

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
MARCH 29, 2007**

*The Fauquier County Planning Commission held its regular meeting on Thursday, March 29, 2007, beginning at 6:30 P.M. in the 1<sup>st</sup> Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Holder Trumbo, Chairman; Ms. 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, Ms. Holly Meade, Ms. Kimberly Abe, Ms. Bonnie Bogert and Miss Carissa Blevins.*

1. **CONSIDERATION OF BY-LAWS**

Mr. Trumbo, seconded by Mr. Stone, moved to approve.

The motion carried unanimously.

2. **APPROVAL OF MINUTES** – February 15, 2007

Mr. Stone, seconded by Ms. McCarty, moved to approve the minutes.

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

- Initiation of a Proposed Zoning Ordinance Text Amendment to Section 15-300 to Eliminate the Definition of Home Occupations

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

For the purposes of convenience and good zoning practices, Mr. Trumbo, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Section 15-300 to eliminate the definition of home occupations and to schedule a public hearing for the Planning Commission's April 26, 2007 meeting.

The motion carried unanimously.

4. **ZONING ORDINANCE WAIVER**

- **WVRP07-SC-012 – Shannon & Terri Smith, owners and applicants – English Chase Subdivision** – applicants wish to obtain a Waiver of Zoning Ordinance Sections 7-302.1.B and 7-302.1.C to allow for a private street off of an existing private street and to allow for a right-of-way that is

less than fifty (50) feet in width. The property is located at 8405 Sunshine Court, off of Chestnut Forks Drive (Route 717), Scott District. (PIN 6060-56-5504-000)

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

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

The motion carried unanimously.

5. **PRELIMINARY PLATS**

- a. **PPLT07-LE-003 – Fountain Hope, LP, owner and applicant – Blue Ridge South** – applicant wishes to subdivide approximately 94.82 acres into six (6) lots. The property is located west of Routts Hill Road (Route 685) near its intersection with Lees Mill Road (Route 651), Lee District. (formerly PIN 6970-27-9931-000)
- b. **PPLT07-LE-004 – Fountain Hope, LP, owner and applicant – Blue Ridge North** – applicant wishes to subdivide approximately 154.15 acres into six (6) lots. The property is located west of Routts Hill Road (Route 685) near its intersection with Lees Mill Road (Route 651), Lee District. (formerly PIN 6970-28-6968-000)
- c. **PPLT07-CR-007 – Jeffrey R. and Sandra D. Olsen, owners and Dodd and Associates, PLLC, applicant – Olsen Property** – applicant wishes to subdivide approximately 70.1 acres into four (4) lots. The applicant also wishes to obtain a Waiver of Subdivision Ordinance Section 10-6 to allow for the Construction Plans to be combined with the Preliminary Plat The property is located on the northeast side of Shenandoah Path (Route 607) at 11101 Shenandoah Path in Catlett, Virginia, Cedar Run District. (7829-25-8915-000)

Ms. Bogert 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 to postpone action for 30 days.

The motion carried unanimously.

- d. **PPLT07-MA-010 & WVRP07-MA-009 – Arabelle Arrington/Walter N. Arrington Heirs, owners and DRH Design Group, applicant** – applicant wishes to subdivide approximately 291.8 acres into two (2) lots. The applicant also wishes to obtain a Waiver of Subdivision Ordinance Section

10-6 to allow for the Construction Plans to be combined with the Preliminary Plat. The property is located west of James Madison Highway (Route 17/29/15), Marshall District. (PIN 6983-36-9832-000)

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

Ms. McCarty, seconded by Mr. Meadows, moved to approve subject to the condition that the following items are corrected on the plat prior to this application being placed on the Board of Supervisors agenda.

1. The Magisterial District is listed incorrectly in the title block on Sheets T-01, CD-01 and CD-02. The correct district is Marshall.
2. The name and address of the property owner is required to be on the plat, per Section 9-5 B.2 of the Subdivision Ordinance (S.O.). Note 1 on Sheet 1 states that the parcel is owned by Walter N. Arrington, Heirs and Note 1 on Sheet 2 states that the parcel is owned by Arabelle Laws Arrington. This needs to be clarified and corrected.
3. Remove the Site Plan Approval blocks from Sheets 1 and 2.
4. Remove the Private Street Note and Street Sign Note from the plan.
5. The Zoning Classification is incorrect in several locations on the plan. On Sheet 1 of 6, Note 5 should indicate that the property is zoned R-1 and C-2. On Sheet 3 of 6, the plat needs to be corrected to read R-1 and C-2, not R-1 and C. On Sheet 3, the zoning line is also incorrect; the plat should be revised to read C-2, not C.
6. Since there are two (2) zoning classifications on this parcel, the acreage in each zoning classification needs to be provided on the plan in the area tabulation (S.O. 9-5 B) 19).
7. A note on the plat needs to state how the lot will be served with water and sewer.
8. A copy of the letter from the Health Department (which was superimposed on the plans) needs to be submitted.
9. A copy of the drainfield permit for the existing house on the residue lot should be provided, if available.

10. The plat that is presented to the Board of Supervisors should have all Conditions of Development superimposed on the plan.
11. A twelve (12) foot driveway is shown on the proposed +/-5.59 acre property. It is confusing that there are private street stamps on the plan. The private street stamp is not needed since no private street is proposed (or allowed).
12. Zoning has no objection to the waiver of the Construction Plan Process in this case.
13. The applicant has adequately addressed landscaping for the +/-5.59 acre lot. When the remainder parcel is further developed, landscaping in accordance with Zoning Ordinance Section 7-600 will be required.
14. There appears to be conflicting information between the roadside ditch construction detail on the plans and the grading along both sides of the driveway as represented by the proposed finished grade contouring. The typical section detail suggests a trapezoidal ditch where as the contouring suggests a “V”-ditch. This should be resolved with the design engineer. If the storm flow in the ditch is observed to be erosive during or following construction, additional ditch lining may be requested by the on-site inspector. The two year storm flow velocities on each side of the drive could become erosive if the ditch is graded as represented by the contouring instead of the typical section detail. Protection (i.e. EC-3) of the channel may be necessary depending on which alternative is selected.
15. State the source of the soil map: **“Preliminary Soils Information provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated 5/26/04.”**
16. Map unit 440B, 415B and 417C are missing on the Interpretive Guide Section. Also include the headers for each column of the guide along with the source of the guide: **“Interpretive Guide Information taken from the Interpretive Guide to the Soils of Fauquier County, VA 5<sup>th</sup> edition.”**
17. Place the following notes on the plan:
  - A. Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on this 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 12A, 417B, 417C and 440B 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: **“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. The following statement needs to be placed on this plan: “Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design.”

The motion carried unanimously.

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

No comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

Mr. Trumbo showed appreciation to Mr. Kovalik for chairing the Transportation Committee.

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

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Trumbo read the following Resolution of Appreciation for Elizabeth Cook and presented it to her for her years of service.



## RESOLUTION OF APPRECIATION

### **Elizabeth E. Cook**

*Adopted at a regular meeting of the Fauquier County Planning Commission, held in the Board of Supervisors Meeting Room, Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on Thursday, March 29, 2007.*

*WHEREAS, Elizabeth E. Cook, previously served Fauquier County as a planning professional from November 4, 1996 to September 1, 1998; and*

*WHEREAS, upon her return to Fauquier County on October 17, 2000, she has served with distinction as the Chief of Planning providing exceptional, dedicated and committed leadership, service and mentoring to her staff; and*

*WHEREAS, her valued consultation, professional advice, support and leadership for the Planning Commission has been outstanding; and*

*WHEREAS, on a daily basis, Elizabeth Cook professionally responded to questions, provided guidance and assisted citizens, developers and property owners in a variety of informational or development settings with clarity, grace and patience; now therefore*

*BE IT RESOLVED, that the Fauquier County Planning Commission, on behalf of all citizens and her fellow workers, wishes to officially recognize Elizabeth E. Cook for the contribution to her Community and provide special commendation for eight years of outstanding service; and*

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

#### 9. **CITIZENS' TIME**

No one spoke.

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

- a. Zoning Ordinance Text Amendment to Section 11-102 to allow for silos 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 closed the public hearing.

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

The motion carried unanimously.

- b. 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.

Mr. Sean LaDue, Lee District, stated that he is in the same situation as Mr. Pennington and would like to see this text amendment approved so that residents can sell the number of lots they originally thought they had.

Mr. Douglas Baumgardner, representing the applicant, stated that this amendment is designed to validate non-conforming lots that were created before January 1, 1980 and to correct an error that was made many years ago. He continued that this text amendment is based on what is fair to the land owner and would ask that the Planning Commission consider approving this application.

Mr. Philip Helm, Lee District, stated the honorable thing for the Planning Commission to do is respect the agreements made by their forefathers concerning any property that was created prior to 1980.

Mr. Ray Pennington, applicant, stated that he has tried to come up with a solution to his problem some other way other than a rezoning. He stated

that he has paid taxes on this property believing that he would be able to build on this lot at some time. He continued that it is unfair to now say that the property is not buildable and was created in error.

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

Mr. Stone stated that there are errors within the County for many different reasons, but there are many people who live in these areas and feel that the property lines are set where they have always believed them to be. He continued that this text amendment is just touching on a small fraction of the discrepancies and would not correct most of them.

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

Mr. Trumbo read the following Resolution of Denial.

WHEREAS, Raymond M. Pennington, III has filed an application to request the County to amend the Zoning Ordinance to permit certain lots or parcels which were not lawfully subdivided to be utilized as building lots under terms and conditions set forth in the proposal, and has also requested consideration of proposed alternative amendments; and

WHEREAS, the Planning Commission has conducted a public hearing on the proposed amendments; and

WHEREAS, pursuant to Section 15.2-2286 of the Code of Virginia the Board of Supervisors may amend the Zoning Ordinance when the public necessity, convenience, general welfare or good zoning practice warrant such amendment; and

WHEREAS, the Planning Commission has considered the applicant's argument in support of the proposed amendments, the reports of county staff and public comment related to the application; and

WHEREAS, the Planning Commission has determined that the applicant's proposed amendments and suggested alternatives are not consistent with good zoning practice, not in the best interest of the public, not consistent with the general welfare, and otherwise fail to satisfy the standards set forth in Section 15.2-2286 of the Code of Virginia, now therefore be it

RESOLVED this 29<sup>th</sup> Day of March 2007 that the proposed text amendments and suggested alternative amendments be forwarded to the Board of Supervisors with a recommendation for denial.

The motion carried unanimously.



- c. Zoning Ordinance Text Amendment to add Sections 3-332 and 5-3200 to permit the use of density from adjoining properties in the RA and RC zones without parcel consolidation with special exception approval

Mr. Burke 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. Michael King, Lee District, stated that he is an aircraft pilot at the Flying Circus and he speaks in opposition of the text amendment because it would open a back door to moving by-rights and creating loop holes for any developers wishing to avoid a special exception.

Dr. Kitty Smith, Marshall District, stated that she is concerned about this amendment because there is a mechanism to achieve the goal of this amendment by doing a boundary line adjustment. She continued that she would like to see the special exception option stricken from this amendment.

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

Mr. Trumbo, seconded by Ms. McCarty, moved to forward to the Board of Supervisors with a recommendation of denial.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 8-1500 to authorize additional building signage on buildings larger than 100,000 square feet when set back from the street with special exception approval.

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.

Dr. Kitty Smith, Marshall District, stated that this ordinance was created to accommodate the proposed Costco, but it will affect all large businesses. Dr. Smith stated that they should be able to live with the 150 square foot sign.

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

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for 30 days.

The motion carried unanimously.

11. **COMPREHENSIVE PLAN AMENDMENT**

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

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 she commends staff on their hard work and this amendment is a good thing and she would hope it will be approved.

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

The Planning Commission commended Ms. Abe on her hard work on the Comprehensive Plan Amendment and respects the time it took to update this chapter.

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

The motion carried unanimously.

12. **REZONING AMENDMENTS**

- **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. Cook 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. Michelene Hostetter, representing Fauquier Housing Corporation, stated after the revised proffers she wants to let the planning commission know that Fauquier County does need the fifteen affordable housing units.

Dr. Kitty Smith, Marshall District, stated that after attending the work session today she understands that the planning commission is entertaining the revision of the proffers concerning the affordable housing. She objects to the fact that this developer wants to discontinue the construction of the fifteen affordable units. Dr. Smith continued that if they do not build these units then the developer should not be granted this rezoning.

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, at the request of the applicant.

The motion carried unanimously.

13. **REZONING AMENDMENTS AND SPECIAL PERMIT**

- **REZN07-SC-006 and SPPT07-SC-019 – McCarron Property, LLC, owner and applicants** – applicant wishes to amend the existing Proffers of a previously approved rezoning (RZ91-C-04). The applicant also wishes to obtain a Special Permit to allow for the construction of an office building of approximately 27,000 square feet. The property is located at 6623 Electric Avenue south of Lee Highway (Route 15 and 29), Scott District. (PIN 7906-52-6740-000)

Ms. Meade 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 that the applicant is in agreement with the conditions as written but would like to remove condition #3 to allow flexibility in the design of his new building. Mr. Floyd stated that he would like to have this application forwarded to the Board of Supervisors tonight.

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, subject to the revised conditions.

The motion carried unanimously.

14. **SPECIAL EXCEPTION AMENDMENT**

- a. **SEAM07-SC-001 – Suffield Meadows, LLC, owner and applicant – Suffield Meadows** – applicant wishes to obtain Special Exception Amendments to SE02-S-13 and SE02-S-14 under Category #6 to amend Condition #5, in order to increase the number of assisted living beds from forty (40) to sixty (60), and Condition #6 to delete “...begin prior to the issuance of the 85<sup>th</sup> residential building permit.” and insert “...be completed.” The property is located on Lee Highway (Route 29) at the intersection of Suffield Lane, Scott District. (PIN 6995-89-2285-000)

Mrs. Cook 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. Clinton Mullin, representing the Suffield Meadow Homeowners Association, stated that there is tremendous support within the Suffield Meadows Community for this Assisted Living Facility.

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

- b. **SEAM07-MA-006 – 1763 Inn, owner and applicant – 1763 Inn** – applicant wishes to amend a previously approved Special Exception (SPEX02-MA-003) to reduce the acreage from 50 acres to 44.52 to allow for a proposed subdivision. The property is located at 10082 Gazebo Lane in Upperville, Marshall District. (PIN 6044-67-3399-000)

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 in agreement with the conditions as they are written.

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

Ms. McCarty, seconded by Mr. Trumbo, 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-SC-005 & SPPT07-SC-018 – Bishops Run, LLC, owner and Angler Development, LLC, applicant – Bishop’s Run Commercial Center** – applicant wishes to amend a previously approved Special Exception (SPEX05-SC-005) to revise existing conditions. The applicant also wishes to obtain a Special Permit to allow up to 37,000 square feet of retail space. The property is located off Riley Road (Route 676), east of Broad Run Church Road (Route 600), 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, thanked staff for their hard work on this project. Mr. Bernard continued that he respectfully requests this item be forwarded to the Board of Supervisors tonight with a recommendation of approval.

Ms. Susan Russell, Marshall District and Chairman of Citizen’s For Fauquier County (CFFC), stated she has been working with the ARB to preserve the Civil War Battlefield within the area and due to this property being part of the Buckland Battlefield the CFFC is against this Special Exception Amendment. She continued that once this land has been destroyed it will be lost forever and that land needs to be preserved for future generations.

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

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

The motion carried unanimously.

In that there was no further business, the meeting adjourned at 8:41 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.*