

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MAY 29, 2008**

The Fauquier County Planning Commission held its regular meeting on Thursday, May 29, 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. Cynthia Porter-Johnson, Ms. Holly Meade, Mrs. Melissa Dargis, Ms. Kim Johnson, and Mrs. Stacey Pell.

1. **APPROVAL OF MINUTES** – April 24, 2008

Mr. Stone, seconded by Mr. Kovalik, moved to approve the minutes.

The motion carried unanimously.

2. **ZONING AND SUBDIVISION ORDINANCE WAIVERS**

- **WAVR08-CR-047 – Carlton Hughes and Brenda Simpson, owners and applicants** – applicants wish to obtain a Waiver of Zoning Ordinance 7.302.1.A.3 to allow for a right-of-way less than fifty (50) feet in width. The property is located between Rogues Road (Route 602) and Old Auburn Road (Route 670), Cedar Run District. (PIN 7903-96-7882-000 & 7903-96-5917-000)

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

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

The motion carried unanimously.

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

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

The motion carried unanimously.

4. **PRELIMINARY PLAT EXTENSION**

- **PPLT03-SC-035 – James R. & Margaret L. Hendricks, Trustees, owners and & James R. & Margaret L. Hendricks, Trustees & Mark St. Onge, applicant – Misty Run Estates Phase 3** – applicants wish to extend a previously approved Preliminary Plat to extend the expiration date to November 19, 2008. The property is located off of Grays Mill Road (Route 674) southwest of its intersection with Newberry Street, Scott District. (PIN 6995-94-1740-000)

Ms. Meade 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 approve.

The motion carried unanimously.

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

No comment.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

***Public Hearings
7:00 P.M.
Warren Green Meeting Room
10 Hotel Street, Warrenton, VA***

6. **THE PLEDGE OF ALLEGIANCE**

7. **ANNOUNCEMENTS**

Mr. Meadows announced that the June 26, 2008 Planning Commission meeting would be held at the Warrenton Community Center.

Mr. Kovalik announced that the Department of Community Development along with the Town of Warrenton will be hosting a community meeting to discuss the Fauquier-Warrenton Bicycle and Trail Master Plan. One meeting will be held on June 12, 2008 from 7:00 p.m. – 8:30 p.m. at the Warrenton Community Center and a second will be held on June 26, 2008 from 7:00 p.m. – 8:30 p.m. in the Warren Green Meeting Room.

8. **CITIZENS' TIME**

No comment.

9. **Agricultural and Forestal District Additions:**

5th Addition to Fiery Run District

- AGFD08-MA-004: L. Parker & Adele J. Harrell, Trustees & Others (Owners)/ Stonewall Creek Farm Limited Partnership (Owners) are requesting to add two parcels totaling 91.7959 acres, located on Hummer Road (Route 635), Marshall District (PIN 5998-79-5503-000 and 5998-78-9965-000)

17th Addition to Marshall/Warrenton District

- a. AGFD08-MA-001: Gary E., Sr. & Janice M. Hurst, Trustees & Others (Owners) are requesting to add one parcel totaling 62.2503 acres, located at the intersection of Carters Run Road and James Madison Highway (Route 17), Marshall District (PIN 6976-45-8936-000)
- b. AGFD08-MA-003: James L. & James G. Hitt (Owners) are requesting to add two parcels totaling 79.50 acres, located on Olinger Road (Route 17), Marshall District (PIN 6955-18-7271-000 and 6955-28-8133-000)

20th Addition to Middleburg/Marshall District

- AGFD08-SC-002: Inter-Properties, Inc. (owner) is requesting to add one parcel totaling 40.82 acres located at the intersection of Atoka Road (Route 7) and Rectors Lane (Route 828), Scott District (PIN 6073-19-4595-000)

10. **SPECIAL EXCEPTIONS AND PRELIMINARY PLATS**

- a. **SPEX08-LE-016 – Frank C. & Clara C. Poland, owners and applicants – Poland Property** – applicants wish to obtain a Category 29 Special Exception Waiver of the public street requirements pursuant to Section 5-2900 of the Zoning Ordinance to allow the subdivision of two existing residential structures. The property is located on the South side of Wotton Road east of James Madison Highway (Route 15/29), Lee District. (PIN 6889-37-3301-000)

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

Mr. Meadows stated that item 10a and 10b would be heard concurrently and voted on simultaneously.

Mr. Meadows opened the public hearing.

Mr. Charles Floyd, representing the applicant, stated that he was in agreement with the conditions as written 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 Mr. Stone, moved to forward to the Board of Supervisors, with a recommendation of approval.

The motion carried unanimously.

- b. **PPLT08-LE-005 – Frank C. & Clara C. Poland, owners and applicants – Poland Property** – applicants wish to subdivide approximately 9.66 acres into 2 lots. The applicants also wish to obtain a waiver of Subdivision Ordinance Section 10-6 (WVRP08-LE-014) in order to combine the Final Construction Plan and Preliminary Plat. The applicants also wish to obtain a Waiver of Subdivision Ordinance 9-5.B.33 (WVRP08-LE-013) to waive the requirement for a jurisdictional determination of wetlands. The property is located on the South side of Wotton Road east of James Madison Highway (Route 15/29), Lee District. (PIN 6889-37-3301-000) (***THIS ITEM IS NOT A PUBLIC HEARING***)

Mr. Meadows seconded by Mr. Stone, moved to approve the preliminary plat and forward it to the Board of Supervisors; and to forward the waivers to the Board of Supervisors, with a recommendation of approval.

The motion carried unanimously.

11. **SPECIAL EXCEPTION**

- a. **SPEX08-CR-021 – Donna Andes, owner and applicant – Midland Extension School** – applicant wishes to obtain a Category 5 Special Exception to allow for a private Christian High School. The property is located on the northeast side of Germantown Road (Route 649) east of its intersection with Balls Mill Road (Route 663), Cedar Run District. (PIN 6990-88-0850-000)

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.

Dr. Donna Andes, applicant, stated that she is applying for a Special Exception to open a Christian based High School on her 14 acre property and would agree with a postponement in order to allow the Planning Commission adequate review time.

Mr. Larry Potter, Cedar Run District, stated that he would be negatively impacted if this application was approved. Mr. Potter continued that for the last ten years he has had an Alcohol, Tobacco and Firearms (ATF) permit to store up to 1000 pounds of firework explosives up to three times a year in order to supply community events. Mr. Potter also stated that he is concerned about the amount of additional traffic that would be directed onto Germantown Road.

Ms. Janille Embrey, a resident of Cedar Run District and step-daughter of the applicant, stated that this is a rural area and opening a school in this area would jeopardize many residents' quality of life. She is also concerned about the amount of traffic that would be produced and the overall impact of having this type of structure in the area.

Ms. Madge Eicher, Marshall District, stated the amount of traffic produced from the school would be fine and that she supports the school.

Ms. Kristen Wright, Cedar Run District, stated that she lives close to the Midland Christian Academy and she is concerned about the amount of traffic that would be generated. She also expressed her concern over the capacity of the septic system.

Mr. Twyman Andes, Cedar Run District, stated that the soils survey indicated a capacity for only 200 people, but the applicant wants 288 people. He has lived on the property and the septic system is failing. He feels the well could potentially go dry.

Ms. Tammy Potter, Cedar Run District, expressed concern about the increased traffic and stated that she would like to keep things the same.

Mr. Brian Ehardt, Lee District, stated that he is in favor of this application and welcomes an alternative choice of schools in the area.

Mr. Mark Jarvis, Culpeper County, stated that he supports this application. He continued that Dr. Andes is offering to donate her land to help with the education of children and that should be commended rather than stopped. Mr. Jarvis also stated that the concerns that the residents keep commenting on are issues that can be avoided or rectified.

Ms. Roxanne Ehardt, Lee District, stated that she supports this application and would commend Dr. Andes on helping bring another Christian school into the County.

Ms. Linda King, Culpeper County, stated that she is a friend of Dr. Andes and she supports this application. She is confident that Dr. Andes will do everything in her power to help educate the children that would attend this school and she commends Dr. Andes on what she is trying to achieve.

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

Mr. Stone, seconded by Mr. Kovalik moved to postpone action for up to 90 days, with the public hearing left open, at the request of the applicant.

- b. **SPEX08-SC-022 – David L. Hazel, owner and applicant – David L. Hazel – Pond** – applicant wishes to obtain a Category 23 Special Exception to allow for an agricultural pond within the floodplain. The property is located on McRaes Road (Route 695) north of its intersection with Blantyre Road (Route 626), Scott District. (PIN 6987-75-1075-000)

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

Mr. David Hazel, applicant, stated that he has been working diligently on this application for at least a year, but will agree to a postponement to allow the Planning Commission additional review time.

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

Ms. Garreau, seconded by Mr. Stone, moved to postpone action for 30 days, with the public hearing closed, at the applicant's request.

The motion carried unanimously.

12. **SPECIAL EXCEPTION & SPECIAL EXCEPTION AMENDMENT**

- **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. Merle Fallon, representing the applicant, stated that the applicant is working to address all the concerns that have been brought up and would respectfully request a 30-day postponement to allow additional review time, but would like to pre-advertise for the July Board of Supervisors meeting.

Ms. Mara Seaforest-Charvonja, Cedar Run District, stated that this facility has been a hazard for years and would encourage the Planning Commission to take this time to rectify the problem.

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

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

The motion carried unanimously.

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

- a. Zoning Ordinance Text Amendments to Article VII to Establish a Limitation on the Length of Dead-End Streets Within the Zoning Ordinance, to 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 Text Amendments to Sections 2-6 and 5-8 of the Subdivision 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 to and made part of the official minutes.

Mr. Meadows opened the public hearing.

Mr. Merle Fallon, Center District, stated that he is opposed to the Text Amendment and that the County does not have the authority to limit the cul-de-sac length. He continued that this Amendment would require a waiver for a by-right division on a cluster subdivision. If this Text Amendment is approved, then standards need to be set and followed.

Mr. Charles Floyd, Carson Ashley, stated that he concurs with Mr. Fallon and that he agrees that the County will be overwhelmed with Text Amendment Waivers. He concluded that the County should make this an administrative process and not have it go forward to the Planning Commission unless an applicant is requesting a substantial length.

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. Amendment to the Comprehensive Plan - Chapter 8 – Rural Land Use to Eliminate Density Credit for Floodplain and Steep Slopes in the Rural Agricultural (RA) and Rural Conservation (RC) Districts
- c. Zoning Ordinance Text Amendment to Section 2-308(3) to eliminate density credit for any area of a lot within a floodplain or having slopes in excess of 25% in the Rural Agricultural (RA) or Rural Conservation (RC) Districts. This will reduce the maximum residential density allowed per the sliding scale for properties within a floodplain or having slopes in excess of 25% in the Rural Agricultural (RA) or Rural Conservation (RC) Districts.

Mr. Meadows stated that items 13b and 13c will be heard concurrently and that due to a lack of notification, action will not take place on item 13c.

Mrs. Eddy & Ms. Johnson reviewed the staff memorandums, copies of which will be attached to and made part of the official minutes.

Mr. Meadows opened the public hearing.

Ms. Mara Seaforest-Charvonia, Cedar Run District, stated that she supports these Text Amendments. She would recommend taking this even further in order to adequately address the past problems in these areas.

Mr. Merle Fallon, Center District, stated that he is opposed to these Text Amendments. He continued that the only way to determine density is to get a determination from the County. He stated that this Text Amendment gives conflicting information and should be denied.

Mr. George Thompson, Marshall District, stated that he supports these Text Amendments.

Ms. Mary Page, Scott District, stated that she supports these Text Amendments.

Mr. Chuck Medvitz, Scott District and representing the Citizens for Fauquier County, stated that the Committee strongly supports these Text Amendments and that these Amendments correct many errors that have been made in the past.

Dr. Kitty Smith, Marshall District, stated that she supports both Text Amendments and that these Amendments have been in the works for many years and she would support approval of both.

Ms. Hope Porter, Marshall District, stated that she supports the Text Amendments.

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 on item 13b and 13c, with the public hearing left open.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000

Mr. Meadows stated that items 13d, item 14 and item 15 will be heard concurrently as well.

14. **COMPREHENSIVE PLAN AMENDMENT**

- **CPAM08-MA-006** - Amendment to the Comprehensive Plan Chapter 6 – Service Districts –Marshall Service District Plan to re-designate approximately 26 acres, currently designated as Low-Density Residential (1-3 units per acre), to Mixed Use on the Marshall Land Use Plan. Properties are located northeast of Winchester Road (Business Route 17) and south of the Norfolk-Southern rail line, Marshall District (PIN 6969-97-2278-000, 6969-98-4109-000, 6969-98-5472-000, 6969-97-0217-000, 6969-88-9632-000, 6969-98-1750-000, 6969-87-8431-000)

15. **REZONING**

- **REZN08-MA-006** – to rezone approximately 25 acres from Residential-4 (R-4) to Marshall Gateway Special District (MG) to allow commercial and institutional uses and residential uses in the general residential density range of up to 6 units per gross acre or to Commercial Village (CV) to allow commercial and institutional uses. The area is currently planned as Low Density Residential (1-3 units per acre) in the Marshall Land Use Plan of the Comprehensive Plan. The property is located northeast of Winchester Road (Business Route 17) and north of Route 66, Marshall District. (PIN 6969-97-2278-000, 6969-98-4109-000, except the portion of 6969-98-4109-000 currently zoned C2, 6969-98-5472-000, 6969-97-0217-000)

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

Mr. Meadows opened the public hearing.

Mr. James Downey, representing Goose Pond Grove, stated his client is in the middle of processing a site plan and wants assurance that this is an up zoning and not a down zoning.

Dr. Kitty Smith, Marshall District, stated that adding a Mixed Use District on the edge of the Marshall Service District is too much for this area. She continued that this Ordinance needs to be streamlined and clarified to state exactly what and where development can take place. Dr. Smith also stated that she does not disagree with the changes to the Comprehensive Plan and appreciates that the Comprehensive Plan is an ever changing document, but would suggest that the proposed map be more informative for the public. She continued that she is concerned that the Rezoning is being sponsored by the County, and that it lacks a traffic impact analysis and stormwater management study. She suggested that the Planning Commission take time and consideration before voting on the rezoning.

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

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

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 8:58 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.