

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
SEPTEMBER 28, 2006**

The Fauquier County Planning Commission held its regular meeting on Thursday, September 28, 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, Mr. Kevin Burke, Mrs. Melissa Dargis, Ms. Kimberly Abe, Mrs. Bonnie Bogert, and Miss Carissa Blevins.

1. **APPROVAL OF MINUTES** – August 31, 2006

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

The motion carried unanimously.

2. **ZONING ORDINANCE WAIVER**

- a. **#WVRP07-CR-004 – Seneca Lakes Investment, LLC, owner and applicant** – applicant wishes to obtain a Waiver of Zoning Ordinance Section 7-302.1.B to allow for a private street off of an existing private street. The property is located off of Brent Town Road (Route 620) and will be accessed by Whisper Drive, Cedar Run District. (PIN 7849-87-1947-000 and 7849-72-2319-000)

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

The motion carried unanimously.

- b. **#WVRP07-LE-007 - Joseph Romano & Nancy J. Perkins, owners and applicants** – applicants wish to obtain a Waiver of Zoning Ordinance Sections 7-302.1.B and 7-302.1.C to allow for a private street off of an existing private street and to allow for a right-of-way that is less than fifty (50) feet in width. The property is located west of Marsh Road (Route 17), Lee District. (PIN 7816-61-2981-000)

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

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

The motion carried unanimously.

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

- a. Initiation of a Zoning Ordinance Text Amendment to Sections 3-312 and 3-313 and adding a new Section 5-1203 to allow rental businesses in various commercial districts

Mr. Benson 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 thirty days to allow for a work session on October 16, 2006.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Section 8-1151 to allow additional signage for commercial and industrial buildings with two or more fronts and to further increase allowable signage in town center districts

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days to allow for a work session on October 16, 2006.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Section 5-103 modifying the standards for allowing residential uses over commercial uses

Mr. Benson stated this item had been withdrawn from the agenda.

- d. Initiation of a Zoning Ordinance Text Amendment to Article 13, Part 2 pertaining to the procedure for amending the Fauquier County Zoning Map and Ordinance

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 Mrs. McCarty, moved to initiate a Zoning Ordinance Text Amendment to Article 13, Part 2 pertaining to the procedure for amending the Fauquier County Zoning Map and Ordinance and to schedule a public hearing for the Planning Commission's October 26, 2006 meeting.

The motion carried unanimously.

- e. Zoning Ordinance Text Amendment to Article 4, Part 4 of the Fauquier County Zoning Ordinance and Sections 15-300 and 3-323 pertaining to Floodplain Overlay 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 Article 4, Part 4 of the Fauquier County Zoning Ordinance and Sections 15-300 and 3-323 pertaining to Floodplain Overlay Districts and to schedule a public hearing for the Planning Commission's October 26, 2006 meeting.

The motion carried unanimously.

- f. Zoning Ordinance Text Amendment to Sections 3-310, 4-603, and 15-300 and adding a new Section 5-1003 to permit indoor sports/activity centers in Commercial and Industrial Zoning Districts and PCID Overlay 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 Sections 3-310, 4-603, and 15-300 and adding a new Section 5-1003 to permit indoor sports/activity centers in Commercial and Industrial Zoning Districts and PCID Overlay Districts and to schedule a public hearing for the Planning Commission's October 16, 2006 meeting.

The motion carried unanimously.

- g. Initiation of a Zoning Ordinance Text Amendment to Section 7-302 to allow the Board of Supervisors to modify certain private street requirements for streets serving lots created by Large Lot Subdivision

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 moved to initiate a Zoning Ordinance Text Amendment to Section 7-302 to allow the Board of Supervisors to modify certain private street requirements for streets serving lots created by Large Lot Subdivision and to schedule a public hearing for the Planning Commission's October 26, 2006 meeting.

The motion failed 1-4 with Mrs. McCarty, Mr. Meadows, Mr. Trumbo, and Mr. Kovalik in opposition.

4. **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

- Initiation of a Comprehensive Plan Amendment to remove the "Village" Designation in the Comprehensive Plan from PIN 7839-44-7577-000 owned by Thomas H. Thorpe and located in the Village of Bristersburg. This item was referred by the Board of Supervisors for Planning Commission action

Ms. Abe 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.

The motion carried unanimously.

5. **PRELIMINARY PLAT RENEWAL & EXTENSION**

- a. **#PPLT03-SC-035 – James R. & Margaret L. Hendricks, Trustees, owners and applicants – Misty Run Estates Phase 3** – applicants wish to renew a previously approved Preliminary Plat to subdivide approximately 10.5 acres into six (6) lots. The property is located off of Grays Mill Road (Route 674) southwest of its intersection with Newberry Street, Scott District. (PIN 6995-94-1740-000)

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 approve.

The motion carried unanimously.

- b. **#PPLT04-CT-007 – Raymond Farm, LC, owner and applicant – Raymond Farm** – applicant wishes to obtain an extension of a previously approved preliminary plat to subdivide approximately 62.29 acres into sixty six (66) lots. The property, which is in the Warrenton Service

District, is located in the southeast quadrant of the U.S. 15/29 and Dumfries Road (Route 605) intersection, Center District. (PIN 6995-21-1875-000)

Mrs. Bogert 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.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#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)

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 approve.

The motion carried unanimously.

- b. **#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)

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 postpone action for up to 90 days, at the request of the applicant.

The motion carried unanimously.

- c. **#PPLT07-SC-006 – L & J Property, LLC, owner and applicant – Virginia Pines** – applicant wishes to subdivide approximately 204.9 acres into seven (7) lots. The property is located east of Bull Run Mountain Road (Route 629), Scott District. (PIN 7012-73-5993-000)

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. Meadows, moved to postpone action for 30 days at the request of the applicant.

The motion passed unanimously.

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

No Comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

No Comments.

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

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Stone announced that the Planning Commission would hold a work session on October 16, 2006 at 4:00 p.m. and November 16, 2006 at 1:00 p.m. in the 2nd floor Conference Room of the Warren Green Building. Both sessions will be discussing Text Amendments. Agendas will be available at a later date.

10. **CITIZENS' TIME**

No One Spoke.

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

- Zoning Ordinance Text Amendment to Section 2-310 to allow an owner to reserve or allocate one family division or administrative parcel of five (5) acres or less by deed and plat notation on a single large lot of over 100 acres on an otherwise eligible parcel from which no previous parcels have been created

Ms. Johnson 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.

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

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENT**

- New Baltimore Service District – consider proposed amendments to the Comprehensive Plan Chapter 6 – New Baltimore Service District

Ms. Abe 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. Ray Whitelock, Scott District, stated that he lived in a section of the Service District that would be removed and is concerned with the public water supply. He continued that the area does not have any type of water management program or testing center in place currently and that a program of this nature takes at least three years to get underway. Mr. Whitelock stated that drought is a problem in this area and there needs to be extensive water studies done before anything is removed from the New Baltimore Service District and hopefully there would be a 200% reserve capacity for sewer and water for the residents in this area.

Ms. Brenda Ross, Scott District, stated she is concerned about the traffic recommendation for this area and the altering of Route 215, including the historic heritage and beauty. She stated that this road is labeled as a gateway into Fauquier County, but that none of the landowners of this area support the expansion of this road. Ms. Ross stated that current owners of the property would be forced to forfeit their property because of this plan. She continued to say that the Buckland Battlefield is a true historical area and should be preserved in its current condition. She stated that any altering of these main roads would jeopardize any historic significance of this area.

Ms. Patricia Drunagal, Scott District, stated further traffic studies and alternatives need to be conducted before this historic area is disturbed.

Ms. Helen Ford, Scott District, read a letter addressed to the Planning Commission stating that there are several major transportation problems that need to be refined in this area. She continued to say that there should

be a more global approach to these refinements. Ms. Ford continued that this area is part of the Chesapeake Watershed Act and that the County should have to abide by those standards. Ms. Ford also read a letter from Ms. Tracy Hooper, Scott District, which stated that she also opposed the transportation plan in that area and she is against channeling more traffic onto Route 29 north through Gainesville. She stated she would urge the Planning Commission to seek alternatives to this plan.

Mr. Jim Drunagal, Scott District, stated he also does not approve this plan as written and is concerned that this will decrease the value of his property.

Mr. Joseph McKenny, a Culpeper resident, stated that Buckland Battlefield deserves to be preserved and this is part of the County's heritage. He continued that many people are now discovering the Buckland Battlefield and visiting this area just for this historic property. He said that this plan should not be approved as written, so that it can be assured that the Buckland Battlefield is not altered.

Mr. Charlie Westbrook, Scott District, stated that he also would like to see this area spared because of the Buckland Battlefield and also read a letter from Mr. Richard Gookin of the Fauquier Historic Society stating that the Buckland Battlefield is eligible for the National Registry of Historic Battlefields and that plans should be reviewed by the American Battlefield Protection Program.

Mr. Christian Chase, Scott District, read a letter from the United States Department of the Interior National Park Service for the Manassas National Park Service which stated that they are concerned about the five year transportation plan. He continued to state that a study was conducted and approved in June to relocate Routes 29 and 234 around the Manassas Battlefield, but that will take several years. The letter continued to say that the New Baltimore Service Plan would cause more traffic to come onto Route 29 and through the park. The plan would also cause a loss in any economic benefits the battlefield would create.

Mr. Terry Treat, Scott District, stated that Buckland Battlefield is a historic site that is now being discovered and that some other plan should be considered for this area.

Ms. Linda Wright, a Gainesville resident, stated that her home is part of the Buckland Battlefield and she read a letter from the National Park Service to the Buckland Preservation Society which stated that the plan would cause damage to the battlefield and the surrounding historical sites and roads. She continued to say that this plan needs to have further

studies done to help preserve the Buckland Battlefield and the surrounding terrain.

Mr. Charlie Ross, Scott District, stated that he is against the proposed Service Plan. He continued that the residents of this area should not be punished to help people that are driving through. He continued that the Buckland Battlefield is a historic site that should not be destroyed to assist with traffic problems.

Mr. David Blake, Scott District, stated that Buckland Battlefield is now eligible for the National Register of Historic Properties and that this plan would cause damage to this battlefield. He continued that the altering of the Buckland Battlefield would cause the County to lose thousands of federal dollars and would affect any revenue that the battlefield could bring in with tours and things of that nature. Mr. Blake also read a letter from Ms. Kristen Steven, Acting Chief of the American Battlefield Protection Program which stated that this plan causes a direct impact to the cultural landscape that is severe and irreversible. The letter continued to say, "A basic analysis of the military terrain associated with the Buckland Mills Battlefield notes key terrain as potentially lost, military avenues of approach and egress obliterated, the positions that the troops held in the road bed would be paved and destroyed."

Ms. Jennifer Blake, Scott District, read a letter from the Civil War Preservation Trust, dated October 2004, stating that they support preservation of the Buckland Battlefield and would encourage Fauquier County to assist in this preservation, as well before approving the New Baltimore Service District Plan. Ms. Blake also read a letter from the APVA Preservation Virginia, dated October 2004, stating that it encourages Fauquier County to consider the historic assets associated with the Buckland Battlefield before adopting this Plan.

Mr. Chuck Medvitz, Scott District, stated that he is a member of the New Baltimore Service District Planning Committee and has assisted with this plan. He continued to say that there have been many meetings for the citizens to discuss this plan and offer any suggestions. He stated that there are many benefits to this plan and that staff should be commended on a well done job.

Dr. Kitty Smith, Marshall District, stated that she agrees with Mr. Medvitz and that the staff did a diligent job with the New Baltimore Service District. Dr. Smith stated that these plans change and evolve and are reviewed at least every five years. She continued to say that she would recommend adoption of this plan.

Mr. Robert Dunleavy, Scott District, stated that he was also a member of the Committee that has been meeting about this plan. He is here to assure the public that everything has been discussed and reviewed while developing this plan. Mr. Dunleavy stated that this plan deals with what conditions exist now and how to make things work for right now, but this is a plan and can change as conditions change.

Ms. Peg Mailler, Scott District, stated that she also worked on this committee and agrees that this is a good plan and should be adopted at this time. She stated that citizens had ample time to come out before this night and speak on this plan.

Mr. David Mailler, Scott District, stated that the committee has worked very hard on this plan and has discussed every option that was possible and that the committee had to take into consideration what Prince William County was planning. He continued to say that this is a plan that will be re-evaluated in five more years.

Mr. Don Zimaa, Prince William County resident, stated that this plan needs to be re-evaluated before it is adopted. He stated that the transportation aspect needs to be more efficient to help commuters get through this area.

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

Mr. Trumbo stated that a lot of information has been heard and taken into consideration tonight. He noted that a text amendment for the Comprehensive Plan is in progress now to help protect the Buckland Battlefield. Mr. Trumbo stated that this is a good plan and that stopping this plan would not help or hurt the Buckland Battlefield. He continued onto the transportation issue, stating that the regional transportation planning has not changed, whether or not this plan is adopted tonight the roads in this area are still supposed to be widened to four lanes. Mr. Trumbo stated that the Committee had taken a great deal of time and energy in reviewing and writing this plan and has allowed ample time for citizens to speak.

Mr. Kovalik stated that he assisted with the Warrenton citizens review of the Comprehensive Plan and understands what goes into this Plan and that there is plenty of time put into this review and that this is a fluid document that can be reviewed again at a later time. He stated that there does come a point where it needs to be pushed forward and that time is now. Mr. Kovalik stated that the concerns that have been brought up are valid ones and will be taken into consideration for any other reviews of this Plan.

Mrs. McCarty stated that she would commend the New Baltimore Service District Committee on a job well done and on the amount of time that they have put into this.

Mr. Meadows stated that he appreciates the concerns of the historical battlefield and reiterated that this is a fluid document that can be changed and reviewed at any time.

Mr. Stone stated that he would like to thank the Committee on their hard work and thank the citizens for their concern for saving a piece of history. He would urge the concerned citizens to come back out and voice their opinions when the comprehensive plan amendment regarding battlefield Protection comes through in the next few months and the VDOT location and design hearing.

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

The motion carried unanimously.

13. **SPECIAL EXCEPTION RENEWAL**

- **#SPEX02-MA-003 – Uta Emberger, owner and applicant – 1763 Inn** – applicant wishes to renew a previously approved (October 15, 2001) Special Exception in order to continue operating the facility for another five (5) year period. The property is located at 10082 Gazebo Lane in Upperville, Marshall District. (PIN 6044-67-3399-000)

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. Chuck Floyd, representing the applicant, stated that he accepted the conditions set by staff and would respectively request approval of this renewal.

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

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

The motion carried unanimously.

14. **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)

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 that this item is in very poor shape and should be tabled for further refinement.

Mr. Merle Fallon, representing the applicant, stated that he would agree to a postponement of 30 days with the public hearing closed to allow more time to work with staff.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days, with the public hearing closed, at the applicants request.

The motion carried unanimously.

15. **REZONING**

- **#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)

In that there was no further business the meeting adjourned at 8:33 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.