

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
FEBRUARY 17, 2005**

*The Fauquier County Planning Commission held its regular meeting on Thursday, February 17, 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, Mrs. Melissa Dargis, Mr. Chuck Floyd, Mr. Richard Calderon, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – January 27, 2005

Mr. Trumbo, seconded by Mrs. McCarty, moved to approve the January 27, 2005 minutes as amended.

The motion carried unanimously.

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

- a. Initiation of a Zoning Ordinance Text Amendment to Section 5-001 to establish that after Special Exceptions or Special Use Permits are issued, all subsequent changes in use must be approved by amendment of the Special Exception of Special Use Permit.

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 the proposed text amendment to Section 5-001 to establish that after Special Exceptions or Special Use Permits are issued, all subsequent changes in use must be approved by amendment of the Special Exception of Special Use Permit and schedule a public hearing for next month's regular meeting.

The motion carried unanimously.

- b. 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.

For the purposes of convenience and good zoning practices, Mr. Meadows, having no second, moved to forward the proposed text amendment to allow petting zoos by Special Use Permit in Rural Agricultural (RA) Districts, to add a new Section 5-1814 setting standards for petting zoos, and to amend Section 15-300 adding a definition of petting zoos to the Board of Supervisors with a recommendation of approval.

The motion failed 2-3, with Mr. Robison, Mrs. McCarty, and Mr. Trumbo in opposition.

Mr. Trumbo, seconded by Mrs. McCarty, moved to amend Standard #1 in the Text Amendment to read “the income from the accessory use shall not exceed twenty-five (25) percent of the income derived from the entire property.”

The motion carried 4-1, with Mr. Meadows in opposition.

For the purposes of convenience and good zoning practices, Mr. Trumbo, seconded by Mrs. McCarty, moved to forward the proposed text amendment to allow petting zoos by Special Use Permit in Rural Agricultural (RA) Districts, to add a new Section 5-1814 setting standards for petting zoos, and to amend Section 15-300 adding a definition of petting zoos, as amended, to the Board of Supervisors with a recommendation of denial.

The motion carried 3-2, with Mr. Meadows and Mr. Stone in opposition.

3. **PRELIMINARY PLATS**

- a. **#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 questioned the applicant as to whether Hord Avenue can be used as an entrance.

Ms. Amy Pritchard, representing the applicant, stated it is platted as a thirty (30) foot right-of-way, and she believes it belongs to the county, thus it could be used.

Mr. Kevin Burke, County Attorney, stated there has not been an opportunity to do the title work on this and referred to Condition #2.

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

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Rappahannock Landing" dated December 23, 2004, signed by James R. Ashley on 12-28-04 and received in the Planning Office on December 28, 2004, except as modified by these conditions. This approval is for a maximum of eighty (80) residential lots.
2. The applicant agrees to abandon Lots 46 & 47 as shown on the Preliminary Plan entitled "Rappahannock Landing" dated December 23, 2004. The applicant also agrees to provide access to the open space via one of the two following options:
  - Construct a 20' gravel road from Business Route 15/19 along the existing Hord Avenue right-of-way (40' width) and existing Bridge Street (20' width) to the open space through abandoned lots 46 & 47.

OR

- Contribute \$150,000 to River Access Improvements if the County finds a preferred alternative means of access.

The applicant agrees to either build the road or contribute the funds within 12 months of recordation of the final plat.

The applicant shall dedicate approximately 23.70 acres to the County for the purposes of providing a Rappahannock River Park as indicated in the County's Comprehensive Plan. The dedication will account for all open space requirements associated with this subdivision as required in Zoning Ordinance Sections 2-309 and 2-406.

3. The applicant agrees to stub utilities to the park location.
4. The applicant will not be responsible for construction of any infrastructure associated with the proposed park site except the construction of the proposed access road, and as mentioned above in Condition of Development Number 3, if option 1 identified above is triggered.
5. The applicant will be granted drainage easements, if necessary, across the proposed park site as required by the County Engineers Office to convey storm water from the developments required facilities to an adequate outfall.
6. The applicant may make revisions to the Preliminary Plat to save sections of the Battlefield area or if the lots located in swales must be relocated.

7. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval.
8. No fill in the floodplain at the location of Landing Drive and James Madison Street shall be allowed without Special Exception approval.
9. All offsite sewer easements shall be recorded prior to Final Construction Plan approval.
10. The sight distance profile should be indicating 500 feet of sight distance in both directions for a 45 mph speed limit. There also appear to be areas where the line of sight extends outside of the right-of-way and will require a sight distance easement.
11. No information was provided regarding the area adjacent to PIN Map 6887-07-1253 and 6887-07-0353 that appears to be an easement or right-of-way that shall be eliminated.
12. Indicate on the typical section of Business 15/29 improvements that the existing lane shall be widened to 12-feet. Dimension the right-of-way from centerline to right-of-way line. In accordance with Road Design Manual GS-2 standard, the shoulders shall be paved 8-feet wide.
13. The right-of-way shall be shown the full length of the frontage improvements to ensure all of the work is within the right-of-way.
14. Several of the utility crossings are still being shown crossing the roads at an angle rather than perpendicular; however, this shall be addressed with the Final Construction Plan.
15. Road typical sections shall be determined at the time of Final Construction Plan by Fauquier County and the Virginia Department of Transportation.
16. All applicable State and Federal permits shall be filed with the first submission of the Final Construction Plans. This includes the COE/DEQ wetlands permits.
17. 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 1A, 2A, 3A, 8A, 14B, 171B, and 178B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."

18. Evidence that adequate fire flow exists shall be required with the first submission of the Final Construction Plan. This shall be based on the standards of the Office of Emergency Services.
19. A detailed overall overlot-grading plan shall be required prior to Final Construction Plan approval. The plan shall show where any sump pumps will discharge.
20. Although the contour lines are not clearly marked in the northeast corner of the property, it appears that the 100-year floodplain from Tinpot may be higher than shown. It is recommended that no portion of any lot be within the 100-year floodplain.
21. There shall be 20 feet wide access easements to all SWM/BMP facilities. The access road shall be an all weather surface that is accessible at all times and will not required fill or an impervious surface in the floodplain.
22. Landscaping shall not be placed in utility or site distance easements.
23. The toe of the embankment and all drainage structures shall be 25 feet from the property lines. (See Chapter 3.01 and 3.07 of the Virginia Stormwater Management Handbook)
24. Houses shall not be located in swales. These lots are 12, 16, 17, 10, 43, 44, 45, 46, 37, and 38.
25. There shall be no fill in the floodplain associated with roads, trails, lots, SWM/BMP facilities or any other use without a Special Exception.
26. 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.
27. 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 October 25, 2004.

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-\_\_\_\_\_

28. 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.
29. This final soil map shall 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 CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
31. The final signature sets shall require original CPSS signature.
32. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
  - The County recommends that no below grade basements be constructed on soil mapping units 1A, 2A, 3A, 4A, 14B, and 178A 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.
  - 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.

Mr. Robison expressed his disappointment in losing this historically significant open space. He said it is unfortunate the County did not acquire this property some time ago; however, he shared his appreciation for the applicant's concession in dedicating land for river access.

Mr. Stone gave thanks to all interested parties.

The motion carried unanimously.

- b. **PPLT05-LE-019 - William B. Mickley, Jr., owner and K. Hovnanian Homes of Virginia, applicant - Mickley Subdivision** - applicant wishes to subdivide approximately 74.4 acres into forty-one (41) lots. The property is located on the north side of Remington Road, Lee District. (PIN #6888-20-9880-000)

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

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

The motion carried unanimously.

4. **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, for reasons previously mentioned, he recuses himself from this case.

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. Robison, moved to forward to the Board of Supervisors with a recommendation of approval subject to the following revised conditions. Mr. Stone recognized that the applicant does not agree with the revisions.

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. The applicant shall deed restrict the remaining  $\pm 120$  acres from further subdivision and place a non-common open space easement on this residue parcel. Prior to Board of Supervisors action, the applicant shall submit a Special Exception Plat that clearly indicates the surveyed acreage of the entire property.
3. The applicant shall amend the Special Exception plat and Statement of Justification to reflect five (5) lots.
4. The Special Exception is granted for the purpose(s), structure(s) and/or uses indicated on the amended Special Exception Plat titled “Special Exception Plat, Rodney I. & Hazel D. Smith Property” (note: the updated plat has not been received), and, approved with the application, as qualified by these development conditions.
5. The request for a reduction of non-common open space from 85% (134.34 acres) to 75% ( $\pm 120$  acres) shall be granted, if and only if, the applicant places deed restrictions on the parcel to preclude further subdivision and/or development. This acreage may be modified to reflect the surveyed acreage of the parcel.
6. Per the Virginia Department of Transportation (VDOT) requirements, the applicant shall upgrade the entrance from Route 745, which provides ingress and egress for the Private

Subdivision Street Entrance to a standard of 24 feet wide paved and with 25 feet of easement from edge of pavement to access the four (4) lots.

7. To maintain appropriate VDOT sight distance requirements clearing of vegetation at the entrance shall also be done prior to the issuance of the VDOT entrance permit. VDOT also recommends additional pipe (culvert) in this location.
8. Applicant shall provide documentation for deed of ownership on the 50 foot roadway from Route 745 prior to issuance of VDOT entrance permit.

The motion carried 3-1, with Mrs. McCarty in opposition and Mr. Meadows abstaining.

- b. **#SPEX05-CR-016 – Yuri A. Bart and Edwin Lee Robertson, 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 stated he opposes this application due to the close proximity of the proposed drainfields to the floodplain and voiced his doubts that long-term maintenance and monitoring of the proposed system can be enforced.

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

Mrs. Dargis asked if the Commissioners would consider an indefinite postponement, at the request of the applicant, in order to research other possibilities.

Mr. Stone stated based on his earlier comments, he has a seconded motion on the table.

The motion carried unanimously.

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

No Comments.

- b. **TRANSPORTATION COMMITTEE AGENDA**

Mr. Robison questioned plans for a crosswalk on Route 28 through Bealeton.

Ms. Cook stated there is a request for a crosswalk, and VDOT is expected to comment at the next Transportation Committee meeting.

Mr. Stone stated if a crosswalk is to be added, the speed limit should be lowered to 25 miles per hour.

There being no further business, the meeting was adjourned.

*The Fauquier County Planning Commission held its Public Hearing on Thursday, February 17, 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.*

6. **THE PLEDGE OF ALLEGIANCE**

7. **ANNOUNCEMENTS**

Mr. Stone announced there will be a one-item public hearing on the Capital Improvements Plan (CIP) on March 16, 2005 at 7:00 p.m. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building.

8. **CITIZENS' TIME**

Ms. Lorene Payne, Lee District, stated she is a professional Zoning Administrator and formally apologized to County staff for her earlier comments that they lacked diligence in regards to working on the Rappahannock Landing Preliminary Plat application that was decided upon earlier today. She said upon reading the staff report and speaking with Mr. Meadows, she realizes Staff has done a great deal of work and provided a fair perspective regarding this application. Ms. Payne stated Mr. Meadows earlier spoke of an archeological study of the Setti property and expressed interest in reviewing the documents. She ended in saying she is very disappointed in Mr. Meadows and the entire Planning Commission.

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

- 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.

Ms. Mimi Moore, Marshall District, stated she read the thirty-seven (37) page sign ordinance and noted that doubling and tripling the size of directional signs would not be at all in synch with the standards of the ordinance which call for maintenance of the County's aesthetic value. She remarked the County should, however, change the policies on sign ordinance violations. She suggested in order to make violators take notice, the County should charge one hundred (\$100) dollars per day as opposed to one (\$1) dollar per day for storage of removed signs.

Dr. Kitty Smith, Marshall District, agreed with Ms. Moore noting larger signs will lead to more visual pollution and open the door to future offenses. She concluded the current allowable size is large enough.

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

Mr. Stone stated a great deal of work has gone into the current sign ordinance and this text amendment is unnecessary.

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

The motion carried unanimously.

- b. 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.

Mr. Stone opened the public hearing.

Mr. Bob Counts, employee of Carson, Harris & Associates representing Mr. Arthur McKinney, stated this is a reasonable way to allow less intense uses in I-2 Districts as auto body repair is already permitted and storage would have little to no impact in the area.

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

Mr. Trumbo, seconded by Mr. Robison, moved to further amend the proposed text amendment to make these uses allowable by Special Permit.

The motion carried unanimously.

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

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 7-604 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.

Mr. Stone opened the public hearing.

Mr. Steve Hamilton, Lee District and member of Grove Baptist Church, stated he, along with twenty (20) other members of the church, were present in support of this text amendment. He noted he also has a letter of support from the fire department and asked that the Planning Commission vote favorably.

In that there were no further 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.

- d. Zoning Ordinance Text Amendment 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.

Mr. Stone opened the public hearing.

Ms. Ellen Ussery, Hume resident, stated this text amendment is unclear particularly where it refers to the nighttime noise ordinance. She continued it makes sense that disruptive noise should not be allowed, but questioned how this will be measured. She asked for clarification regarding outdoor amplified music at night and commented there should also be provisions for disturbance caused by outdoor amplified music in the daytime. She concluded more work should be done on this text amendment.

Mr. Ralph Ruggiero, Scott District, asked that the Planning Commission consider farm wineries when reconfiguring the noise ordinance. He said these wineries, that are currently allowed to have outdoor events which include amplified music, should be required to gain a Special Permit for these types of events.

Mr. Mike Bridges, Cedar Run District, stated he is concerned that firearms, motorcycles, and ATV's will be restricted or prohibited under the new regulations and suggested they should continue to be allowed in this rural county.

Mr. William Ryerson, Scott District, stated he would not support any action that would allow for more noise.

Ms. Mitzi Price, Scott District, commented she wants the noise ordinance to be clear so that farm wineries will not be able to find any loopholes. She added these wineries should have to obtain Special Exceptions or Permits for events.

Ms. Carrie Deming, Cedar Run District, stated many citizens bought land in this rural county in order to maintain privacy and lead a certain lifestyle which may include riding ATV's and motorcycles on personal property. She suggested changing the noise ordinance may give private citizens too much power. She concluded neighbors will always have conflicting views, and she does not want anyone to be able to dictate what she may or may not do on her land.

Mr. Josh Hurst, Cedar Run District, noted he uses an ATV for yard work, amongst other things, and he is unsure of why this privilege would be taken away.

Mr. William Duvall, Marshall District, stated it is difficult for the average person to decipher decibels, so if the noise ordinance does not address noise restrictions in a more comprehensible manner, then it will not do any good. He said he spoke with a firm in McLean that dedicates its practice to noise issues and asked which county has the best noise ordinance. He said this firm referred him to Prince William County's noise ordinance. Mr. Duvall said the language should be very clear leaving nothing to chance.

Mr. Charles Riley, Cedar Run District, stated he is concerned with the amount of noise produced by some of today's four-wheelers. He added it can easily be controlled by ensuring the proper exhaust system is in place.

Ms. Heather Schoenwetter, Cedar Run District, commented there is not a lot for kids to do in Fauquier County, so riding ATV's is a good, clean source of entertainment.

Mr. Chip Schoenwetter, Cedar Run District, suggested the Planning Commission target whatever brought on the need for this text amendment instead of making more laws and restrictive regulations.

Mr. Will Dodson, Lee District, stated being able to ride four-wheelers for fun keeps teens out of trouble. He added he is unsure why this would not be allowed in an agricultural area.

Ms. Sandy Dodson, Lee District, asked that the Planning Commission consider this carefully so as not to take away the children's rights to ride their four-wheelers. She added there are other noisy events such as the fair and concerts that take place, and they are allowed. She suggested if neighbors have a problem with one another, they should deal with it on a personal level.

Mr. David Willson, Marshall District, stated the Planning Commission needs to address Section 5 of the noise ordinance because, as written, one could make any noise they please, up to sixty (60) decibels, for as long as they please even though it has been proven that prolonged exposure to this level of noise can be harmful. He concluded Section 5 should be completely omitted as it could be very dangerous.

Ms. Brenda Moorman, Marshall District, stated she lives right by the Marriott Ranch and Oasis Vineyards and would appreciate more time to gather community input on this amendment. She mentioned there should be nighttime disturbance regulations, a ban on amplified outdoor music from 10:00 p.m. to 10:00 a.m. and commercial entities should be required to obtain special permits to host events.

Ms. Cynthia Willson, Marshall District, stated she is confused by the language in this text amendment as it seems disturbances to hospitals and businesses are addressed, but there is no concern for private citizens or for those who work from home. She said she can hardly get any work done from her residence because of the noise from Oasis Vineyards.

Ms. Mary Painter, Marshall District and Hume resident, stated a permit should be required to play amplified music and asked that the Planning Commission not only provide for a peaceful existence for hospitals and businesses, but for everyone. She indicated she would be willing to draw up a summation of community concerns, to be considered in drafting the noise ordinance, for presentation to County Staff and the Commissioners.

Mr. Harvey Ussery, Village of Hume, stated some dirt-bikes are much louder than others and suggested owners of such vehicles have respect and muffle the noise.

Mr. Aaron Conner, Cedar Run District, stated he owns a landscaping business, and his mowers and equipment can be quite loud. He noted it would be extremely difficult if he had to get a permit for every lawn he mows or every tree he cuts down. He also commented he was never aware of any problem with noise where ATV's are concerned.

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

Mr. Stone informed the public that this text amendment is not aimed at any one group of people. He stated the Planning Commission feels the current noise

ordinance is unenforceable; therefore it wants to spend some time to update and improve it. He added the Commissioners are aware it is not yet satisfactory.

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

Mrs. McCarty commented the Planning Commission would like all public input in improving the noise ordinance, including that of those who spoke in favor of riding their ATV's on private property and the compilation Ms. Painter offered.

Mr. Trumbo stated the Commission wants to create an opportunity for everyone to get the most possible enjoyment from their homes.

Mr. Meadows suggested with Staff's current workload, thirty (30) days may not be enough to gather public input and make adjustments to the text amendment.

Mr. Stone, seconded by Mr. Trumbo, moved to amend the previous motion and postpone action for up to 90 days.

The motion carried unanimously.

- e. 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.

Mr. Stone opened the public hearing.

In that there were no 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.

- f. 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 parks in RA, RC and R-1 Districts.

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

The motion carried unanimously.

10. **REZONINGS**

- a. **#REZN04-LE-004 – Revathi Rathinasamy, Trustee of the Palani Rathinasamy Living Trust; William A. (Jr.) & Linda Long and Joan E. Jamerson, owners, and U.S. Home Corporation, applicant – Bowen’s Run** – applicant wishes to rezone approximately 82.18 acres from R-1/R-4 to R-4 Cluster in order to permit a 215 lot subdivision. The property, which is in the Bealeton Service District, is located on the northwest side of Remington Road (Route 656) and the south side of Schoolhouse Road (Route 661), Lee District. (PIN #6899-01-6220-000, 6899-03-8054-000, 6899-02-8719-000 and 6899-02-8338-000)

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

Mr. Meadows stated this application is incomplete, and the number of lots for which the applicant is applying is still undetermined. He advised the public that they will have another chance to speak to this Rezoning.

Mr. Stone opened the public hearing.

Mr. Neil Stribling, Lee District, stated he attended the presentation the developer held for the community, and although it was well done, he still has concerns about the containment ponds and is not convinced that floodwaters will not be pushed onto his property. He referred to the developer’s proposal to deal the traffic problems at Route 28 and Schoolhouse Road and again stated he is unconvinced. He concluded that it is the long-time residents of this County that have to deal with the negative impact of this growth.

Mr. Brad Duff, Lee District, stated he, too, attended the developer’s meeting and maintains the opinion that this will aggravate the floodplain and burden the schools and the roads.

Mr. Charles Law, Lee District, said he attended the developer’s meeting, but it still concerned with the containment ponds and overcrowding in the schools.

Mr. Winston Watt, Center District, remarked all three rezoning applications on tonight’s agenda are, “Outrageous, outlandish and out-of-control.” He continued he understands the developers want to get the most out of their money, but the citizens have worked hard to compile an excellent Comprehensive Plan. He asked that the Planning Commission not allow the County’s landscape to be

destroyed by letting everyone rezone. He suggested if we do not “close the barn door,” we will no longer be the best place to live in rural America, as was reported in a recent publication of The Progressive Farmer.

Mr. Michael Scally, Lee District, stated he is opposed to the development, not only because he would be looking into the back of someone’s house from his front door, but he also worries that the County’s infrastructure can not handle this growth.

Mr. David Lewis, Lee District, commented the land will not support this development, and furthermore, the \$11,000 per person proffer that the developer is offering would need to be \$16,000 per person to even begin to cover expenses.

Mr. James Downey, Center District and representative for the applicant, stated the developer held a very productive meeting on February 1<sup>st</sup>. He indicated they would like to have a follow-up meeting with members of the community once the proffers have been further worked through so as to keep the public well informed while promoting an open dialogue. He added they appreciate the Planning Commission’s consideration and emphasized this application is consistent with the density level called for in the Comprehensive Plan.

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

Mr. Meadows announced the applicant has requested a work session with the Planning Commission during the March 31<sup>st</sup> meeting which will occur on that date in the second floor conference room of the Warren Green Building. He added the time of that work session will be included on the Planning Commission’s March agenda. Mr. Meadows communicated that Preliminary Plat applications that come before the Planning Commission are by right development as was the eighty (80) lot subdivision, Rappahannock Landing, which was approved earlier this afternoon. He continued that the Planning Commission is pleased the developer of Rappahannock Landing gave the County river access and agreed to additional open space. Mr. Meadows said, while we must allow by right development, we can not support most rezoning as the infrastructure is not capable of handling such rapid growth.

Mr. Meadows, seconded by Mr. Robison, moved to postpone action until the Planning Commission’s regular meeting in April with the public hearing left open.

Mr. Stone stated neither the Planning Commission nor the Board of Supervisors can make by right development go away.

Mr. Trumbo remarked an applicant who requests more lots than they are allowed by right is in no way guaranteed approval even if the proposed development is in

line with what is suggested in the Comprehensive Plan. He added that proffers, while considered, are not the path to approval either.

Mr. Stone commented the Planning Commission must allow this applicant the correct number of by-right lots, but it has no obligation to approve the applicant's request for further division whether it is through the rezoning application or the applicant's differing calculation of by-right lots.

Mr. Meadows noted the Comprehensive Plan that the Citizens' Committees worked so tirelessly to compile is a plan for the fifty (50) year build-out of the County; not for a fifteen (15) year build-out. He said when planning for the build-out, we must calculate and allow for the by-right development and only consider rezoning with those numbers in mind. He continued, regarding this application, there is a discrepancy in the County's and the developer's by right calculations, but when the correct number is deciphered, there will be no way to prevent the developer from building on those lots.

The motion carried unanimously.

- b. **#REZN05-CR-004 - Seeley Brookfield, LLC, owner and Shenandoah Development, LLC, applicant - Green Springs** – applicant wishes to rezone approximately 165.0 acres from Residential-1 (R-1) to Residential-2 (R-2) in order to allow for up to seventy-two (72) residential units on PIN #6981-44-4079-000 and six (6) units on PIN #6981-27-6354-000. The property is located on the east side of Routes 29/15/17, Cedar Run District. (PIN #6981-27-6354-000 and 6981-44-4079-000)

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

Mr. Stone opened the public hearing.

Mr. John Foote, representing Angler Development, stated this rezoning is in line with the Comprehensive Plan and County Staff does not question the fundamental issues related to the project; only the details need refinement. He noted this is a unique proposal in that it is the first affordable housing package to come before the Fauquier County Planning Commission. He respectfully requested deferral.

Mr. Steve Miller, representing the Brookfield neighborhood, stated the developer held a meeting with current residents, and they are still opposed as this development threatens the pond, wetlands and wildlife; will increase traffic on the already dangerous route; and may decrease surrounding homes' property values. Mr. Miller expressed his hope that the new development will be required to adhere to the existing Brookfield covenants.

Dr. Kitty Smith, Marshall District, stated Opal is the smallest service district and was not intended for tremendous growth. She continued she does not see why what is permitted by-right is not good enough and revealed that this proposal would increase density by two-hundred (200) percent. She remarked the affordable housing offer does not carry much weight because only the first homeowners will benefit, and then these homes will be treated like any other.

Robert Oliveri, Cedar Run District, noted it was very difficult to find public hearing notices posted on this property and mentioned he is worried his neighbors are unaware that these seventy-two (72) townhomes will be accessed through their street. He said this high density development will be a hazard to the safety of children at play or waiting at bus stops and will double or triple traffic in an already dangerous intersection. Mr. Oliveri asked that the residents of Green Meadows subdivision be notified of plans regarding this application.

Mr. Steve Vento, Angler Development, stated the affordable housing need must be addressed if we want our teachers and public employees to be able to live in the county in which they serve. Mr. Vento mentioned the seven (7) year soft-second provision that will deter people from buying these homes only to turn around and sell for profit. He said some technical issues still need to be worked through with County Staff.

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

Mr. Stone stated there are still several issues that need to be hammered out including drainage and the number of lots in this proposal.

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

The motion carried unanimously.

11. **COMPREHENSIVE PLAN AMENDMENT**

- Hold 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 opened the public hearing.

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action to the regular March meeting of the Planning Commission.

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENT, REZONING, AND SPECIAL EXCEPTION**

- **#CPAM05-LE-002, #REZN05-LE-001, and #SPEX05-LE-008 - Jean E. Cheatham, William W. Goulding, Robert H. Hodgson, James F. Steffey and Gary W. Weaver, owners and Centex Homes, applicant – Freedom Place** - the applicant wishes to obtain a Comprehensive Plan Amendment to change the land use classification for this area of Bealeton to Mixed Use, to allow for a planned residential development with access to public sewer for the entire site. The applicant also wishes to rezone approximately 223.4 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) to permit a mixed use neo-traditional development with up to 446 single-family detached dwelling units, 173 attached dwelling units and thirty-one (31) live/work units. In addition, the applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. The property, which is in the Bealeton Service District, is located in the northwest quadrant of the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), Lee District. (PIN #6889-89-6214-000, 6899-18-3742-000 and 6899-05-7716-000)

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

Mr. Meadows stated the Planning Commission will likely deny the Comprehensive Plan Amendment application this evening and honor the request of the applicant to postpone the Special Exception and Rezoning applications indefinitely. He encouraged the public to speak if they wished, but noted they will have another chance to speak on these applications.

Mr. Stone opened the public hearing.

Mr. John Foote, representing Centex Homes, stated he has a difficult job, but he loves it because he plays an important role in speaking for those who can not speak for themselves. He continued that no county is immune to growth, and if predictions are accurate, two (2) million people will be moving to the metropolitan area in the near future. Mr. Foote said these people will come knocking on our door and will bring life to our county, not burden. He stated this application will be postponed this evening, but he would like to give Bill Nevil, of Bowman Consulting, a chance to explain the development concept. He noted Prince William County exemplifies how growth can be managed as it has been ranked one of the most successful and wealthy counties in the state.

Mr. Bill Nevil, Bowman Consulting, displayed the Freedom Place development plan and noted sixty (60) percent of the site will remain open space and the mixed

use development will be a great asset allowing for a teen activity center and a fire station. He encouraged the Planning Commission to use the Comprehensive Plan as a building block.

Mr. Stan Edmister, Lee District, stated he recently moved to Fauquier County to enjoy its rural lifestyle and asked that the Planning Commission listen carefully to its citizens who do not want to see Fauquier become the next Fairfax or Loudoun County.

Mr. Robert Dunleavy, Scott District, stated using the County's calculation method, this development will bring 405 new students into the school system. He continued these children will make up a third of the new elementary school and substantially increase populations at the middle and high schools. He said this will add approximately 2.7 million in operating costs and twelve (12) million in construction costs. He noted the proffers here are only a bit over twelve (12) million. Mr. Dunleavy concluded it does not add up, and there is no good reason to approve this application.

Mr. James Frederick Tompkins III, Lee District, stated upon reviewing the plan for the proposed subdivision, he is concerned with the poor planning in regards to placement of the assisted living center and the open space. He also indicated the roads should be wider and the entire plan reconstructed.

Mr. Brad Carr, Lee District, stated he is saddened by the loss of local farms and wishes there was something that could be done to help farmers so they may continue working their farms as opposed to selling. He continued that before building up Bealeton anymore, road improvements must be made to Route 28, new traffic lights should be considered and safety precautions for pedestrians must be made a priority. He expressed concern that the new residents will be inundated with traffic noise and their new community will be built on a marshy foundation possibly pushing the grade toward existing properties and creating flooding issues.

Mr. Meadows asked Mrs. Dargis to show the citizens the Service District boundaries as the applicant is requesting to expand these boundaries.

Mrs. Dargis, using a map, illustrated the Service District boundaries.

Mr. Meadows noted the Planning Commission does not want to expand the boundaries of the Service District.

Mr. Bill Nevil, the development consultant, stated the illustration is in line with the next phase of the Service District.

Mr. Patrick O'Keefe, Lee District, stated he is opposed as he was not expecting this aggressive growth in such close proximity to his home. He mentioned the

assisted living facility will create more traffic and increase the likelihood of accidents in this busy intersection.

Mr. Merton Green, Lee District, asked Staff to consider the effects of building in the floodplain. He noted next year Grace Miller elementary school will incorporate trailers as the schools are already to capacity.

Mr. Jim Steele, Meadowbrook resident, stated Route 28 will not be able to carry all these new people to their jobs. Mr. Steele voiced his support of and appreciation for Mr. Meadows' earlier comments during the Bowen's Run public hearing.

Ms. Sharon O'Keefe, Lee District, stated there are creeks and streams all around the area and referred to a store that had been built in the wetlands that had to be closed.

Mr. Chuck Medvitz, Scott District, addressing Mr. Foote, stated success is a relative term. He continued that some see profit as a measure of success, but residents of this County see implementation of their Comprehensive Plan as success. He indicated he speaks for those who are already here, not those who will come in the future. Mr. Medvitz suggested it would be nice if the development community would get the point and begin to comply with the Comprehensive Plan.

Dr. Kitty Smith, Marshall District, stated she supports the Comprehensive Plan and the citizens that wrote it. She complimented Staff on the explanation of why a Comprehensive Plan amendment is being requested and noted this proposal does not include near the amount of office/retail space that was planned for this area. She said this application is no where near in line with the Comprehensive Plan.

Ms. Jolly deGive, Marshall District, stated she supports the Comprehensive Plan. She said the two (2) million new residents that Mr. Foote referred to will be moving all over Northern Virginia, not just to Fauquier County. She indicated that with by-right development alone, the County grew 3.5% last year. She noted her concern with the overcrowding at the schools.

Mr. Larry Kovalik, Center District, said it is important for the citizens to be heard. He mentioned he is on the Warrenton Service District Planning Committee, and the citizens who work on these plans give a great deal of time and thought to the matter. He stated their work should be carefully considered.

Ms. Tracy Bair, Opal resident and pastor of a Bealeton church, stated there is a need for a teen center in the county, and he would like for it to be made clear that if this application is approved, a teen center will be constructed.

Ms. Meredith Whiting, Marshall District and member of the Citizens' Planning Committee, stated after all the work that was put into compiling the Comprehensive Plan, she is pleased to see the Planning Commission trying to adhere to the recommendations. She echoed the other speakers concerns about the County's infrastructure. Ms. Whiting, speaking as the Chairman of the Goose Creek Association, a conservation and preservation group, informed the Centex land designer that she, along with "The Progressive Farmer," believes this land has already been designed quite well.

Ms. Mary Ann Robertson, Meadowbrook resident, indicated new residents would be facing a great deal of truck noise, traffic would need to be slowed through the area and the road would need improvement. She continued that this area will be developed at some point, and she feels Centex's plan, with incorporation of the retail and teen centers, could be beneficial to the community as long as it is not a threat to the wetlands.

Ms. Mary Root, of the Citizen's Planning Committee, stated the Committee worked very hard on this plan considering every aspect including traffic and the wetlands. She added this area intentionally had no water and sewer so that the wetlands would not have to be crossed. She concluded this is an insult to the Comprehensive Plan.

Mr. Dave Lewis, Lee District, thanked Staff and the Planning Commissioners for their patience. He remarked that Mr. Foote will never speak for Dave Lewis and furthermore this is a poor plan that should be denied.

Mr. Neil Stribling, Lee District, stated the area does not need another McDonald's. He said they need a grocery store, and while the land for the Fire Department is necessary, this plan does not provide for staff and equipment for the fire station.

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

Mr. Meadows agreed that children in Fauquier County would be well served by a teen community center but maintained the Planning Commission must adhere to the Comprehensive Plan. He noted his earlier comments, for the record, during the public hearing on the Bowen's Run Rezoning application, regarding the Comprehensive Plan's 50-year build out.

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

Mrs. McCarty agreed with Mary Root's comments indicating this proposal is in no way in compliance with the Comprehensive Plan that the citizens worked so hard on. She said the application is not just in discord with minor details but with integral parts of the Comprehensive Plan.

Mr. Meadows, speaking as co-chairman of the Bealeton Service District Citizen's Planning Committee, also agreed with Mary Root.

Mr. Stone stated he believes the Bealeton Service District Citizen's Planning Committee did a superb job with the Comprehensive Plan and noted whatever happens in this area will need to be in line with the plan or it will not gain Planning Commission support.

Mr. Robison remarked when Mr. Foote spoke for the citizens who have not yet come to Fauquier County, he spoke against the citizens who have already come to the County, as evidenced tonight.

Mr. Trumbo, representing the citizens who already reside in Fauquier County, stated this type of major growth, with little respect for the plans that are in place, would lessen our quality of life. He said unfortunately we can not completely control growth, but we can allow only by right development.

The motion carried unanimously.

Mr. Meadows, seconded by Mr. Robison, moved to postpone action on the Special Exception application indefinitely, at the request of the applicant, with the public hearing left open and public notice provided 60 days in advance of the next public hearing.

Mr. Stone stated his first instinct was to deny all three applications at once, but for now, he will go along with the postponement the applicant has requested.

The motion carried unanimously.

Mr. Meadows, seconded by Mrs. McCarty, moved to postpone action on the Rezoning application indefinitely, at the request of the applicant, with the public hearing left open and public notice provided 60 days in advance of the next public hearing.

The motion carried unanimously.

Mr. Stone announced there will be a public hearing on the Capital Improvements Plan (CIP) on March 16, 2005 at 7:00 p.m.

There being no further business, the meeting adjourned at 9:57 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.*