

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JANUARY 25, 2007**

The Fauquier County Planning Commission held its regular meeting on Thursday, January 25, 2007, beginning at 4:00 P.M. in the 2nd Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Holder Trumbo, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Larry Kovalik; and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Todd Benson, Mr. Kevin Burke, Mrs. Melissa Dargis, Ms. Holly Meade, Mrs. Kimberly Fogle, and Miss Carissa Blevins.

Mr. Carr opened the meeting and initiated the election of the officers.

1. **ELECTION OF OFFICERS**

- a. Chairman – Mr. Trumbo
- b. Vice Chairman – Mrs. McCarty
- c. Secretary – Mr. Meadows

Mr. Stone, seconded by Mr. Kovalik, moved to elect Mr. Holder Trumbo as the Chairman of the Planning Commission and the other officers would remain in their current positions.

The motion carried unanimously.

2. **CONSIDERATION OF BYLAWS**

Mr. Stone, seconded by Mrs. McCarty, moved to retain the current bylaws as written.

**BYLAWS
FAUQUIER COUNTY PLANNING COMMISSION**

*Adopted 10 June 1953
Amended 28 March 1973
Amended 26 April 1978
Amended 30 May 1985
Amended 25 February 1999
Amended 28 February 2001
Amended 25 March 2004
Amended 27 January 2005*

ARTICLE I – AUTHORITY

The Fauquier County Planning Commission was created by motion of the Fauquier County Board of Supervisors dated December 14, 1950, in accordance with Chapter 25, Title 15.3 of the Code of Virginia.

ARTICLE II – MEMBERS

The Planning Commission shall consist of not less than five (5) or more than fifteen (15) persons. One (1) member of the County Board of Supervisors can be a member. Except for the one member of the Board of Supervisors who may be appointed, no other member shall hold an elective public county office.

The terms of the appointed member shall be for four (4) years except the original appointees' terms which may be various lengths.

ARTICLE III – OFFICERS AND ELECTIONS

The Planning Commission shall elect from its membership the following officers, whose terms shall be for one year, with eligibility for reelection.

- Chairman
- Vice Chairman
- Secretary

ARTICLE IV – DUTIES OF OFFICERS

The Chairman shall be a citizen member of the Commission and shall:

- Preside at all meetings.
- Appoint committees, special and/or standing.
- Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
- Carry out other duties as assigned by the Commission.

The Vice Chairman shall be a citizen member of the Commission and shall:

- Act in the absence or inability of the Chairman to act.

The Secretary shall:

- Be responsible for written records of all basic transactions of the Commission.
- Notify members of meetings.
- Keep a file of all official records and reports of the Commission.
- Give notice of all hearings and public meetings.

ARTICLE V – MEETINGS

The Planning Commission shall meet once a month in regular session on the last Thursday of each month beginning at 4 o'clock in the Warren Green Building, Warrenton, Virginia. However, the Planning Commission may on occasion amend this meeting schedule. Any changes to the regular meeting schedule shall be posted on the County's web page under the Planning Commission's calendar. Those matters requiring a public hearing will begin at 7 o'clock on the same day.

Special meetings of the Commission may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting; or if all members are present at the special meeting or file a written waiver of notice.

All meetings, hearings and records shall be open to the public. An executive session may be held only in accord with the Code of Virginia, 2.1-344.

ARTICLE VI – VOTING

A majority of the members shall constitute a quorum and no action of the local Commission shall be valid unless authorized by a majority vote of these present and voting.

ARTICLE VII – ORDER OF BUSINESS

The order of business for the regular meeting shall be:

- Call to Order
- Approval of Minutes
- Unfinished Business
- New Business
- Miscellaneous / Other
- Adjournment

The order of business for the public hearing will be:

- Call to Order
- Announcements/Pledge of Allegiance
- Citizens Time

- Public Hearing
- Miscellaneous / Other
- Adjournment

ARTICLE VIII – AMENDMENTS

These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior notice.

ARTICLE IX – POLICY

1. Any member of the Commission shall be entitled to move or second any question for action by the Commission. Any matter properly brought before the Commission shall be voted upon by it, either affirmatively or negatively, and each member of the Commission shall vote upon every matter properly raised, unless he or she shall have a conflict of interest thereon, as defined in the 1950 Code of Virginia, as amended, in which case he or she shall state the nature of such conflict and abstain.
2. In cases where a public hearing is required, no member shall be entitled to vote on the matter unless he or she was present at the public hearing, or has reviewed the official record with respect to the matter, in which case he or she, prior to voting, shall state publicly for the record, that he or she has reviewed the record and feels sufficiently informed to vote on the matter.
3. Each member placing a motion before the Commission should include the rationale for his or her motion.
4. In cases where a matter has been resolved, and a member(s) wishes to submit a supplementary report, the intention to do should be expressed at a public hearing.
5. All supplementary reports or individual letters concerning Planning Commission business should be on official stationery and file copies should be maintained in the Office of the Planning Commission. No letter written by a Member or Members of the Commission on Commission stationery and signed by such Member(s) may be forwarded to the intended recipient until such letter has lain in the Commission offices for a minimum of two working days during which time the staff shall have made every reasonable effort to notify all other Members of the content of such letter; and no letter relating to policy shall be forwarded over the signature of the Chairman or other member of the Commission, acting in an official capacity, which has not been approved by the majority of Members of the Commission.

6. Except where it appears to the contrary in this Article, the parliamentary procedure of the Commission shall be governed by Robert's Rules of Order Most Recently Revised.

The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

- a. Architectural Review Board [Planning Commission recommendation]
- b. Capital Review Committee
- c. Proffer Policy Analysis Committee
- d. Transportation Committee

Mr. Meadows, seconded by Mr. Stone, moved to postpone the decision of Committee Assignments until the February 15, 2007 meeting.

The motion carried unanimously.

4. **APPROVAL OF MINUTES** – December 19, 2006

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

The motion carried unanimously.

5. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

- a. Initiation of a proposed Zoning Ordinance Text Amendment to Section 2-410 to alter the standards for permitting corner lots to have direct access to higher standard streets.

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

For the purposes of convenience and good zoning practices, Mr. Meadows, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Section 2-410 to alter the standards for permitting corner lots to have direct access to higher standard street and to schedule a public hearing for the Planning Commission's February 15, 2007 meeting.

The motion carried unanimously.

- b. Initiation of a proposed Zoning Ordinance Text Amendment to Section 3-404 to reduce setbacks for certain non-residential buildings from roads classified as arterials or freeways.

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

For the purposes of convenience and good zoning practices, Mr. Meadows, seconded by Mr. Kovalik, moved to initiate a Zoning Ordinance Text Amendment to Section 3-404 to reduce setbacks for certain non-residential buildings from roads classified as arterials or freeways and to schedule a public hearing for the Planning Commission's February 15, 2007 meeting.

The motion carried unanimously.

- c. Initiation of a proposed Zoning Ordinance Text Amendment to Section 11-102 to allow eighty foot high silos, by right, to house telecommunication facilities.

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

For the purposes of convenience and good zoning practices, Mr. McCarty, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Section 11-102 to allow eighty foot high silos, by right, to house telecommunication facilities, as amended, and to schedule a public hearing for the Planning Commission's February 15, 2007 meeting.

The motion carried unanimously.

- d. Initiation of a Proposed Zoning Ordinance Text Amendment to Sections 3-314 to permit motor vehicle impoundment facilities in commercial Highway (C-2) districts by special permit and to change such uses permitted by right in Commercial Neighborhood (C-1) to uses allowed by special permit

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

For the purposes of convenience and good zoning practices, Mrs. McCarty, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Sections 3-314 to permit motor vehicle impoundment facilities in Commercial Highway (C-2) districts by special permit and to change such uses permitted by right in Commercial Neighborhood (C-1) to uses allowed by special permit, as amended, and to schedule a public hearing for the Planning Commission's February 15, 2007 meeting.

The motion carried unanimously.

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

No comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

Mrs. McCarty stated that she hopes the Committee will consider lowering the speed limit on eastern Main Street in Marshall.

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

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda to switch agenda items 11C & D and to hear the new 11D along with agenda item 12, due to the fact they coincide with each other.

The motion carried unanimously.

9. **CITIZENS' TIME**

No one spoke.

10. **CAPITAL IMPROVEMENT PLAN – FISCAL YEARS 2008 – 2017** – The CIP lists proposed projects for the School Division and General County Government, which includes Library, General Services, and Parks and Recreation. Included within the document, for example, is a summary of each project recommended for consideration.

Mr. Bryan Tippie reviewed the Capital Improvement Plan.

Mr. Trumbo opened the public hearing.

Mr. Duke Bland, representing the School Board, stated that the Capital Improvement Plan is unrealistic and that the School Board is in need of funding before it can allocate them as suggested in this plan. He continued that High School #4 can not wait until 2017 and that if funding is not made available sooner, then the County will be spending at least another \$100,000 for trailers to accommodate the students in the overcrowded schools.

Mr. Bob Sinclair, Marshall District, stated that he is appalled at the lack of funding available for the School Board and that the overcrowding of the current schools needs to be addressed and that funding needs to be made available now for the County to start looking into building additional schools at every educational level.

Ms. Sally Murray, Center District, stated she was disturbed by the lack of allowance for the renovation of county schools. She continued she would like to see the County take into consideration the condition of the schools in the area, especially Fauquier High School.

Mr. John Griffin, Cedar Run District, stated that he is the Chairman of Fauquier Alliance for Better Schools and after reviewing the Capital Improvement Plan found it lacking in funds for schools. He advised, half of the schools are already overcrowded, but there is no funding available for new schools, and the High School that is planned to open in the near future will be at capacity on the day it opens. Mr. Griffin said that more students come to the County everyday and that it is the County's job to provide adequate accommodations for these students.

Mr. Chuck Medvitz, Scott District, stated that he supports the School Board and would like to see more funding made available for the schools. He said that the School Board has made a realistic budget request that should be met and there are other areas of funding that could be adjusted to help accommodate the School Board instead of having to purchase more trailers to temporarily remedy the situation.

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

Mr. Stone stated that the Capital Review Committee has worked very hard on the Capital Improvement Plan and that it needs to be forwarded to the Board of Supervisors at this time. He continued that the Board of Supervisors will review the Capital Improvement Plan and can make adjustments if deemed necessary.

Mrs. McCarty stated that this is now up to the Board of Supervisors.

Mr. Kovalik stated that he understands what a large task it is to compile the Capital Improvement Plan each year and commends the committee on its hard work. He would support a recommendation of approval to the Board of Supervisors.

Mr. Meadows stated that the School Board is an elected committee that is elected to look out for the best interest of our children, and he is confident that they know the importance of these decisions. He would support sending this forward and would recommend to the Board of Supervisors that they meet with the School Board and try to come to some sort of agreement.

Mr. Trumbo stated that he encourages an open dialogue between the Capital Review Committee and the School Board and would recommend to the School Board that next year they start working with the CRC earlier in the year to try to come to a mutual decision on their budget.

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

The motion carried unanimously.

11. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCE**

- a. Zoning Ordinance Text Amendment to Section 7-302 to Allow the Board of Supervisors to Modify Certain Private Street Requirements for Streets Serving Lots Created by Large Lot Subdivision and Family Transfers

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

Mr. Trumbo opened the public hearing.

Mr. Chuck Floyd, with Carson, Ashley and Associates, stated that he represents a citizen in the county that this text amendment would affect, and he would request action this evening.

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

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Article 13, Part 2 Pertaining to the Procedures for Amending the Fauquier County Zoning Map and Ordinance

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

Mr. Meadows asked Mr. Benson to confirm the change to the amendment on page 17 stating that there would be 100 days instead of 85.

Mr. Benson confirmed.

Mr. Trumbo opened the public hearing.

Dr. Kitty Smith, Marshall District, stated that she is representing the Piedmont Environmental Council and would compliment staff on their hard work and dedication to this text amendment.

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

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

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 10-206 to Allow Certain Illegal Nonconforming Lots, in Existence Prior to January 1, 1980, to be Used for Any Use Permitted in the Zoning District Where it is Located and to Permit Any House that has been Erroneously Constructed on a Nonconforming Lot

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

Mr. Trumbo opened the public hearing.

Ms. Mary Kay Anderson, Marshall District, stated that she is opposed to the text amendment. She continued it would go far to undo a lot of good that has already happened in Fauquier County.

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

Mrs. McCarty stated that the Planning Commission is concerned with this text amendment and would request that staff put a hold on working on this project until after the February work session.

Mrs. McCarty, seconded by Mr. Meadows, moved to postpone action until the February 2007 meeting.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 7-502 and Addition of Section 5-2003 to Authorize the Creation of Rural Health Remediation Districts and to Create Standards for Approval, by Special Exception, of Community Wastewater Systems in Such Districts

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

Mr. Trumbo allowed items 11d. and item 12 to be heard together.

12. **COMPREHENSIVE PLAN AMENDMENT**

- The Fauquier County Board of Supervisors has initiated a Comprehensive Plan Amendment to designate a Rural Health Remediation District located on the east side of Route 17 near its intersection with Ritchie Road (Route 644), Cedar Run District. (PIN 7808-44-6128-000, 7808-67-5339-000, 7808-24-7025-000, 7808-23-7865-000, 7808-23-8642-000, 7808-23-8268-000, 7808-32-5227-000, 7808-42-2799-000, 7808-31-4577-000, 7808-31-8892-000, 7808-41-5945-000, 7807-39-8634-000, 7808-21-7316-000, 7808-69-9040-000, 7808-52-3089-000 (portion), and 7808-21-7316-000 (portion)

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

Mr. Trumbo opened the public hearing.

Dr. Kitty Smith, Marshall District, stated that this is the worst plan that has ever come before the Planning Commission and that the Planning Commission should not entertain the thought of passing this on to the Board of Supervisors for approval.

Mr. Tom Dashtaray, Marshall District, stated that he owns property in this area and is concerned with why he is not included in this plan.

Mr. Gary Cordova, Cedar Run District, owner of Kastle Greens Golf Course stated that this application is for the expansion of the industrial area. He continued the expansion could not happen currently because of failing drain fields and will clean up the area where there are open sewers. Mr. Cordova stated that he has met with the DEQ and the Health Department and said that they both prefer this system as it is planned. He continued that when he met with each of the Board of Supervisors individually they recommended that this as a way to rectify a present problem. Mr. Cordova stated that residents who own property in this area who have by-rights should be able to hook into a system like the one proposed. He said that he wants to build nineteen (19) homes on his property and by clustering these homes it would maintain 380 acres of open space in the county. Mr. Cordova stated that these homes would be from 1 to 1.1 million dollars and would help bring revenue into the county. He stated that he wants to clean up a mess that is already in this area. He continued that the county has strict ordinances and this system

would not open the flood gates but would help the county. Mr. Cordova stated that he presently reuses all of his water on his golf course by utilizing the wetlands on his property.

Mr. Tom Sevinsky, Cedar Run District, stated that he owned property in this area and that this caught him and his neighbors off guard because none of the drainfields in this area are failing, but he understands that there are areas that will not perk. He continued that he does not have any problems with what Mr. Cordova is trying to do and that it does give the residents another option in case there are problems in the future.

Mr. Ed McNolty, Cedar Run District, stated that he supports this system and this area needs something like this to help the residents.

Mr. John King, Cedar Run District and President of the Flying Circus, stated that they are very concerned about the changes that will occur if this system goes in. Mr. King is concerned that a new subdivision would jeopardize the business of the Flying Circus.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action on both items until the February public hearing to allow for a site visit and work session.

Mr. Meadows noted it will be difficult to decipher where this area will begin and end and which property owners should be included in this district.

The motion carried unanimously.

13. **COMPREHENSIVE PLAN AMENDMENT AND REZONING**

- **CPAM07-CR-003 & REZN07-CR-005 – Mary A. & Jackie H. Raines Sr., owners and applicants** – applicants wish to obtain a Comprehensive Plan Amendment and a Rezoning of approximately 28.9 acres from Rural Agriculture (RA) to Rural Residential-2 (RR-2) to allow for the creation of a family division. The property is located at 9124 Green Road, east of Beach Road (Route 616), Cedar Run District. (PIN 6982-64-6344-000)

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

Mr. Trumbo opened the public hearing.

Mr. Joseph Farshet, Cedar Run District, stated that he is a new resident but is concerned if this area were rezoned to RR-2 that a new subdivision would go in.

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

Mr. Stone, seconded by Mrs. McCarty, moved to postpone action for 60 days with the public hearing left open, at the request of the applicant.

The motion carried unanimously.

14. **REZONING**

- **REZN07-CR-003 – James W. Ward Jr. and Judy W. Land, owners and James W. Ward, Jr., applicant – Opal Creek/Ward – Land Property** – applicant wishes to rezone approximately 13.48 acres from Rural Agricultural (RA) to Residential-4 (R-4). The property is located at 10012 Clarkes Road (Route 608), between Kirkwood Lane and Clarkes Meadow Drive, Cedar Run District. (PIN 6981-31-9262-000)

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

Mr. Trumbo opened the public hearing.

Mr. Chuck Floyd, representing the applicant, stated that he is in the process of making some revisions to the plat. He said he is available to answer any questions.

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

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

The motion carried unanimously.

15. **REZONING AMENDMENT**

- **REZN05-CR-004 – Angler Opal Associates, LLC, owners and applicants – Willow Creek (formerly Green Springs)** - applicant wishes to amend a previously approved rezoning (REZN05-CR-004) to amend the existing Proffers including Proffer Section III related to below market priced housing. The property is located east of James Madison Highway (Route

15, 17, and 29), Cedar Run District. (PIN 6981-27-6354-000 and 6981-44-4079-000)

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

Mr. Trumbo opened the public hearing.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for up to 60 days, at the request of the applicant.

The motion carried unanimously.

16. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM07-SC-003 – Wakefield School, Inc., owners and applicants – Wakefield School** – applicant wishes to amend a previously approved Special Exception to increase the school area by 12.46 acres, increase the building size and allow an increase in student capacity. The property is located at 4439 Old Tavern Road, north west of Route 66, Scott District. (PIN 6989-85-8341-000)

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

Mr. Trumbo opened the public hearing.

Mr. Paul Bernard, representing the applicant, stated that they agree with the postponement and feel that they will be able to work out any issues that have come up.

Mr. Bob Guertler, Scott District, stated that Wakefield School has been a good neighbor and is working hard to address the issues concerning the residents in this area and he supports this application.

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

17. **SPECIAL EXCEPTION**

- a. **SPEX07-SC-009 – Bishop’s Run, LLC, owners and NBVFRC, applicants – New Baltimore Fire and Rescue Company** – applicant wishes to obtain a Category 11 Special Exception to allow public and quasi-public uses for a fire station. The property is located on Riley Road (Route 676), Scott District. (PIN 7916-12-8941-000)

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

Mr. Trumbo opened the public hearing.

Mr. Paul Bernard, representing the applicant, stated that the only issue the applicant has is with item number 11 concerning the entrance to the Fire and Rescue Station but is confident that the issue could be worked out.

Mr. Todd Rosamond, President of the New Baltimore Fire and Rescue Station, requested that the Planning Commission move forward with the item because it is desperately needed.

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

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

The motion carried unanimously.

- b. **SPEX07-CR-011 – Patricia Sanders, owner and Superior Paving Corporation, applicant – Superior Paving Corporation** – applicant wishes to obtain a Category 17 Special Exception to allow for the construction and operation of a new hot asphalt plant that will update the original plant. The property is located on Turkey Run Road (Route 779) north east of its intersection with Meetze Road (Route 643), Cedar Run District. (PIN 6992-97-5454-000)

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

Mr. Trumbo opened the public hearing.

Mr. Chuck Floyd, representing the applicant, stated that he is available to answer any questions.

Ms. Michelle Markoff, Cedar Run District, stated that she does not know whether she agrees with this application because Superior has not advised

the residents of what they are proposing to do. She said she is concerned that if this site is expanded it could jeopardize the value of her home, and she would like to be assured that there will be no greater impact to the area than there is currently.

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

Mr. Stone suggested the applicant address the neighbors with their plans.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action until the February meeting.

Mr. Meadows asked Ms. Meade if anything stands out with the application that needs to be addressed at this time.

Ms. Meade stated that this application is adequate to move forward at this time.

The motion carried unanimously.

18. **REZONING AND SPECIAL EXCEPTIONS**

- a. **REZN07-SC-001, SPEX07-SC-006 & SPEX07-SC-007 – Jean-Loup & Mary Combemale; Mary Jo Dixon, Trustee; David & Jacqueline Brown; Georgia & H.E. Arcamuzi, Trustee, owners and Brookfield Washington, LLC, applicants – Goodland East** – applicant wishes to rezone approximately 48 acres from Residential-1 (R-1) to Residential-3 (R-3) and Commercial-1 (C-1). The applicant also wishes to obtain a Category 20 Special Exception to allow for an above ground sewage pumping station and a Category 27 Special Exception to allow for a reduction in common open space. The property is located on Broad Run Church Road (Route 600) east of its intersection with Riley Road (Route 676), Scott District. (PIN 7916-20-4208-000, 7916-20-9322-000, 7915-29-3563-000, 7915-29-2145-000, 7916-10-9218-000, 7915-29-5013-000)

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

Mr. Chuck Floyd, representing the applicant, stated that he is available to answer any questions and that his main goal tonight is to get the citizens input and find out what concerns they have at this time.

Ms. Dottie Himes, Scott District, stated that she is opposed to this rezoning request because 1,350 homes have already been approved for this small area, and this request would add another 250 homes. She continued

that the County can not keep stacking homes on top of each other and that Route 600 is a disaster and needs to be corrected before more homes are added.

Dr. Kitty Smith, Marshall District, stated that she does not understand why the County would approve a reduction in the open space requirement since there is no specific reason for it.

Mr. Robert Dunleavy, Scott District, stated that this is requesting more homes than the land is zoned for and the land cannot accommodate this many residences in this area for many reasons. Mr. Dunleavy would like to know what is in it for the County if this application is approved.

Mr. Ralph Lewis, Scott District, stated that he agrees with the other speakers on this application and that the roads in this area can not handle any more traffic then they are already accommodating. He stated that the roads in this area are not safe currently and adding another 250 homes would make it even worse.

Mr. Chuck Medvitz, Scott District, stated that during the last meeting of the Citizens Planning Committee for the Comprehensive Plan there was a good check and balance in this area and that rezoning this area and allowing these homes would disrupt that plan. He continued that the applicant should have to purchase sewer taps before this application can go forward. He continued that the Proffers should include that if the builders do not build within a certain timeframe the developer should pay an updated proffer fee.

Ms. Barbara Severin, Scott District, stated that these applications are premature and that she too planned to object to this application but would at this time, recommend that this application and public hearing is left open so that the citizens will be able to hear what the applicant is planning to do.

Mr. Merle Fallon, representing the applicant, stated that he would request that this application be tabled for 60 to 90 days in order to address the concerns of the neighbors.

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

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

The motion carried unanimously.

- b. **REZN07-SC-002 & SPEX07-SC-008 – Robert H. & Angie S. Rogers; Ford O. & Shannon Rogers; Robert H. Rogers, III; Larry R. & Victoria Loughborough, owners and Moreland, LLC, applicants – Lone Star Farm** – applicant wishes to rezone approximately 98.12 acres from Residential-1 (R-1) to Residential-4 (R-4) at an Residential-2 density. The applicant also wishes to obtain a Category 20 Special Exception to allow for an above ground sewage pumping station. The property is located on Broad Run Church Road (Route 600), west of Riley Road (Route 676), Scott District. (PIN 7906-81-7310-000, 7906-91-6062-000, 7906-90-4594-000, 7906-91-7338-000, 7916-90-0728-000)

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

Mr. Trumbo opened the public hearing.

Mr. Chuck Floyd, representing the applicant, stated that he is available to answer any questions and that both these applications are in the New Baltimore Service District and the applicant is trying to abide by the Comprehensive Plan as much as possible. He continued to say that the floodplain that is on the plan has been approved by FEMA and that there are some historical buildings on the property and the applicant is proposing to save those.

Ms. Dottie Himes, Scott District, stated that she is also opposed to this application because of the safety aspect in this area. She continued to say that there are many residents in this area that paid for these sewer taps five years ago and are still waiting and she would like to know why these homes would be allowed priority over those residents that have been waiting. Ms. Himes stated she is also concerned that this area will be destroyed by the development that it taking over the area.

Dr. Kitty Smith, Marshall District, stated that these two rezonings will affect the traffic on Route 600 and she would like to see the affected roads and highways studied to see exactly how much of an impact there would be. Dr. Smith also stated that there is a soils report included in the staff reports stating that 42% of the soils in the area have a very poor rating for general development on central sewer and water. She said she would hope the Planning Commission would look very seriously at this application before approving.

Mr. Chuck Medvitz, Scott District, stated that he would like to oppose this application as well.

Mr. Robert Dunleavy, Scott District, stated that this application is not consistent with the Comprehensive Plan and one of the main goals of this

committee is to maintain the quality of life and adding this many vehicles to Route 600 is not maintaining the quality of life in this area.

Mr. Ralph Lewis, Scott District, stated that he would reiterate with this project that there needs to be a traffic study conducted before this application is approved.

Ms. Barbara Severin, Scott District, stated that she is also opposed to this application and would hope that the Planning Commission would look at this application very seriously before approving.

Mr. Merle Fallon, representing the application, stated that he would like to delay this application for 90 days to allow more time for citizen input and to work on this application further.

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

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

The motion carried unanimously.

- c. **REZN07-CR-004, SPEX07-CR-003, SPEX07-CR-004 & SPEX07-CR-010 & – The Paddocks at Kastle Greens, Inc., owner and applicant** – applicant wishes to obtain (1) Rezoning of approximately 70.76 acres from Rural Agricultural (RA) to Residential-1 (R-1) to allow for a proposed 19-lot subdivision on a parcel of approximately 223 acres; (2) a Category 31 Special Exception to allow for the use of private individual wells for the proposed subdivision in lieu of a public community water system; (3) a Category 23 Special Exception to allow for fill in the FEMA floodplain to construct the access road for the proposed subdivision; and (4) a Category 20 Special Exception for the construction of a community wastewater treatment system to handle wastewater from the proposed subdivision. The property is located on Ritchie Road (Route 644) east of its intersection with Marsh Road (Route 17), Cedar Run District. (PIN 7808-44-6128-000)

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

Mr. Trumbo opened the public hearing.

Mr. Paul Bernard, representing the applicant, stated that the applicant wants to build 19 homes on the property. The adjoining golf course currently operates a waste water treatment plant and the applicant would

be able to construct these 19 lots if a similar plant was constructed for this area. Mr. Bernard stated that the applicant would like the rezoning to allow more flexibility in the clustering of these homes. He would also request that this item is postponed to allow more time to make any necessary refinements to this application.

Mr. Gary Cordova, Cedar Run District, stated that the sewer system that would be constructed for this area would not be paid for by Fauquier County, but by himself. He continued that the County has requested that the system be maintained by the Water and Sanitation Authority so once all the construction is complete the system will be turned over to the WSA. Mr. Cordova stated that he believes in and utilizes environmental friendly building. He said that he reuses all the water by re-filtering it through a 1,000 gallon filtration system.

Dr. Kitty Smith, Marshall District, stated that the applicant continues to state the amount of by rights he has, but his land is under a special exception to allow his golf course and that means he does not actually have those by rights as long as he is using the special exception. Dr. Smith stated that in the last twenty years the County has not rezoned more than one acre of agricultural land that is not in a service district and if this is approved it will be opening a door for other developers to request the same thing.

Mr. John King, Cedar Run District, stated that he is opposed to this application and does not understand why the adjoining neighbors have not been given more information about what Mr. Cordova and Fauquier County want to do in this area. Mr. King is also concerned with Mr. Cordova's comments about wanting to utilize windmills as a form of electricity when there is a viable airport in this area.

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

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

The motion carried unanimously.

Mr. Meadows stated that the Planning Commission is exploring starting March to begin the work sessions at 12:20 and work until 5:00 p.m., then hold the regular meeting at 6:30 p.m. and follow with the public hearing at 7:00 p.m.

Mr. Meadows, seconded by Mrs. McCarty, moved to change the Planning Commission's bylaws at the February meeting.

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 8:39 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.