

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
APRIL 26, 2005**

*The Fauquier County Planning Commission held its regular meeting on Tuesday, April 26, 2005, beginning at 4:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Chuck Floyd, Ms. Kimberley Johnson, Mr. Todd Benson, Ms. Holly Meade, Mrs. Melissa Dargis, Mr. Kevin Burke and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – March 31, 2005

Mr. Robison, seconded by Mr. Trumbo, moved to approve the March 31, 2005 minutes as amended.

The motion carried unanimously.

2. **AGRICULTURAL AND FORESTAL DISTRICT RENEWALS**

- a. 1<sup>st</sup> Renewal of Red Oak Mountain Agricultural and Forestal District, which is currently scheduled to expire on August 19, 2005

Ms. Bogert reviewed the staff memorandums, copies of which are attached to and made part of these official minutes.

Mr. Stone, seconded by Mr. Robison, moved to forward all applications (agenda items 2a, 2b, 2c, 2d and 2e) for renewal of Agricultural and Forestal Districts to the Board of Supervisors with recommendations of approval, subject to the following conditions.

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.

- c. No special exception shall be in conflict with the purposes for which the District was created.
- 2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
- 3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
- 4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
- 5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
- 6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried unanimously.

- b. 3<sup>rd</sup> Renewal of Southern Fauquier Agricultural and Forestal District, which is currently scheduled to expire on February 16, 2006

See Item #2a.

- c. 3<sup>rd</sup> Renewal of Cobbler Mountain Agricultural and Forestal District, which is currently scheduled to expire on March 6, 2006

See Item #2a.

- d. 3<sup>rd</sup> Renewal of the Middleburg Marshall Agricultural and Forestal District, which is currently scheduled to expire on March 6, 2006

See Item #2a.

- e. 2<sup>nd</sup> Renewal of Paris Valley Agricultural and Forestal District, which is currently scheduled to expire on May 15, 2006

See Item #2a.

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

- a. Initiation of a Zoning Ordinance Text Amendment to Section 5-1704 to allow, in the RA, RC, I-1 and I-2 Zoning Districts, storage of up to 100 pounds of explosives pursuant to an Administrative Permit and greater amounts subject to a Special Exception, to clarify that certain ammunition is not subject to regulation, and to specify required magazines and setbacks

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

For the purposes of convenience and good zoning practices, Mrs. McCarty, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Section 5-1704 to allow, in the RA, RC, I-1 and I-2 Zoning Districts, storage of up to 100 pounds of explosives pursuant to an Administrative Permit and greater amounts subject to a Special Exception, to clarify that certain ammunition is not subject to regulation, and to specify required magazines and setbacks, and to schedule a public hearing for the regular May meeting.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Section 2-512 to establish housing standards for livestock on parcels two (2) acres or larger but smaller than five (5) acres

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

No action was taken. The Commission will revisit the text amendment at their next regular meeting.

4. **PRELIMINARY PLATS**

- a. **#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 676), Scott District. (PIN #7916-12-8941-000 and 7916-22-4949-000)

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

The motion carried unanimously.

- b. **#PPLT05-SC-022 – D.R. Horton, owner and applicant – Ambler Vale – Lot 7** applicant wishes to subdivide approximately 5.23 acres into two (2) lots. The property is located on the east side of Gray’s Mill Road (Route 674), Scott District. (PIN #7905-28-8368-000)

Ms. Meade 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.

The motion carried unanimously.

- c. **#PPLT05-MA-023 – Hazel F. Blevins Estate, owner and Mac Holt, Kline Operations, LLC, applicant – Marshall Station** – applicant wishes to subdivide approximately three (3) acres into twenty-one (21) lots. The property is located southwest of the intersection of Frost Street and Anderson Avenue, Marshall District. (PIN #6969-67-0802-000)

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

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

The motion carried unanimously.

Mr. Robison suggested the applicant attend a future work session to discuss issues regarding water for the subdivision.

- d. **#PPLT05-MA-024 – Rita and Lyle P. Schertz, owners and Mac Holt, Kline Operations, LLC applicant – Marshall Farms** – applicant wishes to subdivide approximately 10.47 acres into forty-two (42) lots. The property is located south of East Main Street, Marshall District. (PIN #6969-99-8031-000)

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

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

Mrs. McCarty told the applicant this and the previous application would not likely be discussed at the Planning Commission’s next regular work session.

The motion carried unanimously.

5. **SPECIAL EXCEPTIONS**

- a. **#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 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 #7904-66-5674-000)

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

Mr. Robison, seconded by Mrs. McCarty, moved to forward all three (3) Special Exception applications to the Board of Supervisors with recommendations of denial, further recommending that if the Board of Supervisors approves the companion Comprehensive Plan Amendment, it should remit the Special Exceptions back to the Planning Commission for further review.

Mr. Meadows stated he disagrees with Mr. Robison's motion explaining if the Board of Supervisors approves the Comprehensive Plan Amendment, then they are obviously in favor of the Mount Sterling site and should proceed to vote on the Special Exceptions so as not to hold up the proceedings any longer.

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

- 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, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval, subject to the following revised conditions.

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
4. No time limit shall be imposed on this Special Exception, provided that future development and expansion are consistent with the approved Airport Master Plan and Special Exception Plat.
5. The development of the property shall be in general conformance with the Special Exception Plat entitled "Warrenton-Fauquier Airport, Special Exception Application" dated January, 2005 and received in the Planning Office on January 21, 2005, except as modified by these conditions.
6. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the I-1, I-2, R-1 or RA zoning districts, pursuant to Article 3 of the Zoning Ordinance.
7. The Warrenton-Fauquier Airport shall be subject to the standards set forth in the Fauquier County Zoning Ordinance Section 4-500 Airport Area District.
8. Warrenton-Fauquier Airport Rules and Regulations manual shall be available at the airport.
9. The Warrenton-Fauquier Airport shall be maintained and operated for public use in accordance with the Federal Aviation Administration and any other appropriate local, state, and federal agency.
10. Airport staff shall assist the Community Development Department to monitor or review facility designs (within 5 miles) of the airport in order to be in compliance with FAA policies and design guidance (150/5200-33A) which seek to avoid creation of attractants to birds and wildlife that might pose risks to the safe operation of the airport. Stormwater management facilities within these areas must be designed accordingly.
11. Perimeter fencing (for security) shall be installed to encompass the Warrenton-Fauquier Airport site by 2008.

The motion carried unanimously.

6. 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 Tuesday, April 26, 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, Ms. Kimberley Johnson, Mr. Todd Benson, Mr. Richard Calderon, Mr. Chuck Floyd, Ms. Bonnie Bogert and Mrs. Rebecca Kauffman.*

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone announced most or all of the Planning Commissioners will attend the Virginia Chapter of the American Planning Association's (VAPA) conference at Airlie tomorrow (April 27<sup>th</sup>) and Thursday (April 28<sup>th</sup>). He added there will be a Reformatted Zoning Ordinance Work Session on May 17, 2005 from 4:00 p.m. to 7:00 p.m. in the 2<sup>nd</sup> floor conference room of the Warren Green Building.

9. **CITIZENS' TIME**

No One Spoke.

10. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS**

a. **1<sup>st</sup> Addition to Red Oak Mountain**

- Gary & Kareen McGhee, requesting to add one parcel totaling 43 acres, located at 12221 Moss Hollow Road (PIN #6020-04-8310-000)

Ms. Bogert reviewed the staff memorandums, copies of which are attached to and made part of these official minutes.

Mr. Stone opened the public hearing for all applications for Agricultural and Forestal Additions (Item #10a, 10b, 10c and 10d).

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

Mr. Trumbo stated, because of reasons cited earlier, he recuses himself from voting on the 21<sup>st</sup> Addition to Southern Fauquier.

Mr. Stone stated consequently, the Commission will vote separately on the Agricultural and Forestal Additions.

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

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried unanimously.

b. **21<sup>st</sup> Addition to Southern Fauquier**

- 1) James Alton Duvall, requesting to add one parcel totaling 28 acres, located at 7253 Botha Road (PIN #6889-06-5463-000)
- 2) Auburndale Farm, LLC, requesting to add six parcels totaling 132 acres, located on Old Dumfries Road (PIN #7913-28-9695-000, 7913-48-1395-000, 7913-28-0321-000, 7913-39-3717-000, 7913-29-2378-000, 7913-39-9328-000)

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

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.

5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried 4-0 with Mr. Trumbo abstaining.

c. 7<sup>th</sup> Addition to Cobbler Mountain

- Thomas & Patricia Fabyanic, requesting to add one parcel totaling 66 acres, located at Route 635 and Hume Road (PIN #6938-75-5798-000)

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

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.
2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.

4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried unanimously.

d. **18<sup>th</sup> Addition to Middleburg Marshall**

- Jerold & Marjorie Principato, requesting to add three parcels totaling 106 acres located on Landmark Road (PIN #6091-97-4445-000, 7001-07-7765-000, 7001-06-4176-000)

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

1. That pursuant to Title 15.2, Chapter 43, Section 15.2-4309 of the Code of Virginia (1950), as amended, the Fauquier County Zoning Ordinance shall apply except as modified below. These modifications are necessary to assure that the Ordinance does not conflict with the purpose for which the District was established.
  - a. All uses allowed by right in the applicable zoning district(s) for each parcel listed shall require a special exception except for agricultural or forestal production and construction of dwellings for persons who earn a substantial part of their livelihood from a farm operation on the property or for members of their immediate family.
  - b. Subdivisions of land as defined in Article 2-39 of the Fauquier County Subdivision Ordinance are not permitted.
  - c. No special exception shall be in conflict with the purposes for which the District was created.

2. That these parcels shall qualify for land use value assessment provided that the parcels meet the criteria of Section 58.1-3229 and 58.1-3244 of the Code of Virginia.
3. That the owners of land within the District shall not terminate the District except as provided for in Section 15.2-4314 of the Code of Virginia.
4. That lawful termination of any owner's association in the district shall not serve to terminate the existence of the district, but the district shall continue in effect until the review required by Section 15.2-4309 of the Code of Virginia.
5. If any portion of a parcel less than 25 acres is sold, boundary line adjusted or divided, then the entire parcel shall automatically be removed from the district.
6. If any portion of a parcel greater than 25 acres is sold, boundary line adjusted or divided to below 25 acres then the portion less than 25 acres shall automatically be removed from the district.

The motion carried unanimously.

11. **OPEN SPACE AGREEMENT**

- **Request to terminate an Open Space Agreement** – David and Georgia Buckwalter, requesting to withdraw two parcels totaling 54 acres from an open space agreement, located at 11825 Remington Road (PIN #6888-71-9633-000, 6888-62-0664-000)

Ms. Bogert 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. Dave Buckwalter, applicant, stated he has submitted this application for several reasons, but mainly since the adjacent property has been cleared for development there will be a need to put up buffers and fences to keep cows from the neighborhood. He added some changes need to be made to the application, but he would like to withdraw and will pay the rollback taxes.

Mr. Mike Six, applicant's neighbor, stated he is in favor of the application as it also affects him. He said he needs to clear cut in order to feed the cattle.

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

Mr. Meadows stated this was an eight (8) year agreement the applicants entered into, and it seems they may not have been fully aware of all that entailed. He suggested the applicants work with County Staff to make the situation more livable without pulling out of the agreement.

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

The motion carried unanimously.

Mr. Robison suggested the applicant attend the next regular Planning Commission work session to address some issues regarding the application.

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

- a. Zoning Ordinance Text Amendment to Section 2-406, Subsection (4) of the Fauquier County Zoning Ordinance to prohibit lots, in conventional subdivision of twenty-five (25) or more 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

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. Merle Fallon, local attorney, stated he has been working with the Planning Commission to ensure that Preliminary Plats and Rezoning that are already in progress will not be affected by this text amendment.

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

Mr. Stone, seconded by Mr. Trumbo, moved to forward to the Board of Supervisors with a recommendation of approval with a suggestion that Preliminary Plats and Rezoning already in progress not be affected.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to create a new Subsection 46 to Section 12-501 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.

Mr. Stone opened the public hearing.

In that there were no 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.

- c. Zoning Ordinance Text Amendment to Section 3-315 to create a new classification for 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, Subsections 4 and 5, to Allow Retail Sales in Buildings Larger than 50,000 square feet only by Special Exception in the C-2 and C-3 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. Stone, seconded by Mr. Robison, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- d. 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.

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

13. **COMPREHENSIVE PLAN AMENDMENTS**

- **Warrenton Service District** – Consider proposed amendments to the Comprehensive Plan Chapter 6 - Warrenton Service District Plan

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

Mr. Robison stated that a traffic study was performed which included projected traffic from the new Clevenger's Corner subdivision in Culpeper. He asked that this study be made available for comment at the next regular meeting of the Planning Commission.

Mr. Stone opened the public hearing.

Mr. Mark Oemler, resident of the Gold Cup subdivision, stated any attempt to make a north-south connection of Route 211 and Route 17 will become a thoroughfare for all, and area residents do not want that.

Ms. Wendy Campbell, Marshall District, stated she opposes this amendment because it threatens the welfare of the children and the citizens. She handed out a proposal for an alternative route south of town and noted it would be more practical as the County will require a much larger bypass for the future.

Mr. Bill Scaring, Gold Cup resident, thanked the Commission for the opportunity to speak and commented he is skeptical that this road will not be used as a regional solution. He noted concerns that this will affect property values as it will be a noise and safety issue.

Mr. John Hamilton, Gold Cup resident, stated this will be used for regional thru access negatively impacting property values. He added the residents knew that this was planned, but then it was tabled for good reasons. He stated many improvements would have to be made to make this road safe and viable.

Mr. Scott Schaffer, Gold Cup resident, concurred with the previous speakers. He stated it would be a safety issue and suggested the County look at improving Broadview Avenue. He asked that other options be explored and Timber Fence be excluded as it is no longer a viable option.

Mr. Eric Treworgy, Marshall District, echoed previous concerns adding there will be safety issues for those walking to the park, and those playing on the baseball fields at Fauquier High School as the other end of the parkway will likely pass close by.

Mr. Edward F. Grillo, Jr., Marshall District, stated he knew this has been under discussion for a long time, but commented it is ill conceived as it will put traffic onto Old Waterloo where the new recreation center will be, and it has little chance of being funded anytime soon because of the other improvements that need to be made to County roads. He said it makes no sense here and should be moved

southeast. He also commented the President of Waterloo North was never contacted to submit an opinion on this matter.

Mr. Doug Campbell, Marshall District, stated this County was named the #1 rural county in which to live because of the quality of life we enjoy. He stated this parkway will be a hazard to pedestrian traffic heading to the park and to children crossing between the Gold and Silver Cup communities. He said it will be noisy and will make it difficult to exit the communities and enjoy backyards. He concluded it does not make sense and will be a detriment to quality of life.

Mr. Steve Butland, President of the Gold Cup Homeowners' Association, stated he is speaking on behalf of the neighborhood and all are opposed. He said it looks like it will be a four (4) lane highway and will service more than just the Gold and Silver Cup communities. He added there will be noise pollution and it will ruin the quality of life in the area, at the park and at the high school.

Ms. Jan Hamilton, Marshall District, stated the side of her home is parallel to Timber Fence Parkway, and as a mother, she worries that her children will no longer be able to play in the yard. She added they will likely have to move.

Ms. Marie Finelli, Silver Cup resident, echoed the previous speakers comments and noted she moved from Fairfax County for the peace and tranquility of the countryside, which will be ruined by this Parkway.

Ms. Dolores Oemler, Gold Cup resident, stated she works in Chantilly and looks forward to coming home to the peaceful area. She said she speaks with people who live in Jeffersonton and Culpeper who are excited about the prospects of bypassing traffic using this route. She added the children's lives are at stake.

Ms. Judy Hines, Silver Cup resident, stated she is worried her grandchildren will not be able to safely cross the road any longer.

Mr. Randy Anderson, Marshall District, commented that commuters can be creative, so this will at least become a de facto bypass. He stated now that the neighborhoods have evolved, this is a bad idea.

Mr. David Winn, Marshall District, stated this will only encourage leap frog development and the Parkway itself will need retaining walls and appropriate sight distances.

Ms. Jeanny Elmquist, stated her home backs to Timber Fence Parkway and asked that the Planning Commission please protect the children.

Ms. Helen Cornwell, Marshall District, stated this should be carefully considered as it is needed so we will not turn Broadview Avenue into the equivalent of a main street in Fairfax County. She added the children are already in danger since

traffic cuts though using Bear Wallow and Foxcroft. She said she is sorry for those that back to Timber Fence Parkway, but did not feel their property values were at risk based upon what has happened with the Ivy Hill subdivision.

Ms. Liz Cloutier, Marshall District, echoed many of the previous speakers comments. She stated her concerns that the children will no longer be able to cross the street and the Gold and Silver Cup communities will be separated.

Ms. Dalie Cabrera, stated she is opposed in accordance with the majority.

Ms. Denise Dean, Silver Cup resident, stated she is opposed and feels bad as she has sold many homes in the area after being apparently misled that this was off the Comprehensive Plan.

Ms. Jean Hines, Center District, stated she has lived here for twenty-five (25) years and had input into Rady park. She said she is opposed and has, over the years, seen a major increase in traffic on Foxcroft and Evans roads. Ms. Hines continued that she has had to change her lifestyle regarding children and pets. She said no one wants to see this happen and the issues on Broadview will have to be addressed regardless. She added people need to be notified about this type of proposal.

Mr. Greg Cherundolo, Center District, stated his property backs to Timber Fence Parkway, and he is opposed. He reflected on a neighborhood in Georgia, near where he once lived, where they joined two (2) communities with a parking lot which had speed bumps throughout. He said they eventually had to close the road because it did not at all cut back on traffic and the cost to the County was immense.

Mr. Ray Brandenburg, Marshall District, remarked we must also think about the safety of our senior citizens.

Dr. Kitty Smith, Marshall District, commended Staff and the Citizens' Committee for all their hard work. She concurred that the Service District should be shortened up, commented the maps are good but sometimes it is hard to identify major roads, suggested the land use graphic be modified to incorporate fewer shades of blue as it is hard to distinguish the uses, and asked that all categories in the land use section be defined.

Mr. Denny Bowman, Foxview Drive resident, stated he is opposed for the reasons all the previous speakers spoke of and furthermore questioned the process in which all of this occurred.

Mr. Merle Fallon, the developer of the Gold and Silver Cup communities, stated at the time the neighborhoods were built, this use for the Timber Fence Parkway was taken out of the Comprehensive Plan so as to keep developers at bay. He

agreed a four (4) lane limited access highway is necessary, but added this is not the correct location. Mr. Fallon suggested it would be unfair to turn this into a de facto bypass as the opportunity to do so has passed.

Mr. Chuck Cornwell, Huntsman subdivision, stated he has lived here for thirty (30) years, and it has changed a great deal. He agreed the road system needs to be considered as traffic is increasing out of Culpeper, and it is getting dangerous.

Mr. Will Eicher, Silver Cup resident, stated he was born and raised here and has enjoyed a great quality of life. He said if this routed through the area it will jeopardize that life. He noted a sign that the police have currently placed on Timber Fence Parkway to slow traffic and asked why we would want to add traffic. He referred to a bus accident on Broadview Avenue and asked how buses will fare on Timber Fence Parkway if it is changed.

An unidentified speaker (who had previously spoken) stated the notification process should be fixed as he only found out about this by a small sign on the road.

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

Mr. Robison stated he appreciated all the citizens' interest and input.

Mr. Robison, seconded by Mr. Meadows, moved to postpone action for up to 30 days to further review the amended Plan.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-SC-022 – Larry L. and Cynthia Weeks, owners and applicants** – applicants wish to obtain Special Exception approval under Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located on the east side of Route 676 at 6629 Riley Road, Scott District. (PIN #7915-19-3828-000 and 7915-19-5847-000)

Mr. Floyd 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. Jacy Showers, adjacent property owner, stated she opposes the waiver request because without construction plans and so forth, she will not be able to decipher what will become of the trees she shares with the applicant, the impact this may have on her septic field and further will not be able to assess safety issues. She

commended County Staff and specifically thanked Holly Meade for her attention and help.

Mr. Larry Weeks, Scott District, stated on behalf of his wife and himself, he agrees with Staff recommendations. He said his application seems to have been misinterpreted by some, regardless of the fact that he has made efforts to contact all close neighbors. He continued he only wants to access his own lots and has no plans for construction. He remarked this will not impact any neighboring properties. Mr. Weeks stated that years ago he was unaware he was in need of a platted right-of-way to reach what the Director of Community Development tells him are suitable building lots. He again stated he has no intentions of building but wants a legitimate driveway to the properties. He added he wants to increase the sight distance for safety reasons and noted VDOT has recanted their concerns with this application. He said he may use the property for animals though as it is described in the Comprehensive Plan its allowable uses are beyond what he could imagine. Mr. Weeks stated the original owner of his neighbor's home was the one who planted the trees that Ms. Showers speaks of. He continued they are beautiful trees that have survived 27 years next to the blacktop, and should not be affected. He added the question of the trees would be a civil matter. Mr. Weeks remarked he is aware that people do not like change, but noted he has offered to sell this property to all of his neighbors. He concluded he just wants to give any future owners a proper entrance to the lots.

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

Mr. Trumbo concurred with Staff that this is a proper way to fix an old mistake.

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

Mr. Stone agreed with Mr. Trumbo's justification.

The motion carried unanimously.

- b. **#SPEX05-CR-033 – Whitman's Holding, LLC, owner and Jackie L. George, applicant – Whitman's Air Strip** – applicant wishes to obtain Special Exception approval under Category 21, which would allow for continued operation of a privately owned, public use airport on a permanent basis. The property is located at 2102 Sowego Road (Route 611), Cedar Run District. (PIN #7940-34-8856-000)

Ms. Cook 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. Jackie George, applicant, stated the hangars at the air strip are in poor condition and since they are in a visible location close to the road, it would be nice if improvements could be made. He continued by gaining permanent status, they would be able to obtain the necessary funding. He noted this is not for expansion but only to better what is already a great, safe airport.

Mr. Bob Breeden, Cedar Run District, stated he has been in the immediate area since 1990 and is in favor of the air strip gaining permanent status. He continued it is vested in the neighborhood and will greatly benefit if the Special Exception is approved, in that more people will be willing to invest in an airport that carries its permissions for longer than five (5) years. He finished this will improve the buildings and the property.

Mr. Scott Gregory, Cedar Run District, stated he lives close to the airport and is a pilot. He said the hangars are a bit shabby, and he agreed with Mr. Breeden that people are more willing to invest in an airport with permanent status.

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 at the request of the applicant so Staff can work on Conditions.

Mr. Meadows asked Mr. George if a compromise could be made where the Special Exception would be approved somewhere in between the temporary five (5) year status and permanent status.

Mr. George, applicant, stated he would need to consult with the owner, but remarked it really does need permanent status so that people will be willing to invest. He noted that everyone including the FAA recognizes this airport, except for Fauquier County.

Mr. Meadows clarified the answer is “no.”

Mr. George replied he only wants this airport to be the best it can be.

Mr. Stone remarked “nothing is forever,” so we will have to find a happy medium.

Mr. Meadows noted there does not seem to be any opposition, so he sees no reason the Planning Commission will not be able to do better than five (5) years.

The motion carried unanimously.

15. **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)

Ms. Cook 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. James Downey, Center District and representative for the applicant, concurred with the staff report and stated the applicant will defer action pending a ruling on the allowable by-right units.

Ms. Jodie Loudin, Lee District, stated area property owners need more information on this proposal and developers should provide it. She asked where she could find out more about the project. Ms. Loudin continued that she lives in a small community on Pitcher Court where there are no sidewalks and has now heard her road may be considered for an entrance to Bowen’s Run. She stated this would be very dangerous to the children. She noted the property is a floodplain, and she thought one could not build on floodplain. Ms. Loudin asked that the R-4 zoning not be granted as the property will not support this intense growth.

Mr. Meadows questioned if Pitcher Court was built to be an interparcel connector.

Ms. Cook stated it was.

Mr. Meadows stated Pitcher Court was always intended to be an interparcel connector.

Ms. Loudin stated that does not mean it is a good idea.

Ms. Toni Buchanan, adjoining property owner, stated she was unable to attend the work sessions held by the developers as she found out too late. She continued that her development was built to fit in with the rural lifestyle and added the water and flooding issues in the area need to be fixed. Ms. Buchanan commented that finally no trespassing signs have prohibited the local children from riding their ATV’s on this property and now dump trucks will be coming in.

Ms. Ines Huber, Lee District, stated if this is postponed for ninety (90) days, much of the public will be vacationing and unable to comment. She continued the soil

on this property will not support the rezoning and furthermore, the development will compromise the wetlands and the floodplain. She said the applicant has asked for far too many units, and she hardly feels the land will support the by-right development. Ms. Huber stated there is a reason this property is zoned R-1 and added this will in no way benefit the community and taxpayers will end up paying.

Mr. Merton Green, Meadefield resident, expressed his hopes that Staff is carefully considering the stormwater management planning in order to slow down the run-off. He mentioned he was told an entrance to Bowen's Run would cross the floodplain on Waterdale Court and is unsure of the accuracy of the information that is being passed around.

Mr. Brad Duff, Lee District, echoed comments regarding the negative impacts this will have on traffic, the schools and the floodplain. He expressed great concern that the run-off will create problems for the Meadefield subdivision.

Ms. Ruby Law, Meadefield resident, stated she is concerned with the run-off the new homes will create and noted that Remington Road always has to be closed when it rains because water runs over the bridges. She added the schools are at their maximum capacity.

Mr. John Lum, Meadefield resident, stated he opposes the rezoning because of the flooding issues in the area. He stated the last hurricane brought water up within 15-20 feet from his home, and he foresees that capping more land will create more run-off. He said the infrastructure will not support this growth.

Mr. Mike Scally, Fox Meade subdivision and adjoining property owner, stated he is opposed because of the high density. He asked that the Planning Commission hold the applicant to what is allowed by-right as the infrastructure will not support this growth.

Mr. Neil Stribling, Meadefield resident, said he will be glad to get some closure on this project. He mentioned he is pleased to see residents from Crestwood Knolls speaking out and echoed their concerns about flooding, taxes the schools and traffic. He added that proffers for a new stop light will not fix all the problems and may even create a bigger issue. He concluded that the proffers do not even begin to provide for what would be necessary to make this feasible.

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

Mr. Meadows questioned whether installing a signal at the intersection of Schoolhouse Road and Route 28 would help those who travel the road that comes from Fox Haven to Route 28.

Ms. Cook replied it would help.

Mr. Meadows stated the signal will have to be put in, but unfortunately traffic will begin to back up in other areas behind that. He continued the applicant has asked that the Planning Commission postpone action for up to 90 days in order to fulfill its requests to work with the County to definitively decipher how many by-right lots are allowed. He stated everyone must look at the whole picture and noted that whether or not the interparcel connector (Pitcher Court) is a good idea, it will likely be built in order to service at least by-right development at Bowen's Run.

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

Mr. Meadows stated he did not feel it would be necessary for the applicant to meet with the Planning Commission again until the allowable by-right calculation has been determined.

Mr. Stone stated by-right calculations differ between Staff and the applicant, but once that is resolved there will be some development on this property.

Mr. Meadows added the light will have to go in as well.

The motion carried unanimously.

- b. **#REZN05-SC-008 – H. Joe Wiltse, Trustee, owner and applicant – The White House** – applicant wishes to rezone approximately 2.3 acres from Residential-1 (R-1) to Commercial-Neighborhood (C-1) in order to allow for low impact office/financial institution use. The property is located at 4483 Lee Highway, Scott District. (PIN #7916-14-9633-000 and 7916-14-9773-000)

Ms. Cook 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. Stone asked if it would be appropriate to make a motion to initiate the companion Comprehensive Plan Amendment.

Ms. Cook replied it would.

Mr. Ben Jones, representative for the applicant, stated he concurs with the staff report and the applicant agrees to the postponement. He continued that historically the property has been used commercially with a Special Permit. He said the New Baltimore area has changed a great deal with new communities such as Bishops Run and Brookside being constructed and because of this alone, the rezoning should be granted. He added this will be good for economic development in the Service District. Mr. Jones noted the Proffers will include

contribution to a new stop light, the donation of the “White House” to charity, and assuring the construction will meet architectural standards. He stated these Proffers will continue to be worked through and the applicant is willing to consider suggestion and refinements.

Mr. Ronald Fahy, Scott District, stated he is opposed to the rezoning because as the New Baltimore Service District Citizens’ Planning Committee is reviewing the Plan, it has been noted that only five (5) years ago this was designated Residential-1 (R-1) and this would be a radical departure from the existing use of the property. Mr. Fahy asked that commercial establishments not be extended past Route 676. He added the property behind this is floodplain and residential, and this would set a bad precedent.

Dr. Kitty Smith, Marshall District, concurred with the previous speaker. She stated she can not tell exactly what the proposed use of this property is, so she can not decipher the traffic impact. She said that is an issue because the property is right at the intersection. She urged the Planning Commission to pin down the allowable uses for the rezoned property and do a traffic impact analysis.

Robert Dunleavy, Chairman of the Land Use Subcommittee of the New Baltimore Service District Citizens’ Planning Committee, encouraged the Planning Commission to hold off on taking action on this application until the committee can make recommendations.

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

Mr. Trumbo concurred with Staff that additional time is needed to work with the applicant and stated he feels ninety (90) days is appropriate.

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for up to 90 days at the request of the applicant and to initiate a Comprehensive Plan Amendment to permit the changes that would be required.

Mr. Stone stated he generally does not favor changing Residential-1 zoning.

Mr. Trumbo stated he will work with the applicant and restrict the uses.

The motion carried unanimously.

- c **#REZN05-LE-010 – Priscilla Craig, owner and K. Hovnanian Homes of Virginia, Inc., applicant** – applicant wishes to rezone approximately 13.98 acres from Rural Agricultural (RA) to Residential-4 (R-4). The property is located on the west side of Route 28 at 6658 Catlett Road, Lee District. (PIN #6889-63-5498-000)

Ms. Cook 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, representative for the applicant, stated this is not a large development when you consider what is forthcoming in Fox Haven. He said if one looks at the landscape from above, they would see this is appropriate. Mr. Foote added that the applicant agrees to a postponement.

Ms. Ines Huber, Lee District, stated she worked on the Comprehensive Plan for this area, and it was meant to be low density. She concluded this rezoning is not in the spirit of the Comprehensive Plan and the request is unreasonable.

Ms. Jodie Loudin, Lee District, stated she has been enlightened this evening. She noted a great deal of development is occurring in the Bealeton area and everyone will be stuck at the light on Schoolhouse Road. She continued that to quadruple the population in the area is crazy and goes against why most people moved to Fauquier County. She said residents will not be able to enjoy the rural lifestyle anymore, the infrastructure will not support the growth, the schools will be overcrowded, and the Proffers will not cover it. She ended that we must put the brakes on development as the bottom is going to fall out of the housing market and people will not be able to afford to live in Fauquier County.

Ms. Toni Buchanan, Pitcher Court resident, stated the way trucks roll through the area is scary and now the area is turning into Fairfax County. She said if the rural lifestyle is truly cherished, this development must be carefully considered.

Mr. Merton Green, Lee District, noted there is floodplain in the area and asked the Planning Commission to look carefully at the stormwater management plan.

Ms. Jolly deGive, Marshall District and speaking on behalf of the Piedmont Environmental Council, concurred with the staff report and noted the proposed density is too high and does not match what is written in the Comprehensive Plan. She stated she is also concerned with the stormwater management plan.

Ms. Priscilla Craig, owner, stated when she bought this property it was in order to enjoy the rural lifestyle, and then Ryan Homes came in and built up next to her. She continued it has created a bit of a run-off problem, though the County is working to fix this. She said the property is no longer fit to be used for agriculture because it is a high liability, and she will have to sell regardless of whether or not this rezoning request is approved. She stated she understands the density issue and agrees it will need to be carefully planned with the Ryan Homes community extending their road through her property.

Dr. Kitty Smith, Marshall District, noted Staff has done a great job without much information. She said the Comprehensive Plan was recently changed to encourage applicants to propose densities at the low end of the allowable range. She agrees with Mr. Foote and the applicant's comments that it is hard to support agriculture on this property, but the proposed density is too high.

Matt Craig, son of the applicant, stated because of the new development surrounding the property and its proximity to Route 28, it is a liability to have livestock on the property; therefore, the Rural Agricultural (RA) zoning is no longer appropriate.

Mr. Neil Stribling, Lee District, stated he feels sorry for the applicant but noted that adding more cars will not help traffic and he is unsure the soils will support the development. He concluded the proposed density is too high.

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

Mr. Meadows remarked the density will be discussed with Mr. Foote and the applicant at a work session. He added when you have high density residential development next to farms, things tend to get hurled across the fence creating a need for significant buffers.

Mr. Meadows, seconded by Mr. Robison, 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.

- d. **#REZN05-SC-011 – Eleanor J. Butler and Nicholas F. & Michele A. Glowicki, owners and applicants – Broken Hills – Section V** – applicants wish to rezone approximately two (2) acres from Residential-2 (R-2) to Residential-1 (R-1). The property is located on the northwest side of Riley Road (Route 676), Scott District. (PIN #7905-86-7609-000 and 7905-86-7871-000)

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

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:51 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.*