

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
JANUARY 27, 2005**

*The Fauquier County Planning Commission held its regular meeting on Thursday, January 27, 2005, beginning at 4:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Chuck Floyd, Ms. Holly Meade, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.*

Mr. Carr opened the meeting and initiated the election of officers.

1. **ELECTION OF OFFICERS**

a. Chairman

On motion made by Mr. Robison and seconded by Mr. Meadows, it was moved to nominate Mr. Stone as Chairman.

The nomination carried unanimously.

b. Vice Chairman

On motion made by Mr. Meadows and seconded by Mr. Trumbo, it was moved to nominate Mrs. McCarty as Vice Chairman.

The nomination carried unanimously.

c. Secretary

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to nominate Mr. Meadows as Secretary.

The nomination carried unanimously.

Mr. Stone, seconded by Mr. Meadows, moved to amend the agenda to add item 9.d., to schedule a Capital Improvements Plan Work Session.

The motion carried unanimously.

2. **CONSIDERATION OF BY-LAWS**

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

Mr. Meadows stated the Planning Commission's regular meeting time has changed from 3:00 p.m. to 4:00 p.m. and it should be reflected in Article 5 of the By-Laws.

Mr. Stone noted a typographical error in Article 7 where the word "meets" should be changed to "meeting."

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to adopt the By-Laws as amended.

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

**ARTICLE I – AUTHORITY**

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

**ARTICLE II – MEMBERS**

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

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

**ARTICLE III – OFFICERS AND ELECTIONS**

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

- Chairman
- Vice Chairman
- Secretary

#### ***ARTICLE IV – DUTIES OF OFFICERS***

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

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

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

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

The Secretary shall:

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

#### ***ARTICLE V – MEETINGS***

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

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

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

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

#### ***ARTICLE VI – VOTING***

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

#### ***ARTICLE VII – ORDER OF BUSINESS***

The order of business for the daytime meeting shall be:

- Call to Order
- Approval of Minutes
- Unfinished Business
- New Business
- Miscellaneous / Other
- Adjournment

The order of business for the night meeting will be:

- Public Hearings
- Miscellaneous / Other

### ***ARTICLE VIII – AMENDMENTS***

These by-laws may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior notice.

### ***ARTICLE IX – POLICY***

1. Any member of the Commission shall be entitled to move or second any question for action by the Commission. Any matter properly brought before the Commission shall be voted upon by it, either affirmatively or negatively, and each member of the Commission shall vote upon every matter properly raised, unless he or she shall have a conflict of interest thereon, as defined in the 1950 Code of Virginia, as amended, in which case he or she shall state the nature of such conflict and abstain.
2. In cases where a public hearing is required, no member shall be entitled to vote on the matter unless he or she was present at the public hearing, or has reviewed the official record with respect to the matter, in which case he or she, prior to voting, shall state publicly for the record, that he or she has reviewed the record and feels sufficiently informed to vote on the matter.
3. Each member placing a motion before the Commission should include the rationale for his or her motion.
4. In cases where a matter has been resolved, and a member(s) wishes to submit a supplementary report, the intention to do should be expressed at a public hearing.
5. All supplementary reports or individual letters concerning Planning Commission business should be on official stationery and file copies should be maintained in the Office of the Planning Commission. No letter written by a Member or Members of the Commission on Commission stationery and signed by such Member(s) may be forwarded to the intended recipient until such letter has lain in the Commission offices for a minimum of two working days during which time the staff shall have made every reasonable effort to notify all other Members of the content of such letter; and no letter relating to policy shall be forwarded over the signature of the Chairman

or other member of the Commission, acting in an official capacity, which has not been approved by the majority of Members of the Commission.

6. Except where it appears to the contrary in this Article, the parliamentary procedure of the Commission shall be governed by Robert's Rules of Order Most Recently Revised.

The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

- a. Architectural Review Board [Planning Commission recommendation]
- b. Capital Review Committee (CRC)
- c. Fiscal Impact Modeling Advisory Committee – Rename to Proffer Policy Analysis Committee
- d. Transportation Committee

Mr. Stone, seconded by Mr. Meadows, moved to retain the current committee assignments.

The motion carried unanimously.

4. **APPROVAL OF MINUTES** – December 8, 2004

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

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

- a. Initiation of a Zoning Ordinance Text Amendment to Sections 8-1401 and 8-1501 to allow the Board of Zoning Appeals to permit larger directional signs for certain purposes in Conservation, Agricultural, Village, Residential, Commercial, and Industrial 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 the proposed text amendment to Sections 8-1401 and 8-1501 to allow the Board of Zoning Appeals to permit larger directional signs for certain purposes in Conservation, Agricultural, Village, Residential, Commercial, and Industrial Districts and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Section 3-324 to allow automobile repair and recreational vehicle storage in I-2 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, Mrs. McCarty, seconded by Mr. Robison, moved to initiate the proposed text amendment to Section 3-324 to allow automobile repair and recreational vehicle storage in I-2 Districts and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to allow the Zoning Administrator to waive or modify buffer requirements in RA and RC 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 the proposed text amendment to allow the Zoning Administrator to waive or modify buffer requirements in RA and RC Districts and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- d. Initiation of a Zoning Ordinance Text Amendment to Table 1 of Article 9 and Sections 9-701 through 9-705 to delete current noise standards and replace with new noise standards.

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to initiate the proposed text amendment to Table 1 of Article 9 and Sections 9-701 through 9-705 to delete current noise standards and replace with new noise standards and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- e. Initiation of a Zoning Ordinance Text Amendment to Section 3-309, Subsections 14 through 16, to allow spectator and non-spectator field events and activities (Classes A, B, and C) in Conservation Districts by Special Exception.

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, Mrs. McCarty, seconded by Mr. Robison, moved to initiate the proposed text amendment to Section 3-309, Subsections 14 through 16, to allow spectator and non-spectator field events and activities (Classes A, B, and C) in Conservation Districts by Special Exception and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- f. Initiation of a Zoning Ordinance Text Amendment to Section 12-606 to allow the Zoning Administrator to reduce the width of internal driveways and service roads from twenty (20) to eighteen (18) feet for agricultural uses and parks in RA and RC 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, Mrs. McCarty, seconded by Mr. Robison, moved to initiate the proposed text amendment to Section 12-606 to allow the Zoning Administrator to reduce the width of internal driveways and service roads from twenty (20) to eighteen (18) feet for agricultural uses and parks in RA and RC Districts, as amended, and schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

- g. Initiation of a Zoning Ordinance Text Amendment to Section 2-308.4 in order to allow no residential density allowance calculated on that area of a lot, in zoning districts other than RA and RC, comprised of floodplain, quarries or existing water bodies. At present, fifty percent credit is given. Density calculations in the rural districts (RA and RC) would not change and would continue to have full density credit for land in floodplain.

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. Robison, moved to initiate the proposed text amendment to Section 2-308.4 in order to allow no residential density allowance calculated on that area of a lot, in zoning districts other than RA and RC, comprised of floodplain, quarries or existing water bodies, as amended, and schedule a public hearing for the March 31, 2005 meeting.

The motion carried unanimously.

6. **PROPOSED COMPREHENSIVE PLAN AMENDMENT**

- Consider scheduling a public hearing on proposed amendments to the Comprehensive Plan Chapter 10 – Transportation.

Mr. Carr 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 schedule a public hearing for the February 17, 2005 meeting.

The motion carried unanimously.

7. **PRELIMINARY PLATS**

- a. **#PPLT04-LE-008 – Carter W. & Janice N. Kehoe, owners and Brahma Land Development, LLC, applicant – Walthem Commons** – applicant wishes to obtain Preliminary Plat approval to subdivide approximately 9.6 acres into thirty-six (36) lots. The property, which is in the Bealeton Service District, is located on the south side of Catlett Road (Route 28), Lee District. (PIN #6899-05-5345-000 and 6899-05-9336-000)

Mr. Meadows stated agenda items 7.a. and 7.b. are separate applications, but they affect one another. He suggested the Planning Commission discuss the applications jointly but vote on them separately.

Mr. Floyd reviewed the staff memorandums for agenda items 7.a. and 7.b., copies of which are attached to and made part of these official minutes.

Mr. Meadows notified the public that some of the information in the proposals was outdated and corrections regarding Mr. Ennis' property and Church Street have been made.

Mr. Meadows, seconded by Mr. Stone, moved to approve agenda item 7.a. subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Walthem Commons" dated December 22, 2004, signed by James R. Ashley on 12-22-04 and received in the Planning Office on December 22, 2004, except as modified by these conditions. This approval is for a maximum of thirty (30) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.



3. A major site plan shall be required per Article 3-301.1.b of the Fauquier County Zoning Ordinance.
4. Signage approved by VDOT and the County shall be located at the terminus of any temporary cul-de-sac identifying the planned inter-parcel connection. The applicant is encouraged to seek out easements on adjoining properties for construction of the temporary cul-de-sacs.
5. Notation on both the Final Plat and Deed of Subdivision shall be provided that clearly and boldly states the ownership, maintenance, and responsibility to the alleys pursuant to Section 5-10 of the Fauquier County Subdivision Ordinance.
6. All requirements of the Fauquier County SWM Handbook shall be met.
7. All applicable State and Federal permits shall be filed with the first submission of the Major Site Plan. This includes the COE wetlands permit.
8. 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 discharge 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, 6A, 14B, and 78A. 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."
9. VDOT may require underdrains in poor soil condition areas.
10. No stormwater runoff generated from new development shall be discharged into a jurisdictional wetland without adequate treatment.
11. An overlot-grading plan shall be provided as part of the Major Site Plan.
12. The typical sections shall include the full width of the right-of-way, and shall be dimensioned the full width.
13. The typical sections need to reflect our current standards, including, but not limited to a sidewalk width of 5 feet, pavement design, cross slope, and curb and gutter. The sidewalk shall be constructed in accordance with the American's with Disabilities Act or

they will not be eligible for state maintenance. The right-of-way line should extend 1-foot beyond the sidewalk. A note shall be incorporated that the pavement design is for planning purposes only, and the final design shall be based on the Flexible Pavement Design Worksheet per the 2000 Pavement Design Guide and actual CBR values. The pavement design shall be reviewed and approved by VDOT prior to construction.

14. The plan shall indicate a right turn lane on Route 28 with a minimum taper of 150 feet and a minimum deceleration lane of 100 feet, and a typical section shall be provided showing the existing lanes and the improvements.
15. We recommend the curb and gutter on the entrance road be pulled back to the right-of-way dedication line on Route 28 to eliminate the need to remove the curb and gutter when the road is widened.
16. The entrances to the parking lots for the townhouses shall be constructed in accordance with the Minimum Standards of Entrances to State Highways for a commercial entrance.
17. The existing right-of-way on Route 28 shall be dimensioned from the centerline of Route 28 to the property line.
18. The radii shall be labeled.
19. The proposed temporary turnaround shall be shown and the radii labeled for the pavement. The road design around the cul-de-sac shall include shoulder and allow for adequate drainage. The offset on the temporary turnaround shall be dimensioned. The temporary turnaround easement shall extend beyond the edge of pavement for the temporary turnaround. We recommend the easement be a minimum of 10 feet beyond the edge of pavement, but it shall be sufficient to accommodate any necessary maintenance.
20. The proposed sewer manhole at the end of Cavalier Way shall be relocated out of the pavement.
21. The waterline shall be reviewed to minimize the crossing and the bend under the pavement of Cavalier Way. If Cavalier Way is extended onto the adjacent property, the waterline will be under the roadway. The Department does not permit waterlines to be installed within the travelway, and any parallel utilities shall be installed on the outer 3 to 5 feet of the right-of-way.
22. Provide a sight distance profile for Walthem Drive at Route 28. The plan shall include the posted speed and/or design speed used to calculate the sight distance. The Major Site Plan shall include a sight distance profile for Cavalier Way and Walthem Drive.
23. The plan appears to be showing the existing waterline and fire hydrant in the center of the pavement of Route 28. Please verify the location of the facilities. If the waterline

extends further across the frontage of the property, this shall be shown on the Major Site Plan to determine any conflicts with the proposed construction.

24. The biofiltration facility appears to be connected to the proposed storm sewer system, but this shall not be permanently connected to the storm sewer system.
25. Proof of provisions for adequate fire flow shall be required with the first submission of the Major Site Plan.
26. Cavalier Way shall be constructed to the property line with the temporary turn around on the adjacent property if possible. Every effort should be made to obtain permission from the adjacent property to construct this temporary cul-de-sac on their property.
27. A Virginia Certified Professional Soil Scientist (CPSS) (**needs to adjust the preliminary soil map with revisions**) onto the Major Site Plan. This needs to be done in the field and checked for any additional soils information to be added to the final construction plan.
28. A signature block shall be placed on the Construction Plan Final Soil Map for the CPSS to sign which states:

Preliminary Soils Information Provided by Larry K. Johnson, CPSS, dated June 8, 2002.	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=50') and certifies that this is the Best Available Soils Information to Date for Lots ??.	
Va. Certified Professional Soil Scientist CPSS #3401-_____	DATE

29. 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 Major Site Plan to identify spot symbols.
30. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
31. Two copies of this final soil map with original CPSS signature shall be submitted to the Soil Scientist Office before final plat approval is made.
32. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
  - a. The County recommends that no below grade basements be constructed on soil mapping units' 14B, 74B, 74C and 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.

- b. 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.

The motion carried unanimously.

- b. **#PPLT04-LE-009 – Wexford Mews, LLC, owner and applicant – Wexford Mews** – applicant wishes to obtain preliminary plat approval to subdivide approximately 10.0 acres into thirty-eight (38) lots. The property, which is in the Bealeton Service District, is located on the west side of Marsh Road (Route 17), Lee District. (PIN #6899-24-0759-000 and 6899-25-0237-000)

At agenda item 7.a., Mr. Floyd reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

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

1. The Final Plat/Major Site Plan shall be in general conformance with the Preliminary Plat entitled "Wexford Mews" dated June 2004, signed by James R. Ashley on 12-14-04 and received in the Planning Office on December 15, 2004, except as modified by these conditions. This approval is for a maximum of thirty-nine (39) residential lots.
2. If the Planning Commission qualifies the easement to PIN 6899-24-3818-000 as open space, the easement shall be shown on the Major Site Plan. The easement shall also be shown on the Final Plat and recorded with said plat. The purpose of the easement is to provide internal access to PIN 6899-24-3818-000 and to direct traffic away from Route 17. The maintenance of the easement shall be the responsibility of the owner of PIN 6899-24-3818-000, not the Homeowners Association created with the Final Subdivision.
3. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
4. A major site plan shall be required per Article 3-301.1.b of the Fauquier County Zoning Ordinance.
5. Signage approved by VDOT and the County shall be located at the terminus of any temporary cul-de-sac identifying the planned inter-parcel connection. The applicant is encouraged to seek out easements on adjoining properties for construction of the temporary cul-de-sacs.

6. Notations on both the Final Plat and Deed of Subdivision shall be provided that clearly and boldly states the ownership, maintenance, and responsibility to the alleys pursuant to Section 5-10 of the Fauquier County Subdivision Ordinance.
7. Water line easements shall be extended to Route 17 along Village Center Drive to allow for future connections.
8. The applicant agrees that no below grade basements shall be constructed for lots 8-39.
9. The typical sections shall include the full width of the right-of-way, and shall be dimensioned the full width. The right-of-way line shall extend 1-foot beyond the sidewalk, but the typical for Village Center Drive only shows 6 inches beyond the sidewalk.
10. The typical section is indicating placing the sidewalk at the back of the curb. Provisions shall be made for the placement of signs and any mailboxes. With the on street parking indicated, the placement of the sidewalks at the back of the curb can create problems for the pedestrians on the sidewalk. We recommend that the sidewalk be located a minimum of 18 inches from the back of curb with on street parking.
11. The typical section for Wexford Place shall indicate the proposed parking lane, and the crown of the road shall be offset to the center of the travel lane rather than the center of the pavement.
12. The width of the entrances to the parking lots shall be shown at the radius, and they should be a minimum of 30 feet.
13. The existing right-of-way on Route 17 shall be dimensioned from the centerline to the property line, and the right-of-way line shall be shown along the proposed right turn lane to indicate the work is in the right-of-way.
14. The proposed temporary turnarounds shall include shoulder and allow for adequate drainage.
15. Provide a sight distance profile for Village Center Drive at Route 17. The plan shall include the posted speed and/or design speed used to calculate the sight distance.
16. The plan shall indicate the streets are being dedicated for public street purposes.
17. The handicap ramps shall be labeled as CG-12 A, B or C. The handicap ramps at the entrances to the parking lots are extending beyond the right-of-way, and they shall be completely within the right-of-way in order for the department to maintain.
18. The curb and gutter on Route 17 shall be CG-7 or the curb and gutter will need to start further back.

19. The sanitary sewer does not appear to connect to an existing sewer system. Evidence of offsite easements shall be required prior to final subdivision plan approval.
20. 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 discharge 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, 74B, and 78A. 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."
21. All applicable federal and state permits shall be included in the first submission of the Major Site Plan. This includes wetlands permits, dam safety permits, etc.
22. Evidence that there is adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the Major Site Plan. A water model showing existing conditions and assumptions shall be included.
23. High water table characterizes the soils in the location of the pond. A dry pond may not be appropriate for this location. Further geotech and soils analysis shall be required to verify that a high water table is not present prior to final subdivision approval.
24. An access easement to the SWM facilities shall be required. An all weather surface for this access shall be required.
25. Village Center Drive shall be constructed to the property line with the temporary turn around on the adjacent property if possible. Every effort shall be made to obtain permission from the adjacent property to construct this temporary cul-de-sac on their property.
26. A Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the Preliminary Soil Map with revisions 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.
27. A signature block shall be placed on the Major Site Plan Final Soil Map for the CPSS to sign, which states:

Preliminary Soils Information provided by Larry K. Johnson, CPSS, dated June 8, 2004.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"= 50') and certifies that this is the Best Available Soils Information to Date for Lots ??.

Va. Certified Professional Soil Scientist  
CPSS #3401- \_\_\_\_\_

DATE

28. Interpretive information from the Type I soil report for each mapping unit shown on the Major Site plan shall be placed on the same sheet as the soil map. Also, a Symbols Legend shall be placed on the Major Site Plan to identify spot symbols.
29. This Final Soils Map will be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
30. Two copies of this final soil map, with original CPSS signature, shall be submitted to the Soil Scientist Office before Final Plat approval is made.
31. These statements under Home Sites and Road Construction shall be placed on the same sheet as the Final Soils Map.
  - a. The County recommends that no below grade basements be constructed on soil mapping units 14B, 74B, 74C and 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.
  - b. 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.

The motion carried unanimously.

- c. #PPLT05-MA-011 – William L. Beach, owner and Marshall Painter, applicant – Fiery Run Road Subdivision – applicant wishes to subdivide approximately 26.8 acres into three (3) lots. The property is located on the west side of Fiery Run Road (Route 726), Marshall District. (PIN #6000-50-8282-000)

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

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

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Preliminary Plat Fiery Run Road" dated September 15, 2004, signed by David R. Wheeling on 9-15-04 and received in the Planning Office on September 15, 2004, except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
3. A sight distance profile shall be provided for the existing entrance to Lot 1.
4. The type of each drainfield shall be delineated on the Final Construction Plan.
5. Pursuant to Fauquier County Subdivision Ordinance Section 10-5.B.4 a topographic map with a contour interval of not greater than two (2) feet tied to U.S.G.S. datum shall be required with the Final Construction Plans.
6. Houses are to be located so they are above the 10-year water surface elevation of any swale.
7. Right-of-way dedication is to be no less than 25 feet from centerline.
8. Sight distances shall meet VDOT minimum standards.
9. The proposed entrance for Lots 2 and 3 shall be perpendicular to the roadway.
10. A note shall be incorporated in the Final Construction Plan that Lots 2 and 3 shall utilize the shared entrance and not have separate entrances to Route 726.
11. There appears to be a Chesapeake and Potomac Telephone Company of Virginia easement within the area of the proposed dedication. This easement shall be quitclaimed, and a CE-7 permit issued to allow the facilities to remain within the right-of-way.

The motion carried unanimously.

- d. **#PPLT05-CR-012 – Ben Nicholson & Joyce N. Ferris, owners and Kustom Kastles, applicant – Creekmont Estates** – applicant wishes to subdivide approximately 108.5 acres into forty-six (46) 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)

Mr. Floyd 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 indefinitely at the request of the applicant.

The motion carried unanimously.

Mrs. Cook asked the Planning Commission to clarify whether or not it has intentions of approving the applicant's waiver request.

Mr. Stone answered the request would not be approved.

- e. **#PPLT05-LE-018 – Pierre, Jr. & Beulah Setti, owners and Danforth Homes, applicant – Rappahannock Landing** – applicant wishes to subdivide approximately 44.4 acres into eighty (80) lots. The property is located on the east side of James Madison Highway (Routes 15/17/29), Lee District. (PIN #6877-97-8391-000, 6877-97-9238-000, 6877-97-9264-000, 6887-07-0353- 000, 6887-07-2406-000, 6887-07-2364-000, 6887-07-0224-000, 6887-07-0387-000, 6887-07-1253-000, 6887-07-3308-000, 6887-07-0149-000, 6887-07-1420-000, 6887-07-1297-000, 6887-07-1148-000, 6887-07-0198-000, 6887-07-1453-000, 6887-07-2330-000 and a portion of 6877-87-6267-000)

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

Mr. Meadows, seconded by Mrs. McCarty, moved to postpone action until the February 17, 2005 meeting, at the request of the applicant.

The motion carried unanimously.

## 8. **ZONING ORDINANCE WAIVER**

- **Waiver of Section 7-302.1.B., Limitation on a private street connecting directly to a state maintained street – Thomas J. and Linda D. Oliver, owners** – Sandy Ford Road (private street) south west side of Opal Road (Route 687), Lee District. (PIN #6971-80-6347-000)

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

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

The motion carried unanimously.

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

No Comments.

b. **TRANSPORTATION COMMITTEE AGENDA**

No Comments.

c. **Adjourned Planning Commission Meeting** [Citizens for Fauquier County, February 16, 2005 Transportation Session, Warrenton Community Center at 7:00 p.m.]

Mr. Stone announced there will be an adjourned Planning Commission meeting on February 16, 2005, at the Warrenton Community Center, 430 East Shirley Avenue, Warrenton, Virginia, in order to attend and participate in a transportation session on Chapter 10 of the Comprehensive Plan with Citizens for Fauquier County.

d. Mr. Stone announced the Planning Commission will continue the Capital Improvements Plan Work Session directly following this meeting.

Mr. Meadows stated for the record that the Planning Commission passed 76 lots today.

There being no further business, the meeting was adjourned.

*The Fauquier County Planning Commission held its Public Hearing on Thursday, January 27, 2005, beginning at 7:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Ms. Elizabeth Cook, Mr. Kevin Burke, Mr. Todd Benson, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.*

10. **THE PLEDGE OF ALLEGIANCE**

11. **ANNOUNCEMENTS**

Mr. Stone announced the next regular meeting of the Fauquier County Planning Commission will be February 17, 2005. He stated there will be an adjourned Planning Commission meeting on February 16, 2005 in order to participate in a transportation session with the Citizens for Fauquier County. He added the Planning Commission will hold a Reformatted Zoning Ordinance Work Session on Chapter 8 on February 7, 2005 at 4:00 p.m. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building.

12. **CITIZENS' TIME**

No One Spoke.

13. **CAPITAL IMPROVEMENT PLAN – Fiscal Years 2006-2015** – The CIP lists proposed projects for the School Division and General County Government, which includes

Library, General Services, Parks & Recreation, Extension Office and the SPCA. Included within the document, for example, is also a summary of each project recommended for consideration, along with justifications for projects not recommended.

Mr. Stone expressed thanks to Bryan Tippie, the Capital Improvements Plan (CIP) committee and his fellow Commissioners for their thoughtful consideration of the CIP.

Mr. Bryan Tippie stated the CIP is the blueprint for distribution of the County's financial resources over the next ten (10) years. He said some of the projects will include construction of a new high school, two (2) elementary schools and a middle school as well as renovations to some of the existing schools. He stated there will also be funding for two new libraries, some Parks and Recreation projects including one that will provide the public with access to the Rappahannock River, and a Southern Fauquier Community Center with a swimming pool.

Mr. Stone opened the public hearing.

Mr. Bob Sinclair, School Board member representing the Scott District, expressed it is nice to be back amongst his former colleagues after many years of serving together. He stated his concern that the funding for the southern elementary school has been moved from 2011 to 2014. He said it is projected that M. M. Pierce Elementary will exceed its capacity by 2010 and maintained that moving the funding out three (3) years will have a tremendous impact. Mr. Sinclair added the staff at the School Board would be more than happy to help the Planning Commission in making its CIP recommendations to the Board of Supervisors.

Mr. Ernie Gray, School Board member representing the Lee District, asked the Planning Commission not to recommend delaying funding for the elementary schools as two (2) of them are already scheduled to receive trailers for expansion this year. He said, looking at the ten (10) year build-out from the year 2000 forward, there will be 4500 lots available in Service Districts alone, housing a possible 3200 students at the elementary school level. He stated the elementary school funding should not be pushed past 2011 and urged the Planning Commission to hold the line on the Southern elementary school.

Mr. Duke Bland, School Board member for the Marshall District, agreed with the previous speakers and remarked moving or denying funding to the schools hurts the children. He said timing is critical as growth is not going away.

Ms. Janice Bourne, Assistant Superintendent for Administration for the School Division, stated C. Hunter Ritchie and P.B. Smith Schools will be receiving trailers to accommodate growth. She said the longer the school system waits for funding, the longer it will take to begin building the new schools.

In that there were no further speakers, Mr. Stone adjourned the public hearing to March 16, 2005.

Mr. Stone announced there will be a one (1) item public hearing on the Capital Improvements Plan on March 16, 2005 beginning at 7:00 p.m. in the second floor conference room of the Warren Green Building.

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

- Zoning Ordinance Text Amendment to allow petting zoos by Special Use Permit in Rural Agricultural (RA) Districts, add a new Section 5-1814 setting standards for petting zoos, and to amend Section 15-300 adding a definition of petting zoos.

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.

Mr. Ali Qureshi, Lee District, stated since June 2004, he and his wife have been lobbying to open a petting zoo; therefore, he is in support of the proposed text amendment. He continued that the Zoning Office has reviewed the plans and the Planning Commission has visited the Leesburg Animal Park, a facility that is similar to the one they wish to open. Mr. Qureshi stated his wife is the General Manager of the Leesburg Animal Park and they see a growing need for this type of facility in Fauquier County. He said his property is accessible to the public, and he feels this would be a good use of agricultural land. He noted the animal park would have to follow federal regulations and meet standards. Mr. Qureshi added in working with the 4-H Club, he has been provided with positive feedback and is excited to begin implementing programs for special needs children, as well as educational and recreational programs for all school-age children.

Mrs. Ruta Qureshi, Lee District, reiterated her husband's statement that there is a need for this in the County, as our children have to travel to Leesburg to enjoy this fun and educational experience. She said 4-H wants to create a program for special needs children and Dr. Martin, Superintendent of Schools, is interested in using the facility to educate children in accordance with the "Standards of Learning."

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

Mr. Meadows stated because this is a text amendment, and not site specific, the Commissioners should have another month to look at the language.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the February 17, 2005 meeting with the public hearing closed.

Mr. Trumbo asked if that would be adequate time to make refinements.

Mr. Meadows said if more time is necessary, the Planning Commission can, at its February meeting, postpone action until March.

Mr. Benson stated the Planning Commissioners are encouraged to forward Staff any suggestions for refinements so they may be included in next month's staff report.

The motion carried unanimously.

15. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-CR-006 – Rodney I. Smith, owner and applicant** – applicant wishes to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement. The property is located on the south side of Balls Mill Road (Route 663), Cedar Run District. (PIN #6990-45-1135-000)

Mr. Meadows stated having a business relationship with the applicant, he recuses himself from the case.

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. Rodney Smith, owner and applicant, stated he would like to be able to divide his land into three (3) five (5) acre lots and one (1) four (4) acre lot in order to transfer land to immediate family members. He said he would be glad to answer any questions.

Mr. Charlie Smoot, adjoining property owner, noted there seems to be a discrepancy between the information Mr. Smith provided and what is in the staff report.

Mrs. Dargis stated that is correct as Staff worked out a new project with Mr. Smith this afternoon. She said the application will be postponed this evening in order to provide the Planning Commission and the public with the revised plat for review.

Mr. Jeremy Smith, Marshall District, stated he is the applicant's son and looks forward to moving back to Midland onto the family property. He reiterated that his father is only asking for four (4) lots for his children, not to divide the land for profit.

Mrs. Dargis clarified that the open space reduction would be broken down from eighty-five (85) percent to seventy-five (75) percent.

Mr. Robert Smith, the applicant's son, stated he wants to build a home on his father's property as land has become so expensive in the County making it difficult for a young family to get a good start.

Ms. Rebecca Moats, neighbor, stated she has no problem with the application as it will allow Mr. Smith's family to stay within the County.

Mr. Dennis Donahue, neighbor, said he bought a lot from Mr. Smith ten (10) years ago and has no problem with the application. He added it will be nice to see Mr. Smith's sons living on the property as the family has been kind in allowing him use of their property. He noted Mr. Smith is not asking for major development.

David Colleran, adjoining property owner, affirmed he has no problem with the application as it is good to see family taking care of one another.

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action to the February 17, 2005 meeting to incorporate the new revisions.

Mrs. Dargis clarified since the conditions have not yet been formatted, it is uncertain whether the 120 acres will be deeded as non-common open space through this family transfer process. She added the Planning Commissioners will make a recommendation to the Board of Supervisors after reviewing the conditions and the adjoining property owners will again be notified as to when this project will be heard by the Board of Supervisors.

The motion carried 4-0, with Mr. Meadows abstaining.

- b. **#SPEX05-SC-014 – Joel J. & Melissa K. Whipkey, owners and applicants** – applicants wish to obtain Special Exception approval under Category 20 to allow for the construction of an alternative drainfield for one (1) single-family dwelling. The property is located on the east side of Auburn Mill Road (Route 1312) at its intersection with Dumfries Road (Route 605), Scott District. (PIN #7905-40-3258-000)

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

Mr. Trumbo asked for clarification on whether the soils tests were completed by an independent soil scientist.

Mrs. Dargis replied they were run by an independent soil scientist.

Mr. Stone opened the public hearing.

Mr. Whit Robinson stated his client, Mr. Whipkey, is asking for a sixty (60) day postponement. He added he would be glad to answer any questions.

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

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for 60 days, at the request of the applicant.

The motion carried unanimously.

- c. **#SPEX05-CR-016 – Yuri A. Bart and Edwin Lee Roberston, owners and applicants – Runyon Estate** – applicants wish to obtain Special Exception approval under Category 20, which would allow for the construction of two experimental drainfields. The two parcels are located on Shenandoah Path (Route 607) at its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN #7931-25-3530-000 and 7931-25-0088-000).

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

Mr. Stone asked if the applicants have asked for postponement.

Mrs. Dargis answered that they have.

Mr. Stone opened the public hearing.

Ms. Veve Eldridge, adjoining property owner, stated she is unequivocally against this application mainly because Mr. Hawkins and Mr. Bart are not being truthful about the damage they have caused to her land. She said they have ruined her lake by removing a bank and allowing drainage to run from a pipe into the lake killing all the fish. Ms. Eldridge stated she notified environmental agencies, at which time inspectors came out and ordered Mr. Bart to put up a silt fence. She continued that they have built two (2) very wide roads which according to Mr. Moore at the Virginia Department of Transportation (VDOT), were not permitted until well after construction began. At this time, Ms. Eldridge provided the Planning Commission with pictures of her property. She remarked her land has been ruined and corrective action has not been implemented; adding her and her husband have been terrorized and threatened by the applicants causing a great deal of stress. Ms. Eldridge concluded the applicants are not trustworthy and should not be granted these privileges.

Mr. Yuri Bart, applicant, representing himself as well as Mr. Robertson, remarked these issues with the Eldridge's have been a factor ever since they moved in. He stated they have obtained all the proper permits including a VDOT entrance

permit and a land disturbing permit for the driveways. He added they have satisfied VDOT and John Marshall Soil and Water Conservation District (JMSWCD) requirements. Mr. Bart said this is a civil matter.

Mr. Robert Russell, adjoining property owner, stated he was a bit nervous in reading about this application as it calls for “experimental” drainfields. He said he would like more information and questioned whether he should be concerned about environmental hazards.

Mr. Stone answered the Planning Commission is unsure about environmental impacts at this time and will wait to make a decision regarding this application until there is expert advice from the Health Department. He referred the public to the Health Department and County Staff for questions regarding the experimental drainfields.

Ms. Veve Eldridge, adjoining property owner, stated her lake runs under the road and into Cedar Run, and she is concerned it will be contaminated. She noted if this application is approved, the applicants must adhere to federal regulations.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for up to 90 days, at the request of the applicant and pending compilation of all necessary information.

The motion carried unanimously.

Mr. Stone announced the next regular meeting of the Planning Commission will be February 17, 2005. He added there will be an adjourned Planning Commission meeting, with Citizens for Fauquier County, on February 16, 2005, a work session on the Reformatted Zoning Ordinance, Chapter 8, on February 7, 2005 and a single item public hearing on the CIP on March 16, 2005.

There being no further business, the meeting adjourned at 8:10 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.*