

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JULY 31, 2008**

The Fauquier County Planning Commission held its regular meeting on Thursday, July 31, 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; and Mr. Jim Stone. Also present at the meeting were Mr. Kevin Burke, Mrs. Susan Eddy, Ms. Holly Meade; Ms. Kim Johnson, Mrs. Paulette Dolan, Ms. Kimberley Fogle, and Mrs. Rebecca Kellert. Member absent was Mr. Larry Kovalik.

1. **APPROVAL OF MINUTES** – May 29, 2008 and June 26, 2008

Mr. Stone, seconded by Ms. Garreau, moved to approve the minutes for May 29, 2008, as amended.

The motion carried unanimously.

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to postpone consideration of the June 26, 2008 minutes until the next regularly scheduled meeting.

The motion carried unanimously.

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

- Initiation of a Text Amendment to Section 9-11 (Eighteen Month Limitation) and Section 9-12 (Plans, Profiles and Specifications) of the Subdivision Ordinance to Change the Eighteen Month Limitation for Preliminary Plats.

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

For the purposes of good zoning and subdivision practices, as well as public general welfare, on motion made by Ms. McCarty and seconded by Mr. Stone, it was moved to initiate a text amendment to Section 9-11 (Eighteen Month Limitation) and Section 9-12 (Plans, Profiles and Specifications) of the Subdivision Ordinance to Change the Eighteen Month Limitation for Preliminary Plats.

The motion carried unanimously.

3. **PRELIMINARY PLAT EXTENSIONS**

- a. **PPLT06-LE-025 – Priscilla A. Craig (Owner)/Christopher Consultants (Applicant) – Craig Property** – Applicant wishes to obtain a six month extension of a previously approved Preliminary Plat to extend the expiration date to November 9, 2008. The property, which is in the Bealeton Service District, is located at 6658 Catlett Road (Route 28) across from Edgewood Drive (Route 1120), Lee District. (PIN# 6889-63-5498-000)

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

On motion made by Mr. Meadows and seconded by Ms. McCarty, it was moved to approve the extension.

The motion carried unanimously.

- b. **PPLT06-LE-006 – Monument Development-14, LC (Owner)/Revere Development Company (Applicant) – Revere Woods** – Applicant wishes to obtain a six month extension of a previously approved Preliminary Plat to extend the expiration date to January 13, 2009. The property is located south of Lucky Hill Road (Route 656) at the end of Piney Lane, Lee District. (PIN# 6887-46-8038-000 and 6887-46-2019-000)

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

On motion made by Mr. Meadows and seconded by Ms. McCarty, it was moved to approve the extension.

The motion carried unanimously.

4. **PRELIMINARY PLAT**

- **PPLT08-MA-002 – The California House Investment Company, LLC (Owner/Applicant) – California House** – Applicant wishes to subdivide approximately 11.93 acres into five (5) lots. The applicant is also requesting a waiver of Subdivision Ordinance Section 10-6 (WVRP08-MA-009) in order to combine the Final Construction Plan and Preliminary Plat. The property is located on the east side of Fenny Hill Road (Route 816) north of its intersection with Sage Road, Marshall District. (PIN# 6030-68-5377-000)

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

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

The motion carried unanimously.

5. **SPECIAL EXCEPTION**

- **SPEX08-CR-023, SPEX08-CR-024 & SPEX08-CR-025 – Poplar Springs, LC (Owner/Applicant) – Poplar Springs Inn** – Applicant wishes to obtain a Category 7 Special Exception to allow for the operation of an existing restaurant, a Category 9 Special Exception to allow for the operation of an existing resort and a Category 20 Special Exception to allow for a sewage treatment facility. The property is located southeast of the intersection of Casanova Road (Route 616) and Rogues Road (Route 602), Cedar Run District. (PIN# 7902-81-0330-000)

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

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.

The motion carried unanimously.

6. **SUBDIVISION ORDINANCE WAIVER**

- **WVRP08-CT-015 – Millennium Bank, NA, (Owner/Applicant) – Cedar Mill** - Applicant wishes to obtain a modification to Section 9-11 of the Subdivision Ordinance to allow the Preliminary Plat to remain active for an additional two years beyond the expiration date of January 13, 2009. The property is located at the intersection of Atlee Road (Route 674) and Frytown Road (Route 674) and Academy Road (Route 678), Center District. (PIN# 6994-27-7561-000, 6994-26-8780-000, 6994-37-4250-000, and 6994-36-7932-000)

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

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

The motion carried unanimously.

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

No comment.

b. **TRANSPORTATION COMMITTEE AGENDA**

Ms. Garreau stated that the complete Statewide Rail Plan, which contains issues that will impact the County, is available for review at www.drpt.gov. Ms. Garreau further stated that the draft resolution will be presented to the Board of Supervisors at its next meeting.

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

9. **ANNOUNCEMENTS**

Mr. Meadows stated that citizens may speak for three (3) minutes.

Mr. Meadows also stated that Items 13b and 13c would be considered together.

10. **CITIZENS' TIME**

No one spoke.

11. **SPECIAL EXCEPTIONS**

- a. **SPEX08-CT-026 – L & J Realty Limited Partnership (Owner)/Gramm Real Estate Investments, LLC (Contract Purchaser)/Safford Chrysler-Jeep-Dodge of Warrenton (Applicant)** – Applicant wishes to obtain approval for additional signage for an automobile dealership. The property is located at 7308 Cedar Run Drive, Center District. (PIN# 6995-10-1846-000)

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

Mr. Meadows opened the public hearing.

Mr. Ken Shepard, Cedar Run District, spoke in support of the approval of this application. Mr. Shepard stated that a car dealership needs to be seen.

Mr. Todd Benson, Piedmont Environmental Council, stated that he is opposed. He stated that a car dealership is a destination business. Mr. Benson stated that the public will perform research for the business they are looking for and then contact the business for directions. Mr. Benson stated that this business is 300 feet off Route 29 and the business entrance is off Cedar Run Drive. Mr. Benson stated that a larger sign for this business off Route 29 could possibly allow other businesses to make the same type of request.

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

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 approval.

The motion failed in that there was a tie vote, as follows:

AYES: Mr. Meadows, Mr. Stone

NAYS: Ms. McCarty, Ms. Garreau

ABSTENTION: None

ABSENT: Mr. Kovalik

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to forward this application to the Board of Supervisors with no recommendation.

The motion failed in that there was a tie vote, as follows:

AYES: Mr. Meadows, Mr. Stone

NAYS: Ms. McCarty, Ms. Garreau

ABSTENTION: None

ABSENT: Mr. Kovalik

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

The motion carried 3 – 1, as follows:

AYES: Ms. Garreau, Ms. McCarty, Mr. Stone

NAYS: Mr. Meadows

ABSTENTION: None

ABSENT: Mr. Kovalik

- b. **SPEX08-LE-027 – D.C. Diamond Corporation (Owner/Applicant) – Remington Business Park Water Storage Tank** – Applicant wishes to obtain a Category 20 Special Exception to allow for an aboveground water storage tank. The property is located on James Madison Highway (Route 15/29), south of Lucky Hill Road (Route 655), Lee District. (PIN# 6888-37-4051-000)

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

Mr. Meadows opened the public hearing.

Mr. Chuck Floyd, Carson Ashley representative, spoke in support of this application. Mr. Floyd stated that this request complies with the Comprehensive Plan. He stated that this will be the third tank in Remington and, at 185 feet, is the same height as the other two tanks. It meets the water storage elevation for the fire code.

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

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

The motion carried unanimously.

12. **REZONING/SPECIAL EXCEPTION**

- **REZN08-SC-003 & SPEX08-SC-018 – Larry & Nancy Terry and Christopher & Rhianna Hahn (Owners)/Brimar Enterprises, LLC (Applicant) – Riley Road Retail** – Applicant wishes to rezone approximately 6.71 acres from Residential – 1 (R-1) to Commercial – 2 (C-2). Applicant is also requesting a Category 12 Special Exception to allow for a shopping center over 50,000 square feet with three drive-through facilities. The property is located at the intersection of Lee Highway (Route 29/211) and Riley Road (Route 676), Scott District. (PIN# 7916-14-6710-000, 7916-14-3299-000 and 7916-14-5477-000)

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

Mr. Meadows opened the public hearing.

Mr. Mark Cross, Scott District, stated that he is strongly opposed. He stated it is not needed or wanted.

Ms. Amy Trotto, Scott District, stated that she is opposed. She stated that traffic will significantly impact the project and the drive-through will overpower the pedestrian friendly shopping center.

Mr. Chuck Medvitz, Scott District, stated that he is opposed. He stated that he was on the New Baltimore Planning Committee the years of 1998-1999 and 2006-2007 and that this committee compiled a list of acceptable commercial uses, which was included in the Comprehensive Plan. The term shopping center does not appear in this plan.

Mr. David Blake, Scott District, stated that he is opposed. He stated concerns about the Hallowed Ground and that federal funds could be available for preservation projects.

Ms. Helen Ford, Scott District, stated that she is concerned about the increase of traffic congestion, increase of taxes and increase of pollution.

Mr. Paul Gauthier, representing Mr. Ernest A. Findley Sr., Scott District, supports the project as a first step in meeting service district goals as long as Brimar Enterprises, LLC continues to agree to situate the proposed public road along the boundary of the Findley property, thereby providing access to Riley Road for Mr. Findley.

Ms. Shawn Pierce, Scott District, stated that she is opposed. She is representing her family farm, and stated that everything along Route 29 has changed but the road itself has not changed.

Mr. Vern Torney, Traffic Consultant, stated that a traffic study has been done in this area.

Mr. Tim Vaughan, representative, stated that they plan to build an access road for the neighborhood. Mr. Vaughan stated this would be safer for the surrounding neighborhood citizens to enter the shopping center instead of taking Route 29.

Mr. James Rohr, Scott District, stated that he questions whether Fauquier County knows if a stop light will be required. Mr. Rohr stated that this should be considered because it would make a big difference in traffic flow.

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to postpone action for up to 90 days, at the applicant's request, with the public hearing left open.

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 report, a copy of which is attached to and made part of these official minutes.

Mr. Meadows opened the public hearing.

Mr. Chuck Floyd, Carson Ashley, stated that this ordinance has grown into regulating boundary line adjustments and family transfers. Mr. Floyd does not feel that these items need to be regulated as he does not think there is a problem.

Mr. Merle Fallon, Cedar Run District, stated that this ordinance is going to cause problems for the county and citizens to use their land in a reasonable manner. Mr. Fallon stated that this ordinance needs to be simplified.

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

Items 13b & 13c

- 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 opened the public hearing.

Mr. Mike Zarudzki, Cedar Run District, stated that he is opposed. Mr. Zarudzki stated that he has Dominion on one side of his land trying to build a power line and now he has Fauquier County trying to take land away from him.

Ms. Betty Wheaton, Marshall District, stated that she is opposed. Ms. Wheaton feels that this amendment is a downsizing of citizens' property.

Ms. Jeanette Heath, Scott District, stated that she is opposed. Ms. Heath would like to know the percent of land that would be affected in this amendment.

Mr. Ziba Dearden, Cedar Run District, stated that he is opposed. Mr. Dearden stated his concern is that his taxes will not decrease and thinks the tax rate could be increased. Mr. Dearden is concerned that he would be paying the same amount of money even though the value of his property would go down.

Mr. Morgan Ott, III, Lee District, stated that he is opposed. Mr. Ott feels this is not about speculation, conservation or the protection of resources. He is also concerned where the county will get money to pay for the lawsuits that could arise if this amendment is passed.

Mr. Bob Sowder, Cedar Run District, stated that he is opposed. Mr. Sowder stated that many people in the county have invested in their farm land for retirement purposes and that could be taken away if this amendment is approved.

Ms. Madge Eicher, Marshall District, stated that she is opposed. Ms. Eicher stated that this is a greedy land grab.

Mr. Frank Ott, Lee District, stated that he is opposed. Mr. Ott feels that if this ordinance is passed, it will take land away from citizens and their children.

Ms. Donna Grove, Cedar Run District, stated that she is opposed. Ms. Grove feels that if Fauquier County does anything to make the conservation easements less attractive by eliminating density credits, farmers will find the Purchase of Development Rights (PDR) program no longer affordable and land will be sold to the highest bidder.

Mr. Harold Hiner, Marshall District, stated that he is opposed. Mr. Hiner states that if this amendment is passed that Fauquier County's land will not be worth anything.

Mr. John King, Cedar Run District, stated that he is opposed. Mr. King is concerned about the cost of this proposal and feels this is a bad idea.

Mr. Dan Frazier, Lee District, stated that he is opposed. Mr. Frazier feels that Fauquier County should be concerned about cutting spending back and feels he is being robbed by the County.

Mr. Gary Cordova, Cedar Run District, stated that he is opposed. Mr. Cordova feels that wetlands need to be studied more.

Mr. Robert Grove, Cedar Run District, stated that he is opposed. Mr. Grove feels that if Fauquier County truly desires to account directly for floodplains and steep slopes, they should concurrently eliminate the sliding scale and return to 10 acre zoning density.

Mr. Jack Queen, Marshall District, stated that he is opposed. He performed a demonstration by bringing in four different samples of soil, one of which was from a steep slope.

Mr. Harold Mullins, Lee District, stated that he is opposed. Mr. Mullins stated that if this amendment is passed it will cause big problems.

Mr. Robert Taylor, Lee District, stated that he is opposed. Mr. Taylor stated there is the sliding scale and that this is just a tool for downzoning.

Ms. Jan Wiley, Cedar Run District, stated that she is opposed. Ms. Wiley stated that more studies need to be done.

Mr. Henry Fletcher, Marshall District, stated that he is opposed. Mr. Fletcher stated that farmers have had to adjust to a lot just within the last two years and they cannot adjust to this.

Mr. Garland Heddings, Cedar Run District, stated that he is opposed. Mr. Heddings stated that there are a lot of restrictions on what he can do with his land and he feels that he should not have to pay someone else to see what kind of soil he has.

Mr. Barry Kramer, Marshall District, stated that he is opposed. Mr. Kramer expressed concern about the expense this proposed text amendment will create for property owners.

Mr. Clint Williams, Jr., Cedar Run District, stated that he is opposed. Mr. Williams stated this is a questionable proposal and it will limit property owner's rights.

Ms. Cathy Godfrey, Cedar Run District, stated that she is opposed. Ms. Godfrey stated that she does not need her neighbors telling her what to do with her land.

Mr. Carl Welch, Cedar Run District, stated that he is opposed. Mr. Welch stated that this is downzoning and it will affect him and his wife.

Ms. Helen Ford, Scott District, stated that everyone should be able to build with density permitting and everyone needs to be fair.

Mr. Fred Duca, Marshall District, stated that he is opposed. Mr. Duca stated that he is disturbed that this proposal is marching forward even though there is overwhelming opposition by the public.

Mr. Chuck Medvitz, Scott District, stated that he supports the continued work on the proposal.

On motion made by Ms. Garreau, it was moved to postpone action on Items 13b and 13c, with the public hearing left open until the September 25, 2008 meeting.

In that there was no second, the motion failed.

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to close the public hearing.

The motion carried 3 – 1, as follows:

AYES: Mr. Stone, Ms. McCarty, Mr. Meadows

NAYS: Ms. Garreau

ABSTENTION: None

ABSENT: Mr. Kovalik

On motion made by Ms. McCarty and seconded by Mr. Meadows, it was moved to forward Item 13b to the Board of Supervisors with a recommendation of denial.

The motion carried 3 – 1, as follows:

AYES: Mr. Stone, Ms. McCarty, Mr. Meadows

NAYS: Ms. Garreau

ABSTENTION: None

ABSENT: Mr. Kovalik

On motion made by Ms. Garreau, it was moved to forward Item 13c to the Board of Supervisors with a recommendation of approval.

In that there was no second, the motion failed.

On motion made by Mr. Stone and seconded by Ms. McCarty, it was moved to forward Item 13c to the Board of Supervisors with a recommendation of denial.

The motion carried 3 – 1, as follows:

AYES: Mr. Stone, Ms. McCarty, Mr. Meadows

NAYS: Ms. Garreau

ABSTENTION: None

ABSENT: Mr. Kovalik

In that there was no further business, the meeting adjourned at 8:50 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.