

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JUNE 29, 2006**

The Fauquier County Planning Commission held its regular meeting on Thursday, June 29, 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. Todd Benson, Mrs. Kimberly Fogle, Mr. Kevin Burke, Ms. Holly Meade, Mrs. Bonnie Bogert, and Miss Carissa Blevins.

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda to add item 1.b. Initiation of a Zoning Ordinance Text Amendment to Section 5-504 to Eliminate the Limitation of 300 Students per School in Residential Districts.

The motion carried unanimously.

1. a. **APPROVAL OF MINUTES** – May 25, 2006

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

The motion carried unanimously.

b. Initiation of a Zoning Ordinance Text Amendment to Section 5-504 to Eliminate the Limitation of 300 Students per School in Residential Districts.

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to Initiate a Zoning Ordinance Text Amendment to Section 5-504 to Eliminate the Limitation of 300 Students per School in Residential Districts and to schedule a public hearing for the Planning Commission's July 27, 2006 meeting.

The motion carried unanimously.

2. **ZONING ORDINANCE WAIVER**

a. **#WVRP06-MA-037 – Mehrmah Payandeh, owner and applicant** – applicant wishes to obtain a Waiver of Section 7-302.1.B of the Zoning Ordinance to allow for a private street off of an existing private street.

The property is located east of Leeds Manor Road (Route 688) south of its intersection with Winchester Road (Route 17), Marshall District. (PIN 6032-17-7831-000, 6022-94-5679-000, 6022-86-6327-000, and 6022-98-3780-000)

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

Mrs. McCarty read the following resolution of denial:

A RESOLUTION TO DENY A WAIVER ALLOWING A PRIVATE STREET THAT DOES NOT CONNECT DIRECTLY TO A STATE MAINTAINED ROAD

WHEREAS, Mermah Payandeh, owner, is seeking a waiver of Zoning Ordinance Section 7-302.1.B to allow a subdivision on a private street that does not connect directly to a state maintained street; and

WHEREAS, the applicant wishes to create eight (8) large lots from 3 parcels, her 213-acre parcel identified as PIN 6032-17-7831-000, her 152-acre parcel identified as PIN 6022-94-5679-000, and her 121-acre parcel identified as PIN 6022-86-6327-000, with access via an existing network of private streets, which connect to Apple Manor Road, a private street; and

WHEREAS, the proposed access streets connect to a private street (Apple Manor Road) rather than a public road; and

WHEREAS, the length of the streets that are proposed to serve these lots is in excess of 10,000 feet;

WHEREAS, the use of these existing streets to serve an additional eight (8) homes will be of significant impact to property owners who use these streets and would afford inadequate access for emergency vehicles and owners of the proposed lots; and

WHEREAS, the denial of this request will not place an unreasonable restriction on the use of the property; be it hereby

RESOLVED by the Fauquier County Planning Commission this 29th day of June 2006, That a recommendation of denial of the Waiver to Zoning Ordinance Section 7-302.1.B is made to the Fauquier County Board of Supervisors for Mermah Payandeh to create eight (8) large lots on the above referenced parcel on a private street that does not connect directly to a state maintained street.

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

The motioned carried unanimously.

- b. **#WVRP06-SC-040 – Christopher & Jennifer Hawkins, owners and applicants** – applicants wish to obtain a Waiver of Section 7-302.1.B of the Zoning Ordinance to allow for a private street off of an existing private street. The property is located on the south side of Stonefield Lane west of its intersection with Culver Drive, north of Broad Run Church Road (Route 600) in New Baltimore, Scott District. (PIN 7916-02-6805-000)

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

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

The motion carried unanimously.

- c. **#WVRP06-CR-042 – Edward & Betsy Price and Michael Jordan & Patricia Jordan, owners & applicants** – applicants wish to obtain a Waiver of Section 7-302.1.C of the Zoning Ordinance to allow a right-of-way that is less than fifty (50) feet in width. The property is located north of Courtney School Road (Route 637) in Midland, Cedar Run District. (PIN 7828-63-6879-000 and 7828-53-4799-000)

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

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

The motion carried unanimously.

- d. **#WVRP06-MA-041 – Irvin Woods and Kay Young, owners and Richard & Elise Riedel, applicants** – applicants wish to obtain a Waiver of Section 7-302.1.C of the Zoning Ordinance to allow a right-of-way that is less than fifty (50) feet in width. The property is located on the west side of Leeds Manor Road (Route 688) in Hume, Marshall District. (PIN 6928-45-5147-000 and 6928-35-9271-000)

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

Mrs. McCarty, 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-CT-010 – Revels M. and Mike 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. Trumbo, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Eastwood Farm” dated April 25, 2005, and received in this office April 25, 2006. This approval is for a maximum of six (6) single-family residential lots and a cul-de-sac length waiver.
2. The non-common open space residual parcel created with the previous Administrative Subdivision, recorded on February 23, 2006 in Deed Book 1204, Pages 984-998, shall be in conformance with the Zoning Ordinance before Final Construction Plan approval.
3. A Jurisdictional Determination shall be submitted with the first submission of the Final Construction Plans. All applicable State and Federal permits, including wetlands permits, shall be provided prior to Final Construction Plan approval.
4. The houses on Lot 1, 2, and 5 are located in soils characterized as having a high water table. In addition, these houses are in natural swales. The houses shall be relocated out of the soils types 17B and 417C and out of the swales. The natural drainage swales shall be protected.
5. Road grades shall not exceed 10%.
6. 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. A note shall be placed on the Final Plat stating, “Basements are not recommended in

mapping units 12A, 15B, 16B, 17B, 48B, 417B, and 417C. 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”.

7. It is not recommended to place houses in swales or drainageways. Houses on Lots 2, 5, and 6 shall be moved out of drainageways.
8. Map units 40D, 240C, and 240D shall be added to interpretive soils information.
9. Wells shall not be placed in drainageways. The well on Lot 2 shall be moved.
10. Reserve and install areas of drainfields shall be separated and labeled.
11. A Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the Type I Soil Map soil lines or needs to adjust the preliminary soil map with revisions 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.
12. A signature block shall be placed on this plat for the CPSS to sign which states:

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

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=___') and certifies that this is the Best Available Soils Information to Date for Lots 1-____.

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

14. 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.
15. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
16. Two (2) copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
17. The final signature sets shall require original CPSS signature.
18. The type of primary and reserve drainfield area shall be stated for each lot.

19. Old Auburn Road shall be listed on the Final Construction Plans as Route 670.
20. Right-of-way along the proposed street and the tapers shall be a minimum of 3 feet from the last object maintained by VDOT in accordance with the 2005 Subdivision Street Requirements.
21. The street shall be named on the Final Construction Plans and approved by VDOT and the County.
22. Sight distance required is 445 feet and shall be shown on Final Construction Plans.
23. Storm drainage easement shall be required for the area of the culvert pipe outside of the right-of-way to the point where an adequate channel is achieved.
24. Written verification from the Virginia Department of Health shall be provided by the applicant to the Department of Community Development stating the wells on Lots 1-6 are safe for human consumption prior to the issuance of building permits.
25. The applicant shall connect a private street from the end of the cul-de-sac to Frye's Lane. Emergency vehicle access shall be granted to Fauquier County along this private street.
26. The applicant shall place a minimum 15 foot utility easement along both sides of the street (public and private) that connects Old Auburn Road and Fry's Lane. In addition, a minimum 7.5 foot reservation shall be made along all lot lines, specifically for future public water and sewer line connection.
27. There shall be a 30-foot landscape area, encompassed by an easement, along the frontage of Lots 1 and 6 to the extent that the drainfields and site distance are not adversely impacted. The purpose of this landscape area is to lessen the impact of the view from Old Auburn Road.

The motion carried unanimously.

- b. **#PPLT06-MA-022 – Joseph Camarda, owner and applicant – Chattin's Run South** – applicant wishes to subdivide approximately 186.12 acres into seven (7) lots. The property is located on the west side of Lost Corner Road (Route 624) south of Maidstone Road (Route 713), Marshall District. (PIN 6061-05-8596-000)

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

On motion made by Mrs. McCarty and seconded by Mr. Stone, pursuant to §2.1-344 (a)(7) of the Code of Virginia, the Planning Commission moved to go into Closed Meeting for the purpose of consultation with

legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to #PPLT06-MA-022 Chattin's Run South's wish to subdivide approximately 186.12 acres into seven (7) lots.

The motion carried unanimously.

Upon reconvening from the closed meeting, Mr. Stone took roll call.

Mrs. McCarty read the following Certification of Closed Meeting.

We do swear to the best of each member's knowledge:

1. only public business matters lawfully exempted from open meeting requirements under the this Chapter, and
2. only such public business matters as were identified in the motion by which the Closed Meeting was convened, were heard, discussed or considered in the meeting by the public body.

This certification shall be recorded in the minutes of the Planning Commission on motion of Mrs. McCarty, seconded by Mr. Stone.

The motion carried unanimously.

Mrs. McCarty, seconded by Mr. Stone, moved to deny the Preliminary Plat.

Mr. Stone asked if there was any discussion. Mrs. McCarty stated that she would like to discuss the site visit. She continued to say, "As you all know, the five of us and staff made a site visit earlier to review the visual impact of the proposed site, and I think that was a significant visit for us. I think that clearly showed that the houses, as they are proposed in this application, make more of a visual impact then if they were moved a little further into the property."

Mr. Stone said, "I quite agree that we all had the same impression when we visited this site, that to string the houses out along the road in that manner probably would have the most impact from a visual quality standpoint. We are at a point now when we have to move on this. We have not been able to discuss it with the applicant in any detail at all, so we haven't been able to arrive at an agreeable compromise, if one is available. We've asked the applicant to consult on that subject, and we have not been successful so far. It seems to me, and I think we all agree that the scenic quality of this area, its very rural character, is its real value of this area, and to do it damage by this kind of development is inappropriate. There are other factors to consider, I grant you, and Mr.

Downey was very eloquent along those lines. But to me, and I think to the Commission, we are looking at a scenic value much higher than anything else in the area.”

Mrs. McCarty responded, “Well, I think in the applicant’s statement of justification for the waiver for the adjoining Chattin’s Run North, they also claim that they move it off the road to avoid the negative scenic impact to the surrounding community. Same property, so I think they also have acknowledged that.”

Mr. Stone asked if there was any other discussion.

Mr. Meadows said, “Mr. Chairman, I also see that the applicant has talked about the soils on this property. It seems as though this is one of those rare instances where we are going to sacrifice the agricultural soils for the scenery, and I would agree with Ms. McCarty that there are places that these houses can be put. They have alternate sites, and clustering in a different place would be better in my opinion.”

Mr. Stone added, “Also, I’d like just to note for the record that we have offered to initiate a special exception for any road that may be attendant upon this application should we be able to arrive at a compromise, and I think that that special exception would have every expectation of prospering. In the neighboring Chattin’s Run North, we granted a waiver for a cul-de-sac, roughly the same thing. So, I fully support your motion.”

Mr. Trumbo stated, “The only thing I can add to this is that I’m sorry that we were not allowed more time to work directly with the applicant and to come to a compromise here, because I think, in my opinion, knowing this group, that we could come to something that was profitable and workable for everybody if we were only allowed the opportunity.”

Mrs. McCarty continued to cite to the following reasons for denial:

Section 15.2-2286(12) of the Code of Virginia provides that “a locality may, at its option, provide in its zoning or subdivision ordinance standards, conditions and criteria for clustering of single-family dwellings and the preservation of open space developments. In establishing such standards, conditions and criteria, the governing body may, in its discretion, include any provisions it determines appropriate to ensure quality development, preservation of open space and compliance with its comprehensive plan and land use ordinances.” The County has adopted Zoning Ordinance, Comprehensive Plan and Subdivision Ordinance provisions to ensure such quality development. The recommended reasons for denial and means to correct the deficiencies cited are as follows:

1. The application fails to satisfy the requirements of the provisions of the Zoning Ordinance outlined in Article 1-200 (1-15). This provision states that the Ordinance is intended to promote the health, safety and general welfare of the public; and to implement the adopted Comprehensive Plan for the orderly and controlled development of the County. It states the Ordinance is designed to create and maintain conditions under which people and their environment can exist in a productive and enjoyable harmony while fulfilling the social, economic and other requirements of present and future generations. Furthermore, the Ordinance is to facilitate the creation of a convenient, attractive and harmonious community, promote the conservation of natural resources and to ensure that development in such areas is well-controlled. As evident in the numerous letters written by the adjoining property owners, this proposal does not meet these standards. In order to comply with this provision the applicant shall relocate the lots away from the road or demonstrate that the alternative cluster layout suggested previously by the Planning Commission is not feasible.
2. Chapter 8 (pg. 3) of the Comprehensive Plan states that preservation and enhancement of the agricultural economy in Fauquier County have consistently been major goals of the County. Goal two of the Comprehensive Plan states that “it is the goal of the County to recognize the County’s traditional agricultural and rural character and the need for the preservation of its open space and scenic beauty”. Goal three states that it is the County’s goal “to protect critical environmental resources and maintain renewal of natural resources so that they are not degraded but remain viable for future generations”; and goal four states that “the County is to protect and promote the agricultural industry”. The current layout does not fit with the rural character of the area, nor does it preserve the scenic beauty. The location of the lots should be moved toward the rear of the property or demonstrate that preferred location is not feasible.
3. The application fails to satisfy the standard set forth in Chapter 8 (pg. 11) of the Comprehensive Plan, in that the proposal creates a negative visual impact and discordant view. The standards encourage the location of homes or structures where they cannot be seen, i.e., in the woods or behind hills in order to minimize or eliminate negative visual impact. The location of the lots should be moved out of view of Lost Corner Road or the applicant should demonstrate that the alternative layout as suggested by the Planning Commission is not feasible.
4. Chapter 8 (pg. 11) of the Comprehensive Plat lists one of the major discordant elements and practices that have contributed to the degradation of the environment as incremental road front development. The location of the lots should be moved off the road or demonstrate that location will not work.
5. Article 15 of the Zoning Ordinance defines Subdivision, Cluster as an alternate means of subdividing a lot premised on the concept of reducing lot size requirements for the provision of open space in conjunction with the development, all in accordance with the provision of Section 2-406. The current

layout does not place the proposed lots in a “cluster.” In order to comply with this requirement that applicant shall provide a cluster layout showing the proposed lots adjoining/adjacent to one another, thereby preserving the open space. To help facilitate a true cluster development and to mitigate the impacts to Lost Corner Road the Planning Commission has offered to initiate a Special Exception application to waive the public street requirement.

6. Article 2-406 (5)(B) of the Zoning Ordinance states the Board shall take into account any scenic and/or historic resources that would be impacted by the development and may require that adverse impacts be mitigated. Furthermore, the Ordinance states site improvements including streets and lots shall take advantage of topography so as to mitigate adverse visual impacts and maintain, to the extent possible, the scenic qualities. In the applicant’s Statement of Justification for the cul-de-sac length waiver for the adjoining Chattin’s Run North, they claim the lots were moved off the road to avoid negative scenic impacts on the surrounding community and to preclude further development of the property’s frontage along Maidstone Road. The lots should be relocated off of the road or the parcel should be developed utilizing the Administrative Subdivision/Large Lot guidelines.
7. The applicant shall obtain approval from the Virginia Department of Transportation prior to Planning Commission approval pursuant to Section 9-6 of the Subdivision Ordinance.
8. The applicant shall dedicate right-of-way 25 feet from centerline of Lost Corner Road pursuant to Sections 9-5 (A)(14) and 4-3 of the Subdivision Ordinance. Dedication must be indicated on the Preliminary Plat and the width of the right-of-way shall be dimensioned from the centerline of the road on the Preliminary Plat (VDOT Preliminary Subdivision and Site Plan Checklist – Geometrics Item 7).
9. Subdivision Ordinance Section 4-26 states that all lots in subdivisions will front on internal subdivision streets. Demonstrate that an alternative lot arrangement cannot meet this requirement. A combined entrance will be required for Lots 3 and 4 and 5 and 6.
10. Virginia Department of Transportation requires the distance to the nearest state road and the distance of proposed entrances from the property line be shown on the Preliminary Plat in accord with the Preliminary Subdivision and Site Plan Checklist – Geometrics Item 1.
11. The centerline of road and edge of road are difficult to read on the plan at the scale provided, which is not 1 inch = 50 feet. Provide this information at the 1 inch = 50 feet scale required by VDOT’s Preliminary Subdivision and Site Plan Checklist.

12. In accord with VDOT's Preliminary Subdivision and Site Plan Checklist Geometrics Item 6 show existing entrances, street connections, crossovers, etc., that are located along the existing roadway that may be affected by the development. Show all entrances, street connections, crossovers, etc. on the Preliminary Plat.

The motion carried unanimously.

- c. **#PPLT06-MA-024 – Robin Fetsch, owner and Fetsch Properties, LLC, applicant – Linden Hill** – applicant wishes to subdivide approximately 35.5 acres into three (3) lots. The property is located on Fiery Run Road (Route 638) just left of its intersection with Cherry Hill Road (Route 638), Marshall District. (PIN #6010-06-2177-000)

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

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

The motion carried unanimously.

4. **SPECIAL EXCEPTION EXTENSION**

- **#SE02-L-27 – D.C. Diamond Corporation, owner and applicant – Southcoate Village** – applicant wishes to amend conditions of a previously approved Special Exception (SE02-L-27) to allow for more time for construction of the extension of Southcoate Village Drive. The property is located on the north side of Catlett Road (Route 28), west of Southcoate Village Drive, Lee District. (PIN 6889-31-7311-000)

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

Mrs. Fogle reviewed the conditions, a copy of which are attached to and made part of these official minutes.

Mr. Meadows, seconded by Mr. Stone, moved to approve the extension for up to two years, subject to the following conditions:

1. Construction of Southcoate Village Drive, as shown on Special Exception Plat, Milic Property, as amended March 12, 2003 and received in Community Development offices on June 12, 2006 (Attachment 1), shall be completed and fully accepted by the County by June 30, 2008. During the construction period the applicant shall work diligently towards completion of the project and resolution of any deficiencies in a timely manner.

2. The applicant shall observe the following submission dates as evidence of diligent work:
 - a. File for VDOT construction permit and CLOMR with FEMA within 30 days of approval of construction plan by County;
 - b. Submit letter of credit within 30 days of approval of the bond estimate;
 - c. Commence construction within 60 days of approval of the VDOT construction permit; and,
 - d. Provide evidence of submission of As-Builts to FEMA to ensure compliance with CLOMR within 60 days of installation of the culverts to the satisfaction of the County Engineer.
3. Failure to commence construction within 60 days of approval of the VDOT construction permit shall be evidence of failure to comply with these conditions and the terms of the letter of credit.
4. The applicant shall provide an auto-renewing letter of credit to ensure construction of the roadway as shown on the approved construction plans in the amount of the approved bond estimate plus a 100 % contingency, for a total of \$3.6 million.

The specified letter of credit shall be provided to Fauquier County no later than 15 days from the Planning Commission extension of approval date of June 29, 2006. Upon receipt of the letter of credit, twenty-two (22) lots are eligible for building permits. Once the construction of Southcoate Village Drive is completed and accepted for street maintenance by VDOT then the remaining eighteen (18) lots in Phase 4 are eligible for building permits.

5. Approval of this extension shall be for a period of two years, with a review by the Planning Commission at the end of the first year to evaluate compliance with the conditions and the sufficiency of the letter of credit to cover present day construction costs. In the event an insufficiency is determined, the Planning Commission may require an increase in the amount of the letter of credit, and the applicant shall submit a new letter of credit in the revised amount within 15 days of the determination.

The motion carried unanimously.

5. **SPECIAL EXCEPTIONS**

- a. **#SE99-CR-39 – Rodney I. Smith, owner, and Crown Castle Atlantic, LLC, and Bell Atlantic Mobile, Inc., applicants** – applicants wish to obtain Special Exception approval under Category 20, which would allow for an unmanned telecommunications facility. The property is located on the south side of Catlett Road (Route 28), Cedar Run District. (PIN 7900-75-7589-000) (From postponed agenda)

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days.

The motion carried unanimously.

- b. **#SE03-M-27 – Judith A. Almquist, owner, and AT & T Wireless Services, Inc., applicant** – applicant has filed a Special Exception application under Category 20, which would allow for construction of an 80 foot monopole, antennas, and related equipment. The property is located at 9309 Belle Haven Lane, Marshall District. (PIN 6050-50-3466-000) (From postponed agenda)

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

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

The motion carried unanimously.

- c. **#SPEX05-CR-025 – General Lee White, Jr., owner and applicant** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the construction of an experimental drainfield supporting a single-family home. The property is located on Midland Road (Route 610) north of its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN 7819-62-6396-000) (From postponed agenda)

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

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

The motion carried unanimously.

- d. **#SPEX05-MA-028 – Learning Tree Farms, LLC, owner and applicant – Learning Tree Farms** – applicant wishes to amend a previously approved Special Exception (#SE02-M-08) to allow for changes to the months of the year, daily hours of operation, and the allowable capacities for events. The property is located at 3876 Learning Tree Lane south of Carrington Road (Route 729) in Delaplane, Marshall District. (PIN 6939-47-9679-000) (From postponed agenda)

Mrs. Dargis stated that this application had been withdrawn prior to the Planning Commission meeting.

- e. **#SPEX06-MA-004 – Arthur McKenny, owner and applicant** – applicant wishes to obtain Special Exception approval under Category 14 to allow for auto repair and recreational vehicle storage in an I-2 zoning district. In addition, the applicant wishes to obtain Special Exception approval under Category 31 to remove the requirement to develop the property using public water as stipulated by Section 7-501 of the Fauquier County Zoning Ordinance. The property is located on the west side of Whiting Road (Route 622) south of its intersection with John Marshall Highway (Route 55), Marshall District. (PIN 6979-29-9361-000) (From postponed agenda)

Mrs. Dargis 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 up to 90 days.

The motion carried unanimously.

- f. **#SPEX06-SC-023 – Robert M. & Claudia S. Young, owners and applicants** – applicants wish to obtain a Category 26 Special Exception to allow for a reduction in non-common open space. The property is located on the south side of Young Road (Route 708) at 7055 Young Road, Scott District. (PIN 6081-25-7937-000)

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

Mr. Trumbo, seconded by Mrs. McCarty, 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 “Plat of Special Exception and Boundary Line Adjustment” dated April 3, 2006 and received in Community Development on June 6, 2006, approved with the application, as qualified by these development conditions.

3. The request for a reduction of non-common open space from 85% (81.7581 acres) to 34.307 acres to allow for a future boundary line adjustment to PIN 6081-25-0645-000.
4. The residue parcel and the boundary line adjusted portion (53.383 acres) shall be deed restricted from further subdivision and the required non-common open space easement shall be recorded. No subdivision potential (density) shall transfer with the boundary line adjustment.
5. The applicant shall dedicate 25 feet from the centerline of Young Road.
6. The existing dwelling unit that was formerly a tenant house shall now be converted to a “family dwelling unit”. Since this dwelling was built prior to 1980, it has met the initial “family only” use requirement and is not subject to that limitation.
7. Per Zoning Ordinance Section 7-302(1)(D), the existing ingress/egress shall be allowed to remain in place and does not have to be relocated, per the Board of Supervisors authority to grant this waiver.

The motion carried unanimously.

6. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATION (#CPD00-CR-02) AND REZONING REQUEST (#RZ00-CR-01) - RODNEY I. SMITH, OWNER, AND CROWN CASTLE ATLANTIC, LLC, AND BELL ATLANTIC MOBILE, INC., APPLICANTS** - applicants have requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-39 is in accord with the Code of Virginia, Section 15.2-2232. Applicants also wish to amend the proffered conditions of a previously approved rezoning to allow telecommunications facilities on the property. The property contains 3.3 acres, is zoned Industrial-2 (I-2), and is located on the south side of Catlett Road (Route 28), Cedar Run District. (PIN 7900-75-7589-000) (From postponed agenda)

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days.

The motion carried unanimously.

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

No Comment.

b. **TRANSPORTATION COMMITTEE AGENDA**

No Comment.

*Public Hearings
7:00 P.M.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia*

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

10. **CITIZENS' TIME**

No one spoke.

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

- a. Zoning Ordinance Text Amendment to Sections 6-302.16 and 5-202 to Permit as Home Occupations, Party Supply Sales and Rentals and to Enact Certain Standards for Such Uses

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 4-603 to Allow Primary Schools and Secondary Schools in a PCID Overlay Zone as a Use By Right

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

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 15-300 to Amend the Definition of Park Facilities (Governmental/Civic), Nonathletic

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 adjourned the public hearing.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days to allow for a work session with Parks and Recreation staff.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 15-300 to Add a Definition of Fairgrounds

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

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SPEX06-LE-024 and #CCRV06-LE-004 – Monument Development – 14, LC & Fauquier Water and Sanitation Authority, owners and Monument Development – 14, LC & Remland, LLC, applicants – Remington – Lucky Hill Road Water Tank** – applicants wish to obtain a Category 20 Special Exception to allow for the construction of a water tank. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination, in accord with the Code of Virginia, Section 15.2-2232, as to whether the location of the water tank on this property is

consistent with the Comprehensive Plan. The property is located on the south side of Lucky Hill Road (Route 656), east of Tinpot Run Lane (Route 655) in Remington, Lee District. (PIN 6887-46-2019-000 and 6887-36-8588-000)

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

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

Mr. Stone opened the public hearing.

Mr. Bruce Pitts, applicant, stated that he was there to answer any questions that the Planning Commission might have.

Mr. Meadows, seconded by Mrs. McCarty, 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 "Remington – Lucky Hill Road Water Tank" dated May 2, 2006 and received in the Planning Office on May 17, 2006.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The water storage tank and its infrastructure shall be located on a 100 foot by 100 foot lot 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 for 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 105 feet.

9. The maximum storage capacity of the water storage tank shall be 175,000 gallons.
10. The tower storage facility shall be an upside-down “tear-drop” style structure.
11. The tank color shall be determined by WSA and will generally be similar to its “Blue Ridge Blue” standard color.
12. The applicant shall maintain the existing mature tree buffer adjacent to the tank, as indicated on the Special Exception plat.

The motion carried unanimously.

In that there was no further business the meeting adjourned at 7:07 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.

***PLEASE NOTE THAT THE PUBLIC HEARING AGENDA
ENDS AT 10:30 P.M., UNLESS EXTENDED BY THE
PLANNING COMMISSION***

***THE AGENDA MAY BE MODIFIED ON ADOPTION
BY THE PLANNING COMMISSION IN THE FORM OF
ADDITIONS, DELETIONS OR REVISIONS***

***POSTPONED APPLICATIONS
(Not to be Discussed at This Meeting)***

1. ***PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN***
 - Zoning Ordinance Text Amendment adding a Public Reservoir Management and Protection Overlay District (Postponed indefinitely on February 21, 2006)
2. ***PRELIMINARY PLATS***
 - a. ***#PPLT03-LE-007 – Janja Zobundija, owner and 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)

- b. **#PPLT06-SC-016 – Pleasants–Oliver, LLC, owner and applicant – Wooded Run Estates** – applicant wishes 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)
- c. **#PPLT06-LE-019 – Remland, LLC, owner and applicant – The Meadows of Remington** – applicant wishes 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)
- d. **#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) (Postponed on March 30, 2006 for up to 90 days, at the request of the applicant)
- e. **#PPLT06-LE-021 – Smithridge, LLC and Laura L. Smith, owners and applicants – Smithridge of Remington** – applicant wishes to subdivide approximately 11 acres into twenty-three (23) lots. This property is located off Remington Road (Route 656) northeast of its intersection with Main Street and Tinpot Run Lane (Route 651), Lee District. (PIN #6888-32-5186-000, 6888-41-1988-000, and 6888-31-7419-000)

4. **SPECIAL EXCEPTIONS AND SPECIAL EXCEPTION AMENDMENTS**

- a. **#SPEX05-MA-021 – Charles R. Chamberlain, owner and applicant – Oak Hill** applicant wishes to obtain Special Exception approval under Category 9, in order to hold Class C events. The property is located at 9358 Justice Lane on the east side of Grove Road (Route F-185) in Delaplane, Marshall District. (PIN 6050-37-4078-000) (Postponed for up to 90 days on March 31, 2005 with the public hearing closed)
- b. **#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) (Postponed on March 30, 2006 for up to 90 days, at the request of the applicant, with the public hearing left open)

5. **REZONING**

- a. **#REZN05-SC-009 – Belvoir Ridge of Virginia, LLC, owner and Centex Homes, applicant – Belvoir Ridge** – applicant wishes to rezone approximately 58.26 acres of a ±64.93-acre parcel from Industrial Park (I-1), Industrial General (I-2) and Residential-1 (R-1) to Residential-2 (R-2) Cluster to allow for the construction of seventy (70) dwelling units. The property is located on Belvoir Road (Route 709) south of its intersection with John Marshall Highway (Route 55), Scott District. (PIN 6979-57-4795-000)
- b. **#REZN05-MA-018 – Beights Development Corporation, owner and applicant – Mills Property** – applicant wishes to rezone approximately 1.78 acres from Residential-4 (R-4) to Commercial-2 (C-2) to allow for the construction of a two-story commercial building. The property is located in the southeast quadrant of the intersection of Winchester Road (Route 17) and Route 622, Marshall District. (PIN 6969-87-8431-000)

6. **REZONING AND SPECIAL EXCEPTION**

- **#REZN05-LE-014 and SPEX06-LE-020 – Donald R. Tharpe, Trustee and Toll Land X Limited Partnership, owners and Toll Land X Limited Partnership, applicant – Colonial Crossing** – applicant wishes to rezone approximately sixty (60) acres of an ±85.03-acre parcel from Rural Agricultural (RA) to Residential-4 (R-4) and a ±3.1-acre parcel from Village (V) to R-4 in order to allow for 111 residential units. The applicant also wishes to obtain a Special Exception under Category 20 to allow for a sewer pumping station/s to serve the proposed Colonial Crossing Development. The properties are located east of the intersection of Marsh Road (Route 17) and Old Marsh Road (Route 837) north of Independence Avenue, Lee District. (PIN 6899-29-5691-000 and 6990-10-5075-000) (Postponed on April 27, 2006, for up to 90 days, at the request of the applicant with the public hearing left open)