.

The motion carried unanimously.

4. **PRELIMINARY PLAT**

**PPLT09-SC-001 – James A. & Dorothy Alt (Owners/Applicants) – Addition to Fenton Chase** – Applicants wish to subdivide approximately 10.0 acres into eight (8) lots. The property is located at 5416 Bears Lane, Scott District. (PIN #7905-08-5954-000) (Bonnie Bogert, Staff)

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

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

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

No comment.

6. **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>
---

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone stated that citizens may speak for three (3) minutes. Mr. Stone further stated that the agenda would be revised so that Item 13b (Range 82 – Public Safety Training Facility) and Item 15 (Mintbrook/Cheatham Farm) would be considered before Item 10 (Capital Improvements Program – CIP).

9. **CITIZENS' TIME**

Mr. Todd Benson, Piedmont Environmental Council, 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.

10. Item 13b

**SPECIAL EXCEPTIONS/SPECIAL PERMITS**

- b. **SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, SPPT09-CR-030, & CCRV09-CR-003 – Elk Mount Farm, LLC & William C. Patton (Owners)/Lee Hollander (Applicant) – Range 82 - Public Safety Training Facility** – Applicant wishes to obtain a Category 5 Special Exception to allow for an outdoor technical training facility, a Category 11 Special Exception to allow for a public safety facility (both Emergency Services and Sheriff’s Office facilities), and a Category 20 Special Exception to allow for an aboveground water storage facility. Applicant is also requesting an amendment to an approved Special Permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with *Code of Virginia*, Section 15.2-2232 as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The property is located at 4818 Midland Road, Cedar Run District. (PIN #7819-66-3353-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Mr. Bob Counts, representative, stated that the applicant will consider issues that were discussed during the work session earlier in the day.

Mr. Terry Lucas, Cedar Run District, stated that he is opposed.

Mr. Lewis Ray, Cedar Run District, stated that he is concerned about the location of this facility and questioned if other sites have been considered.

Mr. Wilbur Burton, Cedar Run District, stated that he is opposed because of noise concerns and he does not feel this is the right location for this facility. Mr. Burton presented a petition, a copy of which is attached to and made a part of these official minutes, to the Commission.

Mr. Robert Townsend, Cedar Run District, stated that he is concerned about a possible decrease in the value of his property.

Ms. Karen Kettell, Cedar Run District, stated that she is opposed because of the noise that would be generated.

Mr. Derek Tournear, Cedar Run District, stated that more studies need to be done and that there are other potential locations for this type of facility.

Mr. Jesse Woodson, Cedar Run District, stated that he is opposed because of the noise, which is already a problem because of the airport.

Reverend George Coghill, Cedar Run District and pastor of Ebenezer Baptist Church, stated that he is opposed. Reverend Coghill also presented a letter, a copy of which is attached to and made a part of these official minutes, of opposition from members of his congregation who also live in the area of this proposed facility.

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

Mr. Stone stated that the expansion to this facility would be detrimental to the surrounding property owners.

On motion made by Mr. Stone and seconded by Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of denial.

Ms. McCarty stated that there is an insufficient lead management plan, which would be a liability for the County.

Mr. Alm stated that he would rather postpone action and research this proposed location further with a possible site visit.

Ms. Garreau stated that there are not a lot of locations to select from within the County for this type of facility. She also stated that this facility would result in having better trained police and fire/rescue services.

Mr. Meadows stated that the Commission went through this same dilemma when the proposed site was on Green Road.

The motion to forward this application to the Board of Supervisors with a recommendation of denial failed 3 to 2, as follows:

AYES: Mr. Stone, Ms. McCarty

NAYS: Mr. Meadows, Mr. Alm, Ms. Garreau

ABSTENTION: None

ABSENT: None

After discussion, on motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing closed.

The motion carried unanimously.

11. Item #15

COMPREHENSIVE PLAN AMENDMENT

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)

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

Mr. Stone opened the public hearing.

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

Mr. Rick Dorkey, Lee District, stated that he is opposed and that Fauquier County does not have the infrastructure to support a project of this size.

Mr. James Tompkins, Lee District, stated that he is opposed and he is concerned that traffic would be an issue.

Ms. Bonnie Kidwell, Lee District, stated that she is opposed and is concerned with issues such as density, schools, roads, and stormwater management.

Mr. Jim Van Luven, Lee District, stated that he is opposed and that this is not a good location for this proposal.

Mr. Emilio Castelar, Lee District, stated that he is opposed and that he is concerned the proposed site is in a flood zone.

Mr. Doug Darling, applicant, expressed his appreciation to staff and the community for all their hard work and suggestions.

Mr. Bradley Carr, Lee District, stated that he is opposed because of traffic concerns.

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

On motion made by Mr. Stone and seconded by Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of denial.

Mr. Stone stated that he was concerned with the applicant's request to expand the Service District.

Mr. Meadows stated that he would have preferred that a Rezoning application had accompanied this request for a Comprehensive Plan Amendment.

Ms. Garreau stated that she cannot support the scope of this application. Ms. Garreau stated that supporting this application would be undermining the enormous amount of time and energy the Citizen's Committee spent on refining the Bealeton portion of the Comprehensive Plan.

Mr. Alm stated that he does not feel that the timing is right for this type of application.

Ms. McCarty stated that she is against the idea of expanding the Service District.

Mr. Stone withdrew his motion to forward this item to the Board of Supervisors with a recommendation of denial since the proposed application is not in his district.

On motion made by Mr. Meadows and seconded by Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of denial, as follows:

A RESOLUTION OF THE  
PLANNING COMMISSION OF THE COUNTY OF FAUQUIER  
COMPREHENSIVE PLAN AMENDMENT CPAM09-LE-001 –  
MINTBROOK/CHEATHAM FARM (BEALETON GATEWAY, LLC)

WHEREAS, David L. Hodgson; Terry L. Hodgson; Jean Elizabeth Cheatham; William Wirt Goulding, owners and Douglas E. Darling/Bealeton Gateway, LLC, applicant, have requested a Comprehensive Plan Amendment (CPAM09-LE-001) for land identified as PIN #6899-18-3742-000 and 6889-89-6214-000 to include adding approximately 125 acres of land to the Bealeton Service District; and

WHEREAS, the requested application for the Comprehensive Plan Amendment also seeks to change the 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); and

WHEREAS, the requested application for the Comprehensive Plan Amendment also seeks text changes to the Bealeton Service District Plan and inclusion in the Bealeton Service District Plan of an illustrative development plan; and

WHEREAS, on December 10, 2008, January 29, 2009, February 26, 2009 and March 26, 2009, the Planning Commission held public hearings on the application and considered the written and oral testimony; and

WHEREAS, on March 26, 2009, the Planning Commission finds that this proposal is not consistent with the goals of the Bealeton Service District Plan and further finds that the Comprehensive Plan Amendment is not warranted for this request; now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 26th day of March 2009, that the subject application be forwarded to the Fauquier County Board of Supervisors with a recommendation of denial.

The motion carried unanimously.

12. **Item #10**

**CAPITAL IMPROVEMENTS PROGRAM (CIP) – FISCAL YEARS (FY) 2010 – 2015** - The CIP lists proposed projects for the School Division, Library, Parks and Recreation, General County Government and Emergency Services. The recommended nine capital projects total \$128.8 million for FY 2010 – 2015. For FY 2010, two projects totaling \$7 million are proposed. (Susan Eddy, Staff)

Mr. Ari Sky, Budget Director, reviewed the staff report, a copy of which is attached to and made a 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 item to the Board of Supervisors with a recommendation of adoption.

The motion carried unanimously.

13. **Item #11**

**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 a 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 Ms. Garreau and seconded by Mr. Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of adoption.

The motion carried unanimously.

- b. 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 a 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 item to the Board of Supervisors with a recommendation of adoption.

Ms. McCarty stated that she could not support the tower height in the proposed text amendment language.

Ms. Garreau stated that while she agrees with Ms. McCarty's concern about the proposed height, she is still in favor of the text amendment.



Mr. Meadows stated that the proposed height is appropriate for the amount of wind speed necessary to power a windmill.

The motion carried 4 to 1, as follows:

AYES: Mr. Meadows, Mr. Stone, Ms. Garreau, Mr. Alm

NAYS: Ms. McCarty

ABSTENTION: None

ABSENT: None

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

Ms. Johnson reviewed the staff report, a copy of which is attached to and made a 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 Ms. Garreau, it was moved to forward this item to the Board of Supervisors with a recommendation of adoption.

The motion carried unanimously.

- d. 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)

Mrs. Eddy reviewed the staff report, a copy of which is attached to and made a 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 Ms. Garreau, it was moved to forward this item to the Board of Supervisors with a recommendation of adoption.

The motion carried unanimously.

14. **Item #12**

**SPECIAL EXCEPTIONS**

- a. **SPEX08-MA-017 & SPEX08-MA-020 – Peter Petronzio & Katherine Ellsworth (Owners/Applicants)** – Applicants wish to obtain a Category 20 Special Exception in order to remediate or repair an existing failed septic system and a Category 23 Special Exception to allow for structures associated with the septic system to be installed in the FEMA 100-year floodplain. The property is located on Springs Road (Route 802) at its intersection with Opal Road (Route 687), Marshall District. (PIN #6962-30-1310-000) (Melissa Dargis, Staff)

Mrs. Dargis reviewed the staff report, a copy of which is attached to and made a 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 Ms. McCarty and seconded by Mr. Stone, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, subject to revised conditions.

The motion carried unanimously.

- b. **SPEX09-CT-007 – George C. & Helen F. Elmore (Owners)New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (Applicant)** – Applicant wishes to obtain a Category 20 Special Exception to allow for the construction of a one hundred ten (110) foot monopole, with associated antennas and equipment cabinet(s). The property is located at 7511 Elmores Lane, Center District. (PIN #7904-15-6717-000) (Bonnie Bogert, Staff)

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

Mr. Stone opened the public hearing.

Mr. Jim Michal, representative, stated that it is the applicant's intent to provide reliable wireless service to citizens in the area, while minimizing impacts regarding the clearing of trees for the proposed access road. Mr. Michal requested that action on this item be postponed for sixty (60) days.

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

On motion made by Mr. Alm and seconded by Ms. Garreau, it was moved to postpone action on this item until the May 28, 2009 meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

- c. **SPEX09-MA-016 – Cliff Mills, LLC (Owner/Applicant) – Ennis Pond** – Applicant wishes to obtain a Category 23 Special Exception to allow for the construction of a private pond for agricultural use within a floodplain. The property is located at 9400 Cliff Mills Road, Marshall District. (PIN #6954-34-2130-000) (Melissa Dargis, Staff)

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

Mr. Stone opened the public hearing.

Mr. Eric Allen, representative, stated that his client would be willing to comply with the proposed revised conditions, including the placement of a buffer around the perimeter of the pond.

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

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

After discussion, Ms. McCarty withdrew the above motion.

On motion made by Mr. Meadows and seconded Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, subject to the following revised conditions:

**Ennis Pond Special Exception  
Planning Commission Revised Conditions – March 26, 2009**

SPEX09-MA-016: A Category 23 Special Exception request for the construction of a private pond for agricultural use within the Federal Emergency Management Agency (FEMA) 100-year floodplain.

1. This Special Exception is granted for and runs with the land, identified as PIN #6954-34-5130-000, as indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception/Special Permit Plat dated November 17, 2008 as approved with this application; as qualified by these development conditions; and is granted only for the purpose and use indicated in the Statement of Justification for an agricultural pond in the floodplain.

3. A Zoning Permit shall be required.
4. A drainage study shall be provided demonstrating that the construction within the floodplain will not adversely affect the capacity of the channels of any water course, which would increase flood heights and/or velocities on adjacent or downstream properties.
5. The applicant shall assure that all applicable environmental permits have been acquired. This includes the U.S. Army Corps of Engineers and Department of Environmental Quality (USACE/DEQ) permits for disturbance of wetlands or other regulated waters.
6. The height of the dam shall be lowered to the extent necessary to meet the Zoning Ordinance requirement for a minimum 50 foot setback of the 100-year flood pool elevation from the property line.
7. For water quality Best Management Practices (BMP) a vegetated buffer shall be established and maintained around the perimeter of the pond and along the stream channel directly upstream and downstream of the pond.
8. For agricultural BMP and water quality, the pond shall be fenced such that cattle do not have direct access to it.

The motion carried unanimously.

15. **Item #13a**

**SPECIAL EXCEPTIONS/SPECIAL PERMITS**

- a. **SPPT09-SC-029 & SPEX09-SC-011 – Community Christian Fellowship (Owner)/James Sabia, Keith McCullough & Others (Applicants) – Covenant Christian Academy** – Applicants wish to amend a previously approved Category 6 Special Permit limited to a place of worship to allow for a school use. Applicants are also requesting a Category 5 Special Exception to allow for a primary and secondary school. The property is located at 6137 Vint Hill Road (Route 215), Scott District. (PIN #7916-66-5298-000 and a portion of 7916-66-9961-000) (Kristen Slawter, Staff)

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

Mr. Stone opened the public hearing.

Mr. Keith McCullough, applicant, offered to answer any questions.

Mr. David Blake, Scott District, stated that he is an adjoining property owner and spoke in opposition to the granting of this request. Mr. Blake expressed concern that the property is in the core area of a National Register-Eligible Civil War

Battlefield known as “Buckland Races” and urged the Commission to consider this request very carefully.

Mr. Gar Schulin, Marshall District, stated that he is opposed. He expressed concern about the location as well as the need to preserve historical battlefields.

Ms. Paula Johnson, Marshall District, stated that she is opposed because historical battlefields should be preserved.

Mr. Chuck Medvitz, Scott District, stated that he is not opposed to the use itself and encouraged the applicants to find a more suitable site within the county.

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

On motion made by Ms. Garreau and seconded by Mr. Stone, 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.

16. **Item #14**

**SPECIAL EXCEPTION/WAIVERS**

- **SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, & WAVR09-MA-024 – John W. Trumbo, Robert H. Ritchie and Others (Owners)/Andrew S. Bigler, Sr. (Applicant) – Middleburg Bank** – Applicant wishes to obtain a Category 13 Special Exception for a drive-through facility to accommodate a bank. Applicant is also requesting five waivers to allow for a reduction of the front setback, a secondary entrance on a higher access street, a cross/cooperative parking agreement, a reduction of the cooperative parking requirements, and a reduction of the front, side, and rear buffer requirements. The properties are located on the northwest side of Main Street (Route 55), Marshall District. (PIN #6969-58-4589-000, 6969-58-5641-000, 6969-58-6605-000, and 6969-58-6649-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Jack Conner, Esquire, representative, offered to answer any questions.

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

Ms. McCarty noted that the applicant was requesting a postponement to refine ingress/egress through the rear of the site.

On motion made by Ms. McCarty and seconded by Mr. Stone, 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.

In that there was no further business, the meeting was adjourned at 9:00 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, Third Floor, Warrenton, Virginia, for a period of one year.*