

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
DECEMBER 10, 2008**

The Fauquier County Planning Commission held its regular meeting on Wednesday, December 10, 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. Adrienne Garreau, Secretary; Mr. Jim Stone; and Mr. Ken Alm. Also present at the meeting were Mr. Kevin Burke, Mr. Frederick Carr, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Ms. Holly Meade, Mrs. Melissa Dargis, Mrs. Bonnie Bogert, Mr. Andrew Hushour, and Mrs. Rebecca Kellert. Member absent was Ms. Ann McCarty.

1. **APPROVAL OF MINUTES** – October 30, 2008

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to approve the minutes for October 30, 2008.

The motion carried unanimously.

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

- a. 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 (Kimberley Johnson, Staff)

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to withdraw this text amendment.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Article 2, General Regulations, and Article 6, Accessory Uses, regarding the height and location requirements for accessory windmills. (Andrew Hushour, Staff)

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

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Article 3 and Article 5 to modify requirements and limitations in the C-1 Zoning District, to include changes to Setbacks, Addition of Use Limitations, allowing upper-story residential uses by right, and allowing up to 100,000 square feet of retail/shopping center with approval of a Special Exception. (Kimberley Johnson, Staff)

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

The motion carried unanimously.

- d. Initiation of a Subdivision Ordinance Text Amendment to Sections 9-3 and 9-4 to change the filing dates for preliminary subdivision plat from forty (40) days to sixty (60) days prior to the Planning Commission meeting. (Susan Eddy, Staff)

For purposes of good subdivision practice, convenience, as well as public general welfare, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate this text amendment to the Subdivision Ordinance.

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) (Bonnie Bogert, Staff)

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

On motion made by Mr. Meadows (in the absence of Ms. McCarty) and seconded by Ms. Garreau, it was moved to postpone action on this item until the next regularly scheduled meeting.

The motion carried unanimously.

4. **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) (Holly Meade, Staff)

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 with revised language, which is stated below.

The Planning Commission recommended approval of the Comprehensive Plan Amendment application CPAM06-LE-005 by Donald R. Tharpe, Trustee to add approximately 13 acres to the Bealeton Service District with the Planned Designation of Commercial Office/Mixed Use, moving the boundary to the northern property line of the property identified by PIN #6990-10-5075.

In order to further a hard edge boundary between the Bealeton Service District and the Village of Liberty, it further recommended that the 50-foot wide strip of the property identified by PIN #6899-29-5691, extending from the main portion of the subject property to Old Marsh Road and totaling approximately 0.6 acres, be removed from the Bealeton Service District, and that language be added as the last paragraph to the text of the Bealeton Service District Plan, under #3 Land Use Plan, a. Overall Layout, as follows:

“With the location of any development on the east side of Route 17, north of Liberty High School, a visual hard edge between the Bealeton Service District and the Village of Liberty is required. The 50-foot wide strip located one parcel north of the Service District boundary should be designated (and zoned) as Village and used only for local road, open space or other use consistent with the Village designation. The existing stand of mature evergreens along the Route 17 frontage near the Service District Boundary should be retained to the extent possible or, if removed similar landscaping should be planted to retain a green buffer between the edge of the Service District and the Village of Liberty.”

The motion carried unanimously.

5. **POSTPONEMENT OF PUBLIC HEARINGS INDEFINITELY FOR THE FOLLOWING:**

- a. Zoning Ordinance Text Amendment to create a Marshall Gateway Special District (MG) as Section 4-1000 (Kimberley Johnson, Staff)
- 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) (Susan Eddy, Staff)
- 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) (Susan Eddy, Staff)

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to postpone action indefinitely on the above items.

The motion carried unanimously.

6. **BOARD OF ZONING APPEALS AGENDA**

No comment.

7. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Meadows stated that citizens may speak for three (3) minutes. He also stated that the public hearing items on the agenda were not advertised correctly and that no action would be taken this evening. However, he did state that the public hearings would be opened this evening and the public could speak for the record. The public hearing items were postponed until the January 29, 2009 meeting.

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 Amendments to Article 5, Article 13, and Article 14 regarding Planning Commission and Board of Zoning Appeals Procedures and Application Requirements (Andrew Hushour, Staff)

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.

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

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

The motion carried unanimously.

- b. 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 (Susan Eddy, Staff)

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.

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

On motion made by Ms. Garreau and seconded by Mr. Stone, it was moved to postpone action on this item until 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 100-year floodplain and steep slopes to be placed within common open space in residential developments where common open space is required (Andrew Hushour, Staff)

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, Esq., stated that he is opposed. He stated that this text amendment would reduce density and property owners will lose density.

Ms. Madge Eicher, Marshall District, stated that she is opposed since this proposed text amendment would reduce density.

Mr. Morris D. Frazier, Lee District, stated that he is opposed. He stated that there are other problems in the county that need to be addressed.

Mr. Jack Queen, Marshall District, stated that he is opposed. He stated that he will lose confidence in the Planning Commission if they approve this text amendment.

Mr. Henry Fletcher, Marshall District, stated that he is opposed. He stated that he is frustrated that this text amendment is still on the agenda.

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 until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 5-1812 to allow Farmer's Markets with approval of a Special Exception (Andrew Hushour, Staff)

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.

Mr. Todd Benson, Piedmont Environmental Council, stated that he is opposed. He stated that there needs to be standards included with this text amendment.

Mr. John Wright, Cedar Run District, stated that he owns a 16-acre farm in the county and that farmer's markets keep farms alive.

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 on this item until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

12. **SPECIAL EXCEPTION AMENDMENTS**

- a. **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) (Holly Meade, Staff)

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.

Merle Fallon, Esq., stated that if the county chooses to modify this Special Exception then the county should allow others to do so as well.

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 until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

- b. **SEAM09-CR-002 – Fauquier County School Board (Owner/Applicant) – Kettle Run High School** – Applicant wishes to amend a previously approved Special Exception to allow for the relocation of one athletic field as well as the addition of one athletic field. Applicant also wishes to construct an emergency access road. The property is located 7389 Academic Avenue, Cedar Run District (PIN #7914-89-0204-000) (Melissa Dargis, Staff)

Mrs. 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.

In that there were no 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 until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

13. **SPECIAL EXCEPTION AMENDMENT/SPECIAL PERMIT**

- **SEAM09-CR-003 & SPPT09-CR-014 – Jesse Jones, Jr. & Beverly J. Grantham Jones, Trustees (Owners)/Jeffrey Wickert (Applicant) – Fauquier Christian Church** – Applicant wishes to amend a previously approved Special Exception for an open space reduction, to change the authorized use. Applicant also wishes to obtain Special Permit approval to allow for the construction of a place of worship. The property is located at 5524 Catlett Road, Cedar Run District (PIN #7900-02-6993-000) (Melissa Dargis, Staff)

Mrs. 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. Robert Yoder, Cedar Run District, stated that he is in favor and would welcome the church as a neighbor.

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 until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

- **SPEX08-CR-021 – Donna Andes (Owner/Applicant) – Bethel Lighthouse High School (Formerly 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) (Melissa Dargis, Staff)

Mrs. 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.

Ms. Donna Andes, applicant, stated that she wants to help children and feels she can do this by opening up a school.

Ms. Virginia Jordan, a resident of Culpeper County, stated that she is in favor. She stated that she applauds Donna Andes in her work and thinks this would be a good school for children.

Ms. Gina Petro, Cedar Run District, stated that she is in favor. She stated that she currently works in a high school and believes the proposed school would be good for children.

Ms. Penny (Linda) King, a resident of Culpeper County, stated that she is in favor. She stated that this would be a good religious school.

Mr. Larry Potter, Cedar Run District, stated that he is opposed. He stated that he stores explosives on his property and is concerned that kids will trespass on his property. He is concerned that the value of his property would go down if the school is built.

Mr. Lucinio Rocco, stated that he is in favor. He also stated that this school would be founded on Christianity.

Ms. Tammy Potter, Cedar Run District, stated that she is opposed. She stated that she likes her privacy and is concerned about her two dogs that go outside.

Mr. John Wright, Cedar Run District, stated that he currently lives across from a Christian Academy and that traffic is an issue. He commends Ms. Andes for her ideals and goals but is concerned about the proposed location.

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 until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

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) (Holly Meade, Staff)

Ms. Meade reviewed the staff report, a copy of which is attached to and made part of these official minutes. She noted that the applicant had requested a postponement until the January meeting.

Mr. Meadows opened the public hearing.

Mr. Chuck Medvitz, Scott District, stated that he encourages new consideration of this project to look at the architectural aspect that will appeal to the community.

Ms. Bonnie Kidwell, Lee District, stated that the community does not need another strip mall.

In that there were no further speakers, 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 item until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

16. **COMPREHENSIVE PLAN AMENDMENTS**

- **CPAM09-LE-001 – David Leroy Hodgson, Terry Lynn Hodgson, Jean Elizabeth Cheatham, & William Wirt Goulding (Owners)/Douglas E. Darling/Bealeton Gateway, LLC (Applicant) – (Mintbrook Farm)** – Applicant wishes to obtain a Comprehensive Plan Amendment to expand the Bealeton Service District and to allow for a change in land use designation from Low Density Residential, Residential/No Sewer or Water, Rural (outside of service district), Institutional/Office, Park/Open Space & SCFRR (School/Church/Fire/Rescue/Parks/Recreation) to Mixed Use (Residential and Commercial). The properties are located at 6331 Mintbrook Lane and 10633 Bowers Run Drive, Lee District (PIN #6899-18-3742-000 and 6889-89-6214-000) (Melissa Dargis, Staff)

Mrs. 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. Emilio Castelar, Lee District, stated that he is opposed. He stated that there are currently flooding issues and he is concerned that if the natural buffer is taken away then there will be additional flooding problems in the area.

Mr. Matt Gregory, Lee District, stated that he would like to see a community center for the youth.

Mr. Todd Benson, Piedmont Environmental Council, stated that there are sewer issues.

Ms. Carol Arnold, Lee District, stated that the economy is currently bad and feels that if this project was built, that the stores would be empty.

Mr. Chuck Medvitz, Scott District, stated that due diligence needs to be done in regards to the Comprehensive Plan and agrees with Mr. Todd Benson.

In that there were no further speakers, 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 item until the next regularly scheduled meeting with the public hearing left open.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:10 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.