

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
MARCH 27, 2008**

*The Fauquier County Planning Commission held its regular meeting on Thursday, March 27, 2008, beginning at 6:30 P.M. at the Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia. Those members present were Mr. John Meadows, Chairman; Ms. Ann McCarty, Vice Chairman; Ms. Adrienne Garreau, Secretary; Mr. Larry Kovalik; and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mr. Kevin Burke, Mrs. Susan Eddy, Mrs. Bonnie Bogert, Mrs. Cynthia Porter-Johnson, Ms. Kim Johnson, and Mrs. Stacey Pell.*

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda to add an item 6c. to Initiate a Zoning Ordinance Text Amendment Section 5-502 to Allow a Waiver of the 100-Foot Setback Requirement Where Educational Uses Utilize an Existing Building.

Ms. Garreau, seconded by Ms. McCarty, moved to amend the agenda to add item 6d. to Initiate a Zoning Ordinance Text Amendment to Section 3-305.1 to Add Preschool/Day Care Center/Nursery as a Special Permit Use in the C-2/Commercial Highway Zoning District.

Mr. Meadows, seconded by Mr. Stone, moved to amend the agenda to add a 6e. to appoint committee assignments.

The motions carried unanimously.

1. **APPROVAL OF MINUTES** – February 28, 2008

Mr. Stone, seconded by Ms. McCarty, moved to approve the minutes.

The motion carried unanimously.

2. **ZONING AND SUBDIVISION ORDINANCE WAIVERS**

- **WAVR08-SC-053 – Timothy & Patricia Whitney, owners and applicants**  
– applicants wish to obtain a Waiver of Zoning Ordinance Section 7-302.1.B to allow for a private street off of a private street. The property is located on Chestnut Wood Lane west of Riley Road (Route 676), Scott District. (PIN 7905-75-2996-000)

Mrs. Porter-Johnson reviewed the staff memorandum, a copy of which is attached to and made part of the official minutes.

Ms. Garreau, seconded by Mr. Stone, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

3. **PLAN OF DEVELOPMENT**

- **PLDV08-LE-003 – DC Diamond, owner and applicant – Remington Business Park** – applicant wishes to obtain approval of a Plan of Development in order to divide one 65.7 acre commercial lot into twelve (12) lots ranging in size from two (2) acres to approximately eight (8) acres. The property is located east of James Madison Highway (Route 15/29) south of its intersection with Lucky Hill Road (Route 655), Lee District. (PIN 6888-01-4051-000)

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

Mr. Meadows, seconded by Ms. McCarty, moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

4. **PRELIMINARY PLAT EXTENSION**

- **PPLT05-CR-012 – GGFS/Greenwich Meadows, LLC, owner and applicants – Creekmont Estates** – applicant wishes to obtain a six-month extension of a previously approved Preliminary Plat to extend the expiration date to October 14, 2008. The property is located on the east side of Greenwich Road (Route 603), Cedar Run District. (PIN 7924-34-0017-000 & 7924-14-7596-000)

Mrs. Bogert reviewed the staff memorandum, a copy of which is attached to and made part of the official minutes.

Mr. Stone, seconded by Ms. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

5. **PRELIMINARY PLAT**

- **PPLT07-CR-005 & WAVR08-LE-006 – Danny M. Atkins and Lee Ann Smith, owners and Foster Land Survey, LLC applicant – Paradigm Farm** – applicant wishes to subdivide approximately 53 acres into three (3) lots. The applicant is also requesting a Waiver of Subdivision Ordinance Section 10-6-10 (WAVR08-LE-006) in order to combine the Final Construction Plan and Preliminary Plat. The property is located south of Green Road (Route 674), Cedar Run District. (PIN 6992-27-5964-000)

6. a. **BOARD OF ZONING APPEALS AGENDA**

No comment.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

c. Initiation of a Zoning Ordinance Text Amendment Section 5-502 to Allow a Waiver of the 100-Foot Setback Requirement Where Educational Uses Utilize an Existing Building

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Ms. McCarty, moved to initiate a Zoning Ordinance Text Amendment to Section 5-502 to Allow a Waiver of the 100-Foot Setback Requirement Where Educational Uses Utilize an Existing Building and to schedule a public hearing for the Planning Commission's April 24 , 2008 meeting.

The motion carried unanimously.

d. Zoning Ordinance Text Amendment to Section 3-305.1 to Add Preschool/Day Care Center/Nursery as a Special Permit Use in the C-2/Commercial Highway Zoning District

For the purposes of convenience and good zoning practices, Ms. Garreau, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Section 3-305.1 to Add Preschool/Day Care Center/Nursery as a Special Permit Use in the C-2/Commercial Highway Zoning District and to schedule a public hearing for the Planning Commission's April 24, 2008 meeting.

The motion carried unanimously.

e. Committee Assignments: Mr. Meadows established an Adaptive Use Special Committee and appointed Ms. McCarty and Mr. Stone to the Committee and also appointed Mr. Kovalik to the Pedestrian Bicycle and Greenway Advisory Committee.

<p style="text-align: center;"><b><i>Public Hearings</i></b> <b><i>7:00 P.M.</i></b> <b><i>Warrenton Community Center</i></b> <b><i>430 East Shirley Avenue, Warrenton, VA</i></b></p>
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7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

None.

9. **CITIZENS' TIME**

Mr. Todd Benson, representing Piedmont Environmental Council, stated that on April 1, 2008 at 6:00 p.m. at the Warrenton Visitors Center the Piedmont Environmental Council will hold a public forum to inform the public about the Norfolk Southern Railroad's plan to utilize the railroads for the movement of more freight.

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

- a. Zoning Text Amendment to Article 4, Part 4 and Section 5-904 of the Fauquier County Zoning Ordinance and Sections 15-300, and 3-323 Pertaining to Floodplain Overlay Districts

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

Mr. Meadows opened the public hearing.

Mr. Merle Fallon, representing the Chakalos Family, stated that he supports this ordinance, but does recommend staff working on several technical issues before sending to the Board of Supervisors.

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

Mr. Meadows, seconded by Ms. McCarty, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Create a Mixed Use Special District as Section 4-900

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

Mr. Meadows opened the public hearing.

Mr. Chuck Medvitz, Scott District, stated that he reviewed this draft amendment and was concerned about the amount of density in the uses that the County is considering Mixed Use and that the Ordinance is misnamed as it is written currently. He continued that there is a central focal point in the County where the Mixed Use District would be successful and that the County should set their focus point there instead of the County as a whole.

Ms. Betsy Porter, Marshall District, supports this Text Amendment.

Mr. Todd Benson, Piedmont Environmental Council, stated that this Ordinance has a lot of potential density that comes into the service districts that would pose problems further down the road and he would recommend continuing to work out any issues concerning this Text Amendment.

Ms. Sue Scheer, Cedar Run District, stated that the Mixed Use District is not needed in the County and she is opposed to this Text Amendment.

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

Mr. Meadows, seconded by Ms. Garreau, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

- c. Proposed amendments to the Comprehensive Plan Chapter 6 – Service Districts - Bealeton, Opal and Remington Service District Plan

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

Mr. Meadows opened the public hearing.

Mr. Todd Benson, Piedmont Environmental Counsel, opposed this Text Amendment and recommended forwarding this to the Board of Supervisors with a recommendation of denial. He continued that this Text Amendment goes against what is written in the Comprehensive Plan and needs to be re-evaluated before it is approved.

Mr. Chuck Medvitz, Scott District, stated that the citizens put in a great deal of time and energy into developing the service districts and the proposed amendments go against what the citizen's goals were. He continued that these groups specifically stated what they want in these areas and the amount of density and he would encourage the Planning

Commission to be careful with the descriptions they were inserting into the Comprehensive Plan for the Service Districts.

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

Mr. Meadows, seconded by Ms. McCarty, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 6-302.1.D to Allow a Trailer in Conjunction with a Minor Home Occupation

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

Mr. Meadows opened the public hearing.

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

Mr. Meadows, seconded by Mr. Stone, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- e. Zoning Ordinance Text Amendment to Section 6-101 to Allow Accessory Uses on Adjoining Lots for Commercial Uses

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

Mr. Meadows opened the public hearing.

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

Mr. Stone, seconded by Ms. McCarty, moved to forward to the Board of Supervisors with a recommendation of denial.

The motion carried unanimously.

- f. Zoning Ordinance Text Amendment to Section 9-1006 Related to Architectural/Landscape Lighting

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

Mr. Meadows, seconded by Mr. Stone, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

11. **REZONING AND COMPREHENSIVE PLAN AMENDMENT**

- a. **CPAM06-LE-005 – Donald R. Tharpe, owners and applicant – Thape/Marsh Road Commercial** – applicant also wishes to obtain a Comprehensive Plan Amendment to add approximately 9 acres to the Bealeton Service District with the planned designation of Commercial Office. The property is located on the east side of Marsh Road (Route 17) at its intersection with Old Marsh Road (Route 837), Lee District. (PIN 6899-19-5387-000, 6899-19-6609-000)

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

Mr. Meadows opened the public hearing.

Mr. Charles Floyd, representing Carson, Ashley & Associates, stated that the applicant has made the changes as requested by staff and he is available to answer any questions.

Mr. Chuck Medvitz, Scott District, stated that the names and descriptions of land uses needs to be sorted out so when the applicant asks for something the public and adjoining property owners are aware of what is being proposed.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days, at the request of the applicant, with the public hearing left open.

The motion carried unanimously.

- b. **REZN08-LE-005 – Donald R. Tharpe, Trustee & Toll Land X Limited Partnership, owners and Donald R. Tharpe, applicant – Colonial Crossing Mixed Use** – applicant wishes to rezone approximately 97.13 acres from Rural Agriculture (RA), Commercial–Neighborhood (C-1), and Residential (R-4) to a Mixed Use Special District (MU). The property is located on the east side of Marsh Road (Route 17) at its intersection with Old Marsh Road (Route 837), Lee District. (PIN 6899-19-5387-000, 6899-19-6609-000, 6990-10-5075-000, 6899-29-5691-000)

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

Mr. Meadows opened the public hearing.

Mr. James Downey, representing the applicant, stated that he asked the Commission to hear his proposal in order to provide the public with an understanding of what he applicant is requested and why the adjoining Text Amendment should be approved. Mr. Downey continued to outline the project pointing out key elements. He continued that this is a work in progress and that he and the applicant planned to continue working diligently to achieve something that everyone is satisfied with.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days, at the request of the applicant, with the public hearing left open.

The motion carried unanimously.

12. **SPECIAL EXCEPTION & SPECIAL PERMIT**

- **SPEX08-MA-013 & SPPT08-MA-032 – Marriotts Westfields Conference Center, Inc., owner and applicant** – applicant wishes to obtain a Category 9 Special Exception and a Category 9 Special Permit in order to operate a Shooting Preserve to include clay targets and a shooting range. The property is located at 5219 Marriott Lane, Marshall District. (PIN 6908-83-3361-000, 6919-15-9657-000, 6917-47-0965-000, 6918-55-8536-000)

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

Mr. Meadows opened the public hearing.

Mr. Lanier Cate, applicant, stated that this application is very simple and is to expand an existing shooting preserve that would only be conducted a few days a week and only be open to private members instead of the general public. He also stated that the number of visitors the ranch receives would not increase and the only people on the preserve would be guided by staff. He continued that Marriott Ranch has always tried to have an open relationship with the residents of this area and he would respectively request approval of this application.

Mr. Gary Cooper, Marshall District, stated he lived adjacent to the property and works closely with the Ranch and he supports this application and what the Marriott Ranch is doing currently and what they hope to do in the future.

Mr. David Aldrich, Rappahannock County, stated he is a neighbor to this property and he is concerned about the proposed shooting preserve. He continued that he would urge the Planning Commission to take all aspects of this application into consideration including the amount of noise and dangers of a business of this nature.

Mr. Michael Mendell, Rappahannock County, stated that he is also a neighbor and is also concerned about the increase in shooting the applicant is proposing. He continued that he can currently hear all the shots that take place now and is opposed to an increase in the shooting preserve.

Dr. William Duvull, Marshall District, stated that he is also an adjoining property owner and did receive a letter from the County and a letter from Marriott Ranch with their intensions. He continued that he is concerned about the locations of the shooting ranges and would request that the County send all the adjoining property owners maps designating where these locations would be. He also stated that Marriott Ranch has always been a good neighbor and advises the Planning Commission take all the neighbors concerns into consideration before this application is approved.

Mr. Duane Gietz, Rappahannock County, stated he moved to this location eight years ago and was appalled by the amount of noise produced by Marriott Ranch during the shooting sessions. He is opposed to this application and would request it be denied.

Mr. Dutch Zimmerman, Rappahannock County, stated that Marriott Ranch has been a resident of this area for many years and is opposed to this application. He continued that he moved to this area for the quiet country atmosphere and he does not want to hear gunfire every day of the week.

Ms. Jennifer Manley, Rappahannock Resident, stated she is not a direct neighbor to Marriott Ranch but she can hear the gunfire caused by the range. She continued that the noise produced at that location travels throughout the area and she is opposed to this application.

Mr. John Alexander, Marriott Ranch Shooting Instructor, stated he has been instructing people for eleven years. He continued that six to ten shots per person is the norm and are all with instructors that are certified by the State. He assured that people on this range are there for recreation and are not given free range of the property, but are kept in a small area.

He continued that shooters are usually taken out in two to three hour windows a day.

Mr. John Kline, Marshall District, stated that he raised the birds used for this type of shooting expedition and has worked with Marriott Ranch and supports this application.

Mr. Larry Collins, Rappahannock Resident, stated that he supports Marriott Ranch as a whole but is against the amount of gunfire produced by Marriott Ranch and he is opposed to this application.

Ms. Debbie Johnson, Marriott Ranch Business Manager, stated that the area that they would like to have approved for the shooting range is in the center of their property and that should alleviate some of the noise that is produced. She continued that this not open to the public, but only offered as an activity for already scheduled events.

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

Ms. McCarty, seconded by Mr. Stone, moved to postpone action for 30 days, at the request of the applicant, with the public hearing left open.

The motion carried unanimously.

13. **SPECIAL EXCEPTION**

- a. **SPEX08-LE-011 – Licking Run, LLC, owner and applicant – Soldiers Crossing** – applicant wishes to obtain a Category 26 Special Exception to allow for a decrease in the amount of non-common open space required. The property is located on the west side of Cemetery Road (Route 658), Lee District. (PIN 6878-46-1933-000 & 6878-45-2619-000)

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

Mr. Meadows opened the public hearing.

Mr. Ron Harding, applicant, stated that he was available to answer any questions and would respectfully request approval of this application.

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

Mr. Meadows, seconded by Ms. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- b. **SPEX08-CR-012 – Brian K. & Traci L. Sandberg, owners and applicants – Sandberg Property** – applicants wish to obtain a Category 20 Special Exception to allow for the approval of an individual sewage disposal system with discharge to replace an existing failed system located on the property. The property is located at 7215 Jay Ray Way, Cedar Run District. (PIN 7925-33-9468-000)

Mrs. Bogert reviewed the staff memorandum, a copy of which is attached to and made part of the official minutes.

Mr. Meadows opened the public hearing

Mr. Brian Sandberg, applicant, stated he was available to answer any questions and would respectfully request approval of this application in order to replaced a failed drainfield.

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

Mr. Stone, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval, subject to conditions.

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 9:08 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, Warrenton, Virginia, for a period of one year.*