

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
SEPTEMBER 27, 2007**

The Fauquier County Planning Commission held its regular meeting on Thursday, September 27, 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. Kim Johnson, Mr. Kevin Burke, Mrs. Bonnie Bogert, Mrs. Susan Eddy, Ms. Holly Meade, Mrs. Melissa Dargis, and Miss Carissa Blevins.

1. **APPROVAL OF MINUTES** – August 30, 2007

Mr. Stone, seconded by Ms. McCarty, moved to postpone action until the October meeting.

The motion carried unanimously.

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

- Initiation of a Text Amendment to Section 8 of the Subdivision Ordinance and Section 12-615 of the Zoning Ordinance Related to the Provision of Sidewalks and Trails.

3. **PLAN OF DEVELOPMENT**

- **PLVD08-SC-001 – AGB Warranties Services, LLC, owner and applicant** – applicant wishes to obtain approval of a Plan of Development to divide one commercial lot into three. The property is located south of Lee Highway (Route 15/29), Scott District. (PIN 7916-03-8979-000)

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

Mr. Trumbo, seconded by Ms. McCarty, moved to approve.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- **PPLT07-LE-004 – Fountain Hope, LP, owner and applicant – Blue Ridge North** – applicant wishes to subdivide approximately 164.78 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. (PIN 6970-29-7426-000)

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

Mr. Meadows, seconded by Mr. Kovalik, moved to approve subject to the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Subdivision Plat "Blue Ridge North" dated July 15, 2006, last revised July 30, 2007, signed by John P. Foster on July 30, 2007.
2. This approval is granted for Lots 2-5 and the non-common open space parcel as shown on the Plat.
3. Any Final Plat filed for the five (5) lots approved herein may reserve within the non-common open space the ability to create one additional lot, provided that after any such subdivision the residue shall be contain eighty-five (85) percent of the total site acreage which shall be subject to a non- common open space easement.
4. The lot reserved shall require approval of the Planning Commission. The Commission and the Applicant have mutually agreed to postpone consideration of the reserved lot pending review of a Planning Commission initiated Special Exception for a private street to serve the reserved lot.
5. Overhead utility lines shall be shown on the Final Construction Plan and Final Plat.
6. The location of any burial grounds on the site shall be identified on the Final Construction Plan and Final Plat.
7. The "C", "CN", "Tc", and other pre-condition assumptions will be evaluated with the Final Construction Plan based on values from the Fauquier County Design standards Manual (FCDSM).
8. 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, to preclude wet yards, and to prevent 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, all basements shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system. Drainage easements, where necessary, shall be placed on the Final Plat. A note shall be placed on the Final Plat stating that "Basements are not recommended for

construction in soil mapping units 12B, 15B, 48B, 417B, 417C, 415A, and 415B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump pump systems may run continuously leading to premature pump failure.”

9. No stormwater runoff generated from new development shall be discharged into jurisdictional wetland without adequate treatment. Existing disturbed areas do not act as pre-treatment for new development unless it qualifies as a vegetated filter strip in accordance with the VESCH Minimum Standard 3.14.
10. Houses are not to be located in existing natural streams or drainage swales. Those areas shall be preserved to the maximum extent practicable.
11. In areas where the roads are to be installed over soils with low bearing capacity and/or high shrink/swell potential, underdrains or other stabilizing material may be required.
12. All applicable State and Federal permits are to be acquired and filed with the first submission of the Final Construction Plan. This includes the USACE/DEQ permits for any/all wetland disturbances.
13. Development of the two and ten year storm flows and storm flow velocities at all outfall locations shall be provided on the Final Construction Plans and shall meet the requirements for adequate outfall per MS-19.
14. Culvert sizing analyses shall be provided on the Final Construction Plan.
15. Drainage easements where the surface drainage crosses more than two lots shall be provided on the Final Construction Plan.
16. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the Final Construction Plan. This shall be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
17. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated _____.

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-_____.

_____	_____
Va. Certified Professional Soil Scientist	DATE
CPSS #3401-_____	

18. Interpretive information from the Type I soil report for each mapping unit shown on the 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.
19. This final soils map will be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
20. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
21. The final signature sets will require original CPSS signature.
22. The type of primary and reserve drainfield area shall be stated for each lot.
23. The following notes shall be placed on the same sheets as the final soils 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 filed with the Department of Community Development: “The County recommends that no below grade basements be constructed on soil mapping units 12B, 15B, 48A, 48B, 415A, 415B and 417B 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 placed on the Final Construction 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.”
 - c) Soil mapping units 140B, 140D and 241B are usually shallow to bedrock. The following statement needs to be placed on the Final Construction Plan: “The County recommends that before road or home construction begins in soil mapping units 140B, 140D and 241B, 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 costs due to high erosion hazard. Proper erosion and sedimentation practices need to be installed

before construction begins. Soil mapping units 43D and 140D should be left in their natural state.

- e) The following statement shall be included on the 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.”

The motion carried unanimously.

- 5. 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*

- 6. **THE PLEDGE OF ALLEGIANCE**

- 7. **ANNOUNCEMENTS**

Mr. Trumbo announced that there would be a public meeting on Wednesday, October 10, 2007 at 7:00 p.m. at Highland School, 597 Broadview Avenue, Warrenton. The topic of discussion will be the Reservoir Overlay District Text Amendment.

Mr. Trumbo also announced that on October 30, 2007 at 1:00 p.m. the Planning Commission will conduct a site visit to Fauquier High School in order to consider renovations.

Mr. Stone announced that on Saturday, September 29, 2007 the First Annual Live Energy Festival will be held on the Warrenton Greenway.

- 8. **CITIZENS' TIME**

No one spoke.

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

- a. Zoning Ordinance Text Amendment to Section 3-400 to clarify lot requirements for clusters.

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.

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 9-1007 to address lighting standards for greenhouses.

Ms. Johnston 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.

- c. Zoning Ordinance Text Amendment related to notice after removal of signs in the right-of-way.

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

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment related to the standards for transitional housing.

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

The motion carried unanimously.

10. **REZONING**

- a. **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 13.07 acres from Rural Agricultural (RA) to Residential-4 (R-4) with proffers, for a proposed residential subdivision. 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 his client is in agreement with a postponement until the October 25, 2007 meeting in order to work out any further refinements.

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

Mr. Stone, seconded by Mr. Kovalik, moved to postpone action for 30 days, at the request of the applicant with the public hearing left open.

The motion carried unanimously.

- b. **REZN08-LE-001 – Wexford Mews, LLC, owner and applicant – Wexford Mews** – applicant wishes to obtain a rezoning of approximately 9.81 acres from Residential-4 (R-4) to Commercial-2 (C-2). The property is located on the west side of Marsh Road (Route 17), Lee District. (PIN 6899-24-0759-000 & 6899-25-0237-000)

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 would request a 90 day postponement in order to work out further refinements.

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.

11. **SPECIAL EXCEPTION**

- a. **SPEX08-CR-001 – Vint Hill Economic Development Authority & Fauquier County Board of Supervisors, owners and applicants – Vint Hill Parcel 1/Floodplain** – applicants wish to obtain a Category 23 Special Exception to allow for grading and a stormwater pond in a floodplain. The property is located at the intersection of Kennedy Road (Route 652) and Vint Hill Road (Route 215), Cedar Run District. (PIN 7915-86-1930-000 & 7915-88-0998-000)

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.

Ms. Helen Ford, Cedar Run District, stated that stormwater ponds should not be built in floodplains and that this area is above the drinking water for Prince William County. She stated that the EDA did some test wells in this area a few years back and left the well uncapped which has shown poor land stewardship and that constructing this stormwater pond is part of a larger plan for this area and that is something this area does not need. She continued that this area should be saved for an educational open space.

Mr. Meadows asked Ms. Ford to point out on the map where this uncapped test well was located. Ms. Ford pointed out the location on the map.

Mr. Tim Holmes, Project Manager for Vint Hill EDA, stated that the well Ms. Ford is referring to has been capped multiple times but the pressure in this well builds up and blows the cap off. He continued that there are plans in the works currently to have that well tie into Vint Hills system and that well will be fully functional.

Mr. Chuck Medvitz, Scott District, stated that he believes this stormwater pond is part of a larger concept development plan and he would urge the Planning Commission to get all the facts before approving this application.

Mr. Fred Ameen, Engineer for Vint Hill, stated that this concept plan for storm water management has not changed and has been in the works for years and that this is another step towards the final product. He continued that the ponds have been designed with the current guidelines and that there has been a floodplain study in this area which shows no impact to the 100-year floodplain. Mr. Ameen stated that his would not be an additional stormwater pond but is to replace a temporary pond which was constructed years ago.

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

Mr. Meadows stated that he appreciates the ideas and concerns expressed by the public, but this plan is in conformance with the Corp of Engineers as well as the county's Engineers.

Mr. Meadows stated that he would like to amend the approval to state that the test well be permanently capped prior to the Board of Supervisors approval.

Mr. Meadows, seconded by Mr. Stone, moved to amend the application to include a condition stating that the test well be permanently capped prior to approval by the Board of Supervisors.

The motion carried unanimously.

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

The motion carried unanimously.

- b. **SPEX08-MA-002 – 17/66, LLC, owner and Collins Engineering, applicant – Mills Property** – applicant wishes to obtain a Category 13 Special Exception to allow a drive-through facility for a financial institution. The property is located at the intersection of Winchester Road (Route 17) & Route 622, Marshall District. (PIN 6969-87-8431-000)

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. John Foote, representing the applicant, stated that the applicant would respectively request approval of this application and that he is available to answer any questions.

In that there were no further 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.

12. **SPECIAL EXCEPTION AMENDMENT**

- **SEAM08-CR-001 – Dominion Transmission, Inc., owner and applicant – Quantico Compressor Station Upgrade** – applicant wishes to amend a previously approved Special Exception (SPEX04-CR-012) to allow for upgrades to the Compressor Station. The property is located on the north side of Laws Ford Road (Route 640) east of its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN 7941-22-5371-000)

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.

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, subject to amended conditions.

The motion carried unanimously.

13. **SPECIAL EXCEPTION AMENDMENTS AND SPECIAL PERMIT**

- *SEAM07-LE-004 & SEAM07-LE-007 & SPPT07-LE-015 – AGT, LLC, owner 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 create an additional 0.98 acre lot for a proposed pre-school/daycare facility; amend a previously approved Category 23 Special Exception to allow for fill in the FEMA 100-year floodplain; and request a Category 5 Special Permit to allow for the proposed use. 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 applicant, stated that he was available to answer any questions.

Ms. Mari Spender-Lockhart, Lee District, is concerned about this property being in the 100 year floodplain and stated that the residents have voiced there concerns multiple times before but have received no feedback from the applicant or County. She continued that people move to Fauquier County to be part of the rural way of life here and she would hate to see that ruined by new development.

Mr. Ernie Padgette, Lee District, stated that he is opposed to this application mainly because it will be constructed on land that should be considered wetlands. He continued that he was assured prior to purchasing his home that his land could never be developed and is appalled that this application is being considered. Mr. Padgette informed the Commission that this land frequently floods and backs up into the adjoining properties yards.

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

Mr. Meadows stated that the applicant has worked with the Commission and staff diligently to address the concerns that have been brought up. He continued that the applicant has cleaned up the common area in this development as well as agreed to improve the trails and maintain these areas on a semi-annual basis and turn over the development to the Home Owners prior to the approval of the Board of Supervisors as stated in Condition #7.

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

Mr. Stone stated that he appreciated the effort that the applicant has gone through but also recognized the concerns of the residents. He continued that he has walked the property to see where the unsettled water would lie. Mr. Stone continued that this area is not suitable for development especially for a daycare center. Mr. Stone stated that he would not be able to support this application.

Ms. McCarty stated that her objection is that this Special Exception should not be amended because it is an inappropriate reduction in open space after build-out and that the residents have justified concerns.

Mr. Kovalik stated that he agrees with Mr. Stone and Ms. McCarty and will not support this application.

The motion failed 2-3 with Mr. Stone, Ms. McCarty, and Mr. Kovalik in opposition

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

The motion passed 3-2 with Mr. Trumbo and Mr. Meadows in opposition.

In that there was no further business, the meeting adjourned at 7:58 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.