

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
APRIL 26, 2007**

The Fauquier County Planning Commission held its regular meeting on Thursday, April 26, 2007, beginning at 6:30 P.M. in the 1st 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, Ms. Kimberley Fogle, Ms. Kim Johnson, Mr. Kevin Burke, Ms. Bonnie Bogert, Ms. Debbie Dotson, Ms. Melissa Dargis and Miss Carissa Blevins.

1. **APPROVAL OF MINUTES** – March 29, 2007

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

The motion carried unanimously.

2. **AGRICULTURAL AND FORESTAL RENEWAL:**

(NOTE: Any owner in the District being renewed may withdraw his land, in whole or in part, by written notice filed with the Fauquier County Board of Supervisors at any time before the Board acts on this application. Additional qualifying lands may be added to the District being renewed at any time upon separate application pursuant to *Code of Virginia § 15.2-4300 et seq.*)

- 2nd Renewal of Thumb Run Agricultural and Forestal District, which is currently scheduled to expire on July 7, 2008

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

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

The motion carried unanimously.

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

- Initiation of a Proposed Zoning Ordinance Text Amendment to Section 8-1401 to allow additional signage for certain commercial businesses in agricultural districts

Ms. Johnson 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. Trumbo, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Section 8-1401 to allow additional signage for certain commercial businesses in agricultural districts and to schedule a public hearing for the Planning Commission's May 31, 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)

5. **PRELIMINARY PLATS**

- a. **PPLT07-CR-007 – Jeffrey R. and Saundra 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 approve.

The motion carried unanimously.

- b. **PPLT07-LE-009 – The Paddocks at Kastle Greens, Inc., owner and applicant – The Paddocks at Kastle Greens** – applicant wishes to subdivide approximately 223.06 acres into eleven (11) lots. The property is located on Ritchie Road (Route 644) east of its intersection with Marsh Road (Route 17), Lee District. (PIN 7808-44-6128-000)

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 for 30 days.

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**

Mr. Trumbo announced that that the Planning Commissions May 31, 2007 work session will begin at 11:00 a.m.

9. **CITIZENS' TIME**

No one spoke

10. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS:**

a. **13th Addition to Orlean/Hume District**

- #AGFD07-MA-002: Richard Edward & Molly P. Wolfe (Owners) are requesting to add one parcel totaling 26.2795 acres, located on Cornwell Lane (PIN 6926-46-2635-000)

Ms. Dotson 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. Kovalik, moved to forward to Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

b. **16th Addition to Marshall/Warrenton District**

- #AGFD07-MA-003: Richard & Roxanne Graham (Owners) are requesting to add three parcels totaling 31.66 acres, located on Carters Run Road (PIN 6966-35-2695-000, 6966-24-8934-000, and 6966-35-0268-000)

Ms. Dotson 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. Richard Graham, Marshall District, stated that he has met all the requirements set forth by the Planning Commission, but has been repeatedly denied. He stated that this land is agricultural land and has been farmed for the last twenty five years. He would request tonight that the Planning Commission approve his application.

Dr. Kitty Smith, Marshall District, stated that she participated in the Agricultural Review Board and the problem with Mr. Graham's application was the size of the property. She continued that he does not have 20 acres of forestal land and is doing very little farming which excludes him from this category.

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

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

The motion passed with Mr. Meadows in opposition.

c. **19th Addition to Middleburg/Marshall District**

- #AGFD07-SC-004 & #AGFD07-SC-005: David W. Laughlin, John C. Brown IV Trustee, and Elissa L. R. Brown (Owners) are requesting to add three parcels totaling 183.1233 acres, located on Labrador Lane (PIN 7002-02-9722-000, 7002-23-2747-000, and 7002-23-2028-000)

Ms. Dotson 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. Trumbo, seconded by Mr. Meadows, 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 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.

Ms. Johnson 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 would like to see a maximum size limit set. She continued that the original text amendment was developed because of a large box building and she is happy to see Fauquier keeping these to a minimum.

Mr. Yak Lubowsky, Center District, stated he would hate to see the ordinance change to accommodate one business, but would also like to have a limit determined for the maximum size.

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.

- b. Zoning Ordinance Text Amendment to Section 15-300 to eliminate the definition of home occupations

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

The motion carried unanimously.

12. **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 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)

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. John Foote, representing the applicant, stated that he is aware that everyone is familiar with this application and that the applicant is in agreement with the proffers.

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 subject to the revised proffers.

The motion carried unanimously.

13. **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)

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

Mr. John Foote, representing the applicant, stated that the applicant has worked diligently with the County to resolve any issues and they would respectfully request the Planning Commissions approval.

Dr. Kitty Smith, Marshall District, stated that she is not in favor of this project but is aware that the clock has run out for the Planning Commission. She continued that she would advise the Planning Commission not to approve this application and to hold the developer to the original proffers that they voluntarily wrote. Dr. Smith advised that affordable housing is one of the biggest obstacles in Fauquier County and that this rezoning was granted based on the fact that they would be supplying fifteen workforce housing units, and if they back out now then they forfeit their rezoning.

Mr. Dave Mailler, Scott District, stated that affordable housing has always and will continue to be a huge problem in Fauquier County and many developers have originally proffered a certain number of affordable housing units but by the time the project is approved, the applicant has somehow removed these properties from plan. Mr. Mailler continued that this amendment should be denied so that developers will stop promising affordable housing units and then not providing them.

Mr. Steve Vento, applicant, stated that originally they planned to supply these fifteen affordable housing units to assist with residents who work in the County, but with rising construction costs it would not be feasible to construct these units. Mr. Vento continued that Angler would still like to assist these residents by contributing a set amount of money to help fund the purchase of a home within the County, thus giving them more of an option where they reside.

Ms. Jolly de Give, Marshall, stated that she agrees that the developer should be held accountable for the affordable units and this application should be denied.

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

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

The motion carried unanimously.

14. **SPECIAL EXCEPTION**

- a. **SPEX07-SC-012 – Arlington Outdoor Education Association, owner and applicant – Arlington Outdoor Education Association** – applicant wishes to obtain a Special Exception under Category #5 to allow for the expansion of the learning lab. This land use has been in existence prior to the Zoning Ordinance and thus also seeks approval for the indoor/outdoor technical school with this Special Exception. The property is located at the eastern end of Biscuit Mountain Road (Route 792), Scott District. (PIN 7907-47-1045-000)

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. Michael Nardollini, President of the Arlington Outdoor Education Association, stated that he is requesting approval of this application tonight based on them being a non-profit organization and having special funding to assist in building the addition. Mr. Nardollini continued that the organization has a strict timeline in which to have this addition constructed and operational. He informed the Planning Commissioners that this facility has been in existence since the 1960's and is used to educate urban children in a more natural environment and supply them with a setting in which they are unfamiliar. He continued that there are no paid employees at this location and they have an open relationship with all the adjoining neighbors, but that time is of the essence and he would again ask for action to be taken tonight.

Ms. Laura Torres, Scott District, stated that she is an adjoining neighbor and that she enjoys and supports this facility, but is concerned about the additional amount of traffic on Biscuit Mountain Road.

Ms. Donna Rice, Scott District, stated she also supports the lab and is concerned about the amount of additional traffic. She stated that this road is only used by a handful of residents currently and the road is very narrow making it difficult for more than one car to travel down at a time so she would like to see an alternative driveway constructed.

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

Mr. Trumbo assured the applicant that he would not be postponed in going to the Board of Supervisors if he was to request early advertising for the June hearing.

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

- b. **SPEX07-CR-004 & SPEX07-CR-010 – The Paddocks at Kastle Greens, Inc., owner and applicant** – applicant wishes to obtain a Category 23 Special Exception to allow for fill in the FEMA floodplain to construct the access road and stormwater management/BMPs for a proposed 11 lot subdivision and a Category 20 Special Exception for the construction of an alternative wastewater treatment reclamation system for each lot within 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)

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. Paul Bernard, representing the applicant, stated that the new proposed water treatment system that is planned for each of the eleven individual lots meets all the state requirements and that he is available to answer any questions or address any comments.

Mr. John King, Cedar Run District and representing The Flying Circus, stated that they are still concerned about this application and that the new landowners would be against The Flying Circus and would attempt to restrict when and how much they are able to fly. Mr. King continued that he has been assured that the homes would be clustered as far away from The Flying Circus as possible, but when he looked at the proposed layout the homes are actually as close as they can be to The Flying Circus. Mr. King also voiced concern about the experimental wastewater treatment system failing and he stated that Fauquier County generally does not allow experimental treatments unless a system has already failed and it is used as a remedy. He said that these experimental systems are powered by electricity and asked what would happen during a power failure? Mr. King stated that there are too many holes in this application and would hope that the Planning Commission would deny such an application.

Dr. Kitty Smith, Marshall District, stated that she is extremely concerned about this experimental wastewater treatment center and the fact that nobody knows very much about them. She said that Loudoun County has approved many of these systems in the last few years and more than half have already failed. Fauquier County does not approve systems like this for a reason and she would ask the question of why this one would be approved. She commented that it needs to be addressed of what the owner would do if there was a long term power failure and referenced a period in recent years when the power was out for a number of days. She said if the power was out, the experimental system would not operate and these eleven homes would be left without anything, unlike if they had a traditional septic system. Dr. Smith asked the question of whether or not the County would end up spending their money to correct these systems when they begin to have problems. She also stated that Loudoun County has already had to spend millions of dollars to correct the experimental systems that were approved in their county and she would hate to see that same mistake made here. She continued that approving this application would open the door to an entire new set of applicants wishing to construct these experimental systems throughout the County and what provision would be there to address these issues.

Ms. Jolly de Give, Marshall District, stated she agrees with Dr. Smith and that approving this application would open the door for a new set of problems ranging from applicants submitting similar applications to the problem of these systems failing. She added that the experimental systems in Loudoun County are failing within five to ten years opposed to the forty years that a traditions septic/sewer system generally last.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days, with the public hearing left open.

The motion carried unanimously.

15. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM07-SC-001 – Suffield Meadows, LLC, owner and applicant – Suffield Meadows** – applicant wishes to obtain a Category 6 Special Exception Amendment to previously approved Special Exceptions SE02-S-13 and SE02-S-14. The property is located on Lee Highway (Route 29) at the intersection of Suffield Lane, Scott District. (PIN 6995-89-2285-000)

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

Mr. John Foote, representing Suffield Meadows, stated that over the last several months his client has been working diligently to work out any concerns the Planning Commission had with this application and has also partnered with Fauquier Hospital to assist with the facility. Mr. Foote added that another concern of the Planning Commission was if the water treatment plant could handle the increased number of beds, but Suffield Meadows has been assured that it will not be an issue. He also stated that Suffield Meadows has agreed to increase the bond to 1.5 million dollars in order to assure construction. Mr. Foote also wanted to assure the Planning Commission and the public that the architectural design of this facility will be consistent with the look of the rest of the development. Mr. Foote stated he would respectfully request approval of this application.

Mr. Clinton Mullin, President of the Suffield Meadows Homeowners Association, stated that the residents of the development would request approval of this application not only because the area is in desperate need of such a facility and that many residents purchased homes in the area because of this, but because the delayed construction of the assisted living facility has caused ten of the home lots to be put on hold. Mr. Mullin stated that he speaks on behalf of the community when he respectfully asks that this application be forwarded to the Board of Supervisors with a recommendation of approval.

Mr. Roger Baker, President of Fauquier Health Systems, stated that he was not involved in this project from the beginning, but is glad to be part of it now. He stated that this county needs this facility and that he and his organization will do everything they can to see it constructed the way the community envisions it.

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 passed 3 -2 with Ms. McCarty and Mr. Kovalik in opposition.

In that there was no further business, the meeting adjourned at 9:15 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.