

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
FEBRUARY 16, 2006**

The Fauquier County Planning Commission held its regular meeting on Thursday, February 16, 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. Kevin Burke, Ms. Holly Meade, Mrs. Bonnie Bogert, Mrs. Kristen Slawter, Mrs. Rebecca Kauffman and Ms. Carissa Blevins.

1. **APPROVAL OF MINUTES** – January 26, 2006

Mr. Trumbo, seconded by Mr. Stone, moved to approve the January 26, 2006 minutes as amended.

The motion carried unanimously.

2. **ZONING ORDINANCE WAIVER**

- **#WVRP06-LE-018 – Wendy K. Snyder, owner** – 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 west side of Tara Leigh Lane (private street) southwest of Spring Mill Road (Route 823), Lee District. (PIN #7823-59-0132-000)

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

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PPLT06-SC-012 – Premier Homes, contract owner and applicant – Premier Court** – 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 Airlie 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. Robison, moved to approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Premier Court” dated December 16, 2005, and received in the Planning Office on February 7, 2006, except as modified by these conditions. This approval is for a maximum of four (4) single-family residential lots and approval of the cul-de-sac length waiver.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
3. All driveway culverts shall pass the 10-year storm and be a minimum of 15 inches in diameter.
4. Natural drainage swales shall be protected to the maximum extent possible. The houses on Lots 3 and 4 are in drainage swales and shall be moved.
5. A jurisdictional determination by the USACOE shall be provided with the first submission of the Final Construction Plans. Permits, if required, are to be provided prior to approval of the Final Construction Plans.
6. The applicant’s Certified Professional soil Scientist shall contact the County’s Soil Scientist’s office to make changes to the final soil map.
7. Existing ingress/egress easement shall be vacated within the proposed right-of-way dedication with the final plat.
8. Proposed driveway culverts shall be shown.
9. Grade along the line of sight on the sight distance profile shall be shown to be lowered at approximately station 75 where the stumps are shown to be removed.
10. Centerline and curve data shall be shown on Final Construction Plans.

The motion carried unanimously.

- b. **#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 and made part of these official minutes.

Mr. Stone, seconded by Mr. Robison moved to postpone action until the March 30, 2006 meeting at the request of the applicant.

The motion carried unanimously.

4. **PRELIMINARY PLAT EXTENSION**

- a. **Danforth Remington, LLC owner and applicant – Rappahannock Landing** - applicants wish to obtain an extension of a previously approved preliminary plat (#PPLT05-LE-018). The property is located on the east side of James Madison Highway (Routes 15/17/29), Lee District. (PIN 6877-87-7295-000, 6877-97-8391-000, 6877-97-9238-000, 6877-97-9264-000, 6887-07-0224-000, 6887-07-0224-000, 6887-07-0149-000, 6887-07-0198-000, 6887-07-0353-000, 6887-07-0387-000, 6887-37-1420-000, 6887-07-1453-000, 6887-07-2406-000, 6887-07-1253-000, 6887-07-1297-000, 6887-07-2330-000, 6887-07-2364-000, 6887-07-3308-000, 6887-07-1148-000, 6877-97-5211-000, 6877-97-4168-000)

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 approve.

The motion carried unanimously.

- b. **William L. Beach, owner and Marshal Painter, applicant – Fiery Run Road/Beach Subdivision** – applicant wishes to obtain an extension of a previously approved preliminary plat (#PPLT05-MA-011). The property is located on the west side of Fiery Run Road (Route 726), Marshall District. (PIN 6000-50-8282)

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.

The motion carried unanimously.

5. **COMPREHENSIVE PLAN AMENDMENT**

- Consider initiating a Comprehensive Plan Amendment to the Marshall Service District to adjust the Western Boundary and associated land use designations.

Mrs. Slawter 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 schedule a public hearing on March 30, 2006.

The motion carried unanimously.

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

No comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comments.

The Fauquier County Planning Commission held its Public Hearing on Thursday, February 16, 2006, 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, Mrs. Melissa Dargis, Mrs. Rebecca Kauffman, and Ms. Carissa Blevins.

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone announced this will be the last regular Planning Commission meeting for Mr. Robison. He thanked Mr. Robison for his hard work and leadership over the past several years.

Mr. Meadows, Mrs. McCarty, and Mr. Trumbo also expressed their appreciation.

Mr. Stone announced that the Planning Commission will hold a public hearing on February 21, 2006 in the Warren Green Meeting room to discuss the Capital Improvement Plan, the Public Reservoir Management and Protection Overlay District, and Planned Residential Development District. He also announced that a work session will be held on March 17, 2006 at 3:00 p.m. in the 2nd Floor Warren Green Conference Room to discuss Freedom Place and that the next regular

meeting will be held on March 30, 2006 at 7:00 p.m. at the Warrenton Community Center.

9. **CITIZENS' TIME**

No one spoke.

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

- a. Zoning Ordinance Text Amendment to Section 13-301 to allow the Board of Supervisors to 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.

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

- b. 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.

Mr. Stone opened the public hearing.

Dr. Kitty Smith, Marshall District, stated she has no problem with the amended ordinance but since it is predicated on a place of worship the county should more clearly define a "place of worship."

Mr. Stone asked Mr. Benson if he found it bothersome that there is a lack of definition.

Mr. Benson responded he misspoke to Dr. Smith when he said that there was not a definition. He stated that the ordinance uses common understandings. He added the ordinance was using the word "church," but changed it to place of worship upon the Planning Commission request.

Mr. Benson said the intent of this ordinance is to have a support-based community working with the people in transitional housing.

Mr. Stone asked that further definition be provided if it is deemed necessary.

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

Mr. Meadows stated he hopes this definition can be narrowed down at the Board of Supervisors meeting.

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

The motion carried unanimously.

11. **SPECIAL EXCEPTIONS & TELECOMMUNICATION SPECIAL EXCEPTION**

- a. **#SPEX05-CR-029, SPEX05-CR-035, SPEX06-CR-012, and SPPT06-CR-020 – 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, an increase in student population, and a request for a commercial private sewerage system (Category 20 Special Exception); an additional Category 5 Special Exception (SPEX06-CR-012) for a High School; and a Category 5 Special Permit (SPPT06-CR-020) to allow for a preschool. 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)

Mrs. 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. James Tucker, Center District and architect for Midland Church of the Brethren, thanked the Planning Commission for passing this on to the Board of Supervisors with a recommendation for approval. It has been a long process and he will be glad to have an expanded school open soon.

Ms. Lynne Cox, Cedar Run District and representative for Midland Christian Academy, thanked the Planning Commission and the staff for their hard work on this project.

Ms. Kanoa Ratliff, Cedar Run District, stated she is a lifetime residence of Fauquier County. She said her children are students at Midland Christian and she is a member of the School Board and of the Church. She added she believes that increasing the size of the school would be beneficial due to the number of houses going in and the fact that there are no other Christian schools in the area. She also stated that the expansion of Midland Christian benefits the local businesses because many parents shop or run errands after dropping their children off; the Academy also support local businesses by having hot lunches prepared and brought into the school everyday. She concluded by saying the southern end of the county deserves a good school.

Ms. Wendy Kerns, Lee District, said she is a proud teacher and parent at Midland Christian Academy. She said it would be asset for the county if the application was approved because Midland Christian provides children with strong values, high academics and knowledge of the bible.

Rev. Timothy Monn, Cedar Run District and Pastor at Midland Church of the Brethren, told the Planning Commission that if the Special Exception was not approved, the children would really be affected. He continued they are using every available inch of space and really need to be able to expand. He said he believes that the school will grow faster than expected at this time. He added the school is not used as a way for the church to grow, but is an outreach and service to the community. He concluded he would appreciate a recommendation of approval to the Board of Supervisors.

Ms. Allison Clark, Cedar Run District, stated that her son has been a student there for five years and that this school is very close to her heart. She continued that 97% of the students are on the honor roll. She thanked the Planning Commission for a favorable recommendation to the Board of Supervisors.

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

Mr. Stone commented that on a site visit to this school, it was nice to see a clean orderly environment where happy children were doing great school work. He thanked the school and church for their service to the community.

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

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.
3. Pursuant to Zoning Ordinance Article 12, a Site Plan shall be required for any expansion to the school's operation.
4. This approval allows for facility expansion to accommodate preschool (age 2 through 4), primary, middle and high school students at Midland Christian Academy (MCA).
5. Temporary shared use of existing facilities with the preschool and pre-kindergarten shall continue until such time that a future expansion of the adjacent Midland Church of the Brethren can accommodate the preschool and pre-kindergarten.
6. The proposed multipurpose facility shall serve as a meeting place for various school and church organizations. The attendance capacity for this space shall not exceed 400 people.
7. The preschool program shall continue to offer a variety of enrollment options from 2-days per week, 3-days per week, 5-days per week, full time pre-K, and part-time pre-K. Preschool, pre-K and kindergarten classes are all half day programs.
8. Students in 1st grade through high school shall be considered full day programs.
9. MCA school operation shall be limited to preschool through twelfth grade with a maximum enrollment of 300 elementary and middle school students (pre-kindergarten through eighth grade) plus 25 staff; 100 high school students plus 10 staff; and 120 preschool students plus 12 staff.
10. Hours of school operation shall be limited from 7:00 a.m. to 5:00 p.m., Monday through Friday. However, the multipurpose facility is not subject to these hours of operation and it may be used seven (7) days per week.
11. MCA shall have the option to provide before and after school care for children attending its school. The hours of operation shall start at 8:00 a.m. (before school) and continue after school, including sports and extracurricular activities, until 5:00 p.m.
12. For outdoor recreation, the number of children that may use the space at any one time is based on the size of the fenced area and the child's school year as follows:

- preschool shall have 100 square feet of space per child using the recreational area at any one time; kindergarten through grade 3 shall have 200 square feet of space per child using the recreational area at any one time; and grade 4 through 12 shall have 430 square feet per child using the recreational area at any one time.
13. The circular drive shall be one-way directional with the north access designated as the point of ingress and the south access designated as the point of egress. The direction shall be adequately marked through a combination of signage and pavement markings.
 14. A pedestrian walkway shall be constructed to connect the southern most parking area with the proposed school buildings. This walkway shall meet ADA requirements.
 15. All areas designated for outdoor recreation shall be fully fenced.
 16. Since a public water supply is unavailable, arrangements shall be made to provide water at this site in accordance with a nationally recognized standard such as NFPA 1142 Standard on Water Supplies for Suburban and Rural Fire Fighting.
 17. All school accreditation requirements shall be in conformance with state regulations.
 18. The applicant shall vacate the property lines indicated on the Special Exception Plat as “eradicated property lines” prior to approval of a Site Plan.
 19. The school may phase its building expansion but shall construct its commercial private sewerage treatment facility when the student population (and its daily sewage capacity) equals the maximum gallons per day as indicated on its approved Health Department permit.
 20. The proposed buildings shall be in keeping with the materials of the intrinsic buildings of southern Fauquier County. Two-story building heights shall be kept as low as possible. Materials shall include the use of field stone, stucco or board siding and similar materials.
 21. The applicant shall provide VDOT a minimum of 25 feet of right-of-way dedication from the centerline of the road to the property line, across the front of the property on Route 602.
 22. The applicant shall comply with all VDOT entrance requirements or improvements.
 23. School access shall be from Old Carolina Road (Route 602). Route 28 shall not be allowed as ingress/egress for the school.

24. Soils with a moderate or higher shrink-swell rating are present; a geotechnical study shall be required with the Site Plan submittal.
25. Soil map units with potential for hydric soil inclusions are present; a jurisdictional wetlands delineation and determination shall be required prior to site disturbance.

The motion carried unanimously.

- b. **#SPEX06-LE-008 – Elmer Ray & Katherine O. Anderson, Jr., Morgan B. & Katie L. Ott, III, Harold W. & Rebecca O. Mullins, Frank C. Ott, Frank C. Ott, Jr., owner and Daniel M. O’Connell, Jr., Esquire, applicant – Ott Properties** – applicant wishes to obtain a Category 26 Special Exception to allow for a reduction in the non-common open space requirements. The property is located on the east side of Morgansburg Road (Route 653) south of its intersection with Marsh Road (Route 17), Remington, Lee District. (PIN 7808-02-6829-000)

Mrs. 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. Daniel O’Connell, representative for the applicant, stated that this Special Exception was approved in 1992, but was never acted on because of the way the property connected with the other parts of the farm that were involved. He said an agreement has been met with all the other properties which is why the Special Exception is now up for renewal.

Mr. Frank Ott, Lee District, stated he is part owner of this property, which he originally purchased with his brother when they went into farming together. He continued to say when the business venture ended they would have an attorney decide how to split up the land. He stated he does not understand why the land had to be resurveyed and go through a Special Exception, but he has cooperated and looks forward to the matter being settled.

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

Mr. Meadows stated he will recommend that this get passed on to the Board of Supervisors with a recommendation of approval, but wants to note rewritten condition #5 to say that “A geotechnical report will be required with any building requiring permit on the site due to the high and very high swell potential.” He said this will not be needed for barns or garages to be built.

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

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Division of Ott Property" dated April 30, 1992 and received in Community Development on October 27, 2005, approved with the application, as qualified by these development conditions.
3. The approval shall allow for the division of two parcels of approximately 25 acres and 29 acres.
4. The parcels shall be deed restricted from further subdivision and the required non-common open space easement shall be recorded.
5. A geotechnical report shall be required for any building requiring permit on the site due to the high to very high shrink swell potential.

The motion carried unanimously.

- c. **#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)

Mrs. 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 the conditions as presented in the earlier work session were acceptable since then the Planning Commission has added Condition #5 stating that, "There should be no fill in the wetlands associated with any construction activity related to the entire water system." He indicated that this is of some concern that the applicant will have to cross a creek during construction to install waterlines and while there will be no net fill he wants to be sure the Planning Commission is aware.

Mr. Meadows asked for further explanation.

Mr. Fallon explained while putting in water lines the developer will have to dig in the wetlands and then refill. He said they will have to obtain permits to disturb the wetlands and there will be no net increase.

Upon further discussion amongst staff and the Planning Commission it was decided that Condition #18 should have additional language indicating there will be no net fill or increase in the wetlands.

Mr. Fallon stated there will be no net fill in the tank and pump storage area, but as for the entire water system, it may be difficult to make this commitment. He noted the applicant will have to construct roads to VDOT standards, and there may be some fill associated.

Mr. Stone indicated the new language should be added and reviewed by the County Engineer's Office before going to the Board of Supervisors.

Mr. Fallon thanked the Commissioners for their consideration.

Mr. Tony Willis, Cedar Run District, stated that his family has owned property next door for over 24 years and he is concerned about the impact this will have on their well. He asked if any assurances will be provided and if the surrounding neighbors will be notified.

Mr. Stone told Mr. Willis that those questions need to be addressed to the Community Development office.

Mr. Fallon told Mr. Willis he was also a neighbor to this property, and he would be glad to meet with him after the hearing and answer any questions.

Mr. Chuck Medvitz, Scott District, thanked the applicant on an excellent job and stated he thinks the project has progressed well. He noted the study on draw down of adjacent property owners' wells should be included in the public file.

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

Mr. Stone, seconded by Mr. Robison moved to forward to the Board of Supervisors with a recommendation of approval subject to the following conditions.

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat entitled "Category 20 Special Exception Creekmont Estates" dated December 2, 2005 and received in the Planning Office on December 16, 2005.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The water system, wells and its infrastructure shall be dedicated to the Fauquier County Water and Sanitation Authority.
6. The applicant shall provide an access easement to the tank site and parking area to allow access by Fauquier County Water and Sewer Authority or other government agencies.
7. The applicant shall design and construct the entire water system, including the wells, water lines, pumps, hydro-pneumatic tank and ground storage tank, in accordance with Fauquier County Water and Sanitation Authority standards and requirements so that it can be taken over by the Authority.
8. The maximum water storage tank height shall be 26 feet plus railing.
9. The maximum storage capacity of the water storage tank shall be 107,000 gallons.
10. The tower storage facility shall be an "Aqua Store" silo, or equivalent, structure.
11. The tower color shall be determined by the Planning Commission and Board of Supervisors.
12. The tower shall provide water for only the 57 total lots indicated on the Greenwich Woods and Creekmont Subdivision.
13. The 20 foot by 20 foot building on the site shall be a pre-fabricated concrete structure not to exceed a height of 13 feet, as indicated in the applicant's submittal from December 16, 2005.
14. The pump station and associated infrastructure shall be located on the same lot as the water storage facility.
15. The applicant shall create a 20-foot buffer between Lot 27 and Well Lot #2 and between Lot 21 and 22 and Well Lot #1. The buffer shall contain an earthen berm planted with low lying shrubs to prevent the surface water from the lots uphill from running across the well lot.

16. The applicant shall demonstrate that it has met the requirements set forth in Article 7 of the Zoning Ordinance for adequate screening and landscaping requirements.
17. Only manual (non-automatic) drip irrigation systems shall be permitted. This language shall be included within the HOA documents and on the Final Plats for the Greenwich Woods and Creekmont Subdivisions.
18. There is to be no fill associated with the construction of the water tower and appurtenances (buildings, fuel tanks, etc.). This does not preclude installation of underground utility lines as long as all necessary state and federal permits are obtained.
19. The tower shall be located above the 10-year storm elevation of the creek.
20. The fuel storage tank shall be located above the 25-year storm elevation of the creek.

The motion carried unanimously.

- d. **#SPEX06-SC-011 – Richmond American Homes, owner and applicant – Jamison’s Farm** – applicant wishes to obtain a Category 23 Special Exception to fill in a floodplain in association with VDOT required improvements to the intersection of Baldwin Street (Rt. 673) and Highway 29/15. The property is located within the Jamison Farm Phase 1A subdivision and adjacent to Baldwin Street (Route 673) and Route 15/29 in Warrenton, Scott District. (PIN 6995-65-2468-000, 6995-76-6411-000, 6995-75-2118-000, and 6995-75-4358-000)

Mrs. Dargis reviewed the staff memorandum, a copy of which has been attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

Ms. Nancy Marx, Center District, stated she would like more information regarding the fill in the floodplain. She stated that the adjacent neighbors are all concerned about the animals that are constantly running through their yards. She added that the animals are running out of places to live because these builders are taking all of the natural habitats away when they build these homes. She said that the Planning Commission should take into consideration the animals and the nature around that area and what it will do to them. She stated she is also concerned about the amount of traffic that this brings and noted the left side turn lane is too small to accommodate all the cars that are using it.

Mr. Chuck Medvitz, Scott District, stated that he emailed pictures to the Planning Commission of what has happened when the floodplain is full.

He continued that there have been several water rescues in that area and he these things should be considered when planning for a third lane and before building homes on that site.

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

Mr. Trumbo, seconded by Mr. Robison, motioned to postpone action for up to 90 days at the applicant's request, with the public hearing left open.

The motion carried unanimously.

- e. **#TWSE06-SC-001 – Commonwealth of Virginia c/o VDOT, owner and Robert Posilkin and Joseph Joyce c/o Verizon Wireless, applicant – Verizon Wireless at Thoroughfare Gap** – applicant wishes to obtain a Telecommunication Special Exception to allow for a eighty (80) foot monopole with twelve antenna and the installation of a 12' x 30' x 10' equipment shelter in a VDOT right-of-way. The property is located at the intersection of I-66 and Route 55, The Plains, Scott District.

Mrs. 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. Frank Stern, representative for the applicant, stated this was originally going to be a two site project, but if permitted on this site only one monopole would be necessary. He continued the site was selected according to Comprehensive Plan and Zoning Ordinance guidelines and indicated several other sites were considered. None of which would help them achieve the service range they are looking for. Mr. Stern added that if approved, this tower could be disguised as a tree or a silo, which would help it blend in with the natural resources and have little to no impact on the historic value of the area. He said it would be an unmanned facility, meaning that there would be nobody working or visiting this location except for the monthly inspections of the equipment.

Ms. Jolly de Give, Marshall District, thanked the applicant for meeting with the Piedmont Environmental Council (PEC). She said the PEC has prepared maps of the area showing conservation easements, historic sites on or eligible for the National Historic Register, battlefield areas in Thoroughfare Gap and public open space. Ms. De Give read a letter from her neighbor, Nick Kotz, who voiced his concerns about preserving the site. He stated that if Verizon was given approval to build this tower then it would set a bad precedent for other cellular companies. He stated that

the cellular phones are only out for about a minute and that people should be able to live with that if it means preserving a piece of history.

Ms. Katherine Weeden, Scott District, stated that she is a happy Verizon customer but thinks that building this tower would spoil the surrounding environment. She agreed this would open the door for other companies to try to construct additional towers. She continued that if Verizon is worried about their customers having the safety of a cell phone, then they should put in call boxes along the highway.

Mr. John Flowers, Scott District, who lives near the site and is also a Verizon customer, stated the only people that would benefit from this are people who are driving through, not the people who live here. He wants us to preserve this land, not for us but for our children who deserve to grow up with a piece of history.

Mr. Mike Murphy, Scott District, who lives two miles from the proposed site and is an unsatisfied Verizon customer, stated this application should be approved. He said he is tired of losing business calls close to his home and feels like we need to move out of the seventeenth century.

Ms. Lavinia Courier, Scott District, stated she lives one mile from the site and is opposed to the application. She noted she is concerned about keeping the characteristics that define this part of Fauquier County. She also stated that the fact that there is no cell phone service in this area helps keep down on car accidents because people are paying more attention to the road.

Mr. Lewis Edwards, Scott District, stated he has lived here for eleven years and appreciates the scenic views. He said this would be obtrusive and should be denied.

Ms. Georgia Herbert, Scott District, stated she lives on a farm near the site that dates back to the 1800's. She indicated she is in full opposition as she has studied the application and finds that the applicant has failed to meet standards that the County has set in the ordinance. She continued these towers should not be located in residential or natural resource areas and should be compatible with existing uses in the area. Ms. Herbert added the burden of proof is on the applicant and they have not explored all options. She said that the applicant should take into consideration that when they asked the local residents if they would be willing to dedicate a small portion of their land for the tower, they all declined even when monetary compensation was offered. She concluded the community does not want this tower here.

Mr. Bob Lee, Scott District, on behalf of the Virginia Outdoors Foundation, noted this area is a special resource that has been protected. He stated the burden of proof is on the applicant to show that all alternatives have been exhausted. He added that the Planning Commission owes it to generations both past and future to preserve this area.

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

Mr. Trumbo stated that he is very surprised by the passion that the Scott District has and it reminds him of how important and great his responsibility is. He stated his intentions are to recommend denial to the Board of Supervisors because the tower is in the right-of-way. He said trying to camouflage this tower as a silo or a tree is not going to work because it will still stand much taller than the other trees and be highly visible in the winter. Mr. Trumbo said he took a drive to see exactly how visible the tower would be and was very impressed with this entryway into Fauquier County. He added that he respects what the applicant is trying to do, but he cannot see past the cost. He concluded Thoroughfare Gap is an awesome area in its character and in the amount of preserved land making it impossible for him to support this application.

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

RESOLUTION

A RESOLUTION TO DENY SPECIAL EXCEPTION REQUEST TWSE06-SC-001 TO ALLOW A TELECOMMUNICATIONS TOWER WITHIN VDOT RIGHT-OF-WAY

WHEREAS, the Commonwealth of Virginia c/o Virginia Department of Transportation (VDOT), owner and Verizon Wireless, applicant have requested a Special Exception TWSE06-SC-001 to allow for a telecommunications tower within VDOT right-of-way on land located in the general vicinity of the intersection of Route 55 and I-66; and

WHEREAS, the requested application for the Special Exception would allow for the inclusion of a tower within the aforementioned VDOT right-of-way; and

WHEREAS, per Article 11 of the Fauquier County Zoning Ordinance the site does not meet the 100-foot setback requirement from a public highway, as the tower is located within excess right-of-way owned by VDOT; and

WHEREAS, per Article 5 of the Fauquier County Zoning Ordinance the proposed use does not comply with the general standards as it will adversely affect the visual aesthetic of the surrounding area due to the proposed site location, facility size and height; and

WHEREAS, per the Fauquier County Comprehensive Plan, current legislation affirms local governments' right to control siting, construction and the modification of cellular and other wireless telecommunications facilities; and

WHEREAS, the Comprehensive Plan notes the services these facilities provide for Fauquier residents, but such uses must be sensitive to the physical and visual impact of the landscape; and

WHEREAS, in the Comprehensive Plan in the discussion of potential site locations for facilities, under "Public Sites", VDOT right-of-way is not included; and

WHEREAS, this proposed telecommunications tower location is not consistent with the Goals, Objectives and Policies outlined in Chapter 9 as it does not:

1. Maintain and preserve the agricultural and residential character of the County and its neighborhoods and promote the creation of an attractive and harmonious community;
2. Minimize the adverse visual impacts of wireless communications towers and related facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
3. Provide a location in an area with concentrations of employment and mature tree stands; the least preferred areas are in existing residential areas, historic/archeological site and natural resource areas;
4. No tower shall be located within 1000 feet of Virginia Scenic By-Ways unless an acceptable stealth tower design is utilized; and

WHEREAS, existing reasonable uses are available on the property; and

WHEREAS, the applicant has failed to demonstrate that other locations which are less impactful are not available; and

WHEREAS, with its request on February 16, 2006, the Planning Commission held a public hearing and considered public comment; now, therefore, be it

RESOLVED by the Fauquier County Planning Commission on this 16th day of February 2006, That Special Exception TWSE06-SC-001, Commonwealth of Virginia c/o Virginia Department of Transportation (VDOT), owner and Verizon Wireless, applicant be, and is hereby, recommended for denial as the proposal is not consistent with the Zoning Ordinance and Comprehensive Plan.

Mrs. McCarty said she was also impressed and thankful for the community's concern and care for this area. She stated the ordinance is clear that we do not allow construction in our right-of-ways and that the County is not responsible for providing Verizon with solutions for their technical difficulties.

Mr. Meadows stated that on the surface it seems the right thing to do is to approve this application; however, upon listening to the residents it is clear that it must be denied. He added one of his main concerns is setting precedent for other cellular services to construct towers in right-of-ways. He said this land should be preserved.

Mr. Robison thanked the citizens for their input and stated he will support the motion.

Mr. Kevin Burke, County Attorney, noted the revisions to the resolution.

Mr. Trumbo stated the revised resolutions should be sent forward to the Board of Supervisors with the recommendation of denial.

The motion carried unanimously.

12. **REZONING**

- **#REZN05-SC-015 and REZN05-SC-016 – Karen E. Cosner, Trustee, owner and Shenandoah Development, LLC, applicant** – applicant wishes to rezone approximately 4.5 acres from Residential-1 (R-1) to Commercial-Highway (C-2) and to amend the existing proffers on the balance of the property (9.5-acre portion) in order to allow for more diverse land uses. The property is located on the east side of Route 15/29 at 4545 Lee Highway in Warrenton, Virginia, Scott District. (PIN #7916-03-8979-000)

Mrs. 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. Trumbo asked the applicant how long he wished to postpone the application.

Mr. Joe Wiltse, the applicant, stated he is flexible and would suggest up to 60 days.

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

Mr. Trumbo, seconded by Mr. Robison, moved to postpone to the April meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

13. **REZONING AND SPECIAL EXCEPTION**

- **#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)

Mrs. 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.

Dr. Kitty Smith, Marshall District, suggested that Centex build 75 percent of the residential component then build a certain allotted number of square feet of the commercial section because it is important that the residents are able to do some business in the area in which they live. She indicated this should be proffered in to make sure it is done.

Mr. Morgan Ott, Lee District, stated that his family its history in the Bealeton area and feels that Centex should be carefully handled. He stated Centex should be held to contributing to the schools and Fire and Rescue Station as this amount of new housing will put a great demand on local services. He said the area needs more commercial not residential so that the people in Bealeton can shop there as well.

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

Mr. Meadows, seconded by Mr. Robison, moved to postpone action until the March meeting, at the applicant's request with the public hearing left open.

The motion carried unanimously.

Mr. Stone thanked staff for their hard work.

There being no further business, the meeting adjourned at 8:38 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.