

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
FEBRUARY 15, 2007**

The Fauquier County Planning Commission held its regular meeting on Thursday, February 15, 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, and Miss Carissa Blevins.

1. **CONSIDERATION OF BY-LAWS**

Mr. Stone, seconded by Mrs. McCarty, moved to amend the by-laws by adjusting the order and start times as revised below.

**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
Proposed 15 January 2007*

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 in the Warren Green Building, Warrenton, Virginia. On that day, the work session will begin at 12:30 p.m., while the regular meeting and public hearing shall commence at 6:30 p.m. and 7:00 p.m. respectively. 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.

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. A closed session may be held only in accord with the Code of Virginia, 2.2-3700.

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 those present and voting.

ARTICLE VII – ORDER OF BUSINESS

The order of business for the daytime meeting shall be:

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

The order of business for the night meeting will be:

- Public Hearings
- Miscellaneous / Other

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 so 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.

2. **APPROVAL OF MINUTES** – January 25, 2007

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

The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

- a. Architectural Review Board [Planning Commission recommendation] – Mr. Stone

- b. Capital Review Committee – To be determined at a later date
- c. Proffer Policy Analysis Committee – Mr. Meadows
- d. Transportation Committee – Mr. Kovalik

4. **PRELIMINARY PLATS**

- a. **PPLT06-MA-022 – Joseph Camarda, owner and applicant – Chattin’s Run South** – applicant wishes to subdivide approximately 186.12 acres into seven (7) lots. The property is located on the west side of Lost Corner Road (Route 624) south of Maidstone Road (Route 713), Marshall District. (PIN 6061-05-8596-000)

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

Mrs. McCarty, seconded by Mr. Stone, moved to postpone action for up to 30 days, at the request of the applicant.

The motion carried unanimously.

- b. **PPLT06-MA-024 – Robin Fetsch, owner and Fetsch Properties, LLC, applicant – Linden Hill** – applicant wishes to subdivide approximately 35.5 acres into three (3) lots. The property is located on Fiery Run Road (Route 638) just left of its intersection with Cherry Hill Road (Route 638), Marshall District. (PIN 6010-06-2177-000)

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

Mrs. McCarty, seconded by Mr. Stone, moved to approve subject to the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Subdivision Plat "Linden Hill Estates" dated March 16, 2006, Revised November 20, 2006, signed by James R. Ashley on November 30, 2006.
2. A typical section of the access road showing any proposed drainage shall be provided at the time of Final Construction Plan review for the sole purpose of evaluating MS-19 adequate channel compliance.
3. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a Licensed Professional Engineer to assure a dry basement and preclude recirculation of pumped or collected water. Unless in the opinion of the County Engineer, the topography of the lot in relation to the overlot grading plan precludes grading the site to drain the basement to daylight without

assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements where necessary shall be placed on the Final Plat. A note shall be placed on the Final Plat stating "Basements are not recommended in mapping units 15B, 16B, 181B, 416B, and 116C. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."

4. All culverts, including driveway culverts, shall be designed to pass the 10-year storm.
5. The Final Construction Plans shall include a sight distance profile. The plans shall also show the right-of-way line in front of the adjacent property having PIN 6000-95-4357-000. If the line of sight extends outside the right-of-way onto this adjacent parcel, a sight distance easement shall be obtained from the adjacent property owner.
6. A Virginia Certified Professional Soil Scientist (CPSS) (**needs to adjust the Type I Soil Map soil lines**) or (**needs to adjust the preliminary soil map with revisions**) onto the Final Construction Plan. This needs to be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
7. A signature block shall be placed on this plat for the CPSS to sign which states:

<p>Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated March 8, 2006.</p>	
<p>This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=___') and certifies that this is the Best Available Soils Information to Date for Lots 1-_____.</p>	
<p>_____</p>	<p>_____</p>
<p>Va. Certified Professional Soil Scientist CPSS #3401-_____</p>	<p>DATE</p>

8. Interpretive information from the Type I soil report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.

9. This final soil map shall be filed in the Building Office to be used exclusively for obtaining soils information for this proposed subdivision.
10. Two (2) copies of this final soil map with CPSS signature need to be submitted to the Soil Scientist Office before Final Plat approval is made.
11. The final signature sets shall contain original CPSS signature.
12. The type of primary and reserve drainfield area shall be stated for each lot.
13. The following statement shall be placed on the same sheet as the final soil map:
 - a) Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on the Final Construction Plan to be placed in the front office of Community Development: "The County recommends that no below grade basements be constructed on soil mapping units 15B, 16B, 116C, 416C and 416D due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures."
 - b) The following statement shall be included on final soils map and E & S plans: "PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT."
 - c) Soil mapping units 31C, 131D, 140D, 220E, and 340D are usually shallow to bedrock. The following statement needs to be placed on the Final Construction Pan: "The County recommends that before road or home construction begins in soil mapping units 31C, 131D, 140D, 220E, and 340D, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done."
 - d) Areas of steep slopes should be avoided at all cost due to high erosion hazard. Proper erosion and sedimentation practices need to be installed before construction begins. Soil mapping units 131D, 140D, 220E, 340D, and 416D should be left in their natural state.

The motion carried unanimously.

5. **SPECIAL EXCEPTION**

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

The motion carried unanimously.

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

No comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comments.

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

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

9. **CITIZENS' TIME**

No one spoke.

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

- a. 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.

Mr. Trumbo opened the public hearing.

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

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

The motion carried unanimously.

- b. 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.

Mr. Trumbo opened the public hearing.

Mr. Chuck Medvitz, Scott District, stated that if structures are permitted to be built closer to the main roads, it would limit the road expansion potential in the future that would be needed to accommodate growth in the County.

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

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

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 11-102 to allow silos up to eighty feet in height, 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.

Mr. Trumbo opened the public hearing.

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

Mrs. McCarty, seconded by Mr. Stone, moved to postpone action until the March 29, 2007 meeting with the public hearing left open.

The motion carried unanimously.

- d. 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.

Mr. Trumbo opened the public hearing.

In that there were no 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 approval.

The motion carried unanimously.

- e. 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.

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action until the March 29, 2007 meeting with the public hearing left open.

The motion carried unanimously.

- f. 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

11. **COMPREHENSIVE PLAN AMENDMENT**

- a. 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))

- b. Consider proposed amendments to the Comprehensive Plan Chapter 7 – Land Use Plan – Villages and Settlements

Ms. Slawter 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 until the March 29, 2007 meeting with the public hearing left open.

The motion carried unanimously.

13. **REZONING AND COMPREHENSIVE PLAN AMENDMENT AND SPECIAL PERMIT**

- **REZN05-MA-018 & CPAM05-MA-013 & SPPT07-MA-014 – Beights Development Corporation, owner and applicant – Mills Property** – applicant wishes to rezone approximately 1.78 acres from Residential-4 (R-4) to Commercial-2 (C-2) to allow for the construction of a two-story commercial building with a special permit request for an office more than 5,000 square feet. The applicant is also wishes to obtain a Comprehensive Plan Amendment to change the existing land use designation from low density residential to mixed use. The property is located in the southeast quadrant of the intersection of Winchester Road (Route 17) and Route 622 in the Marshall Service District, Marshall District. (PIN 6969-87-8431-000)

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. John Foote, representing the applicant and the 17/66 Business Park, stated that there are two issues which need to be addressed. He stated that VDOT has approved the 17/66 road expansion, but in order to get utilities to the Mills property and to begin construction, the 17/66 Business Park

must be completed. Mr. Foote continued that due to this, he would request a 90-day postponement.

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

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

The motion carried unanimously.

14. **SPECIAL EXCEPTION**

- **SPEX05-CR-025 – General Lee White, Jr., owner and applicant** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the construction of an experimental drainfield supporting a single-family home. The property is located on Midland Road (Route 610) north of its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN 7819-62-6396-000)

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. White, applicant, stated that he has been attempting to obtain this special exception for two years and has looked at other options instead of the experimental drainfield, but has not been able to find another resolution. He continued that he would request action on this application tonight.

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 approval.

The motion carried unanimously.

15. **SPECIAL EXCEPTION AMENDMENT AND SPECIAL PERMIT**

- **SEAM07-LE-004 & SPPT07-LE-015 & SPPT07-LE-015 – AGT, LLC, owners and Three Flags Associates, applicant – Ashley Glen Day Care Center (Edgewood East Section D)** – applicant wishes to amend a previously approved Category 1 Special Exception to allow for an

additional 1.5 acre lot to be created for a proposed pre-school/daycare facility to be located at the subdivision entrance along Route 28. The Amendment is being filed along with a Category 5 Special Permit to allow for a pre-school/daycare facility. The property is located on Whipkey Drive at the intersection of Catlett Road (Route 28), Lee District. (PIN 6889-50-5884-000)

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. Ben Tissue, representing the owner and applicant, stated that this project was started back in 2000 when this portion of the open space was planned to have some type of commercial project built there. He continued that this area was slated as a good place for a daycare center because it would be an asset to the community. Mr. Tissue added he is still working on revising the project and would request a minimum of a 30-day postponement.

Mr. Mark Spalding, Lee District, stated that his property backs up to this proposed daycare center, and he is opposed to this project because it would ruin the view that his family currently has.

Ms. Carol Holtslander, Lee District, stated that she is opposed to anything going on this property but a daycare facility will have the least impact. She continued that the traffic is a concern of the community, and she would like to see the entrance to the daycare center come off of Whipkey Drive, not off of Route 28. Ms. Holtslander stated that she would also like to see that the daycare be designed using earth tones as opposed to primary colors to keep with the existing natural surroundings.

Ms. Denise Spalding, Lee District, stated that her land backs up to the property, and she is concerned about her view being ruined by a business. She is also concerned about the excessive flooding of this property.

Ms. Laura Whaley, Lee District, stated that she is also an adjoining property owner, and she is opposed to this project. She is concerned about the traffic and the flooding. She stated that most of the people in this community already have daycare, and this would not be beneficial to them. She is also concerned about the destruction of so many trees on the property. Ms. Whaley stated she would also like to keep the community as natural as possible and would hope that the daycare center would keep the exterior as neutral as possible.

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

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

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 7:57 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.