

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JANUARY 26, 2006**

The Fauquier County Planning Commission held its regular meeting on Wednesday, January 26, 2006, 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. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Todd Benson, Mr. Kevin Burke, Ms. Holly Meade, Mrs. Bonnie Bogert, Mrs. Rebecca Kauffman and Ms. Carissa Blevins.

Mrs. Cook opened the meeting and initiated the election of officers.

1. **ELECTION OF OFFICERS**

- a. Chairman – Mr. Stone
- b. Vice Chairman - Mrs. Ann McCarty
- c. Secretary – Mr. John Meadows

On a motion made by Mrs. Cook, and seconded by Mr. Trumbo, all officers would remain their current positions. The motion carried unanimously.

2. **CONSIDERATION OF BY-LAWS**

Mr. Stone, seconded by Mr. Meadows, moved to retain the current by-laws as written.

**BYLAWS
FAUQUIER COUNTY PLANNING COMMISSION**

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

ARTICLE I – AUTHORITY

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

ARTICLE II – MEMBERS

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

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

ARTICLE III – OFFICERS AND ELECTIONS

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

- Chairman
- Vice Chairman
- Secretary

ARTICLE IV – DUTIES OF OFFICERS

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

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

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

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

The Secretary shall:

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

ARTICLE V – MEETINGS

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

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

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

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

ARTICLE VI – VOTING

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

Mr. Robison, seconded by Mr. Stone, moved to amend the agenda to add Preliminary Plat Extensions for Oak Meadows, Waltham Commons, and Wexford Mews as items 8.b.c. and d. respectively.

The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

- a. Architectural Review Board – Recommended Mrs. Ann McCarty
- b. Capital Review Committee (CRC) – Appointed Mr. Holder Trumbo
- c. Proffer Policy Analysis Committee – Appointed Mr. John Meadows
- d. Transportation Committee – Recommended Mr. Holder Trumbo

4. **APPROVAL OF MINUTES** – December 8, 2005

Ms. McCarty, seconded by Mr. Robison, moved to approve the December 8, 2005 minutes as amended.

The motion carried unanimously.

5. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCE AND THE DESIGN STANDARDS MANUAL**

- a. Initiation of Zoning Ordinance Text Amendment to Sections 3-306, 15-300, and 5-607 to add “Transitional Family Housing” as a new use, with definition and standards.

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

For the purposes of convenience and good zoning practices, Mr. Meadows, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Sections 3-306, 15-300, and 5-607 to add “Transitional Family Housing” as a new use, with definition and standards, and to schedule a public hearing for the Planning Commission’s February 16, 2006 meeting.

The motion carried unanimously.

- b. Initiation of Zoning Ordinance Text Amendment to Section 13-301 to allow the Board of Supervisors hear certain appeals from decisions of the Zoning Administrator.

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

For the purposes of convenience and good zoning practices Mr. Meadows, seconded by Mr. Stone moved to initiate a Zoning Ordinance Text Amendment to Section 13-301 to allow the Board of Supervisors hear certain appeals from decisions of the Zoning Administrator, and the schedule a public hearing for the Planning Commissions’ February 16, 2006 meeting.

The motion carried unanimously.

6. **ZONING ORDINANCE WAIVER**

- **#WVRP06-CR-015 – Evelyn Wilson, owner and applicant – Wilson Property** – applicant wishes to obtain a waiver of Section 7-302.1.B of the

Zoning Ordinance, limitation on a private street connecting directly to a state maintained street. The property is located on the southeast side of Balls Mill Road (Route 663) at 9811 Nina Lane, Midland, Cedar Run District. (PIN #6990-99-7468-000)

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. Robison, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

7. **PRELIMINARY PLATS**

- a. **#PPLT05-CR-012 – GGFS/Greenwich Meadows, LLC, owner and applicant – Creekmont Estates** – applicant wishes to subdivide approximately 84.01 acres into forty (40) lots. The property is located on the east side of Greenwich Road (Route 603), Cedar Run District. (PIN #7924-35-7268-000 and 7924-34-0017-000)

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 to postpone action until the February 16, 2006 meeting.

The motion carried unanimously.

- b. **#PPLT05-MA-024 – Rita and Lyle P. Schertz, owners and Mac Holt, Kline Operations, LLC applicant – Groveton Meadow (formerly Marshall Farms and Bellegrove)** – applicant wishes to subdivide approximately 10.47 acres into forty-two (42) lots. The property is located south of East Main Street, Marshall District. (PIN #6969-99-8031-000)

Ms. Meade 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 approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Groveton Meadow” dated February 1, 2005, last revised January 17, 2006 and received in the Planning Office on January 18, 2006, except

as modified by these conditions. This approval is for a maximum of forty-two (42) single-family attached residential lots.

2. Prior to final subdivision approval, evidence that offsite easements for water and sanitary sewer lines have been obtained shall be provided.
3. An overlot grading plan that shows downspout locations shall be provided as part of the Final Construction Plans.
4. Proof of provisions for adequate fire flow shall be required with the first submission of the Final Construction Plans.
5. To assure constructability, the horizontal design of the interparcel connector (to the west) shall be provided with the Final Construction Plans. The design shall show that the connector can be built in the next property. (N/R Embrey)
6. This project shall meet the requirements of the County Design Facilities Manual adopted on October 13, 2005.
7. The proposed trail shall be constructed by the applicant at the time of all Route 55 (East Main Street) right-of-way improvements as reflected in the Preliminary Plat.
8. Any utilities that are installed within an existing and/or proposed state maintained road shall be in conformance with VDOT standards.
9. The applicant agrees they shall conform to the architectural drawings included in the Preliminary Plat.

The motion carried unanimously.

- c. **#PPLT05-LE-025 – VCA, LLC, owner and Kustom Kastles, applicant – Laurenwood Estates (formerly Powe Property)** – applicant wishes to subdivide approximately 137.89 acres into eighty - nine (89) lots. The property is located on the southeast side of Remington Road (Route 656), Lee District. (PIN #6888-41-5000-000 and 6888-50-4476-000)

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the February 16, 2006 meeting, noting this is not at the applicant's request.

The motion carried unanimously.

- d. **#PPLT06-MA-002 - Steven M. and Barbara S. Parr, owners and applicants - Parr Subdivision** – applicants wish to subdivide approximately 50.6 acres into two (2) lots. The property is located on the east side of Dudie Road (Route 689), Marshall District. (PIN #6955-73-9155-000, formerly)

Ms. Meade 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 the Preliminary Plat and the associated waivers.

The motion carried unanimously.

- e. **#PPLT06-MA-007 - Arlington Builders, Inc., owner and applicant - Richard's Turnbull Estates** – applicant wishes to subdivide approximately 11.7 acres into five (5) lots. The property is located on the south side of Turnbull Road, east of its intersection with Springs Road (Route 802), Marshall District. (PIN #6962-66-1233-000)

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

Ms. McCarty, seconded by Mr. Stone, moved to postpone action for up to 60 days, at the applicant's request.

The motion carried unanimously.

- f. **#PPLT06-CT-008 - Bluerock Creek, LLC, owner and applicant - Stonehill Estates** – applicant wishes to subdivide approximately 22.3 acres into four (4) lots. The property is located on the northeast side of Routes 17/29 at 7259 James Madison Highway, Center District. (PIN #6985-13-3513-000)

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

Mr. Robison, seconded by Ms. McCarty, moved to postpone action for up to 60 days, at the applicant's request.

The motion carried unanimously.

- g. **#PPLT06-SC-012 - Premier Homes, contract owner and applicant - Benjamin Property** – applicant wishes to subdivide approximately seven (7) acres into four (4) lots. The applicant also requests a waiver of Subdivision Ordinance Section 5-8, minimum cul-de-sac length

requirements. The property is located on the northeast side of Airline Road (Route 605), just west of its intersection with Lee Highway (Route 29), Scott District. (PIN #6995-24-0410-000, 6995-24-2335-000, and 6995-13-9938-000)

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

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action until the February 16, 2006 meeting, noting this is not at the applicant's request.

The motion carried unanimously.

- h. **#PPLT06-CR-013 – Eugene Luke, owner and SYG Associates, applicant – Greenwich Woods** – applicant wishes to subdivide approximately 35.4 acres into seventeen (17) lots. The property is located on the east side of Greenwich Road (Route 603), south of its intersection with Kennedy Road (Route 652), Cedar Run District. (PIN# 7924-26-7370-000)

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 to postpone action until the February 16, 2006 meeting.

The motion carried unanimously.

8. **PRELIMINARY PLAT EXTENSION**

- a. **Patrick T. and Evelyn B. Sullivan II and Mark A. Foldenauer, owners and applicants** - applicants wish to obtain an extension of a previously approved preliminary plat (#PPLT05-LE-014). The property is located on the west side of Silver Hill Road (Route 615), Lee District. (PIN #7815-21-6249-000).
- b. **Dunn Brothers, Inc., owners and applicant – Oak Meadows** – applicant wishes to obtain an extension of the previously approved preliminary plat (PPLT04-LE-013). The property is located on the south side of Oak Shade Road (Route 661) between Catlett Road (Route 28) and Weaversville Road (Route 662), Lee District. (PIN 6889-75-7223-000)
- c. **Carter W. and Janice N. Kehoe, owners and Brahma Land Development, LLC, applicant – Waltham Commons** – applicant wishes to obtain an extension of a previously approved preliminary plat (PPLT04-LE-008). The property is located on the south side of Catlett Road (Route 28), Lee District. (PIN 6899-05-5345-000 and 6899-05-9336-000)

- d. **Cater W. Kehoe and Wexford Mews, LLC, owner and Wexford Mews, applicant – Wexford Mews** – applicant wishes to obtain an extension of a previously approved preliminary plat (PPLT04-LE-009). This property is located on the west side of Marsh Road (Route 17) near its intersection with Catlett Road (Route 28), Lee District. (PIN 6899-25-0237-000 and 6899-24-0759-000)

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

Mr. Stone, seconded by Mr. Meadows, moved to approve Agenda item 8a. – 8d.

The motion carried unanimously

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

No Comments.

b. **TRANSPORATION COMMITTEE AGENDA**

No Comments.

The Fauquier County Planning Commission held its Public Hearing on Wednesday, December 7, 2005, beginning at 7:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mr. Kevin Burke, Mrs. Elizabeth Cook, Mr. Todd Benson, Ms. Melissa Dargis, Mrs. Rebecca Kauffman, and Ms. Carissa Blevins.

10. **THE PLEDGE OF ALLIGIANCE**

11. **ANNOUNCEMENTS**

12. **CITIZENS' TIME**

Mr. John Griffin, Cedar Run District, stated that the Capital Improvement Plan did not address the means of financing. He expressed his concerns for new schools by the year 2008. He suggested that the Planning Commission should worry about the future concerns of the county, in particular the overcrowding in the schools and not delay in achieving those goals.

Ms. Dana Hansson-Givnta, Scott District, voiced her concerns about the over crowded schools in the county. She said the Planning Commission needs to put

an emphasis on education and schools when allocating funds, as delays in building are costing a great deal of money.

Ms. Cheryl Wolf, Lee District, and member of the Fauquier Alliance for Better Schools, stated she is also concerned that the construction of new schools is not a greater priority. She feels that the money is going towards to many other things, for example, a picnic site at Vint Hill, a community center in Marshall and new trailers for the existing school, when it could better applied to education.

13. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL**

- a. Zoning Ordinance Text Amendment to Section 7-102 to authorize the Director of Community Development to waive certain parking requirements upon evidence that a proposed use requires less parking than required by the Zoning Ordinance.

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

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone 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 2-406 to set forth rules with respect to the effect of Boundary Line Adjustments, Large-Lot Divisions, and other subdivisions on Open Space requirements within the RA and RC Zones.

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

Mr. Stone opened the public hearing.

Mr. Jimmie Eustace, Cedar Run District, stated that this is a bad plan for the owners of Rural Agricultural (RA) property. He continued to say that this Amendment would make it hard for him to sell off a little piece of his property so that he could afford to keep the rest of his farm. He asked that the Planning Commission give this further consideration.

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

Mr. Stone, seconded by Mr. Meadows, moved to forward to the Board of Supervisors for further review.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 13-406 to grant exemptions to minimum lot width, minimum lot frontage, minimum setback requirements, and certain residential height requirements, to delete certain variance authority delegated to the zoning administrator and the Board of Zoning Appeals, and to amend sections 2-413, 2-505, and 3-324 for constancy with these changes.

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

Mr. Stone opened the public hearing.

Dr. Kitty Smith, Marshall District, stated she is concerned with the height of buildings in Rural Agriculture (RA) and Rural Conservation (RC) Zones. She asked that houses not be allowed to be any taller that they presently are.

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

Mr. Meadows stated he appreciates Dr. Smith's comments and noted the Planning Commission is not allowing another story and only allowing up to 10 feet.

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

Ms. McCarty asked Mr. Meadows to address what Mr. Benson mentioned at the end of his staff report.

Mr. Benson said Mr. Meadows wanted extra language to say no additional living space will be allowed as well as language deleting the Special Permit.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 4-106 of the Planned Residential Development District (PRD) Regarding Use Limitations

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

Mr. Stone announced this amendment will be heard again at the Planning Commission's public hearing on February 21, 2006.

Mr. Stone opened the public hearing.

Mr. Chuck Medvitz, Scott District, stated he understands the attempt to make an adjustment to the PRD; however, the public may be better served by adding a new Section to the Zoning Ordinance entitled "Planned Commercial Development District" (PCD). He concluded it seems we are using an old Section to address something new.

Dr. Kitty Smith, Marshall District, stated she is concerned about the way this is written; she feels that it is too broad a statement. She continued to say that the staff report was unclear and needs to set specific limitations.

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

Mr. Stone, seconded by Ms. McCarty, moved to postpone until February 21, 2006 and keep the public hearing open.

Mr. Stone announced that there will be a public hearing on February 21, 2006 regarding this text amendment to the PRD as well as on the Capital Improvements Plan. He added there will be work session on February 16, 2006 on the CIP.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-CR-029 & SPEX05-CR-035 – Midland Church of the Brethren, owner and JFT-AIA, applicant – Midland Christian Academy** – applicant wishes to amend a previously approved Special Exception (#SE96-CR-06) to allow for the expansion of the Academy (Category 5, Special Exception). This also includes expansion of school facilities on the site and a request for a commercial private sewerage system (Category 20, Special Exception). The property is located at 10456 Old Carolina Road (Route 602) in Midland, Cedar Run District. (PIN #7900-43-3970-000, 7900-44-3251-000, 7900-43-0673-000 and 7900-44-1117-000)

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

Mr. Stone asked if the staff anticipates action on this item in February. Ms. Dargis replied yes.

Mr. Stone opened the public hearing.

Mr. James Tucker, Center District and architect for Midland Christian Academy, noted the importance of privately funded schools for the citizens of Fauquier County. He stated the applicant is willing to postpone so that a High School and Pre-School component can be added to the application and reviewed.

Ms. Lyn Cox, Cedar Run District, representing Midland Christian Academy, wanted to thank Melissa and staff for all their hard work and guidance. She stated that if Midland Christian Academy would enroll 500 students it would free up seven (7) million dollars from the County's budget. She added that the school wants to contribute to the county and to the education of the children that live here.

Mr. Stone asked Ms. Cox if the school is currently turning away students. Ms. Cox replied that they would if the expansion is not approved.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action until the February 16, 2006 meeting at the applicant's request.

The motion carried unanimously.

- b. **#SPEX06-CR-009 – GGFS/Greenwich Meadows, LLC owner and GGFS/Greenwich Meadows, LLC and SYG Associates, applicant – Creekmont Estates** – applicant wishes to obtain Special Exception approval under Category 20 in order to construct an above ground water storage tank and pumping facility within the proposed Creekmont Estates Subdivision. The property is located on the east side of Greenwich Road (Route 603) northeast of its intersection with Ringwood Road (Route 667), Cedar Run District. (PIN # 7924-26-7370-000, 7924-14-7596-000, and 7924-34-0017-000)

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

Mr. Stone opened the public hearing.

Mr. Merle Fallon, representative for the applicant, stated that the applicant has no objection to postponing action to allow for the associated Preliminary Plats (Creekmont Estates, and Greenwich Woods) to catch up. He said it has been determined that the impact on surrounding wells will be minimal and the tank and facility will be maintained by Fauquier County WSA. He assured that the water tank is larger than what is required and that it also maintains a low pumping rate. Mr. Fallon

continued that the applicant will have to comply with a Virginia Code and Health Department regulations regarding setbacks from drainfields. He stated that all the safety requirements have been met. Mr. Fallon concluded there is a need for the system, as the State requires public water for subdivisions over twenty-five (25) homes and the County requires public water for subdivisions over six (6) lots. He said during the next month the applicant will continue to work with the staff on the Special Exception conditions.

Mr. Chuck Medvitz, Scott District, commended staff and the applicant for pursuing groundwater management issues on this site. He stated that the local residents are concerned, and this should be diligently worked through to insure a quality water supply.

Dr. Kitty Smith, Marshall District, stated she is also concerned about the water system. She indicated she would like to see remarks from Emery and Garrett, the County's hydrogeologist. She concluded that every precaution should be taken and that the public hearing should be held open.

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

Mr. Stone, seconded by Ms. McCarty moved to postpone action for 30 days at the applicant's request and leave the public hearing open.

The motion carried unanimously.

Mr. Stone and Mr. Trumbo stated they intend to visit the site with the County Engineer and Mr. Fallon.

- c. **SPEX06-CT-010 – Bluerock Creek, LLC, owner and applicant – Stonehill Estates** – applicant wishes to obtain Special Exception Approval under Category 23 in order to allow for a floodplain crossing using an existing road and bridge requiring minimum modifications to allow for access for three (3) additional lots. The property is located on the northeast side of Routes 17/29 at 7259 James Madison Highway, Center District. (PIN #6985-13-3513-000)

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

Mr. Stone opened the public hearing.

Mr. Paul Bernard, with Rickmond & Bury and representative for the applicant, stated the Special Exception is to change an existing bridge and

private road that currently serves four (4) lots to a public road to allow access to a proposed subdivision. He said the applicant is willing to postpone action 60 days to allow for additional time for review.

Mr. Stone asked Mr. Robison if he would like the public hearing left open. Mr. Robison stated he would.

In that there were no further speakers; Mr. Stone adjourned the public hearing.

Mr. Robison, seconded by Mr. Trumbo moved to postpone action for 60 days, at the applicant's request with the public hearing left open.

The motion carried unanimously.

15. **REZONING AND SPECIAL EXCEPTIONS**

- **#REZN05-LE-001 and #SPEX05-LE-008 – Estate of Robert H. Hodgson, Jean E. Cheatham, William W. Goulding, James F. Steffey and Gary W. Weaver, owners and Centex Homes, applicant – Freedom Place** – The applicant wishes to rezone approximately 219 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential – 2 (RR-2) to permit a mixed use neo-traditional development that includes workforce housing. As part of the PRD rezoning request, the applicant is requesting modifications to the Zoning and Subdivision Ordinances pursuant to the Zoning Ordinance Section 4-112. In addition, the applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. The property, which is in the Bealeton Service District, is located in the northwest quadrant of the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), Lee District. (PIN #6889-89-6214-000, 6899-18-3742-000 and 6899-05-7716-000)

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

Mr. Stone opened the public hearing.

Mr. John Foote, Centex representative, stated there are five (5) Comprehensive Plan designations for this property and this plan has been designed to meet all of those. Centex is taking steps to advance the County's vision for this area. He continued they have made a lot of progress since the first application and will continue to make improvements. Mr. Foote noted they have greatly reduced the number of houses and increased the open space by a third. He stated the applicant has been working with the Fauquier Housing Corporation and they are

pleased with the plans. He indicated the development timetable coincides with finding qualified buyers for the affordable units. He stated contributions will be made to the Bealeton Connector. Mr. Foote concluded that Centex agrees with all the Zoning Administrator's comments and agrees to a postponement to allow more time to polish the project.

Mr. Chuck Medvitz, Scott District, stated he is pleased with the fact that the applicant is taking time and consideration with the development plan and is adhering to the Comprehensive Plan. He thanked the Planning staff for working diligently to get the application to this point and recommended the Planning Commission leave the public hearing open.

Ms. Ines Huber, Lee District, stated she is happy to see that most of the comments have been addressed and commended staff on a good job bringing the application into compliance with the Comprehensive Plan. She said she likes the style of the houses that they are planning to build and is pleased with the fact that the numbers are coming down. She noted that her concern is with the pedestrian trails that will be going in, where they will be going, if they will be walkable, serve the public, and if they will be crossing Routes 28 and 17. Ms. Huber commented she is glad to see a light going in but concerned there may be one light right after another on Catlett Road (Route 28). She voiced her concerns about the crossing the floodplain.

Mr. Brad Carr, Lee District and Meadowbrooke resident, stated he is very concerned with this new subdivision, in that he wants to be assured that the Meadowbrooke tree line will not be destroyed and that Bealeton maintains its country feel. He said would hate to see houses stacked on top of each other or have a road coming through his back yard. Mr. Carr noted there is a large Cedar tree adjacent to Meadowbrooke which he hopes will be spared and indicated the area of the proposed development stays wet. He added the traffic on Catlett Road (Route 28) should be addressed before these new homes are built.

Mike Egbert, Lee District, stated he shares some of the same concerns as Mr. Carr, including those about rain run-off and overflow from the creek. He added he is worried about the pedestrian walkway that will cross Route 17 and how safe that really is.

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

Mr. Meadows stated he would like to keep the public hearing open until the February 16, 2006 meeting. He noted the seventeen (17) lots that will adjoin the Meadowbrooke subdivision will not be served by public water

and sewer and will be three (3) to five (5) acre lots. He thanked Mr. Foote for moving from a seven (7) to eight (8) year development timetable. Mr. Meadows indicated that Centex bought the remainder of the Cheatham Farm, put a great deal of that property into a conservation easement, and is donating the balance for a YMCA. He added in doing so they have created a hard line around the Service District. Mr. Meadows said Centex will proffer land for the fire house, pad ready with utilities, which will be accessible several different ways. He continued, several uses have been proffered out of the C-1 zoning district; there will be no detached homes there and the live/work units will be over commercial businesses. He thanked everyone for their hard work and suggested all developers model their projects after this. He said Centex recognizes traffic impacts and has increased contributions to the Bealeton Bypass. He asked that staff and the applicant make refinements for the February 16, 2006 meeting and again stated the public hearing will remain open.

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

Mr. Stone thanked Mr. Meadows, Mr. Stribling, and the citizen planners for all their hard work.

The motion carried unanimously.

16. **REZONING AND COMPREHENSIVE PLAN AMENDMENT**

- **#REZN05-MA-018 and #CPAM05-MA-013 – 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. The applicant also wishes to obtain a Comprehensive Plan Amendment to change the Land Use category from Low Density Residential: 1-3 units per acre to Mixed Use. The property is located in the southeast quadrant of the intersection of Winchester Road (Route 17) and Route 622, Marshall District. (PIN #6969-87-8431-000)

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

Mr. Stone opened the public hearing.

Mr. John Foote, representative for the applicant, stated that Beights Development invited him to represent them at the meeting tonight and has shown him the Proffer Statement and an illustrative of the building they are proposing. He said he is working closely with the applicant and would

like to request additional time to work with staff in order to bring the application to a format the County will be comfortable with.

Dr. Kitty Smith, Marshall District, recommended the public hearing be left open. She stated she favors rezoning the Residential (R-4) property to Commercial but would like to see the proffers refined.

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

Ms. McCarty stated the staff report was very cognizant of the vision for this area. She said the Planning Commission may be able to work toward something, but she would like the applicant to take additional time.

Ms. McCarty, seconded by Mr. Meadows, moved to postpone action for up to 90 days with the public hearing left open.

The motion carried unanimously.

Mr. Stone announced the next Planning Commission meeting will be February 16, 2006.

There being no further business, the meeting adjourned at 8:34 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.