

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
SEPTEMBER 25, 2008**

The Fauquier County Planning Commission held its regular meeting on Thursday, September 25, 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. Jim Stone; and Mr. Ken Alm. Also present at the meeting were Ms. Tracy Gallehr, Mrs. Susan Eddy, Ms. Kimberly Johnson, Ms. Melissa Dargis, Ms. Holly Meade, Mr. Andrew Hushour, Ms. Kristen Slawter, Mrs. Fran Williams, and Mrs. Rebecca Kellert.

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

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to approve the minutes for August 28, 2008.

The motion carried unanimously.

2. **RESOLUTION OF APPRECIATION FOR LARRY KOVALIK**

Mr. Meadows presented the following Resolution of Appreciation to Mr. Larry Kovalik. This item was postponed from August 28, 2008.

***Resolution of Appreciation
Larry Kovalik***

Adopted at the regular meeting of the Fauquier County Planning Commission, held in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on Thursday, August 28, 2008.

WHEREAS, Larry Kovalik has served as the Center District representative on the Fauquier County Planning Commission with distinction from March 2006 until August 2008; and

WHEREAS, Larry Kovalik also served as the Planning Commission representative on the Fauquier County Transportation Committee from March 2007 until January 2008; and served as the Planning Commission representative on the Fauquier County Pedestrian Bicycle and Greenway Advisory Committee from March 2008 until August 2008; and

WHEREAS, Larry Kovalik has a long record of citizen involvement in planning having served on the Warrenton Service District Plan Citizen Planning Advisory Committees from 2001-2003 and 2004-2005; and

WHEREAS, Larry Kovalik held a strong commitment to understanding complex planning issues in order to make educated, informed decisions to enhance the environment and quality of life for all Fauquier County citizens; and

WHEREAS the Planning Commission, on behalf of the citizens of Fauquier County, wishes to express its profound appreciation for his service to the citizens of Fauquier County; now therefore

BE IT RESOLVED, that the Fauquier County Planning Commission, by this Resolution, does hereby express its appreciation to Larry Kovalik for his significant contribution to the County; and to commend him for outstanding service to the citizens of Fauquier County; and

BE IT FURTHER RESOLVED, that this Resolution be placed within the minutes of the Planning Commission in recognition of Larry Kovalik's distinguished service to Fauquier County.

3. **ZONING ORDINANCE TEXT AMENDMENTS**

Items 3a & 3b

- a. Initiation of a Zoning Ordinance Text Amendment to Article 2 to require additional setbacks from floodplain district boundaries in the RA and RC Rural Districts
- b. Initiation of a Zoning Ordinance Text Amendment to Article 2, Article 3, and Article 5 to require a Special Exception for development on Steep Slopes

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

Ms. Johnson stated that during the Work Session it was decided to separate these two initiations into the following six items:

1. Revisions to Article 2 to clarify that environmentally sensitive lands, including steep slopes and floodplains, are required to be located within non-common open space parcels in the RA/RC zoning districts.
2. A requirement of a buffer in non-common open space in the RA/RC zoning districts that would be triggered by development of a parcel.
3. A requirement that floodplain be located in open space in divisions where there is an open space requirement.
4. A requirement for an increased setback from floodplains for residential development in the RA/RC zoning districts.

5. A restriction on development in steep slopes in the RA/RC zoning districts with the exception of one house with special construction standards to protect steep slopes.
6. A requirement that new lots created in the RA/RC zoning districts include an area of non-steep slopes to locate a house.

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. Stone and seconded by Ms. McCarty, it was moved to initiate the above listed six text amendments to the Zoning Ordinance.

The motion carried unanimously.

Item 3c

- c. Zoning Ordinance Text Amendment to Section 8-1401 of the Fauquier County Zoning Ordinance to allow the off-site location of subdivision signs

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

Mr. Meadows stated that the public hearing was closed on August 28, 2008.

On motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to forward this Zoning Ordinance text amendment to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

4. **PRELIMINARY PLAT**

- **PPLT09-CR-002, WVRP09-CR-003 & WVRP09-CR-004 – Stanley C. & Mildred W. Haworth, Trustees (Owners/Applicants)** – Applicants wish to subdivide approximately 309.9 acres into two (2) lots. Applicants are also requesting a waiver of Subdivision Ordinance Section 10-6 to allow for the Preliminary Plat and Construction Plan to be combined; and a waiver of Subdivision Ordinance Section 9-5.B.33 U.S. Army Corps of Engineers Jurisdictional Determination. The property is located on the north side of Beach Road (Route 616), Cedar Run district. (PIN #6982-84-8395-000)

Ms. Dargis 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 Ms. McCarty, it was moved to forward this application to the Board of Supervisors with a recommendation of approval with conditions.

The motion carried unanimously.

5. **PRELIMINARY PLAT AMENDMENT**

- **PPAM07-LE-002 – Remland, LLC (Owner/Applicant) – The Meadows of Remington Phase 2, Sections 3-6** – Applicant wishes to amend a previously approved Preliminary Plat to reduce the amount of lots from one hundred forty-eight (148) to one hundred thirty-three (133). The property is located on the north side of Lucky Hill Road (Route 655), Lee District. (PIN #6887-68-2679-000 and 6887-28-3220-000)

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 Mr. Stone, it was moved to forward this application to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

6. **POSTPONEMENT OF PUBLIC HEARINGS UNTIL DECEMBER 10, 2008 FOR THE FOLLOWING:**

- a. Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000
- b. **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, and 6969-87-8431-000)
- c. **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. (The property to be rezoned is also identified as PIN #6969-97-2278-000, 6969-98-5472-000, 6969-97-0217-000, and 6969-98-4109-000 less and except the approximately 9-acre portion of PIN #6969-98-4109-000 currently zoned C-2)

Postponed.

7. **BOARD OF ZONING APPEALS AGENDA**

No comment.

8. **TRANSPORTATION COMMITTEE AGENDA**

Ms. Garreau stated that a guest speaker, Mr. John Hutchinson will give a presentation to the Transportation Committee on October 29, 2008 regarding battlefield management.

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

9. **THE PLEDGE OF ALLEGIANCE**

10. **ANNOUNCEMENTS**

Mr. Meadows stated that Item 15 on the agenda would become Item 14b and Item 14b would become Item 15.

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

11. **CITIZENS' TIME**

No one spoke.

12. **UPDATE TO THE FAUQUIER COUNTY PROFFER POLICY FOR RESIDENTIAL ELEMENTS OF REZONING APPLICATIONS TO ADD THE ANIMAL SHELTER**

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

Mr. Meadows opened the public hearing.

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

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 approval.

The motion carried unanimously.

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

Zoning Ordinance Text Amendment to Sections 3-312 and 5-1200 to allow up to 100,000 square feet of total square footage, subject to specific standards, within a retail/shopping center in the C-1 District with approval of a Special Exception.

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. Charles Ebbets, Center District, stated that he is in favor and feels that allowing up to 100,000 square feet within a retail/shopping center in the C-1 zoning district would be an improvement.

Mr. James Downey, representative, stated that he is in favor. He stated that this text amendment is a step in the right direction.

Mr. Chuck Medvitz, Scott District, stated that he has significant concerns when an ordinance is changed based on specific applications (i.e., Suffield Meadows and Costco) and urged the Planning Commission to look at the definition of “Neighborhood Commercial” and apply it.

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

On motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to postpone action up to 90 days with the public hearing left open.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

- a. **SPEX09-CR-001 – Trenis, Inc. (Owner/Applicant) – Trenis Exxon –**
Applicant wishes to obtain approval for additional signage for a service station. The property is located at 3388 Catlett Road, Cedar Run District. (PIN #7922-85-9592-000)

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. William Russell, Sr., applicant, requested positive consideration of this application.

Mr. Chuck Medvitz, Scott District, stated that the applicant does not meet the standards. He stated that the applicant has constantly been in violation of the existing ordinance.

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

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.

Ms. McCarty expressed concern that the site is currently in violation of the Zoning Ordinance regarding sign standards.

Ms. Garreau stated that she is comfortable with a 1-year expiration date for this special exception since a new sign ordinance will be adopted by then.

Mr. Alm stated that he is comfortable with recommending approval with a 1-year expiration date.

Mr. Meadows stated that this business has been in operation since 1866 and he is glad this is the first business you see when you come into Fauquier County on Catlett Road (Route 28).

The motion carried 4 to 1 vote, as follows:

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

NAYS: Ms. McCarty

ABSTENTION: None

ABSENT: None

SPECIAL EXCEPTION/SPECIAL PERMIT

- b. **SPEX09-SC-006 & SPPT09-SC-007 – Fairview Farm, LTD (Owner)/Meadows Farms Nursery (Applicant) – Meadows Farms Nursery** – Applicant wishes to obtain a Category 23 Special Exception to allow for the display of materials in the 100-year floodplain. Applicant is also requesting a Category 18 Special Permit to allow for the continued operation of a retail nursery in the Rural Agricultural (RA) zoning district. The property is located at 5020 Lee Highway (Route 15/29), Scott District. (PIN #7906-74-8395-000)

Ms. Dargis 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. Bob Counts, representative, requested a deferral until next month's meeting. He also stated that the sign, which is currently in violation, will be taken care of prior to the next meeting.

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

On motion made by Ms. Garreau and seconded by Mr. Stone, it was moved to postpone action until the next regularly scheduled meeting at the applicant's request with the public hearing closed.

The motion carried unanimously.

15. **SPEX09-CR-002, SPEX09-CR-003, SPEX09-CR-004 & CCRV09-CR-002 – Fauquier County Board of Supervisors (Owner/Applicant) – Safety Training Facility & Outdoor Firing Range** – Applicant wishes to obtain a Category 5 Special Exception to allow for an outdoor technical school; a Category 11 Special Exception to allow for a public safety facility; and a Category 20 Special Exception to allow for an aboveground water storage facility. 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 on the west side of Green Road (Route 674), Cedar Run District. (PIN #6982-98-7086-000; 6982-97-5456-000; and 6983-81-0145-000)

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.

Chief Philip Myer, Department of Fire & Rescue & Emergency Services, stated that burns would typically take place in the months of March, April, May, October, November, and early December. The maximum use of the burn building would be 60 days per year.

Lt. Col. Dave Flohr, Sheriff's Office, stated that the firing range will be used no more than 30 days per year with no weekend shooting. He stated that there would be four nighttime shooting trainings per year, but all training will be done by 9:00 p.m. He stated that training dates would be posted on the Sheriff's website.

Mr. Frank Hellwig, Cedar Run District, stated that he is opposed because traffic is already a problem on Green Road.

Mr. Tom Schmitt, Cedar Run District, stated that he is opposed. He stated that while he is thankful for the efforts of Emergency Services, he feels the zoning is not correct for this type of facility.

Ms. Marcia Whitmore, Cedar Run District, stated that she is opposed. She stated that this is in violation of the zoning code. She is concerned about the ground water being contaminated and wants to know which other sites have been considered.

Ms. Lee Ann Smith, Cedar Run District, stated that she is opposed. She stated that she appreciates the first responders on emergency calls. However, she does not feel this is the proper location. She is also concerned about the effect this facility might have on nearby livestock.

Ms. Sandi Stammler, Cedar Run District, stated that she is opposed to this location.

Dr. Etta Agan Bradecamp, Marshall District, stated that she is opposed. She stated that as a veterinarian she has several clients on Green Road. She stated that she is concerned about the livestock's health and the stress they will endure from the noise.

Ms. Brenda Bryans, Center District, stated that she is opposed due to the stress that the horses will endure. She stated that this will not be like hunting season when they hear approximately 12 shots per year.

Mr. Ken Anderson, Cedar Run District, stated that he is opposed to the location of this facility. He stated that property in all three counties (Fauquier, Rappahannock, and Culpeper) should be considered. He also stated that a special exception for a shooting range is missing from the application.

Ms. Carol Childs, Cedar Run District, stated that she is opposed. She stated that proper due diligence was not done in selecting this location.

Mr. Mike Mason, Cedar Run District, stated that he is opposed because of the current financial situation facing the County. He stated that now is not the right time to spend money.

Mr. Jonathan Whichard, Center District, stated that he is opposed. He stated that he is concerned about spending such a large amount of money for 30 days of shooting per year. He recommended other sites be considered like Clark Brothers, Quantico, or Manassas Park. He also stated that the proposed training facility could have negative effects on the Journey Through Hallowed Ground project.

Colonel Rick Stammer, Cedar Run District, stated that he is opposed and feels the proposed site is too small. He stated that he is a hypnotherapist and feels that this proposed facility would have a negative impact on his clients. He is also concerned about his granddaughter who is autistic and visits his home, as well as how this facility would affect wildlife in the area.

Mr. Will Green, Cedar Run District, stated that he is in favor. He stated that a child died in a house fire four years ago. He feels that if firefighters have more training, it could result in fewer fatalities. He also stated that he supports police officers in training as well.

Mr. David McAlister, Marshall District, stated that he is opposed. He stated that Fauquier County is planning on making money from other counties using this facility.

Ms. Natalie Ortberg, Cedar Run District, stated that she is opposed. She stated that many citizens have creative ideas and would like to see everyone sit down to discuss other options.

Mr. Jessie Doyle, Cedar Run District, stated that he is opposed. He stated that he considers this project to be a waste of time and is concerned about future special exceptions.

Ms. Peggy Christensen, Cedar Run District, stated that she is opposed because there is currently a great deal of noise from traffic.

Ms. Kelley Mullikin, Scott District, stated that she is opposed. She stated that she boards her horses on Green Road and is concerned about the impact this facility would have on them.

Mr. Hearlie Hendricks, Cedar Run District, stated that he is in favor and that he would be happy to have the facility near his home.

Scott Hook, Esquire, representative, stated that other locations should be considered for this facility and more due diligence should be done.

Ms. Linda George, Cedar Run District, stated that she is opposed. She stated that this facility should not be on Green Road because it is too narrow. She recommends that the road off Route 29 be used if the facility is approved.

Mr. Jim Kendrick, Cedar Run District, stated that he is opposed. He stated that Green Road is very clean and he enjoys walking on the road.

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

Mr. Stone stated that he has been to the site. He stated that in regard to the land use issue, the applicant is in conformance. He stated that traffic on Green Road will not be substantially greater if the training facility is opened. He stated that based on a preliminary test, noise will be barely audible at property lines and smoke will be non-toxic.

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.

Ms. Garreau stated that this is not a done deal and the Planning Commissioners are listening to what citizens have to say. She stated that several good points were raised and more information needs to be heard from the other two counties involved. She stated that more due diligence needs to be done.

Mr. Alm stated that he has been to the site. He stated that he would like to see the burn site moved further back than proposed. He would also like to see a different entrance if the hours of operation will grow in time. He stated that he would like to look at the long term solution. He also expressed concern about the quality of life for the surrounding neighbors of this proposed site.

Ms. McCarty stated that she agrees this is the best location, but would like to work on this longer.

Ms. Garreau stated that she agrees with Ms. McCarty. She also expressed concern about how this will impact the neighborhood.

Mr. Alm suggested that action be postponed for 30 days so that concerns raised by citizens could be taken into consideration.

Mr. Meadows stated that we are in an economic crunch. He stated that Fauquier County already owns the property and this is the best site.

The motion to recommend approval failed in that there was a 3 to 2 vote, as follows:

AYES: Mr. Meadows, Mr. Stone

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

ABSTENTION: None

ABSENT: None

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to reopen the public hearing and postpone action until the next regularly scheduled meeting.

Mr. Meadows asked that speakers at the next hearing bring new information and not just repeat what already has been said. He asked that the speakers identify other viable sites.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:59 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, Suite 305, Warrenton, Virginia, for a period of one year.