

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 30, 2006**

The Fauquier County Planning Commission held its regular meeting on Thursday, March 30, 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. Larry Kovalik; 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, and Ms. Carissa Blevins.

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda to add Item 3b., a text amendment to benefit the Catlett Volunteer Fire Dept, and consider scheduling a public hearing for the item next month.

The motion carried unanimously.

1. **APPROVAL OF MINUTE** – February 16, 2006 and February 21, 2006

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

The motion carried unanimously.

2. **RESOLUTION OF APPRECIATION FOR RICHARD W. ROBISON**

Mr. Stone, seconded by Mr. Meadows, moved to postpone the Resolution of Appreciation for Richard Robison until the 7:00 p.m. meeting to be read under the Announcement section.

3. **PROPOSED TEXT AMENDMENT TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN**

- a. Initiation of Subdivision Ordinance Text Amendment to all Sections of the Ordinance to correct code references and make similar edits; Section 3-2 Administrative Subdivisions; Section 4-27 Variations and Exceptions; Section 9 – Preliminary Plats; and Section 10 – Final Plats.

Mrs. Cook 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 hold a work session on April 12, 2006 at 4:00 p.m. in the Warren Green Building Meeting Room, 10 Hotel Street, Warrenton, VA.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Section 2-410 to allow emergency vehicle access to lots on the higher standard street when the lot has frontage on two or more streets.

Mr. Stone, seconded by Mr. Trumbo, moved to schedule a Work Session on April 12, 2006 at 4:00 p.m. in the Warren Green Building Meeting Room, 10 Hotel Street, Warrenton, VA.

The motion carried unanimously.

4. **ZONING ORDINANCE WAIVER**

- a. **#WVRP06-LE-028 – Michael R. and Patricia M. Cackowski, owners/applicants** – applicants wish 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 at 9663 South Pines Road, Lee District. (PIN #6971-04-5311-000)

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

Mr. Meadows stated that he would recuse himself from voting on this item because he has done work for the applicant.

Mr. Stone stated that this is tough and he takes the decision seriously. He said that this is a burden to the land owners because bringing the road up to VDOT standards it will double the cost of what they want to do.

Mr. Stone, seconded by Mr. Kovalik, moved to forward to the Board of Supervisors with a recommendation of approval without the condition of making this a state maintained road.

The motion failed 2-2 with Mrs. McCarty and Mr. Trumbo in opposition.

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

- 1. The owner/applicant shall enter into an agreement to maintain the ingress-egress easement from the cul-de-sac to the point of state maintenance on South Pines Road. Such agreement shall be included in the deed conveying the family lot to the new owner.

2. The owner/applicant shall design and construct approximately 1,465 feet of South Pines Road to current VDOT specifications.
3. The ingress-egress easement serving the family lot shall be fifty (50) feet in width.
4. The owner/applicant shall submit a modified construction plan for the required road improvements to the County for review and approval.
5. If VDOT accepts the newly constructed section of South Pines Road into the state system for maintenance, then the applicant will be relieved of any maintenance responsibilities for that section of road.

The motion carried unanimously.

- b. **#WVRP06-CR-029 – Karl and Brenda Germain, owners/applicants** – applicants wish to obtain a Waiver of Section 7.302.1.C of the Zoning Ordinance, to allow a right of way width that is less than fifty (50) feet. The property is located on the northwest side of Carriage Ford Road (Route 607), Cedar Run District. (PIN #7924-03-1088-000)

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

Mr. Stone, seconded by Mrs. McCarty, moved to postpone action for 30 days to allow for more time to review.

The motion carried unanimously.

5. **PRELIMINARY PLAT RENEWALS AND REVISIONS**

- a. **#PPLT02-CR-012 – Amos L. and Jane E. Shipe, owners and applicants – Shipe’s Ridge** – applicant wishes to renew a previously approved preliminary plat to subdivide approximately 17.48 acres into four (4) lots. The property is located on the south east side of Elk Run Road (Route 806), Cedar Run District. (PIN #7817-95-7536-000)

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 approve.

The motion carried unanimously.

- b. **#PPLT06-SC-016 – Pleasants–Oliver, LLC, owner and applicant – Wooded Run Estates** – applicant wishes to renew a previously approved

preliminary plat (PP02-S-17) to subdivide approximately 87.16 acres into fifty-one (51) lots. The property is located on the south east side of Old Bust Head Road (Route 694), Scott District. (PIN #6996-74-7581-000)

Ms. Meade stated that the applicant wishes to have this matter postponed for 90 days.

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- c. **#PPLT06-LE-019 – Remland, LLC, owner and applicant – The Meadows of Remington** – applicant wishes to revise a previously approved preliminary plat to subdivide approximately 221.25 acres into one hundred forty-eight (148) lots. The property is located on the north side of Lucky Hill Road (Route 655), Lee District. (PIN #6887-68-2679-000)

Ms. Meade stated that the applicant requested that this item be postponed until the April 27, 2006 meeting.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the April 27, 2006 meeting, at the request of the applicant.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PPLT03-LE-007 – Janja Zobundija, owner/applicant – Remington Business Park** – applicant wishes to subdivide approximately 65.72 acres into twelve (12) lots. The property is zoned Industrial-1 (I-1), and is located on the east side of Lucky Hill Road, south of its intersection with James Madison Street (Route 15/29 Business), Lee District. (PIN #6888-37-4051-000)

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

Mr. Meadows stated that because VDOT has not commented on this application the Planning Commission can not go forward but will ask the applicant if he is willing to postpone action up to 90 days.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- b. **#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 approve, subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Creekmont Estates” dated December 2, 2005, last revised February 23, 2006 and received in this office February 24, 2006. This approval is for a maximum of forty (40) single-family residential lots and two cul-de-sac length waivers.
2. Prior to submittal of Final Construction Plans, the Category 20 Special Exception for the above ground water treatment facility associated with this subdivision shall be approved by the Fauquier County Board of Supervisors.
3. The Final Construction Plans shall clearly identify the existing and proposed right-of-way on Route 603.
4. Natural drainage swales shall be protected. Houses shall not be placed in natural drainage swales. Houses on Lots 15, 3, and 14 shall be moved out of natural swales.
5. 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 and preclude wet yards and 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 and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the Final Plat. A note shall be placed on the final plat stating, “Basements are not recommended in mapping units 5A, 14B, 74B, 75XB, 78A, 78B, 79A, and 475B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure.”

6. All ponds and outfall structures shall be kept 25 feet from the property lines. Trees, shrubs, and any other woody plants are not to be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe and abutment contacts. This area shall be within a maintenance easement. Tree save areas and landscaping cannot be in these areas.
7. No stormwater runoff generated from new development shall be discharged into a jurisdictional wetland without adequate treatment.
8. An overlot grading plan shall be provided as part of the Final Construction Plans.
9. Proof of provisions for adequate fire flow shall be required with the first submission of the Final Construction Plans.
10. All applicable State and Federal permits shall be filed with the first submission of the Final Construction Plans. This includes the COE/DEQ permits for disturbance of wetlands.
11. A temporary turn shall be provided at the end of Shasta Lane.
12. In the BMP calculations, no more than 20% credit is given for offsite properties draining to the facility. This project shall meet the requirements of the Fauquier County Stormwater Management Ordinance.
13. All houses shall be above the 10-year water surface elevation of adjacent swales.
14. Dedication shall be required if right-of-way is less than 50 feet in width or if additional right-of-way is needed to construct required improvements.
15. A separate emergency spillway shall be provided for ponds. The emergency spillway shall pass no less than the 100-year storm.
16. Street grades shall not exceed 10%. Any offsite grading that is required shall have easements. Use the County's IL-1 standard for entrances.
17. 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.
18. Evidence that all offsite easements which are required shall be provided prior to Final Construction Plan approval.
19. Extended detention ponds shall not be located in high water table soils because they do not stay dry year-round. Ponds B and C may not be appropriate as dry ponds in the proposed soils.

20. The embankment or outfall structure for Pond 1 shall not be located in the floodplain without a Special Exception.

The motion carried unanimously.

- c. **#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 stated that the applicant requested that this item be postponed for 30 days to allow time to address VDOT’s comments.

Mrs. McCarty, seconded by Mr. Meadows, moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

- d. **#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. Kovalik, seconded by Mr. Stone, moved to approve, subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Stonehill Estates” dated August 2, 2005 and received in this office March 15, 2006. This approval is for a maximum of four (4) single-family residential lots and a cul-de-sac length waiver.
2. The applicant agrees to deed restrict the four lots created with the Final Plat from further subdivision.
3. All applicable State and Federal permits, including the COE wetlands permit, shall be submitted with the first submission of Final Construction Plans.
4. 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 licensed professional engineer to assure a dry basement and preclude wet yards and 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 an adequate channel. Drainage easements, where necessary, shall be placed on the final plat. A note that "Basements are not recommended in mapping units 2A, 12A and 16B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."

5. Houses shall not be located in swales.
6. Approval of the Special Exception for fill in the floodplain shall be required prior to submission of the Final Construction Plans.
7. The applicant shall provide corrected density calculations on the Final Construction Plans; a lot shall be eliminated if the calculations do not demonstrate that four lots are achievable in the R-1 portion of the site.
8. The revised floodplain shown on this Preliminary Plat is not approved and may change. Prior to Final Construction Plan approval, an approved LOMR from FEMA shall be provided. If the final boundary prevents any lot from meeting the 25-foot setback requirement from the floodplain, that lot shall be eliminated.
9. In addition to the landscaping required by the Fauquier County Zoning Ordinance, the applicant agrees to plant trees of various types as a buffer along Route 17 Spur as discussed in the field.
10. The applicant agrees that all houses shall contain a minimum of 2,500 square feet of above grade, finished air conditioned space.
11. The applicant has agreed they shall make a voluntary donation of \$9,040 to Fauquier County Parks and Recreation prior to Final Plan approval.

The motion carried unanimously.

- e. **#PPLT06-CT-010 – Revels M. and Miye T. Cayton, owners and Winchester Homes, Inc., applicant – Eastwood Farm** – applicant wishes to subdivide approximately 18.51 acres into six (6) lots. The property is located on the north side of Old Auburn Road (Route 670), Center District. (PIN #6993-38-5354-000)

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

Mr. Kovalik, seconded by Mr. Meadows, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- f. **#PPLT06-LE-011 – Gerald B. and Sally A. Yeckley, owner and Bradford Klein & Associates, applicant – Colonial Downs** – applicant wishes to subdivide approximately 26.15 acres into seventeen (17) lots. The property is located on the southeast side of Catlett Road (Route 28), Lee District. (PIN #6889-61-2415-000)

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

Mr. Meadows stated that he would like to commend the applicant for donating \$4,500 per unit to help rectify the traffic problems in this area.

Mr. Meadows, seconded by Mrs. McCarty, moved to approve, subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Colonial Downs” dated September 16, 2005 and received in this office February 16, 2006. This approval is for a maximum of seventeen (17) single-family residential lots.
2. The Preliminary Subsurface Exploration and Geotechnical Engineering Analysis Report provided by ECS Mid-Atlantic, LLC dated March 18, 2005 indicates that ground water within 9 feet and a perched water table are present on this site. 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 and preclude wet yards and 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) shall be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the Final Plat.
3. For BMP compliance, qualifying open space shall be limited to protected jurisdictional wetlands and floodplain only; other areas do not qualify.
4. Type I Soil Map shall be inserted into plans. All infrastructures shall be shown on Type I Soils Map. State source as “Preliminary soils information provided by

Fauquier County Soil Scientist Office via a Type I Soil Map (1" = 400') date August 21, 2001".

5. Drainage lines from Type I Soil Map shall be included on the plan.
6. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final construction plan. This needs to be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
7. 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 August 21, 2001.	
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 CPSS #3401-_____	DATE

8. Interpretive information from the Type I Soil Report for each mapping unit shown on the above 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.
9. This Final Soil Map will be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
10. Two copies of this Final Soil Map with CPSS signature need to be submitted to the Soil Scientist Office before Final Plat approval is made.
11. The final signature sets will require original CPSS signature.
12. The applicant, by letter dated March 28, 2006, has agreed to make a voluntary donation of \$4,500 per each residential building lot established by the Final Plat. The total donation will be made as one lump sum payment prior to the issuance of the first building permit. Funds contributed shall be earmarked by the County and utilized only for the construction of the Bealeton Connector.
13. The following statements shall be placed on the same sheet as the Final Soils Map:

- Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on the final construction plan to be placed in the front office of Community Development: "The County recommends that no below grade basements be constructed on soil mapping units 5A, 14B, 78A 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."
- Roads built on 71B and 171C mapping units will need to be designed to overcome the low bearing capacity caused by the substratum of these soil types which are high in silt.
- Due to the silt content of the soils in the 14B, 71B, 73B, 73C, and 171C mapping units, these soils are highly erosive. The erosion and sedimentation plans need to consider more filtration practices as compared to sedimentation. Special precaution will need to be addressed in stabilizing the cut-banks along the proposed road.
- The following statement needs to 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."
- Soil mapping units 73B and 73C 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 73B and 73C, 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."
- Soil map units 5A, 14B, and 78A may contain hydric soil inclusions. A wetlands determination by the USACOE will be required prior to land disturbance.

The motion carried unanimously.

- g. #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 forward to the Board of Supervisors with a recommendation of approval, subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Greenwich Woods" dated December 2, 2005, last updated February 23, 2006 and received in this office on February 24, 2006. This approval is for a maximum of seventeen (17) single-family residential lots.
2. Prior to submittal of Final Construction Plans, the Category 20 Special Exception for the above ground water treatment facility associated with Creekmont Subdivision shall be approved by the Fauquier County Board of Supervisors.
3. Natural drainage swales shall be protected. Houses shall not be placed in natural drainage swales. The houses on Lots 8, 10, 12, and 11 shall be relocated out of the natural swales.
4. The majority of the lots have portions of the lot that certain soils characterized as having a high or intermittently high water table. 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 and preclude wet yards and 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 and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the Final Plat. A note shall be placed on the final plat stating, "Basements are not recommended in mapping units 14B, 14C, 48B, 78A, and 178B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."
5. No stormwater runoff generated from new development shall be discharged into a jurisdictional wetland without adequate treatment.
6. An overlot grading plan shall be provided as part of the Final Construction Plans.
7. Proof of provisions for adequate fire flow as outlined by the Office of Emergency Services shall be required with the first submission of the Final Construction Plans.

8. All applicable State and Federal permits shall be filed with the first submission of the Final Construction Plans. This includes the COE/DEQ permits for disturbance of wetlands.
9. The waterline easement along Sapling Drive shall extend to Greenwich Road to allow for future “looping” of the water system.
10. Stormwater Management Pond #6 discharges into Lot 4 of the adjacent proposed subdivision (Creekmont). A drainage easement across this lot shall be provided.
11. Permission shall be obtained from the owner of PIN: 7924-45-6276-000 to relocate the access.
12. Drainfield areas shall be labeled as “reserve” and “install”. Label drainfield areas if reserve and install are contiguous.
13. 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.
14. A signature block shall be placed on this plat for the CPSS to sign which states:

<p>Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated <u>November 9, 2005</u>.</p> <p>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-____.</p> <p>_____</p>	
<p>_____ Va. Certified Professional Soil Scientist CPSS #3401-_____</p>	<p>_____ DATE</p>

15. Interpretive information from the Type I soil report for each mapping unit shown on the above 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.
16. The following statements shall be placed on the same sheet as the Final Soils Map:
 - Due to landscape position (drainageways) and high seasonal water tables the following statement needs to be placed on the Final Construction Plan to be placed in the front office of Community Development: "The County

recommends that no below grade basements be constructed on soil mapping units 14B, 14C, 78A, and 178B 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."

- The following statement shall be included on 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."
- Roads built on 14B, 14C, 78A, and 178B will need to be designed to overcome the low bearing capacity caused by the substitution of these soil types which are high in silt and/or shrink-swell clays.
- The following statement needs to 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."
- Soil mapping units 77B, 77C, and 77D 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 77B, 77C, and 77D, 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."
- Areas of steep slopes should be avoided at all cost due to high erosion hazard. Proper erosion and sedimentation practices need to be installed before construction begins. Soil mapping units 76D and 77D should be left in their natural state.

17. This Final Soil Map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.

18. Two copies of this Final Soil Map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.

19. The final signature sets shall require original CPSS signature.

The motion carried unanimously.

- h. **#PPLT06-CT-018 – J & R Land Investments, owner and applicant – Cedar Mill** - applicant wishes to subdivide approximately 79.52 acres into forty-three (43) lots. The property is located at the intersection of Atlee Road and Frytown Road (Route 674), Center District. (PIN #6994-27-7561-000)

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

Mr. Kovalik, seconded by Mr. Stone, moved to postpone action for 30 days, noting that this is not at the request of the applicant.

Mr. Trumbo asked Ms. Meade to clarify the total number of lots being proposed.

Ms. Meade replied that it is forty-three (43) lots.

The motion carried unanimously.

- i. **#PPLT06-MA-020 – Jeffrey N. O’Bannon, owner and Paul Hughes, applicant – O’Bannon Property** – applicant wishes to subdivide approximately 82 acres into two (2) lots. The property is located on the south side of Hume Road (Route 635), Marshall District. (PIN #6938-45-9795-000)

Ms. Meade stated the applicant would like to postpone action for up to 90 days.

Mrs. McCarty, seconded by Mr. Stone, moved to postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- j. **#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 stated that the applicant wishes to postpone action until the April 27, 2006 meeting.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the April 27, 2006 meeting, at the request of the applicant.

The motion carried unanimously.

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

No Comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

No Comments.

*Public Hearings
7:00 P.M.
Warrenton Community Center
430 East Shirley Ave., Warrenton, Virginia*

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Stone stated that the Planning Commission would hold a work session on April 12, 2006 in the 1st floor meeting room of the Warren Green Building with the topics to be announced later.

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda by moving item 17b to 11b.

The motion carried unanimously.

Mr. Stone stated that tonight was Mr. Larry Kovalik's first Planning Commission Public Hearing since taking over for Mr. Richard Robison.

Mr. Stone read the following Resolution of Appreciation for Richard W. Robison and presented it to him for his years of service.



Resolution Of

Appreciation

Richard W. Robison

Adopted at a regular meeting of the Fauquier County Planning Commission, held in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on Thursday, March 30, 2006.

WHEREAS, *Richard W. Robison, has served as the Center District representative on the Fauquier County Planning Commission with great distinction from January 1999 to March 2006; and served in an outstanding manner as Chairman of the Planning Commission from January 2000 through January 2001 and January 2002 through January 2004; and as Vice-Chairman from January 2001 through January 2002; and*

WHEREAS, *his many exemplary years of leadership and mentoring contributed significantly to both County staff and Planning Commission knowledge, and raised our expectations to a higher level regarding quality, vision and common sense in the County's comprehensive planning, protection of valued historic resources, land development regulations and capital improvement programming; and*

WHEREAS, *his strong leadership as a member of the Architectural Review Board resulted in new directions regarding Highway Overlay and the protection of our valued cultural and historic resources; and*

WHEREAS, *the Planning Commission, on behalf of all the citizens of Fauquier County, wishes to express its profound appreciation for his service to the citizens of Fauquier County and his devotion to the betterment of the County; now, therefore*

BE IT RESOLVED, *that the Fauquier County Planning Commission, by this Resolution, does hereby express its highest appreciation to Richard W. Robison, for his significant contribution to the County; and to commend him for outstanding service to the citizens of Fauquier County; and*

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

Jim Stone, Chairman

Ann McCarty, Vice-Chairman

John R. Meadows, Secretary

Robert Holder Trumbo

Larry Kovalik

10. **CITIZENS' TIME**

No one spoke.

11. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN**

- a. 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 opened the public hearing.

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

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

The motion carried unanimously.

- b. **#REZN05-LE-001, SPEX06-LE-021 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** – 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. Further the applicant is seeking a Category 26 Special Exception to reduce the non-common open space requirement for the balance of PIN #6889-89-6214-000 that is not being rezoned. 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.

Mr. John Foote, representing Centex Homes, stated that he knows that the Planning Commission and many others are very familiar with this project, but he wants to make a few points tonight. He said he is involved with many land development projects right now and that each one is a long process. He continued, it takes time to make sure both the Planning Commission and the developer have a project that they are comfortable with and proud of and believes that that has been achieved. He added this is a very complex, comprehensive plan in order to make this the heart of Bealeton. He said the details have been refined over time and staff will recommend approval. He stated that the grant for the Fire and Rescue Station has never been doubted and that Centex will also contribute to the East/West Connector. He noted Centex also agreed to advance \$50,000 for a potential YMCA and will contribute that money within sixty days of a successful rezoning of the property. He added if the Board wishes to do so, Centex will also dedicate real property as soon as the subdivision process is complete. Mr. Foote said the work force housing ratio within the proposed community has grown to 10%. He stated that what the county will end up with is effectively what Bealeton asked that its future look like in this application. Therefore, Centex respectfully requests the Planning Commission's approval tonight.

Mr. James Tompkins, III, Center District, stated that he has lived here for nine (9) years and moved here from the District of Columbia because of the open land and affordable housing. He said that he knows this subdivision is coming, but he would like to see the right things done for Bealeton. He disagreed that this will become the center of Bealeton; he stated that it may add to Bealeton but it already has a center. He continued that before the proposed community is built he would like to see the roads improved and the traffic plan addressed. He stated that the area needs sidewalks to get the public to the schools and shopping centers.

Mr. Matt Mayes, Cedar Run District, stated that he lives in the Meadowbrook subdivision in Bealeton. He stated that many of his neighbors bought homes in this area that were not in the floodplain but now when they have gone to sell these properties they are being told that they are located in the floodplain and require flood insurance. He continued that altering this floodplain will negatively affect the residents

in Meadowbrook. He said he is all for change, but he has reservation concerning the floodplain and would request that a study is conducted concerning these homes in Meadowbrook.

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

Mr. Meadows stated to Mr. Tompkins that in a perfect world it would be nice to be able to build everything needed before the homes were constructed, but he noted in their proffer package, Centex is offering \$4,500 per lot times 358. He continued, with this money proposed specific road improvements will be completed such as, the East West Connector, the widening of a portion of Route 28 to four lanes from Route 17, and the connection of Route 28 to Route 17 by the construction of Church Street. He stated that they will also put a stop light at the fire station so that the rescue vehicles are able to get out quickly in emergencies. He also said that Centex is giving 26 acres and \$50,000.00 to the Board of Supervisors toward the construction of a YMCA. Mr. Meadows continued to point out that they are phasing these houses in over an eight year timeframe and that this is the best package that is being offered. Mr. Meadows indicated he would like to let the staff and applicant know that this is the best that the County could hope to get and that if we did not look at this application seriously that the County would get something less. He also stated that he would like other developers to look at this application as a model and that when they want to come into Lee District, they need to be prepared to offer up as much, if not more, to be able to build there.

Mr. Meadows, seconded by Mr. Stone, moved to deny the request for Modifications of Certain Zoning Ordinances and Design Standards which would modify Zoning Ordinances 12-609, 12-610, 12-7021 and Subdivision Ordinance 9.5A16 and 9.5A28.

Mrs. McCarty stated that she is also concerned about the floodplain and that the denial of these modifications alleviates some of her concerns, but if Mr. Mayes is concerned about the floodplain, he should follow this through to the Board of Supervisors.

Mr. Stone stated that this application is highly acceptable and is the first one he has ever seen that meets all the standards set by the Bealeton Service District's Comprehensive Plan in every way.

The motion carried unanimously.

Mr. Meadows stated that this application is for 358 units, but the applicant takes a risk in a rezoning concerning whether or not they can achieve that

number. He noted upon further review by the County engineers the applicant may not be able to build all 358 units.

Mr. Meadows, seconded by Mr. Trumbo, moved to approve Rezoning #REZN05-LE-001 from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential-2 (RR-2), Special Exception #SPEX05-LE-008 for floodplain crossings and Special Exception #SPEX06-LE-021 for reduction of non-common open space requirement for the balance of PIN #6889-89-6214-000.

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENTS**

- **#CPAM06-MA-002 – Carson Lee Fifer Jr. Trustee, owner (PIN 6969-08-9742); Stansbury Farm LTD Liability Co, owner (PIN 6060-31-1774); Mary F. Cunningham and Cay Ramey Weimer, owners (PIN 6969-38-4701), and Planning Commission, sponsor** – The Planning Commission has initiated a proposed Comprehensive Plan Amendment that would: remove ± 39 acres of Rural Agriculture (RA) zoned property identified as PIN #6969-08-9742-000 and ± 7.4 acres of Rural Agriculture (RA) zoned property identified as PIN #6060-31-1774-000 from the Marshall Service District; and change 0.6 acres of PIN #6060-31-1774-000 planned from Low Density Residential to Future School Site and ± 8.1 acres of PIN #6969-38-4701-000 planned from Low Density Residential to Future School Site. The properties are located on the northeast side of Route 66 and Grove Lane (Old Route 55), Marshall District.

Ms. Slawter 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 that she served on the Marshall Service District Citizens Planning Committee and that it was not the intention of that committee to include the land to the west that was zoned Agricultural. She continued they intended the Service District line to be at the edge of the Residential-2 (R2) zoned area. She added that the County did something very similar to this recently when they removed the Arrington property from the Warrenton Service District. Dr. Smith stated she would recommend doing exactly what staff has indicated.

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

Mrs. McCarty stated that she will be recommending that this item be postponed for 30 days to give further notice to the three affected landowners; however, she feels that this subject land was inadvertently not removed from the Service District, and it would be a good thing to do so now.

Mr. Stone stated that they will keep the public hearing open and that additional notification be sent to the three property owners.

13. **SPECIAL EXCEPTIONS**

- a. **#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)

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. Paul Bernard, representing Bluerock Creek, LLC, stated that all of the studies that have been done on the floodplain show that the impact has been negligible, and he would request that the Planning Commission forward to the Board of Supervisors with a recommendation of approval.

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

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

1. This Special Exception is granted for and runs with the land indicated in this application, PIN # 6985-13-3513-000) 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. Final design for Moffett Drive shall be submitted to the Army Corps of Engineers for a wetlands permit prior to Final Construction Plan approval.

4. Evidence of the Army Corps of Engineers permit and the conditional letter of the FEMA map revision shall be submitted to Community Development prior to approval of the Final Construction Plan.
5. “As built” of the Moffett Drive crossing of the floodplain shall be submitted to FEMA for final map revision after completion of this project.
6. Applicant shall post a bond for the construction of Moffett Drive and repair, if needed, of the bridge in accordance with the requirements of VDOT prior to the issuance of any land disturbing permit for the construction of Moffett Drive.
7. If the road location in the floodplain changes materially, as determined by Community Development, from the location shown on the plat dated December 2005, this Special Exception is no longer valid.
8. An initial set of construction plans for Moffett Drive shall be filed within one (1) year after the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that such construction plans have been filed within one year of approval of this Special Exception.

The motion carried unanimously.

- b. **#SPEX06-LE-013 – Daniel France and Howard & Jane Grove, owners and Fauquier County Department of Environmental Services, applicant – Morrisville Convenience Site** – applicant wishes to obtain Special Exception approval under Category 11 to allow for expansion of the existing site by approximately 9,743 square feet. The property is located on the northwest side of Shipps Store Road (Route 851) at its intersection with Marsh Road (Route 17), Lee District. (PIN #7806-78-9041-000 and #7806-87-5770-000)

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.

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

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. This Special Exception is granted for and runs with the land, PINs 7806-78-9041-000 & 7806-87-5770-000, 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 “Morrisville Convenience Site”, approved with this application, as qualified by these development conditions.
3. This site shall be used as a Department of Environmental Services Convenience Site for refuse collection and recycling services for county residents.
4. All open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.

Mr. Kovalik stated that the Office of Environmental Services has done a good job policing the entrance to the County Landfill and wanted to remind people to use the correct receptacles to help insure a long life for our landfills.

The motion carried unanimously.

- c. **#SPEX06-CR-016 – Ted and Patti Zurawski, owner and William Shorey, applicant – Shorey Land** – applicant wishes to obtain Special Exception approval under Category 26 to allow for a decrease in the non-common open space requirement. The property is located at the east side of Brent Town Road north of its intersection with Sheldon Lane, Cedar Run. (PIN #7849-79-3388-000)

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, stated she realizes that there may be a way around this, but she is concerned because in 1986 this property was 42 acres and the open space that should have been required was 36 acres. She said now it is down to 26 acres and the applicant requests to reduce it further. Dr. Smith stated that she wants to know how it got to 26 acres. She suggested the County put regulation in place to preclude this from happening again in the future.

Mr. Stone stated that Dr. Smith has a very good point and the Planning Commission will look into it.

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

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

The motion carried unanimously.

- d. *#SPEX06-SC-017 – Fauquier County, owner and PHR+A, applicant – Northern Fauquier County Sports Complex and Community Park* – applicant wishes to obtain Special Exception approval under Category 23 to allow for a floodplain crossing. The property is located at the northeast intersection of Whiting Road (Route 622) and John Marshall Highway (Route 55), Scott District. (PIN #6070-40-3474-000)

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

Ms. Sue Wolford, with Patton, Harris, Rust and Associates and representing the applicant, stated that the applicant concurs with the staff report and accepts the conditions.

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

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

1. This Special Exception is granted for and runs with the land, PIN 6070-40-3474-000, 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 “Special Exception Plan, Category 23, Floodplain Uses, Northern Fauquier Sports Complex”, dated February 14, 2006, approved with this application, as qualified by these development conditions. This includes two road crossings, a pedestrian crossing, parking lot, ball fields and associated grading.
3. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facilities or system which would increase flood heights and/or velocities, on adjacent properties.
4. Evidence that the letter of map revisions (LOMR) has been processed through FEMA within two years of the approval of this Special Exception.
5. The technical calculations for the letter of map revision shall be submitted to the Community Development Department within six (6) months of approval of the Special Exception.
6. There is to be no storage of materials in the floodplain that cannot be readily moved or firmly anchored to prevent floatation or movement.

7. All structures (pavilions, pedestrian bridges, etc.) must be securely anchored so as to prevent movement or floatation.

The motion carried unanimously.

- e. **#SPEX06-CR-019 – Catlett Volunteer Fire Department, owner and applicant – Catlett Volunteer Fire Company, Inc.** – applicant wishes to obtain Special Exception approval under Category 11 to build a Fire and Rescue Station. The property is located at the intersection of Catlett Road (Route 28) and Gaskins Lane (Route 796), Cedar Run District. (PIN #7922-93-4822-000)

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. Paul Bernard, representative for the applicant, stated that the applicant accepts the recommendation of staff.

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

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

The motion carried unanimously.

- f. **#SPEX06-CR-018 Engle Homes, owner and applicant – The Estates at Old Marsh** – applicant wishes to obtain Special Exception approval under Category 31 to allow for a community water well system serving approximately 30 lots on drainfields. The property is located at 10529 Old Marsh Road (Route 837), Cedar Run District. (PIN #6990-13-5554-000)

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. Dustin Kujlman, representative for the applicant, stated that he is looking forward to working with staff and WSA to resolve any issues.

Mr. Micah Meadows, Cedar Run District, stated that as an adjacent land owner he was notified last year that a measuring device would be put on his well, but he has never been notified with any results. He stated that the

people who had the test done on their wells need to have the results given to them.

Ms. Maryann Robinson, Cedar Run District, stated she is also an adjacent land owner, and she is concerned that if we have a drought her well may run dry. She questioned if there any provisions for refilling it.

Mr. Stone asked staff if there was any draw down data that can be used to inform people.

Mrs. Dargis stated that those results would be available as soon as the hydrogeological studies were complete.

Mr. Chuck Medvitz, Scott District, stated that as these types of applications come forward it is important that these studies be included in the County groundwater consultant's studies. He stated that he encourages staff to conduct provisions addressing the draw down levels.

Ms. Jolly de Give, Marshall District, issued a word of caution because a year ago Loudon County had a number of these developments built on community water well systems and the homeowners used the water like they were on public water supply. She continued that she did not know who would be monitoring the community wells, but that it was a concern the Planning Commission may want to address.

Mr. Joe Yeager, Engle Homes, stated that he agrees that the neighbors need to know the results of the well testing. He said WSA and the County have copies of the results of these tests. He continued that he has no objection to the adjacent property owners having these results. He stated he is disappointed that the results were not forwarded to these homeowners.

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

Mr. Meadows noted in the staff report for this application it states that, "Also, the applicant has not provided evidence of sufficient financial resources, a business plan to insure the successful operation of the system for at least ten years, or adequate provisions for the continued successful operation of the system." Mr. Meadows continued to say that the Planning Commission needs to take a good look at a development that cannot guarantee water for more than ten years.

Mr. Stone, seconded by Mr. Meadows, 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.

14. **SPECIAL EXCEPTIONS AND COMPREHENSIVE COMPLIANCE REVIEW**

- **#SPEX06-CR-014, SPEX06-CR-015, and CCRV06-CR-003 – Fauquier County Board of Supervisors, owners and Fauquier County School Board, applicants – HS #3** – applicant wishes to obtain a Special Exception under Category 5 to allow for a secondary school in the RA district, a Special Exception under Category 20 to allow for an above ground sewage pumping station and for a Comprehensive Plan Compliance Review to determine that the proposed high school, at this location, is substantially in accord with the Comprehensive Plan. The property is located on the east side of Rogues Road (Route 602) north of Eddington Drive and across the street from Grapewood Estates, Cedar Run District. (PIN #7914-79-2156-000)

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. Jay VanGelder, Cedar Run District, stated that he wanted to thank the staff for all their help with this application and said that they have worked wonderfully with the School Board. He continued that we need the third high school because of the growth in the county and because the existing high schools are overcrowded. He stated that this property lies right outside the Service District and based upon the Zoning Ordinance and Comprehensive Plan it is permissible to have a school adjacent to instead of inside the Service District. He stated that they are asking permission to build a high school in a Rural Agricultural (RA) zoned piece of property because it is the least expensive property they could find. He added with a school this size public water and sewer will be necessary, which should not be a problem since there are three well heads on the property and a WSA tank on the front of the property. Mr VanGelder said they will also need public sewer. Mr. VanGelder stated that the schools offer more to the community than just education. He stated that the athletic fields are available for Parks and Recreation to use when school is not in session and that this site already has an outdoor laboratory that will be available. He continued to say that all types of activities go on at school and that it is open to the community. Mr. VanGelder said that he respectfully urges the Planning Commission to recommend approval.

Ms. Cheryl Wolf, Lee District, stated that she supports this high school and thinks it is time to swiftly pass this Special Exception. She said if the Planning Commission waits any longer then more construction costs will be incurred.

Mr. Jim Morris, Scott District, stated that he lives across from this school site. He stated that part of him would like to campaign against this high school, but he has children that are directly time lined in to go to this school. He continued that it is very important to get this school built. Mr. Morris stated that he is concerned with the general area, for instance, Vint Hill has put in an entire housing development and only added a single turn lane, and he said he would like to see road improvement plans developed before this area is built up any more. He continued that he is concerned about the entrance to the high school and the amount of stop lights that will be installed and wants reassurance that these things will be done properly. He stated that he will follow this through to the Board of Supervisors to make sure his concerns are addressed.

Ms. Mimi Moore, Marshall District, stated she is speaking tonight as a representative for the Environmental Resources Committee for the Citizens of Fauquier County, and would like to address some issues. She continued that the New Baltimore Service District Pan identifies an ideal school site as one that does not include major floodplains or drainage ways and that school locations should be co-located with county parks. She stated that this area has a large floodplain. She is concerned with the run off from the parking lots and thinks that County engineers need to address these issues. She said she would like the County to support a natural resource education center on the site, and that there would be no better way to bring natural resources into the classroom than what this site could offer.

Ms. Jolly de Give, Marshall District, echoed Ms. Moore's comments. She said that the County has a great opportunity to show future generations how to develop a building using Low Impact Development principles. She said it will be an economic benefit to the County in the future. Ms. de Give continued that there are schools in Maryland that have been built with low impact development and environmentally-friendly standards. She indicates she would like to see the County preserve the heron rookery.

Mr. John Griffin, Cedar Run District, stated that he fully supports the building of this high school. He continued that he hopes the Planning Commission moves this quickly through to the Board of Supervisors for approval. Mr. Griffin said that the Low Impact Development is going to cost additional money, and we do not need any more delays, for design elements or otherwise. He said that the County Engineer's review of stormwater management rules and regulation are sufficient in satisfy this building.

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

Ms. McCarty stated that as a one time teacher she is glad to be on the same page with the School Board.

Mr. Kovalik stated that Low Impact Develop is not just stormwater management, it is putting the best practices into place in the design and use of lid structures in the this type of environment.

Mr. Stone stated that Low Impact Development is not more expensive, it has actually been shown to cost less initially and save more money down the line.

Mr. Stone, seconded by Ms. McCarty, moved to forward CCRV06-SC-003 Comprehensive Plan Compliance Review, to determine that the proposed high school, at this location, is substantially in accord with the Comprehensive Plan to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

Mr. Stone, seconded by Mr. Meadows, moved to forward Special Exception SPEX06-SC-014 to the Board of Supervisors with a recommendation of approval to allow for a secondary school in the RA district.

The motion carried unanimously.

Mr. Stone, seconded by Mr. Trumbo, moved to forward Special Exception SPEX06-SC-015 to the Board of Supervisors with a recommendation of approval for a Special Exception under Category 20 to allow for an above ground sewage pumping station.

The motion carried unanimously.

15. **REZONINGS AND COMPREHENSIVE PLAN AMENDMENTS**

- **#REZN05-LE-003 and #CPAM05-LE-001 – Janja Zobundija, owner and D.C. Diamond Corporation, applicant – Pelham Village** – applicant wishes to rezone approximately 106.41 acres from Rural Agricultural (RA) to Residential-4 (R-4) Cluster and Residential-2 (R-2) Conventional in order to allow for a 124-lot subdivision. The applicant also wishes to obtain a Comprehensive Plan Amendment to change the Land Use designation from Low-Density Residential: 1-3 units per acre, without utility services, to Low-Density Residential with utility services. The property is located at the northeast quadrant of the intersection of Catlett Road (Route 28) and James Madison Highway (Route 29), Lee District. (PIN #6889-31-6397-000 and #6888-39-2530-000)

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. Mike Hurst, Lee District, stated that he is a property owner adjacent to this proposed subdivision. He continued to say that he has lived here since 1984 and when he moved here there were only 3 stop lights and they were in Warrenton. He said that now the traffic is extremely heavy and backs up all the way to his driveway. He stated that he has watched four other subdivisions go up in this area and that there are a few things that are not being considered, for instance, the fire and rescue station in this area is not large enough to accommodate all of these residents. He is concerned that another subdivision in this area would just add to this volunteer based station. Mr. Hurst said that there are not enough schools in the area either and the county should take care of the residents that are here now before we move more people in.

Mr. Mark Moorstein, representing the applicant, stated that this subdivision application has been around for three years and the number of units keeps going down. He said that they have fifteen affordable units going in and are working hard to smooth out any other problem that have come up. He continued that the proffers have been met for the completion of Southcoate Road. Mr. Moorstein and the applicant recognize that there is a great deal of conflict with the project but he sees a need to get this passed on to the Board of Supervisors and to get this project underway.

Mr. James Outzen, representing Southcoate Homeowners Association, stated that while they do enjoy the area that they live in, the residents have faced many empty promises and a failure to be responsive to the needs of these homeowners by D.C. Diamond. He continued that the HOA has tried to work with D.C. Diamond. to resolve many issues and they have failed to provide many of the amenities that have been promised to the homeowners, for instance, constructing the fences and sheds that were supposed to be provided, they have failed to maintain the common area before it was turned over to the homeowners association, and in fact the community had to form the homeowners association earlier than planned because of D.C. Diamond's lack in addressing these issues. Mr. Outzen continued to say that the home owners association has incurred cost for items that should have been handled by the developer and the association is having a difficult time being reimbursed. He stated that as the citizens of Fauquier County, they expect to receive the promises that were stated when the properties were purchased. He said that this developer should not be permitted to begin a new development when the original one is not yet complete.

At Mr. Stone's request, asked Mr. Outzen listed the amenities that were not followed through:

1. The common areas when prepared did not have adequate plantings. The trees, shrubs, and plants were not planted as promised.
2. The common area did not have adequate maintenance and had to be taken on by the homeowners.
3. The developer has caused very large ruts in the play area and has been asked to fill them in, but has failed to do so.
4. The developer had failed to be responsive to VDOT and in turning over the roads. When it snows, the developer is responsible in clearing the roads, but the developer has never done so, and this is for all four phases of the Southcoate Village.
5. D.C. Diamond promised to construct a second entrance but never did.
6. There have been significant drainage and erosion problems throughout the subdivision and play area.
7. The common area has a lot of leveling that needs to be done and the silt screens are still up.

Ms. Ines Huber, Lee District, stated that this proposal is not well thought out and should be denied. She said that the applicant stated that this subdivision would be good for the community, but they are asking for an amendment to the Comprehensive Plan for a rezoning, and she does not understand why there would be a Comprehensive Plan if the County wanted to constantly change it and why would it be beneficial if it had been rezoned. She continued to say that there are too many environmental, engineering, and technical issues to be discussed but she wanted to point out one of the most important, the drainage issues. She stated that Pelham Village is on land that had two major drainage channels and most of the lots would be on high water soil, but there has not been a flood study conducted yet, and it should already have been done. Ms. Huber asked that this application be denied.

Mr. Gerald Fairfax, President of G. Fairfax Construction Company, and stated he starting working on the Southcoate Village Subdivision back in 1999 running the offset utilities to the subdivision and has been there since the beginning. Mr. Fairfax stated that he takes offense to what the homeowners association is saying because all the trees that were required have been planted, the builder has mowed a lot of the common areas and

John Marshall has always made them meet the requirements concerning erosion control. He continued to say that he himself has plowed the roads in the subdivision and that he has been on the job for the last five years and has never heard any complaints from anyone. He continued to say that he can guarantee that Pelham Village will be done to meet the County's Ordinance and then some because that is how he does business. Mr. Fairfax said that he would like to see this approved.

Mr. Donald Muse, representing Southcoast Homeowners Association, stated that he has to agree with both sides on these complaints. The back half of the subdivision does get plowed because that is how the builder accesses the new section. He stated that the Homeowners Association does have a list of complaints that have not been addressed that he believes should have been. For instance, a paved walking trail was planned into the subdivision but what they received was a small path of crushed stone. He continued that there was also an outstanding tax bill of \$6,000 for a piece of land that was handed over to the Homeowners Association, and they have tried on numerous occasions to collect this money from the developer without any success. He stated that the developer should be held accountable for these undelivered promises before he is allowed to begin another project.

Mr. Chuck Medvitz, Scott District, stated that this application has been on the books for a year and he would offer an observation. An application was offered this evening that met all requirements of the Comprehensive Plan and that should be a model for other developers. He continued that this application does not meet any of the requirements and that it is time to deny this application.

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

Mr. Meadows stated that it is difficult to look at this application when he has been working on another application that is about 180 degrees from this one. He continued to say that the staff report stated, "The Department recommends denial of the Pelham Village applications if there is not a more serious and directed applicant effort in resolving critical flaw issues and making the essential project refinements." Mr. Meadows continued to say that he met with the attorney for this application, Mark Moorstein, and agreed to thirty more days, against what his fellow Commissioners wanted him to do and that bothers him especially when he had their full support today on an even larger plan. Mr. Meadows asked Mr. Moorstein if he allowed the thirty day postponement, if he would work diligently to get this application up to standards.

Mr. Moorstein replied that the applicant would request a vote tonight.

In light of the applicant's request, Mr. Stone closed the public hearing.

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

The motion carried unanimously.

16. **REZONINGS**

- **#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)

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. Steve Vento, Angler Development, stated that he wanted to thank the Planning Commission for the thirty day deferment of the application.

Mr. Trumbo stated that they will be continuing the previous postponement from the February 16, 2006 meeting where it was stated that this application would be postponed until the April meeting.

Mr. Chuck Medvitz, Scott District, stated that this is one of the early properties to begin development along Route 29 and one of the things that is important to do is to eliminate and reduce direct access from Route 29. He continued that he would encourage focus be placed on that. Mr. Medvitz also said that there are also some historic preservation issues that have come to light and under section 106 of the historic preservation act there appear to be some historic type items along this property that should be explored.

Ms. Barbara Severn, Scott District, stated she wanted to express appreciation to the applicant and staff on how far they have come with this application. She continued to say that her biggest concern is the transportation problems on Route 29 and what is or is not going to happen when this commercial development goes in. She stated that the traffic problem on Route 29 is a large problem and she would like to propose that

access be restricted to only right hand turning so that we could avoid crossing a major highway or adding another traffic light.

Mr. Robert Dunleavy, Scott District and member of the New Baltimore Planning Group, stated that he is leery of this project because of the traffic issues and what rezoning this as a C2 would bring in. He continued to say that having a commercial center here would bring large amounts of traffic to this area and he would like to know what type of business would be permitted to come here.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action until the April meeting.

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:24 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.

