

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 31, 2005**

The Fauquier County Planning Commission held its regular meeting on Thursday, March 31, 2005, beginning at 4:00 P.M. in the 2nd Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Chuck Floyd, Mr. Richard Calderon, Ms. Kimberley Johnson, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.

1. **APPROVAL OF MINUTES** – February 17, 2005 and March 16, 2005

Mr. Robison, seconded by Mrs. McCarty, moved to approve the February 17, 2005 and the March 16, 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 2-406, Subsection (4) and Section 2-412 of the Fauquier County Zoning Ordinance to prohibit lots in the RR-2, R-1, R-2, R-3 and R-4 Districts from containing any portion of a one hundred year floodplain and to prohibit all minimum yards from containing any portion of a one hundred year floodplain

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes. Mr. Benson stated according to earlier discussions, it has been decided it would be redundant and is therefore unnecessary to amend Section 2-412.

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mrs. McCarty, moved to initiate the proposed text amendment to Section 2-406, Subsection (4) of the Fauquier County Zoning Ordinance to prohibit lots in the RR-2, R-1, R-2, R-3 and R-4 Districts from containing any portion of a one hundred year floodplain and to prohibit all minimum yards from containing any portion of a one hundred year floodplain and schedule a public hearing for April 26, 2005.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to create a new Subsection 46 to Section 5-501 requiring submission of a Type 1 Soil Report or a Preliminary Soil Report as part of all Major Site Plans

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. Trumbo, moved to initiate the proposed text amendment to create a new Subsection 46 to Section 5-501 requiring submission of a Type 1 Soil Report or a Preliminary Soil Report as part of all Major Site Plans and schedule a public hearing for April 26, 2005.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Section 3-315 to limit buildings used for certain wholesale and retail uses to 75,000 square feet

Mr. Benson stated the proposed text amendment has been withdrawn.

- d. Initiation of a Zoning Ordinance Text Amendment to Section 3-315 to create a new classification for wholesale trade establishments with associated retail sales larger than 50,000 square feet and allow them only by Special Exception in the C-2 and I-1 Districts

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes. He stated the text amendment has been changed to include an amendment to the portion of the code dealing with retail sales establishments larger than 50,000 square feet and allowing them only by Special Exception in the C-2 and C-3 Districts.

For the purposes of convenience and good zoning practices, Mr. Robison, seconded by Mr. Stone, moved to initiate the proposed text amendment to Section 3-315 to create a new classification wholesale trade establishment with associated retail sales larger than 50,000 square feet and allow them only by Special Exception in the C-2 and I-1 Districts and to Section 3-312, Subsection 4 and 5 to allow retail sales in buildings larger than 50,000 square feet by Special Exception in C-2 and C-3 Districts and schedule a public hearing for April 26, 2005.

The motion carried unanimously.

- e. Initiation of a Zoning Ordinance Text Amendment to amend Section 7-604 to allow modification of landscape buffering 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. Meadows, seconded by Mrs. McCarty, moved to initiate the proposed text amendment to

Section 7-604 to allow modification of landscape buffering standards and schedule a public hearing for April 26, 2005.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PPLT05-CR-005 – Everett C. & Katherine A. Nelson, owners and applicants – Princess Ann Estates** – applicants wish to subdivide approximately 30.4 acres into five (5) lots. The property is located on the west side of Brent Town Road (Route 612), Cedar Run District. (PIN #7849-49-7051-000)

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 approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Princess Ann Estates" dated October 22, 2004, signed by Paul A. Bernard on 2-2-05 and received in the Planning Office on February 4, 2005, except as modified by these conditions. This approval is for a maximum of four (4) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the Final Construction Plans for approval.
3. Access shall not be cut off to PIN 7849-49-0337.
4. Proof that VEPCO has granted permission to build a street in its right-of-way shall be provided prior to Final Construction Plan approval
5. No houses shall be placed in swales. Houses shall be placed above the 10-year water surface elevation of swales and drainage structures.
6. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating, "Basements are not recommended in mapping units 74A, 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."

7. There appears to be an existing ingress/egress easement parallel within the proposed right-of-way dedication. The easement shall be shown as to be vacated and/or quitclaimed prior to Final Plat approval. Demonstrate the location of any existing utilities to determine any conflict with the roadway and/or the Land Use Permit Manual. All utilities shall be located on the outer 3 to 5 feet of the right-of-way.
8. It appears as if there is a utility easement perpendicular to the proposed right-of-way with numerous utility lines. If this is an easement, it shall be quitclaimed prior to Final Plat approval. All utilities within the right-of-way shall be in conformance with VDOT's Land Use Permit Manual for utilities within the right-of-way.
9. A sight distance profile shall be required with the Final Construction Plans.
10. Radii on Princess Ann Court at Route 609 shall be 50 instead of 25.
11. The pavement design shall be based on a CBR of 10 rather than 6, but can be addressed with the construction plan.
12. On January 1, 2005 a new Subdivision Street Requirements Manual and associated Road Design Manual became effective. There will be a transition period from January 1, 2005 through June 30, 2005 in which plans can be reviewed under either the 1996 requirements or the 2005 requirements. Any construction plan submitted after January 1, 2005 shall conform to the 2005 manual
13. A Virginia Certified Professional Soil Scientist (CPSS) shall 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.
14. Interpretive information from the Type I soil report for each mapping unit shown on the Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
15. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
16. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
17. The final signature sets shall require original CPSS signature.
18. The type of primary and reserve drainfield area shall be stated for each lot.
19. 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 74A, 74B, 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.
- PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT.
- 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. **#PPLT05-SC-021 – Bishops Run, LLC, owner and applicant – Bishops Run Subdivision** – applicant wishes to subdivide approximately 54.41 acres into ninety-nine (99) lots. The property is located on both sides of Riley Road (Route 673), Scott District. (PIN #7916-12-8941-000 and 7916-22-4949)

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

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

The motion carried unanimously.

4. **COMPREHENSIVE PLAN AMENDMENTS**

- a. Consider 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 forward the Comprehensive Plan Amendment, as amended, to the Board of Supervisors with a recommendation of approval.

Mr. Meadows noted that minor alterations could be made by Staff or the Planning Commission before these amendments go before the Board of Supervisors. He questioned what would be considered minor.

Mr. Carr replied any spelling or grammatical errors would be fixed and the Planning Commission would be notified of any revisions. He added this will not go before the Board of Supervisors until May, so if necessary, the Planning Commission could revisit this to discuss revisions.

The motion carried unanimously.

- b. **#CPAM05-CT-006 – Sean McGeoghegan and Constance D. Clyde, Trustee, owners and Robert J. Miller and Sean McGeoghegan, applicants – Cedar Mill** – applicants wish to obtain a Comprehensive Plan Amendment to extend the boundaries of the Warrenton Service District to include the property (PIN #6994-27-7561-000) which is located at the intersection of Academy Hill Road (Route 678) and Frytown Road (Route 674), Center District and the properties (PIN #6994-26-8780-000, 6994-37-4250-000, 6994-36-7932-000) located on the southwest side of Frytown Road (Route 674), Center District. (PIN #6994-27-7561-000, 6994-26-8780-000, 6994-37-4250-000 and 6994-36-7932-000)

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

Mr. Robison, seconded by Mr. Stone, moved to schedule a public hearing for the regular May meeting.

The motion carried unanimously.

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

No Comments.

- b. **TRANSPORTATION COMMITTEE AGENDA**

No Comments.

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 Warrenton Community Center, 430 East Shirley Avenue, 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, Ms. Kimberley Johnson, Mr. Todd Benson, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.

6. **THE PLEDGE OF ALLEGIANCE**

7. **ANNOUNCEMENTS**

Mr. Stone announced the Planning Commission will attend the Board of Supervisors' retreat at the Inn at Vint Hill all day on April 7, 2005. He added the Planning Commission will also attend a training session in Boyce, Virginia on April 18, 2005 and hold a Reformatted Zoning Ordinance work session in the second floor conference room of the Warren Green Building from 4:00 p.m. – 7:00 p.m. on April 19, 2005.

8. a. **CITIZENS' TIME**

Mr. Yak Lubowsky, Center District, announced Citizens for Fauquier County will hold the second annual Spring Clean-up on April 16-17.

Ms. Nancy Marx, Scott District, stated she came this evening to speak about the noise ordinance text amendment, as she thought it was scheduled for public hearing. She described the many kinds of people that need to sleep in and asked the Planning Commission to consider curtailing morning noises including trash pickup.

b. **Warrenton Service District Planning Committee – Update on Revisions to the Comprehensive Plan**

Mr. Tom Harris, chairman of the Warrenton Service District Planning Committee, recognized and thanked members of the Committee and Staff for all their hard work. He noted the Committee worked to come to a consensus rather than compromising. He also commented that planning in other jurisdictions has a great effect on the Warrenton Service District and encouraged regional planning in the future. He finished in saying he would be glad to answer any questions.

Mr. Stone thanked those on the Warrenton Service District Planning Committee for all their hard work.

Ms. Christine Fox, Center District, stated she agrees with Mr. Harris in that the Committee tried to reach a consensus on the tough issues, and she added the Plan was considered with great care and concern.

Mr. Robison expressed his thanks to the Citizens' Committee for their hard work in coming to an agreement on the contentious issues.

Mr. Robison, seconded by Mr. Stone, moved to schedule the Warrenton Service District Comprehensive Plan Amendment for public hearing on April 26, 2005.

The motion carried unanimously.

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

- 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 residential zoning districts other than RA and RC, comprised of floodplain or quarries. 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.

Mr. Stone opened the public hearing.

Ms. Jolly deGive, speaking of behalf of the Piedmont Environmental Council (PEC), stated she is in support of the text amendment. She said since one can not build in a floodplain, one should not be able to transfer density. She noted the increased flooding in the southern part of the county as more development goes in.

Ms. Ines Huber, Lee District, stated she is in favor of the text amendment. She said property owners are aware that you can not build in the floodplain, so giving density credit is giving credit for something that never existed. She added that awarding credit creates increased flooding on low-lying properties.

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

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

The motion carried unanimously.

- b. 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.

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

10. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-MA-021 – Charles R. Chamberlain, owner and applicant – Oak Hill** applicant wishes to obtain Special Exception approval under Category 9, in order to hold Class C events. The property is located at 9358 Justice Lane on the east side of Grove Road (Route F-185) in Delaplane, Marshall District. (PIN #6050-37-4078-000)

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

Mr. Stone opened the public hearing.

Mr. Charles Chamberlain, owner and applicant, noted the condition of Oak Hill was poor when he acquired it and after some time, he has become quite fond of the property. He said because of its great historical significance and for purposes of becoming self-sufficient, it should come into public use.

Ms. Jolly deGive, Marshall District, stated she is glad to hear this application will be postponed because of its open scope. She commented Oak Hill is a local and national treasure, and she would like to see the applicant work with Staff to put together a reasonable proposal.

Dr. Kitty Smith, Marshall District, stated she is worried about the traffic impact for some of the requested uses as the local roads include a narrow bridge and tend to flood. She continued the application needs work but agrees that the property is a national treasure. She noted John Marshall's significance and stated she looks forward to something on a smaller scale taking place there.

Mr. James Bryant, Marshall District, stated he lives in close proximity to Oak Hill and is concerned with the hours of operation, noise, ingress/egress traffic, lighting and consumption of alcohol on the property. He added this is Rural Agricultural (RA) zoned land and the proposal is inconsistent with that zoning. He asked that the Planning Commission seek further information from the applicant.

Ms. Sarah Atkins, Marshall District, concurred with the previous speaker on all points.

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

Mrs. McCarty remarked she is concerned about the proposed intensity of use, the floodplain crossing and the fact that the property is not linked to a major collector.

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

The motion carried unanimously.

- b. **#SPEX05-CR-020 – Fauquier County Board of Supervisors, owner and applicant – Warrenton-Fauquier Airport** – applicant wishes to obtain Special Exception approval under Category 21, which would allow for development as proposed in the Warrenton-Fauquier Airport Master Plan. The property is located on the west side of Warrenton Road (Route 610), Cedar Run District. (PIN #7809-78-6301-000, 7819-05-2089-000, 7809-95-1226-000, 7809-95-2820-000, 7809-88-9130-000, 7819-04-1889-000, 7809-95-4740-000, 7809-86-8607-000, 7900-40-8840-000, 7819-14-0300-000 and 7819-04-3611-000)

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. Jim Van Luven, Lee District and chairman of the Airport Committee, stated the airport has developed according to the master plan and evolved to the fourteenth most active private airport in Virginia. He continued that it has been self-sufficient, only using state and federal grants based on demand so as not to be a burden on county taxpayers. He stated the airport is an important economic development tool for the county.

Mr. Dan McKinney, Campbell Paris Engineering, stated he was hired by the County to help with the Special Exception application and is pleased with the summaries provided by staff and Mr. Van Luven. He added the County acquired 316 acres zoned I-2, RA and R-1 in 1992. He continued this is compatible land use with the overlay district in place. He said over the next ten (10) to twenty (20) years a new terminal, maintenance hangars, a fuel storage facility and on site parking is proposed. He stated the adjacent properties are mostly zoned I-2. Mr. McKinney concluded Special Exception approval is necessary for the airport to continue to follow the master plan.

Mr. Joe Davis, Cedar Run District, asked that the Planning Commission please deny this application as he is a close neighbor to the proposed development. He stated no one has invited him to discuss plans for the airport in the past or presently and suggested the noise from the airport will worsen.

Mr. John Cantrell, forty (40) year citizen of Fauquier County and Center District resident, stated he is in support of the airport improvements as the County can not

go forth without a good airport. He added he used to own land in the middle of the expansion and did not feel that he was well compensated when the County took that land. He noted he would appreciate just compensation if they want to buy the rest of his land. Mr. Cantrell said the Airport Board has always invited him to participate in discussions about the airport.

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action for up to 90 days to allow Staff time to prepare development conditions.

The motion carried unanimously.

11. **COMPREHENSIVE PLAN AMENDMENT AND REZONING**

- **#CPAM05-MA-003 and #REZN05-MA-002 - Walter N. Arrington Heirs and Arabelle L. Arrington, owners, and Centex Homes, applicant – Arrington Knolls** - applicant wishes to obtain a Comprehensive Plan Amendment, to extend the boundaries of the Warrenton Service District to include a portion of PIN #6983-46-6838-000 and all of PIN #6983-46-1883-000. The applicant also wishes to rezone approximately 483.4 acres from Rural Agricultural (RA)/Residential (R-1) to Planned Residential Development (PRD) to permit a proposed age-restricted development with 679 dwelling units. Also proposed are Zoning and Subdivision Ordinance modifications. The property, a portion of which is currently in the Warrenton Service District, is bounded by Lovers Lane (Route 744) to the south and Alwington Boulevard to the north, Marshall District. (PIN#6983-46-1883-000 and 6983-42-6838-000)

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 indicating this public hearing will encompass all the Arrington Knolls applications including the Comprehensive Plan Amendment, Rezoning and Special Exceptions.

Ms. Alice Haas, representing the applicant, stated this application does not aim to expand the boundaries of the Service District but to rewrite the language in the Comprehensive Plan. She said the applicant does propose increased density but asserts that an age-restricted community will have less impact than another development of this size.

Mr. Bill Bowman, representative for the applicant, showed illustrations of the proposed community noting the proposal implements clustering that will protect the site's aesthetic beauty and views.

Ms. Alice Haas stated this is not your typical proposal as the community will not allow residents below 55 years of age. She continued no children under the age of 18 will be allowed to reside here imposing no strain on the school system. She said the “Baby Boomers” are now fifty (50) and older, creating a demand for housing and they will be drawn to Fauquier County because of the small town atmosphere. Ms. Haas noted if by-right development was allowed on this property, Fauquier County would have to make room for 158 additional school-age children. Ms. Haas said retirees, on the other hand, will bring jobs and income adding little burden to social services. She expressed her hopes that Fauquier County will put out the welcome mat to a community that will be of only minor impact on traffic and County infrastructure.

Mr. Colin Cantrell, Scott District, stated the Arrington’s have given so much to the community and asked that the citizens discontinue the attitude “not in my neighborhood.” He suggested moving ahead and giving landowners rights to make plans. He concluded the community should work together.

Ms. Joanna O’Rourke, Center District, stated she welcomes new development as it brings more choices in restaurants and retail shopping. She indicated retirees will support local business and be a positive addition to the area.

Ms. Jolly deGive, representing the Piedmont Environmental Council and Marshall District citizen, noted the earlier comments by the chairman of the Warrenton Service District Citizens’ Planning Committee regarding the Comprehensive Plan, and she added it is a good plan. She asked that the Planning Commission please deny the Comprehensive Plan Amendment noting concerns about the proposed package sewer system. She finished that she may qualify to live in the age-restricted community, but would rather see by-right development than triple the density.

Mr. Charles Cato, Cedar Run District, stated he is opposed to the Rezoning for many reasons. He said he can see the property from his home and is disappointed because his family moved here to get away from congestion. He continued that the infrastructure can not support this kind of development and furthermore, a disproportionate number of Hispanic immigrant workers, who will come to the area to build the community, are MS-13 gang members who will be dangerous to the area.

Dr. Kitty Smith, Marshall District, stated she agrees with the well-outlined staff report and supports the Comprehensive Plan and the Service District Plans. She said Fauquier County is a desirable place to live because it has been well-planned. She asked why we would consider extending sewer to this property and suggested the Arrington’s develop their land within the Comprehensive Plan and the zoning they have.

Mr. Charles Clemmons, Center District, stated he supports the right to develop private property within the legal boundaries of land use; however, this proposal requests three (3) times the by-right density. He commented the traffic considerations noted by the representatives for the applicant are understated and suggested retirees don't work and therefore may drive all day. He continued the proffers, at first, seem reasonable, but upon closer evaluation are not sufficient for the proposed density. He said the water and sewer would be turned over for taxpayers to support and the proposed routes in and out the community would be dangerous to children living along those routes. He suggested the Planning Commission coordinate with the Town when evaluating the routes of travel.

Ms. Ines Huber, Lee District, suggested there has been a lot of misinformation. She said the citizens have volunteered their time and come up with a good Comprehensive Plan. She asked why this mega-corporation feels their plan is better than ours as she does not see any benefits to the County, only to the corporation. She added the proposed sewage facility has been known to fail after several years and the taxpayers will be left to pay. She suggested the developer retain the idea of a fifty-five (55) and older community within the limits of the by-right development.

Ms. Laura Jenkins, Marshall District, stated she has lived next to the Arrington property her whole life and is worried about the prospect of the water and sewer facilities failing. She said she is against the Comprehensive Plan Amendment and requested denial.

Mr. Larry Kovalik, Center District, commended staff and asked that the Planning Commission heed their recommendations. He stated he is concerned about the traffic this will bring and noted the lawyer representing the applicant made a great many assumptions. He continued that he worked on the Warrenton Service District Comprehensive Plan and urged the Commissioners to uphold the integrity of that Plan while sending a message to the development community. He questioned what would happen if the age-restricted community did not work or what one would do with inherited land in the development if they were unable to live there. He echoed concerns of sewage facility failures and increased traffic.

Ms. Mara Seaforest Charvonia, member of the original Warrenton Service District Citizens' Planning Committee, noted there were many from the development community on the Committee and they agreed the Arrington property should retain its current zoning and classification in the Comprehensive Plan. She suggested the current Comprehensive Plan allows the Arrington's plenty of by-rights and added the infrastructure would not support the increase.

Mr. Schullen commended Staff for their good work and reminded the citizens that Fauquier County was voted the #1 rural county in which to live. He expressed his hope that this is worth fighting for. He said he lives less than a mile from the proposed site and feared traffic would be bad on Lees Ridge Road and Lovers

Lane. He said if this goes forward with even the allowable by-right development a traffic light and separate entrance off Route 29 should be dedicated.

Ms. Meredith Whiting, Marshall District and representative for the Goose Creek Association, echoed Staff's recommendations and asked that the Planning Commission stick to the Comprehensive Plan. She noted that Fauquier County's policy and practice is one of pro-managed growth, not anti-growth, and of open space preservation.

Ms. Christine Fox, Center District, recalled the first attack on the Comprehensive Plan when North Wales was proposed. She stated the Supervisors upheld the Comprehensive Plan preserving quality of life. She suggested a by-right fifty-five (55) and older community would still yield a great deal of profit for the Arrington family.

Mr. Yak Lubowsky, Center District, thanked Staff for a job well done and stated he represents fifty-two (52) Brookshire residents who oppose this application.

Ms. Brenda Moorman, Marshall District, stated she is opposed to the application and commented she grew up in a small town in North Carolina where the population of the entire town equaled the proposed density of this one development. She noted Centex just gained approval for Clevenger's Corner, in Culpeper County, which will greatly impact Fauquier and suggested Arrington Knolls would change the face of the county and the region. She concluded the Comprehensive Plan is a road map to be followed.

Mr. Charlie Westbrook, Marshall District, stated he supports the Arrington's by-rights, but is against the Comprehensive Plan Amendment. He said the less traffic the better and expressed his hopes that the character of Warrenton will be protected.

Ms. Ellen Ussery, Marshall District, agreed with many of the previous speakers and asked that the Comprehensive Plan Amendment be denied. She said the Plan is working, so do not fix something that is not broken.

Mr. Charles Cato, Cedar Run District, was given an opportunity to apologize. He was gavelled down by Mr. Stone who said what he heard was not an apology.

Mr. Kerry White, Center District, stated he appreciates that the Arrington's donated the land for Brumfield Elementary but indicated he feels the applications before the Planning Commission are unacceptable.

Ms. Wanda Baker, Marshall District, stated her property backs up to the proposed development and is concerned that this would require not only one (1), but five (5), Special Exceptions. She said that her drainfield failed, and she worries the Arrington property will not support water and sewer. She also mentioned she is

worried that the big lake in her adjoining community will become a liability with so many new homes going in.

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

Mrs. McCarty stated John Foote is a great land use lawyer who sometimes has the County's best interests in mind. She continued Mr. Foote has written and often said a County's Comprehensive Plan should be examined and updated every five years. She noted the Comprehensive Plan has been updated continually, and it has been consistent in the treatment of this particular piece of property.

Mrs. McCarty moved to forward the Comprehensive Plan Amendment to the Board of Supervisors with a recommendation of denial.

Mrs. McCarty asked Mr. Foote if he would consider an indefinite postponement of the Special Exception and Rezoning applications.

Ms. Alice Haas asked that the Planning Commission please vote on all applications tonight.

Mrs. McCarty, seconded by Mr. Trumbo, moved to forward the Special Exceptions and the Rezoning to the Board of Supervisors with a recommendation of denial.

Mr. Robison reiterated earlier expressions of appreciation to the Warrenton Service District Planning Committee. He also disputed the applicant's claims that the adult community would create less traffic than would the by-right community.

Mr. Meadows stated Centex Homes knows his feelings on rezoning. He continued that the County can barely absorb by-right development. He said he would support the recommendation of denial.

Mr. Trumbo stated his record on residential land use and rezoning is consistent.

Mr. Stone stated the applicant has ignored the Comprehensive Plan and the hard work of the citizen planners. He added there is no reason to vote favorably on this application.

Again, Mrs. McCarty, seconded by Mr. Trumbo, moved to forward the Comprehensive Plan Amendment, Special Exceptions and Rezoning to the Board of Supervisors with a recommendation of denial for reasons cited in the staff report.

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- **#SPEX05-MA-002, #SPEX05-MA-009, #SPEX05-MA-010, #SPEX05-MA-011 and #SPEX05-MA-012 - Walter N. Arrington Heirs and Arabelle L. Arrington, owners, and Centex Homes, applicant – Arrington Knolls** - applicant wishes to obtain Special Exception approval under Category 20, which would allow for the construction of public community water and sewer systems; Category 23, which would allow for the crossing of a floodplain; Category 30, which would allow for a waiver of the public sewer requirement; and Category 31, which would allow for a waiver of the public/central water requirement. The property, a portion of which is currently in the Warrenton Service District, is bounded by Lovers Lane (Route 744) to the south and Alwington Boulevard to the north, Marshall District. (PIN #6983-46-1883-000 and 6983-42-6838-000)

See Item #11.

13. **COMPREHENSIVE PLAN AMENDMENT AND SPECIAL EXCEPTION**

- **#CPAM05-CT-005 and #SPEX05-CT-017, #SPEX05-CT-018 and #SPEX05-CT-019 – E.C. Investors, LLC, owner and Fauquier County School Board, applicant – HS-3, Fauquier County Public Schools** – applicant wishes to obtain a Comprehensive Plan Amendment to include the proposed school site in the New Baltimore Service District to allow for extension of central utilities to serve the proposed school. The applicant also wishes to obtain Special Exception approval under Category 5, which would allow for a school in the RA District; Category 20, which would allow for an above ground sewer pumping facility; and Category 26, which would allow for reduction of non-common open space. The property is located on the southwest side of Dumfries Road (Route 605), Center District. (PIN #7904-66-5674)

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

Mr. Stone opened the public hearing.

Dr. David Martin, Superintendent for Fauquier County Public Schools, stated the School Board has received funding and now looks to the community for input on site selection for the new high school. He noted many students are coming to the area and some are driving up to 16.5 miles down Route 605, amongst other routes, to Liberty High School and thirteen (13) miles to Fauquier High School. He concluded that students will benefit from having a new school sooner rather than later.

Mr. Merle Fallon, representative for E.C. Investors, LLC, stated he is speaking to the request of the applicant to reduce open space. He noted the request is in accordance with county practice of allowing schools reduction in open space. He said there is also a proposal to build nine (9) homes with individual drainfields

and community water. He asked that the Commission please allow the open space calculation, clarifying the school would not count as a development lot.

Ms. Linda Lawler, Marshall resident, asked that all applications for this school site be denied as Route 605 is one of the most dangerous roads in the county. She indicated the site selection process was flawed from the beginning and referred to correspondence that was used by the School Board to fake the requirements for school site selection. She suggested that only forty-five (45) to fifty (50) acres are required for a school site as opposed the seventy-five (75) acres that the citizens were told were required. She said the citizens know now there are more options and stated the school site selection committee should be reconvened in order to base their decisions on the correct information. She finished this site will not be safe for our children.

Ms. Jolly deGive, Piedmont Environmental Council, asked that the Planning Commission support the Comprehensive Plan and refuse to bring water and sewer outside the Service District. She urged the Commissioners to check with the County Attorney to be certain no homes would be able to hook up to the water and sewer if it were to be taken to this school site. She noted Loudoun County has a school on fifty (50) acres and asked that the County please find an alternative site.

Mr. Brett Lawler, Marshall District, stated he is opposed because of safety concerns due to the dangerous Route 605 and increasing traffic on the road. He pointed out the irony in that we say we would pay any amount for the safety of our children, yet we accept this dangerous school site because it is free.

Mr. Richard Benford, Marsteller resident, agreed a new high school is necessary, but stated Route 605 is unsafe. He suggested consideration of a school site in Marshall.

Mr. Larry Evans, Scott District, stated he moved to Fauquier County from Prince William County to enjoy a quiet neighborhood and country living. He said the increasing traffic on Route 605 makes for a dangerous situation. He added he is in favor of education, but against this site, noting he has a petition with 431 signatures of opposition. He stated Marshall was promised a new high school.

Dr. Kitty Smith, Marshall District, stated in 2003 she was on the Fauquier County Schools Secondary Programming Committee and cited their recommendations to find short-term solutions and prepare for a new school to be built by 2008. She said the sky will not fall if a new high school is not built by 2007 and encouraged the School Board to take time to find the best site. She noted VDOT and citizen concerns that Route 605 is not a safe road. She also commented that this Comprehensive Plan Amendment will bring the Service District into the middle of Rural Agricultural (RA) zoned land, and she fears if three votes could allow water and sewer to run to this school site, then in the near future, three votes could

allow water and sewer to run to areas around the site. She also mentioned that last year's Capital Improvements Plan Committee asked that one (1) million dollars be dedicated for the new high school site, and because the School Board needed to recalculate costs of school improvements, the Board of Supervisors did not even act on the Capital Improvements Plan. She noted they now say they must accept the free site because of lack of funding. She recommended checking into the buildable portion of Edmar Farms as an alternative.

Ms. Maureen Riordan, Scott District, stated she has two (2) children and currently lives in Brookside. She said she was impressed by the turn-out for the elections when the citizens passed a bond saying a high school was necessary by 2007. She encouraged the Planning Commission to vote favorably on this application tonight as another school site is not going to fall out of the sky. She said the School Board has done a comprehensive search and this is the spot they have chosen.

Ms. Madge Eicher, Marshall District, stated the bond acknowledged we need a high school but this is a bad location and design. She asked that other sites be considered such as Marshall, Vint Hill or Fenton Farm, which already have water and sewer. She suggested the County take time to save lives.

Mr. Clarence Tompkins, Cedar Run District, stated the School Board has not considered the concerns of the residents of Route 605.

Mr. Dennis Osborne, Center District, stated citizens were told that the bond was only for approval of funding and there would be time to consider school sites and the size of the school. He noted the School Board does not seem to want to listen and asked that all decisions be postponed pending further evaluation.

Ms. Barbara Consentino, Cedar Run District, stated she is opposed to building a school on the most dangerous road in the County. She continued she has never had the impression that the School Board has the best interest of the children in mind and questioned where another school would be built in the future if, as the School Board says, there are no other options.

Ms. Janet Davis, resident of Route 605, stated she has spoken with the Sheriff, who has indicated that Route 605 has a reputation for being dangerous and since the year 2000 has seen a great increase in accidents. She added long ago she asked if Route 605 would be widened and was told that it would not be; however, she has recently heard that it will become a four (4) lane highway. She stated she is opposed to this high school site.

Mr. Jack Vance, adjacent property owner, stated he supports top grade educational facilities. He said surrounding neighbors will see a change in their lifestyles because of increased noise, lighting and traffic on an already dangerous highway. He indicated this will destroy the rural character of the area and open

the door for future development. He asked that other options, such as Vint Hill, be investigated.

Ms. Sheryl Wolf, Lee District, commented this was a poor time for this application to go to public hearing as the schools are on spring break and many parents could not attend. She continued the Comprehensive Plan designates the New Baltimore Service District as a priority for a new high school and allows for a water and sewer line to be extended outside the Service District to the school. She said Route 605 will need to be improved, but the improvements would have to be made anyway. She encouraged citizens to think in the long-term noting that some of the road improvements would be complete by 2007. She stated the County should move forward on this much needed high school.

Mr. Thomas Block, member of the Fauquier Chamber of Commerce and former Fauquier County student, thanked the School Board members for doing their job so efficiently. He stated his support for the Route 605 site and reminded the public of their overwhelming vote in favor of the bond referendum. He urged the Planning Commission to push this forward tonight as the schools are already overcrowded.

Ms. Ines Huber, Lee District and former educator, stated Route 605 is dangerous making this an unsuitable site. She told the story of the loss of a student due to an accident on a dangerous road in front of his school and pleaded with the School Board to find an alternate site, possibly at Vint Hill. She ended in saying there is never a free lunch and a developer will come in right behind this application requesting further extension of water and sewer.

Mr. Chuck Medvitz, Scott District, stated the County will need seven (7) school sites at full build-out, so alternative sites will have to be located. He listed some options and suggested the School Board find a way to put the school in the Service District. He concluded that many times what we think is free ends up costing a great deal.

Mr. Larry Kovalik, Center District, stated education is a top priority which is why the citizens said "yes" to the bond referendum. He added he does not support the proposed location and suggested investigating what generated all these students. He concluded the site would better serve the County if it were inside the Service District.

Mr. Mark Durrell, Cedar Run District, stated he is in support of education but not this site. He said Route 605 is already dangerous and a school will only generate more traffic.

Mr. Robert Dunleavy, Scott District, stated the school should be built where the development is, in the New Baltimore Service District. He continued it should be

built where facilities already exist and in a community, such as Vint Hill, where it would be an economic engine. He added Route 605 is far too dangerous.

Ms. Suzanne Scheer, Cedar Run District, said the vote for the referendum was not supposed to be a vote for the site, but it seems like it was. She continued that the process was unfair and based on inaccurate information. She said, furthermore, it ignores the Comprehensive Plan and should be built within the Service District. She commented improvements to Route 605 would be expensive because the hills make for poor site distance and power lines would have to be moved.

Ms. Mara Seaforest Charvonia, Cedar Run District, said in this case, free is too expensive. She added she supports the New Baltimore Service District Citizens' Planning Committee and urged the Planning Commission to deny these applications based on the overwhelming evidence against them.

Ms. Hillary Gearhardt, Cedar Run District, stated she is opposed due to the dangerous Route 605. She asked why the site is out of the Service District and urged the Planning Commission to stick to the Comprehensive Plan.

Mr. Vincent Indelicato stated we may not find the perfect site, and we do not have time to wait. He said if it so wishes, the Planning Commission should forward the application to the Board of Supervisors even with a recommendation of denial. He said then the Board could vote and if they decide against the site, a new selection process could quickly begin. He stated the children are coming, and we will need to have a school for them.

Ms. Christine Fox, Center District, stated the community voted down the bond for Liberty because they did not agree with the plan and those who supported the bond for this new high school, did so because they thought they were only approving the funding. She said maybe two (2) smaller schools should be considered.

Mr. Yak Lubowski, Center District, stated the site selection process was inadequate and approving this application would be poor public policy. He continued the bond was not about the site selection and noted he has always been for the bond and against this site. He noted he did not appear to be the only one.

Mr. Thomas Burke, Scott District, stated he is opposed because of concerns about the size of the school and Route 605, as VDOT has no money for road improvements for at least six (6) years. He recalled that Marshall was promised a new high school and stated Vint Hill was not even considered.

Ms. Diane Baker, Cedar Run District, concurred with the other comments of opposition. She added that she was educated in trailers and feels her education was more than adequate.

Mr. Michael Dillon, Scott District and current high school student, stated he lives on Canter Lane and volunteers with the fire department. He said Route 605 is very dangerous and Marshall is in need of a school. He added too many homes are being built and urged the County to consider safety first.

Mr. Colin Cantrell, Scott District, stated he is building his home on the property across the street and admits that he is not thrilled, but commented there is no law that encompasses all, no safe highway and no perfect site. He said this is not a new concept and the kids need to get out of these overcrowded schools quickly.

Supervisor Bill Downey, Scott District, stated new development in the County will generate 9,000 trips per day making road improvements a necessity. He indicated the high school will speed up that process and funding will become available through Revenue Sharing. He continued there is an immediate problem at Fauquier High School, and we can not ignore it. He said this site is the product of a three (3) year process, in which the search was comprehensive. Mr. Downey noted the ordinances allow for the sewer to be extended to a school site outside the Service District and the boundaries would not have to be expanded. He said the Board of Supervisors does not intend to allow any spillover or additional growth because of this. He concluded there are currently no other available sites, and this is in the best interest of the children.

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

Mr. Robison stated he believes most people agree that a new high school is necessary. He continued there are many issues to consider including funding, location and size, but what is before the Commission tonight is only the site and its suitability. He commented the proposed site is not even in the New Baltimore Service District or the Scott District for that matter, but in the small, highly populated Center District. He added this is the one remaining rural area in the Center District and he would like to protect it. He noted traffic issues and the high costs of road improvements to Route 605 and running water and sewer to the Mount Sterling site. He concluded this is not a free school site. He offered condolences to those who have lost loved ones in traffic accidents and thanked those who came to speak tonight and those who voted on the bond referendum. Mr. Robison read several e-mails from concerned citizens opposed to the Mount Sterling site.

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

Mr. Meadows commented that we have heard the opinions of two members of the Board of Supervisors this evening, one being for the site and one against. He continued it will not matter what the Planning Commission decides tonight, only what the other three Board members decide. He stated the County elected this School Board and it says we are in need of a third high school as was noted by the

passing of the bond referendum, although it was not site specific. Mr. Meadows stated even tonight, there has been a great deal of misinformation given. He suggested the Planning Commission postpone action on these applications for thirty (30) days. He continued the proposed location is in the geographic area of Routes 215, 29, and 28 and there are 500-600 students in that area. He stated one sixth (1/6) of Fauquier students live in that area and that will fill up one-half (1/2) of the population of the proposed school. Mr. Meadows commented that the site does not have to lie in the Service District according to the Comprehensive Plan and clarified that the boundaries do not even have to be expanded in order to bring water and sewer to the property.

Mr. Kevin Burke, County Attorney, explained the Comprehensive Plan could be amended to show only extension of water and sewer lines out of the Service District instead of expanding the Service District boundaries.

Mr. Meadows continued that all the roads in the County are bad, as we are a rural county. He said he does not see many alternatives at this time since Vint Hill was not offered. He stated he would support the motion to deny the Comprehensive Plan Amendment as written, but will move to approve an amendment to extend the utilities to this school site. He said it is for the children.

Mr. Trumbo indicated there was a great deal of misinformation spoken this evening. He said this school can not currently go to Marshall as the New Baltimore Service District is in dire need. He continued it does not matter what district the school actually lies in. Mr. Trumbo said the Edmar Farms site would not be desirable, as much of the site is under water and Vint Hill is an Economic Development Authority. He stated the site is not perfect, but the funding is there and road improvements will be occurring in the near future. He added with Revenue Sharing, the School Board will certainly be able to obtain there the necessary funding. Mr. Trumbo said the site can not be rejected because there is no alternative, and he refuted claims that this would endanger children as they are already driving on Route 605.

Mrs. McCarty stated she is a former teacher, and she cares about the children. She continued the County does need a new high school, but she does not agree with this site. She said she does not think we should accept it because it was a gift, instead we should take more time and think this through.

Mr. Stone stated he will support Mr. Robison's motion and commented he can not dismiss the observations of danger on Route 605. He said it is unwise to select this site purely because it was given to the County and noted the County should change its attitude towards proffers. He added he is unsatisfied with the site selection process the School Board took as he feels it was not comprehensive.

The motion carried unanimously.

Mr. Robison, seconded by Mr. Stone, moved to postpone action on the Special Exception applications for up to 60 days.

Mr. Robison stated he feels it would be prudent for the Commission to abstain from taking action pending the Board of Supervisors hearing on the proposed Comprehensive Plan Amendment.

Mr. Stone concurred.

The motion carried unanimously.

Mr. Meadows, seconded by Mr. Trumbo, moved to change the Comprehensive Plan Amendment to only extend water and sewer to the site as opposed to extending the boundaries of the New Baltimore Service District, and forward it to the Board of Supervisors with a recommendation of approval.

Mr. Meadows stated he would like a deed restriction placed on the water and sewer lines that would run to the school site.

Mr. Robison stated it is inappropriate to modify an application without the consent of the applicant and without holding a public hearing to the modified amendment.

Mr. Stone stated he still can not support this Comprehensive Plan Amendment.

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

There being no further business, the meeting adjourned at 11:17 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.