

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
APRIL 24, 2008**

The Fauquier County Planning Commission held its regular meeting on Thursday, April 24, 2008, beginning at 6:30 P.M. in the Warren Green Meeting Room, 10 Hotel Street, 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, Ms. Holly Meade, Mrs. Melissa Dargis, Mr. Drew Hushour, Ms. Kim Johnson, and Ms. Carissa Blevins.

1. **APPROVAL OF MINUTES** – March 27, 2008

Mr. Stone, seconded by Ms. Garreau, moved to approve the minutes, as amended.

The motion carried unanimously.

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

- Initiation of Text Amendments to Sections 2-6 and 5-8 of the Subdivision Ordinance and Sections 12-607 and 15-300 of the Zoning Ordinance to Change the Definition of Cul-de-Sac, Add a Definition for Dead-End Street, and to reference Dead-End Street Requirements in Article VII of the Zoning Ordinance

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

For the purposes of convenience and good zoning practices, Mr. Kovalik, seconded by Ms. Garreau, moved to initiate a Zoning Ordinance Text Amendment to Sections 2-6 and 5-8 of the Subdivision Ordinance and Sections 12-607 and 15-300 of the Zoning Ordinance to Change the Definition of Cul-de-Sac, Add a Definition for Dead-End Street, and to reference Dead-End Street Requirements in Article VII of the Zoning Ordinance and to schedule a public hearing for the Planning Commissions May 29, 2008 meeting.

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 Mr. Stone, moved to approve, subject to conditions.

The motion carried unanimously.

4. **PRELIMINARY PLAT EXTENSION**

- **PPLT06-CR-013 – Eugene Luke, owner and applicant – Greenwich Woods Subdivision** – applicant wishes to obtain a six-month extension of a previously approved Preliminary Plat to extend the expiration date to October 13, 2008. The property is located on the east side of Greenwich Road (Route 603), south of its intersection with Kennedy Road (Route 652), Cedar Run District. (PIN 7924-26-7370)

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 approve the Preliminary Plat extension.

The motion carried unanimously.

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

No comment.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

<p><i>Public Hearings</i> <i>7:00 P.M.</i> <i>Warren Green Meeting Room</i> <i>10 Hotel Street, Warrenton, VA</i></p>

6. **THE PLEDGE OF ALLEGIANCE**

7. **ANNOUNCEMENTS**

Mr. Meadows announced that the Planning Commission would amend the agenda by moving item 11D to become item 11A moving the rest down accordingly.

8. **CITIZENS' TIME**

No one spoke.

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

- 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

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.

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

The motion carried unanimously.

- b. 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

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 approval.

The motion passed unanimously.

- c. 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.

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

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

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 8-1502 to allow Exceptions and Variations to Sign Limits by Approval of a Special Exception by the Board of Supervisors

Mr. Hushour 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. Todd Benson, representing the Piedmont Environmental Council, is opposed to this Text Amendment and stated that there is no legitimate reason to approve this except to allow people larger signage. As currently written it does not give enough guidance as to when it is appropriate to approve a larger sign.

Dr. Kitty Smith, Marshall District, stated she agrees with Mr. Benson that there is no compelling reason to approve this sign ordinance. She continued that the appearance of Fauquier County should not be jeopardized in order to give businesses more publicity.

In that there were no further 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 failed 2 to 3 with Mr. Kovalik, Ms. McCarty, and Ms. Garreau in opposition.

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

The motion passed unanimously.

- e. 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 appreciates the progress that has been made with this Text Amendment, but would recommend postponing action until they have had time to absorb all the changes that were given most recently.

Mr. Todd Benson, representing the Piedmont Environmental Council, stated that he also appreciates all the progress made but is concerned by the references this Ordinance makes to other documents which are used as references not guidelines.

Dr. Kitty Smith, Marshall District, stated that she is opposed to this Ordinance. She continued that the draft as currently written is almost where it needs to be, but leaves room for improvement. Dr. Smith agreed that the Comprehensive Plan is referenced many times and is only a guideline not a legal ordinance.

Mr. Jim Downey, representing Donald Tharpe, stated that his client is anticipating being included in this proposed Zoning District and would urge the Planning Commission to forward to the Board of Supervisors with a vote of approval to allow them ample time to work on it.

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

Ms. McCarty stated that the comments made tonight were justified and she would support postponing action for another thirty days to review the most recent changes. Mr. Meadows stated that this Ordinance lacks a lot at this point, but believes the Planning Commission has done everything they can and he would like to give the Board of Supervisors an opportunity to work on it.

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

The motion failed 2 to 3 with Mr. Kovalik, Ms. McCarty, and Ms. Gaurreau in opposition.

Mr. Kovalik, seconded by Ms. Garreau, moved to postpone action for 30 days, with the public hearing closed.

The motion passed 4 -1 with Mr. Meadows in opposition.

- f. Proposed Amendments to the Comprehensive Plan Chapter 6 – Service Districts – Bealeton Portion of the Bealeton, Opal and Remington Service District Plan

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.

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 passed unanimously.

- g. Zoning Ordinance Text Amendment to Article VII to Establish a Limitation on the Length of Dead-End Streets Within the Zoning Ordinance

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. Todd Benson, representing Piedmont Environmental Council, stated that he supports this Text Amendment.

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

Mr. Meadows, seconded by Ms. McCarty, moved to postpone action for 30 days.

The motion passed unanimously.

10. **COMPREHENSIVE PLAN AMENDMENT**

- **CPAM06-LE-005 – Donald R. Tharpe and Toll Brothers X Limited Partnership, owners and Donald R. Tharpe, applicant – Tharpe/Marsh Road Commercial** – applicant also wishes to obtain a Comprehensive Plan

Amendment to add approximately 12.9 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, 6990-10-5075-000)

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. Charles Floyd, representing the applicant, stated that his client respectfully requests that this item be postponed for 30 days.

Ms. Kathleen McDonald, Lee District, stated that she recently purchased an adjoining property and is opposed to this application. She continued that if she was aware this was going to take place she would have purchased elsewhere. She concluded that the notification signs placed on the property were difficult to read.

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, with the public hearing left open.

The motion carried unanimously.

11. **SPECIAL EXCEPTION & SPECIAL EXCEPTION AMENDMENT**

- a. **SPEX08-CR-015 – Stanley C. Haworth & Mildred W. Haworth, Trustee, owners and applicants – Haworth Property** – applicants wish 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 north side of Beach Road (Route 616) across from its intersection with Green Meadows Road (Route 801), Cedar Run District. (PIN 6982-84-8395-000)

Mrs. Dargis 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. Charles Floyd, representing the applicant, stated that he was available to answer any questions and that they would respectfully request approval of this application.

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.

The motion carried unanimously.

- b. **SEAM08-CR-003 & SPEX08-CR-014 – C.L. Ritchie Trust, owner and Synagro Central, LLC, applicant – C.L. Ritchie Trust Farm – Biosolids Storage Facility** – applicant wishes to renew and amend a Category 18 Special Exception for a biosolids storage facility. The applicant is also requesting approval of a Category 23 Special Exception to continue an existing use located within the floodplain. The property is located on the south side of Ritchie Road (Route 644), east of its intersection with Marsh Road (Route 17), Cedar Run District. (PIN 7808-52-3089-000)

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. Morgan Ott, Cedar Run District, stated that this lagoon has been in the same location for twenty plus years without any violations or complaints from the community. He continued that this facility provides a service to the local agricultural community as well as the County as a whole. Mr. Ott stated that he supports this application and would suggest the Planning Commission support it as well.

Mr. Steve McMahon, applicant, stated that this facility has been a permanent location since 1983 and has been permitted through the Department of Environmental Quality. He continued that yearly inspections are conducted to assure that all the equipment and holding tanks are to code.

Mr. Eric Allen, Watershed Consultant, stated that he has studied this area and determined that it is an environmentally safe location. He continued that this location has been constructed ten to twelve feet above the floodplain and could no way cause any damage to the land.

Ms. Laurie Parker, Lee District, stated that she supports Synagro and that they have been an excellent resident and neighbor of the County.

Mr. Todd Benson, representing Piedmont Environmental Council, stated that because of the uncertain integrity of the lagoon and that it is located in

the floodplain he would suggest the Planning Commission deny this application. Mr. Benson continued that if this was approved the basin should be relocated and conditions set to requiring monitoring of this facility.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days, at the request of the Planning Commission, not at the applicant's request.

The motion carried unanimously

- c. **SEAM08-SC-004 – Fauquier Health System, LLC, owner and applicant – Assisted Living Facility** – applicant wishes to obtain Special Exception Amendments to SEAM07-SC-001 to amend a previously approved condition related to the assisted living facility. The property is located on Lee Highway (Route 29) and the intersection of Suffield Lane. (PIN 6995-89-2285-096)

Mrs. Dargis 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. Roger Baker, President of Fauquier Health Systems, stated that he would respectfully request approval of this application. He continued that the architects have been working diligently on the drawing for this facility and have designed a more neighborhood type facility with more state of the art amenities.

Mr. Clinton Mullin, President of the Suffield Meadows Home Owners Association, stated that he supports this application and because of the more advanced facility, it will allow its residents to age in a more graceful manner.

Mr. Paul Bernard, Bury + Partners, stated that he would recommend approving this application and that the expansion has no direct effect on any drainfields in the area except for where the silt fence will be installed during construction.

Mr. Geoffrey Coon, Bury + Partners, stated the new design of this facility is more state of the art and has evolved from a standard assisted living facility to more of a neighborhood style community.

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

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

The motion carried unanimously.

- d. *SPEX08-MA-013 & SPPT08-MA-032 – Marriotts Westfields Conference Center, Inc., owner and applicant* – applicant wishes to obtain a Category 9 Special Exception to operate a hunting preserve and a Category 9 Special Permit for clay target shooting and a firing 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. Dargis 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 Cates, applicant, stated that he would respectfully request approval of this application and that he agrees with all the conditions that have been set forth.

Mr. Morgan Ott, Lee District, stated that Marriott Ranch has been a supportive business that brings revenue to the County and he supports this application.

Mr. David Alder, Rappahannock County, stated that he appreciates everything Marriott has done to keep a good relationship with its neighbors and he supports this application.

Ms. Jennifer Manly, Rappahannock County, stated that she appreciates all the work Marriott Ranch has done thus far but would hope they would respect the neighbors and limit the time of day they have the shooting expeditions.

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

Ms. McCarty thanked Marriott Ranch for being good neighbors in Fauquier County and stated they should be an example to other businesses in the County.

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

The motion passed unanimously.

In that there was no further business, the meeting adjourned at 8:43 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.