

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
OCTOBER 30, 2008**

*The Fauquier County Planning Commission held its regular meeting on Thursday, October 30, 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 Mr. Kevin Burke, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Mrs. Bonnie Bogert, Mrs. Jennifer Kilanski, Mr. Andrew Hushour, and Mrs. Rebecca Kellert.*

1. **APPROVAL OF MINUTES** – September 25, 2008

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to approve the September 25, 2008 minutes, as amended.

The motion carried unanimously.

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

- a. Initiation of Zoning Ordinance Text Amendments to Article 5, Article 13, and Article 14 regarding Planning Commission and Board of Zoning Appeals Procedures and Application Requirements

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

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate a Zoning Ordinance Text Amendment to Article 5, Article 13, and Article 14 regarding Planning Commission and Board of Zoning Appeals procedures and application requirements.

The motion carried unanimously.

- b. Initiation of Zoning Ordinance Text Amendments to Sections 5-006.5 and 12-610 related to utilization of Low Impact Development techniques with site development

Mr. Hushour 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 postpone action on this initiation.

The motion carried unanimously.

- c. Initiation of Subdivision Ordinance Text Amendment to Section 4-1 to require plats not under subdivision control to be submitted to the Subdivision Agent for verification that the plat is not a subdivision

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

For purposes of good subdivision practice, convenience, as well as public general welfare, on motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to initiate a Subdivision Ordinance Text Amendment to Section 4-1 to require plats not under subdivision control to be submitted to the Subdivision Agent for verification that the plat is not a subdivision.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **PPLT07-MA-012 & WVRP09-MA-005 – Ali Moshari (Owner)/Paul MacMahon (Applicant) – Tiffany Subdivision** – Applicant wishes to subdivide approximately 6.51 acres into six (6) lots. Applicant is also requesting a waiver of Subdivision Ordinance Section 4-11.A.1 to waive the requirement to provide central water. The property is located on the west side of Rectortown Road (Route 710), Marshall District. (PIN #6060-51-9615-000)

Postponed by applicant.

- b. **PPLT08-MA-004 – Goose Pond Grove, LTD (Owner/Applicant) – Goose Pond Grove** – Applicant wishes to subdivide approximately 23.15 acres into sixty-eight (68) lots. The property is located on the northeast side of Winchester Road (Route 17) north of its intersection with Route 66, Marshall District. (PIN #6969-97-2278-000, 6969-98-5472-000 and a portion of 6969-98-4109-000)

Postponed by applicant.

- c. **PPLT09-MA-003 – Ali Moshari (Owner/Applicant) – Stonewall Hill Subdivision** – Applicant wishes to subdivide approximately 3.61 acres into three (3) lots. The property is located on Rokeby Road (Route 623), east of Delaplane Grade Road (Route 712), Marshall District (PIN #6041-87-6190-000)

Mrs. Bogert 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 subject to revised conditions.

The motion carried unanimously.

4. **SPECIAL EXCEPTION/SPECIAL PERMIT**

• **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)

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

On motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to forward these applications to the Board of Supervisors with a recommendation of approval subject to the existing conditions, with Condition #4 stating “The display of rock shall be set back forty (40) feet from the property line (this includes the required 20-foot buffer per Zoning Ordinance Section 7-604.3.i.2).”

Mr. Meadows stated that, for the record, he would support the 30-foot setback regarding Condition #4.

The motion carried unanimously.

5. **RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION – OVERVIEW OF THE RURAL LONG RANGE TRANSPORTATION PLAN**

Mrs. Eddy introduced Mr. Chris Mothersead, Planning Director for the Town of Warrenton and the Chairman for the Rappahannock-Rapidan Regional Commission Transportation Technical Committee. He spoke about the development of a regional plan for the rural areas. He then introduced Mr. Joe Springer, who is with the consulting firm Parsons. Mr. Springer presented information and the time frame about this plan. He then introduced Ms. Harriet Parcells, who presented demographic and transportation trends in the area.

6. **BOARD OF ZONING APPEALS AGENDA**

No comment.

7. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

***Public Hearings***

***7:00 P.M.***

***Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia***

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

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

10. **CITIZENS' TIME**

No one spoke.

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

- a. Zoning Ordinance Text Amendment to Section 2-406 to restructure and clarify existing provisions related to non-common open space

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

Mr. Meadows opened the public hearing.

Merle Fallon, Esquire, Cedar Run District, stated that the advertisement of the text amendment was to restructure and clarify the existing regulations. He stated that this is misleading.

Ms. Betty Wheaton, Marshall District, stated that she is opposed. She stated that this text amendment is downzoning of land.

Ms. Madge Eicher, Marshall District, stated that she is opposed. She stated this is downzoning and feels this is wrong. She stated that most people do not know this meeting is occurring.

Mr. Jack Queen, Marshall District, stated that he is opposed. He stated that he spoke in opposition on two previous occasions. He noted that Harris Teeter, is currently being built on a steep slope in the Town of Warrenton.

Mr. Henry Fletcher, Marshall District, stated that he is opposed. He stated that he was not notified properly.

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

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 2-406 to require 100-year floodplain and steep slopes to be placed within common open space in developments where common open space is required

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

Mr. Meadows opened the public hearing.

Ms. Betty Wheaton, Marshall District, stated that she is opposed. She stated that this proposed text amendment is like stealing land and that some of the most famous architects have chosen steep slopes to build on.

Mr. Henry Fletcher, Marshall District, stated that he is opposed and encouraged the Planning Commission to recommend denial of this text amendment.

Ms. Madge Eicher, Marshall District, stated that she is opposed. She stated that this text amendment is not needed and it would decrease property values.

Mr. Jack Queen, Marshall District, stated that he is opposed. He stated that the idea of “slope” means different things to different people and feels that this is downzoning.

Ms. Sue Scheer, Cedar Run District, stated that she is in favor. She stated that you cannot build in floodplains anyway.

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

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to postpone action on this item to the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 2-406 to require a buffer to be established adjacent to floodplain within non-common open space in the RA/RC zoning districts

Postponed.

- d. Zoning Ordinance Text Amendment to Section 2-412 to increase the required setback from floodplain district boundaries for residential dwellings and accessory residential structures in the RA/RC zoning districts

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

Mr. Meadows opened the public hearing.

Merle Fallon, Esquire, Cedar Run District, stated that all five Zoning Ordinance text amendments should be discussed on the same schedule and not be separated.

Ms. Betty Wheaton, Marshall District, stated that she is opposed. She stated that letters were sent out in June, 2008 to notify the public but not this time.

Mr. Henry Fletcher, Marshall District, stated that he has a house and two sheds located on his property and they have never been touched by flood water even though they are near a floodplain.

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

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to postpone action on this item to the third regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

- e. Zoning Ordinance Text Amendment to Section 2-405 to require lots in the RA and RC districts to have buildable area outside of steep slopes and addition of Section 5-3000 to provide standards for building on steep slopes within the RA and RC districts

Postponed.

12. **COMPREHENSIVE PLAN AMENDMENT**

- **CPAM06-LE-005 – Donald R. Tharpe and Toll Brothers X Limited Partnership (Owners)/Donald R. Tharpe (Applicant) – Tharpe/Marsh Road Commercial** – Applicant 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 #6899-19-6609-000, 6990-10-5075-000 and a portion of 6899-29-1470-000)

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.

James Downey, Esquire, representative of the applicant, stated that it would make sense to add this acreage to the Bealeton Service District.

Dr. Kitty Smith, Marshall District, stated that she is opposed. She stated that the applicant needs to come forward with what will happen to the large lot that surrounds the proposed site. She stated that this is piecemeal planning.

Mr. Todd Benson, Piedmont Environmental Council (PEC), stated that he concurs with Dr. Kitty Smith and is concerned about how many houses, people, and buildings are required to expand a service district.

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

Mr. Meadows suggested that the applicant could remove the 50-foot strip of the property from the service district and could possibly rezone it to Village (V) in the future.

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.

A discussion ensued in which the Planning Commissioners discussed consideration of the wider service district and reviewing the companion Tharpe (Colonial Crossing) rezoning application.

The motion to recommend approval failed 3 to 2, as follows:

- AYES: Mr. Meadows, Ms. Garreau
- NAYS: Ms. McCarty, Mr. Stone, Mr. Alm
- ABSTENTION: None
- ABSENT: None

On motion made by Mr. Stone and seconded by Ms. McCarty, it was moved to postpone action on this item until the next regularly scheduled meeting on December 10, 2008, with the public hearing closed.

The motion carried 4 to 1, as follows:

- AYES: Mr. Stone, Ms. McCarty, Mr. Alm, Ms. Garreau
- NAYS: Mr. Meadows
- ABSTENTION: None
- ABSENT: None

13. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM09-CR-001 – Fauquier County Board of Supervisors (Owner/Applicant) – Warrenton-Fauquier Airport** – Applicant wishes to amend the conditions of a previously approved Special Exception which allowed for the construction and operation of a wastewater treatment disposal system. The property is located at 5053 Airport Road and Area “A” west of Midland Road (Route 610), Cedar Run District. (PIN #7900-51-6351-000 and 7809-78-6301-000)

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. Tony Hooper, Deputy County Administrator, stated that the County wants to utilize and expand the existing capacity. He stated that based on the current conditions, a drain-field is required per the Health Department.

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to postpone action on this item with the public hearing left open.

Planning Commissioners stated that they would like to look at the system and would like to talk with the Fauquier County Water and Sanitation Authority (WSA) about the cost.

14. **SPECIAL EXCEPTIONS**

- **SPEX09-CR-002, SPEX09-CR-003, SPEX09-CR-004 & CCRV09-CR-002 – Fauquier County Board of Supervisors (Owner/Applicant) – Public 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. Applicant would like to construct a burn building and other facilities for use by fire and rescue organizations and an outdoor firing range for use by local law enforcement for training and certification purposes. The aboveground water storage facility would be used to provide water for the fire and rescue training purposes. 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)

Mrs. Eddy reviewed the staff report, a copy of which is attached to and made part of these official minutes. She stated that during the work session, two additional conditions were discussed, which are stated below:

42. Landscaping shall be installed along Green Road to screen the site. This landscaping shall include the heavy planting of understory trees, evergreens, woody ornamental trees and ornamental grasses. Landscape berms should be considered as part of the site plan.
43. Six (6) feet galvanized chain link fence, or an equivalent fence as determined by the Zoning Administrator, shall be installed around the perimeter of the site before occupancy of the site.

Mr. Meadows opened the public hearing.

Mr. Willard Green, Cedar Run District, stated that he is in favor. He stated that everyone should come together to come up with positive ideas. He suggested an indoor range.

Mr. Tom Schmitt, Cedar Run District, stated that he is opposed. He stated that the County has become fixated on securing the grant and construction of this facility, regardless of the cost.

Ms. Joanne Duncan, Cedar Run District, stated that she is opposed. She stated that the landfill is contaminated and it has spread to the proposed location of the firing range. She stated that this is not a safe place for our first responders to practice.

Mr. Jessie Doyle, Cedar Run District, stated that he is opposed. He stated that the grant timeline is what is driving this application.

Mr. Bill Madigan, Cedar Run District, stated that he is opposed. He stated that toxins will make it more contaminated. He suggested Elkwood as another location.

Mr. Joseph Farsht, Cedar Run District, stated that he is opposed. He stated that the proposed site is too small and will cost the County in the long run.

Ms. Toni Shannon, Lee District, stated that she used to live on the proposed site and the County purchased it from her because it was not safe for her to live there. She asked if it was not safe for her then, how it would be safe for firefighters and deputies.

Mr. John Jaramillo, Cedar Run District, stated that he is opposed. He stated that this proposed site is in conflict with the Zoning Ordinance.

Mr. Morgan Duncan, Cedar Run District, stated that he is opposed. He stated that this project should be located in an industrial area and is concerned about the County's budget.

Ms. Marcia Whitmore, Cedar Run District, stated that she is opposed. She stated the proposed site is too small and compared this proposal to Range 82.

Ms. Laura C. Forest, Cedar Run District, stated that she is opposed. She stated that she is concerned about the health risks and the impact this proposed site will have on the surrounding farms.

Ms. Natalie Ortberg, Cedar Run District, stated that she is opposed. She stated that this is the wrong location for the proposed site. She also stated that she is concerned about the County's budget.

Ms. Carol Childs, Cedar Run District, stated that she is opposed. She stated that an alternate site should be considered, especially in the other two counties involved.

Mr. Ken Anderson, Cedar Run District, stated that he is opposed. He stated that the original proposal has been modified and conditions added but he would rather it be denied.

Ms. Sandi Stammler, Cedar Run District, stated that she is opposed. She stated that she supports the proposal but does not support the location. She stated that this will lower her property value.

Ms. Sue Scheer, Cedar Run District, stated that she is opposed. She stated that this proposal is premature and is lacking health research.

Colonel Rick Stammler, Cedar Run District, stated that he is opposed. He stated that this is the wrong location for this proposal because it is too small.

Ms. Anita Jaramillo, Cedar Run District stated that she is opposed. She expressed concerns about gun safety and the value of her property.

Ms. LeeAnn Smith, Cedar Run District, stated that she is opposed. She stated that she supports the proposal but does not support the location. She stated that she is concerned about the environment.

Ms. Mary Boaz, Cedar Run District, stated that she is opposed. She stated that she and her husband moved to this area to retire. She stated that this would disturb their retirement.

Mr. Tim Schulke, Cedar Run District, stated that he is opposed. He stated that more environmental research needs to be done.

Mr. Stone expressed his sympathy and stated that the surrounding neighborhood is beautiful. He stated that the applicant has met the criteria.

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

Ms. Garreau stated that since she has been on the Planning Commission, she has not spent more time on any other issue. She stated that Commissioners visited other facilities all around Virginia. She stated that there is a firing range in Warrenton that has been used by the local Sheriff's Office and the federal government for the past 30 years which is being occupied so often that the Sheriff's Office cannot use it like they used to. She stated that the existing firing range is a quarter mile away from Bellevue Estates which is surrounded by horse farms and there is a school within a mile of that firing range.

Mr. Alm stated he appreciates all the work that has been done. He stated that he still has concerns about the proposed site as well as the noise. He stated that the Planning Commission is an advisory board to the Board of Supervisors. He stated that the number of days used could eventually grow and it was underestimated. He stated that

the Board of Supervisors could explore a multi-county facility which could be used all the time. He suggested that State funds could be used, if available.

Ms. McCarty stated that the applicant met the criteria and the Planning Commission has spent a substantial amount of time on this application. She stated that the Planning Commission makes recommendations to the Board of Supervisors and they will make the final decision.

After discussion, on motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to forward this application to the Board of Supervisors with a recommendation of approval with Conditions 40 and 42 revised, as follows:

- 40. An alternative access through the landfill shall be considered by the applicants during the site plan process.
- 42. Landscaping shall be installed along Green Road to screen the site. This landscaping shall include the heavy planting of understory trees, evergreens, woody ornamental trees and ornamental grasses. Landscape berms along Green Road should be considered as part of the site plan.

The motion carried 4 to 1, as follows:

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

NAYES: Mr. Alm

ABSTENTION: None

ABSENT: None

15. **REZONING/SPECIAL EXCEPTIONS**

- **REZN08-LE-007, SPEX08-LE-028, SPEX08-LE-029, & SPEX08-LE-030 – James I. & Grace S. Lim and In Seok Lim (Owners/Applicants)** – Applicants wish to rezone 6.7 acres from Rural Agricultural (RA) to Commercial – Highway (C-2) and 1.56 acres from Commercial – Highway (C-2) with proffers to Commercial – Highway (C-2) with revised proffers. Applicants are also requesting three Category 13 Special Exceptions to allow for drive-throughs to accommodate a bank, restaurant, and pharmacy. The property is located at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), at 10772 Bowers Run Drive, Lee District. (PIN #6899-16-9374-000 and 6899-16-6332-000)

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.

Merle Fallon, Esquire, the applicant's representative, stated that the applicant would like to postpone action on this application until the next regularly scheduled meeting. He stated that the current proffers are unclear and difficult to enforce.

Mr. Fred Wilson, Culpeper County, stated that he is in favor. He stated that he knows the applicants very well and that this project would bring jobs to the area.

Mr. Meadows adjourned the public hearing.

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to postpone action on this application until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 9:52 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.*