

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

The Fauquier County Planning Commission held its regular meeting on Thursday, May 26, 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, Ms. Kimberley Johnson, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.

Mr. Robison, seconded by Mr. Meadows, moved to amend the agenda to add Item #2.c., a Zoning Ordinance Text Amendment regarding accessory buildings; and to add Item #5.b., to initiate a Comprehensive Plan Amendment regarding uses on Industrial zoned properties.

The motion carried unanimously.

Mr. Robison amended the motion to also forward Item #6. to the evening agenda as new Item #12.b.2.

The amended motion carried unanimously.

1. **APPROVAL OF MINUTES** – April 26, 2005

Mr. Stone, seconded by Mr. Robison, moved to approve the April 26, 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 2-512 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 taken.

- b. Initiation of a Zoning Ordinance Text Amendment to modify the C-1/Commercial Neighborhood zoning district regulations in order to provide flexibility in setback requirements for commercial uses

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to modify the C-1/Commercial Neighborhood zoning district regulations in order to provide flexibility in setback requirements for commercial uses, and to schedule a public hearing for the Planning Commission's regular June meeting.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Section 6-101 to allow accessory structures to be placed on the property not hosting a primary use when such property is one of several adjacent lots used as one place of residence

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Meadows, moved to initiate a Zoning Ordinance Text Amendment to Section 6-101 to allow accessory structures to be placed on the property not hosting a primary use when such property is one of several adjacent lots used as one place of residence, and to schedule a public hearing for the Planning Commission's regular June meeting.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- **#PPLT05-LE-025 – VCA, LLC, owner and Kustom Kastles, applicant – Powe Property** – applicant wishes to subdivide approximately 137.89 acres into ninety (90) lots. The property is located on the southeast side of Remington Road (Route 656), Lee District. (PIN #6888-41-5000-000 and 6888-50-4476-000)

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action indefinitely at the request of the applicant.

The motion carried unanimously.

4. **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)

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

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

The motion carried unanimously.

5. **COMPREHENSIVE PLAN AMENDMENTS**

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

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

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

The motion carried unanimously.

- b. **#CPAMO5-LE-0011 – Newman Investments, LC, owner, and Planning Commission, sponsor – Newman Trucking Company** – the Planning Commission wishes to obtain a Comprehensive Plan Amendment, which would include 41.4968 acres of Industrial Park (I-1) zoned property identified as PIN 6888-47-8194-000 and 6888-56-8421-000 in the Remington Service District with a land use designation of Industrial. The parcels are located on north side of Lucky Hill Road (Route 655) and on the west side of Remington Road (Route 656), Lee District.

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

Mr. Meadows suggested the Comprehensive Plan Amendment be pre-advertised for the Board of Supervisors' meeting in July in hopes that the Planning Commission will be able to come to an agreement and forward the amendment with a favorable recommendation at its June meeting.

Mr. Meadows, seconded by Mr. Robison, moved to initiate to next month's Planning Commission public hearing and expedite it to the Board of Supervisors by pre-advertising for its July meeting.

The motion carried unanimously.

6. **REZONING**

- **#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. Trumbo, seconded by Mr. Stone, moved to postpone action until tonight's Public Hearing agenda and add it to the agenda as Item #12.b.2.

The motion carried unanimously.

7. 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, May 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, Ms. Melissa Dargis, and Mrs. Rebecca Kauffman.

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Stone announced Item #12.b.2. has been added to this evening's agenda (which was previously Item #6 on the afternoon agenda). He stated there will be a work session to discuss affordable housing on June 7, 2005 at 5:30 p.m. in the 2nd floor conference room of the Warren Green Building and another on June 28, 2005 at 4:00 p.m. on the Reformatted Zoning Ordinance.

10. **CITIZENS' TIME**

No one spoke.

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

- 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.

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

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

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

Mr. Stone opened the public hearing.

Ms. Ellen Ussery, Marshall District, stated everyone wants to prohibit noise that is loud and disturbing. She continued she has issues with Section 9-701 #4.a. and 4.b. where only non-commercial music during night time hours is restricted. She suggested any noise that crosses property boundaries, even in the daytime, should be prohibited. She added the Ordinance should put forth regulations that will stop repeat offenders.

Ms. Ussery noted that all references to decibel levels should be removed and commercial sources of noise need to be addressed.

Ms. Brenda Moorman, Marshall District, thanked Staff and the Commission for giving proper consideration to agricultural activities. She referred to 9-701 #2 and suggested churches are included there. She agreed with the previous speaker that commercial entities should be addressed in #4 and further should be required to obtain a permit when creating excessive noise. Ms. Moorman, commenting on #5, suggested decibel levels should be measured at the property line from which the noise is being generated. She added day time noise should be limited as well.

Mr. David Wilson agreed with the previous speakers wondering why commercial noise is not being limited when it is often a reoccurring problem. He questioned the exclusion of churches. Mr. Wilson stated it is unfair that is only deemed acceptable to file complaint if he lives adjacent to the noisemakers or if the noise is at a decibel level that is proven to damage hearing under conditions of consistent exposure. He suggested adding language prohibiting deliberate, unnecessary and reoccurring noise day and night.

Mr. Harvey Ussery, Village of Hume, stated this is a difficult issue to pin down and thanked Staff and the Commissioners for working on it. He continued he is pleased with the language regarding agricultural uses as it shows a commitment to rural preservation.

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

Mrs. McCarty stated the Planning Commission has heard valuable comments this evening and suggested a 30 day postponement in order to consider the public input.

The other Planning Commissioners concurred.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for up to 30 days to consider citizen input.

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENTS**

- a. **#CPAM05-CT-006 – Premier at Cedar Mill, LLC, Constance D. Clyde, Trustee and Lisa M. Nielson, Trustee, owners and applicants- Cedar Mill/Clyde Property** – 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. Stone opened the public hearing.

Mr. Bob Counts, representative for the applicants, stated these properties will be developed regardless of what happens here. He said the Clyde property was in and out of the Service District and ultimately pulled out because of the perception there was no water, even though there was a time when the WSA intended to take water to the site. He continued the property is zoned in a way that denotes it fits into the Service District. He again said it will develop regardless, and it seems the County is planning lot-by-lot, effectively downzoning this property by two (2) lots. He mentioned the future homeowners would be better served if the property were put back into the Service District, as residents would greatly benefit from the water, fireflow protection and other services.

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

Mr. Robison stated he will support the two (2) citizens' groups that worked so diligently on the Warrenton Service District Plan.

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

Mr. Trumbo stated he disagrees with the recommendation and further, he agrees with Mr. Counts. He said the community will be built and since the water is already there, the citizens should have the benefit of fireflow protection.

Mr. Meadows concurred with Mr. Trumbo and added he appreciates the work of the Citizens' Planning Committee, but feels this may have been an oversight.

Mr. Stone stated this property was deliberately left out by the Citizens' Planning Committee. He said timing is an issue and had the applicant come forward a few years from now when the water line and transportation systems are actually there this may be a different case. He ended that for these reasons, he will support Mr. Robison's motion.

Mr. Robison stated this is a rural county where many properties do not have fireflow protection. He said this is not a reason to expand the Service District and noted the road was mislabeled in the Comprehensive Plan.

Mr. Trumbo concurred there are many subdivisions that do not have fireflow protection, but noted the difference is they do not have water lines running through the property.

Mr. Meadows stated this subdivision will be built, and the Planning Commission has the opportunity to offer these citizens protection.

Mr. Robison stated Mr. Counts mentioned there would only be a two (2) lot difference in the build-out of the community dependent on whether or not it is incorporated into the Service District. Mr. Robison commented at an earlier site visit, he recalled the mention of a six (6) lot difference to the developer's detriment.

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

b. **The White House**

- 1) **#CPAM05-SC-010 – Planning Commission, sponsor and H. Joe Wiltse, Trustee, owner – The White House** – The Planning Commission has initiated a proposed amendment to Chapter 6 of the Comprehensive Plan for the New Baltimore Service District. The proposed change is to the land use designation for approximately 2.3 acres to Mixed Use Neighborhood from Low Density Residential Up to 1 Dwelling Per Unit Acre. The property is located at 4483 Lee Highway (Route 29), Scott District. (PIN #7916-14-9633-000 and 7916-14-9773-000)

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. Joe Wiltse, applicant, concurred with the staff report and added this application, with its proposed uses for the property, is in line with the Comprehensive Plan and with what the Scott District's Commissioner and Supervisor envision for the area. He said this will be compatible with other Route 29 uses and will be a community oriented use. He remarked he will be specific in his Proffers in order to ensure buildings will be attractive and kept within the style of the area.

Mr. Robert Dunleavy, Scott District and member of the New Baltimore Service District Citizens' Planning Committee, stated this area is a gateway to the County and the property is across the highway from mixed-use development. He added for these reasons and because the property will not have direct access to Route 29, he supports the Rezoning.

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

Mr. Trumbo remarked that this amendment makes sense. He added with the closing of the entrance off Route 29, it will be low impact development.

Mr. Trumbo, seconded by Mrs. McCarty, moved to forward the Comprehensive Plan Amendment and its companion Rezoning to the Board of Supervisors with a recommendation of approval.

Mr. Stone agreed with Mr. Trumbo and the previous speakers.

The motion carried unanimously.

- 2) **#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)

See Agenda Item #12.b.1.

13. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-CR-025 – General Lee White, Jr., owner and applicant** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the construction of an experimental drainfield supporting a single-family home. The property is located on Midland Road (Route 610) north of its intersection with Elk Run Road (Route 806), Cedar Run District. (PIN #7819-62-6396-000)

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.

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

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

The motion carried unanimously.

- b. **#SPEX05-SC-030 and SPEX05-SC-031 – Fauquier County School Board and Learning Tree Farms, LLC, owner and Fauquier County School Board, applicant – Claude Thompson Elementary School** – applicant wishes to obtain Special Exception approval under Category 5 to allow for additions and renovations to the existing elementary school. The applicant also wishes to obtain Special Exception approval under Category 20 to allow for an above ground water storage tank. The property is located at 3284 Rectortown Road (Route 710) in Marshall, Scott District. (PIN #6061-85-3109-000, 6061-85-0752-000, 6061-85-1857-000, 6061-85-1771-000 and 6061-84-1757-000)

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. Jay Van Gelder, representative for the applicant, stated Claude Thompson was founded in 1963 as a combined school. He continued the school now serves 291 students in kindergarten through second grades, which is not nearly the population it could serve. He said the school needs more than just cosmetic repair as it has had issues with water. Mr. Van Gelder stated without water the school has no lifeblood. He noted the School Board proposes to put in a green horizontal water storage tank in order that it blends in with the landscape. He concluded the school should stay open because of its rich history, but it must be renovated and it must have water.

Mr. Duke Bland, Marshall District, stated this project is very near and dear to his heart in that he is an alumnus of Claude Thompson. He asked that the Planning Commission vote in favor of the applications.

Ms. Eura Lewis, former teacher at Claude Thompson, expressed it would greatly sadden her to see the school closed. She asked that the Planning Commission look favorably on the applications and allow renovations to get underway.

Mr. Bob Sinclair, Scott District, applauded the School Board Chairman's presentation and said County Staff articulated the School Board's needs

well. He stated children have been displaced from Claude Thompson, and they should be back where they belong as soon as possible.

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

Mr. Trumbo asked that his colleagues vote favorably.

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

Mrs. McCarty stated she taught with Mrs. Lewis, and not only is the school dear to her but to the community as well. She added she would like to see children continue to thrive there.

Mr. Robison stated he supports this application for many reasons including the rich history that is wrapped up in the school and because it is more economical to renovate than to tear down and start from scratch.

Mr. Meadows suggested the County move with haste in favor of this application.

The motion carried unanimously.

14. **SPECIAL EXCEPTION AMENDMENTS**

- a. **#SPEX05-MA-028 – Learning Tree Farms, LLC, owner and applicant – Learning Tree Farms** – applicant wishes to amend a previously approved Special Exception (#SE02-M-08) to allow for changes to the months of the year and daily hours of operation, and the allowable capacities for events. The property is located at 3876 Learning Tree Lane south of Carrington Road (Route 729) in Delaplane, Marshall District. (PIN #6939-47-9679-000)

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. Bill Semple, Marshall District, stated he has lived on the family farm for many years and drives Carrington Road everyday. He said the road is quite treacherous as it is narrow with blind curves and sudden driveways. He noted this will make for an increase in traffic, and although he is not against children or education, he is concerned about safety. He asked that the Planning Commission carefully consider VDOT reports and increased traffic.

Ms. Sandy Ourlin, Delaplane resident, noted the speed limit on Carrington Road has been reduced because of its narrowness, lack of shoulders and dangerous curves. She said increasing the traffic will be dangerous. She commented that Learning Tree Farms provides a good service, but the owners knew their limits, and if they wish to expand, they may need to find an alternate route.

Ms. Cameron Eaton, Marshall District, stated she moved from Upperville and purchased a farm on Carrington Road this year. She continued that she has been living in Fauquier County since 1980 and making her living working with horses. Ms. Eaton said this County is about agriculture and while Learning Tree Farms is a wonderful place, she must agree with the previous speakers that the rural roads are dangerous. She said one should be able to ride horses on these roads as has been done throughout history. She said according to her calculations, this proposal, if accepted, will add some seven thousand (7,000) teachers driving up and down the road. She asked that the Planning Commission support the horse industry and refuse to inundate the area with inappropriate amounts of traffic.

Mr. Michael Denney, Marshall District, stated he lives across from Learning Tree Farms on Carrington Road. He noted Learning Tree has been a fine neighbor, but adding this traffic to the rural country road will not be safe particularly for those teachers leaving in the evenings. He said Learning Tree Farm has even erected signs warning traffic to slow down, and so he must agree with the previous speakers that the added traffic will only make the drive more challenging.

Mr. Max Semple, Marshall District, stated he lives caddy cornered from the entrance to Learning Tree Farm and while he supported the original application and appreciates all that Learning Tree has done for the community, he does not want to see the future of Learning Tree jeopardized by an accident on this dangerous road. He said he hopes they will find an alternate entrance.

Ms. Peggy Keyes, Carrington Road resident, stated the road is dangerous. She questioned the new teacher events and noted they are not compatible with the original planned use of the site. She suggested the teacher events be held elsewhere or if they must be at Learning Tree, then bus the teachers in to reduce traffic.

Mr. Allen Chacey, Marshall District, stated he owns a farm across from Learning Tree Farms. He said he is an educator who has enjoyed Learning Tree, as it is a nice facility but agrees that the increased traffic is a concern on the poorly maintained road. He continued that unlimited yearly use of the property constitutes a Rezoning rather than a Special

Exception and noted no one will be monitoring the activity. He agreed that an alternate route would be preferable.

Mrs. McCarty asked if anyone would like to speak for Learning Tree Farms.

Mr. Allen Chacey, Marshall District, stated he would be glad to also speak in favor of Learning Tree Farms. He remarked he can not say enough about the wonderful maintenance of the property and the positive role the Farm has played in the lives of children.

Mrs. McCarty asked the applicant if a 90 day postponement would be requested.

Mr. David Collins, applicant, said he would request the postponement so a traffic study can be completed.

Mrs. McCarty noted that there was no Statement of Justification provided by the applicant, and asked for further explanation of the proposed teacher training.

Dr. David Collins, applicant, referred to an old adage which says if you give a man a fish, he will be fed for the day, but if you teach him how to fish, he will eat forever. He said the same applies to teacher training; in that, if you sufficiently train the teachers, the students will benefit greatly. He added the program teaches educators to use visual communication techniques.

Mrs. McCarty asked if this is a new program being offered at Learning Tree Farms.

Dr. David Collins, applicant, stated it is not new, only expanded to offer more courses at times more convenient to teachers.

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

Mrs. McCarty, seconded by Mr. Stone, moved to postpone action for up to 90 days at the request of the applicant pending more information from the applicant and a traffic study.

The motion carried unanimously.

- b. **#SPEX05-CR-029 – Midland Church of the Brethren, owner and JFT-AIA, applicant – Midland Christian Academy** – applicant wishes to amend a previously approved Special Exception (#SE96-CR-06) to allow

for the expansion of the Academy to three hundred (300) students. This also includes expansion of school facilities on the site. The property is located at 10456 Old Carolina Road (Route 602) in Midland, Cedar Run District. (PIN #7900-43-3970-000, 7900-44-3251-000, 7900-43-0673-000 and 7900-44-1117-000)

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. James Tucker, architect and applicant, stated though he has not had time to officially respond to Staff's comments, he does not foresee any difficulty in quickly rectifying issues of concern. He submitted a petition including several signatures of those in favor of the Special Exception and added he will agree to a postponement to work out unresolved issues.

Ms. Dargis asked the applicant if he would be willing to postpone at his request.

Mr. Tucker, applicant, answered he would agree to request a 30 day postponement.

Ms. Lynn Richmond Cox stated all issues will be resolved. She explained the Academy hopes to add to the culture of the community by developing future leaders. She added the expansion of this school will provide some relief for County public schools.

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

Mr. Stone thanked the applicants for the service the school provides to the County. He indicated that he looks favorably upon the application and hopes to see all issues resolved so all will go well with the Board of Supervisors.

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

The motion carried unanimously.

15. **REZONINGS**

- a. **#REZN05-CR-004 - Seeley Brookfield, LLC, owner and Shenandoah Development, LLC, applicant – Green Springs** – applicant wishes to rezone approximately 165.0 acres from Residential-1 (R-1) to Residential-2 (R-2) in order to allow for up to seventy-two (72) residential units on

PIN #6981-44-4079-000 and six (6) units on PIN #6981-27-6354-000. The property is located on the east side of Routes 29/15/17, Cedar Run District. (PIN #6981-27-6354-000 and 6981-44-4079-000)

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

Mr. Stone opened the public hearing.

Mr. John Foote, representative for the applicant, stated Angler Development is pleased with the affordable housing component of this application, but is under constraint as far as how many units need to go in. He continued this is consistent with the Comprehensive Plan and will provide something this County desperately needs. Mr. Foote said he senses the Planning Commission can see what the applicant is trying to accomplish here and asked that it consider forwarding the application to the Board of Supervisors with a recommendation of approval, with conditions attached, so that all concerns will be noted.

Ms. Ines Huber, Opal area resident, stated she was a member of the Citizens' Planning Committee and speaks in defense of the Comprehensive Plan. She said she has reviewed the revised application and sees very few differences from the first application and little response to Staff's concerns about the condition of the soil. She continued she does not see that the applicant has addressed concerns about the entrance through the Green Meadows subdivision and finds no explanation of how this will benefit the Opal area. Ms. Huber commented this application does not fit in with the Comprehensive Plan's land use plan or its vision for Opal. She noted Opal was to be a gateway to the County contributing revenue as a showcase of commercial and industrial businesses. She said the applicant should put in the affordable units within the limits of by-right development.

Dr. Kitty Smith, Marshall District, stated the applicant has not resolved the major issues including access to the property and stormwater management problems nor have they submitted any revised Proffers. She said while affordable housing is necessary in the County, we can not bow to this applicant while they will not even begin to address major concerns.

Mr. Robert Oliveri, resident of Green Meadows subdivision, noted this plan proposes to access the new development through Green Meadows, increasing traffic by at least seventy (70) vehicles per day, threatening the safety of area children. He stated while he is not against affordable housing, it does not make sense to put in seventy-two (72) townhomes in an area that can not support that density. He suggested implementing a plan that would not burden the neighboring community and include

affordable housing units within the by-right allowances. He stated he attended a growth seminar in Northern Virginia that discussed what works and what does not. He said the growth in this area is going to overpower the roadways and asked that this application be denied. He commented the residents of Green Meadows were not notified of this application and have had little chance to provide input.

Ms. Linn Power, Brookfield Estates subdivision, stated the traffic created by the subdivision will be dangerous and the property is all wetland regardless of whether the climate has been wet or dry.

Ms. Kim Hall, Green Meadows subdivision, stated the increased traffic will threaten the safety of the children and the roads will not support another development. She noted the poor condition of the soils and voiced concern that Green Meadows residents received little to no notice of this public hearing.

Ms. Kathi Snead, future resident of Green Meadows, stated most residents were not informed of tonight's public hearing. She echoed concerns about noise, traffic and preservation of land and asked the Commission to further consider the poor planning for the entrance to the proposed development. She said the increased traffic will jeopardize the safety of the children. Ms. Snead noted her awareness of the need for affordable housing as she is a social worker, but she said the Commissioners must look at the whole picture and consider the impact.

Mr. Michael Krehbiel, adjacent property owner, stated many issues must be addressed including the poor soils and the disturbance of wildlife. He asked that the Planning Commission please further evaluate Staff's recommendations before approving this application.

Mr. Paul Bernard, Marshall District, stated he is aware that the County has been seeking land for affordable housing and is also knowledgeable that few properties meet the stringent requirements for allowing affordable housing to be constructed. He asked that the Commissioners please work closely with the developers to secure these affordable housing units.

Mr. Dave Suceny, future resident of Green Meadows, asked if Route 608 improvements are included in the Proffers and noted a new light will be necessary at Route 17. He continued that the existing Park Meadow Drive is only thirty (30) feet wide and will need to be widened to accommodate the traffic.

Mr. Joe Wiltse, applicant, expressed he has a real passion for this project. He noted his years of community service as a proud member of the Warrenton Jaycees. Mr. Wiltse said Green Springs can begin the process

of providing a valuable service to the community. He concluded there is a lot of merit to the application and asked the Planning Commission to forward it to the Board of Supervisors with a favorable recommendation.

Mr. Steve Potucek, Marshall District, stated he was on the Affordable Housing Committee for ten (10) years. He referred to an article he read that told the tale of David Hamlin, the County's 2004 Police Officer of the Year, who was essentially pushed out of the County because he could not afford to live in the community which he served. Mr. Potucek said we can not afford to lose these people, so for this reason, the application before the Planning Commission should be approved.

Ms. Sharon Miller, Brookfield subdivision resident, stated nothing has changed since this application was first submitted. She said her concern is with the number of lots.

Ms. Dargis noted some minor changes to the application and stated she will send Ms. Miller a copy of the new staff report.

Mr. Meadows asked if these updates would change her opinion.

Ms. Miller stated they somewhat changed her opinion.

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

Mr. Stone commended the applicant's sincerity in wanting to provide affordable housing for the County, but noted that land use decisions are based on a number of factors including soils and transportation issues. He continued that Green Meadows was not designed to accommodate the additional traffic this development would bring. Mr. Stone referred to an earlier discussion regarding the number of lots the applicant is proposing and noted the applicant refused to consider decreasing the number. He stated that is what tipped the scales against the applicant.

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

Mr. Meadows stated in today's work session, the Planning Commission came within four (4) units of deciding favorably upon this application, but the applicant refused to compromise. He continued that the offer of fifteen (15) units of affordable housing is an opportunity the County has not had before. He said the Planning Commission has two options: it can forward to the Board of Supervisors a recommendation of denial or of approval with conditions. He stated this is a difficult decision and begged the applicant to allow for a postponement in order to work with Staff for thirty (30) additional days.

Mr. John Foote, representative for the applicant, stated he has been instructed by his client not to agree to any postponement.

Mr. Meadows stated the Planning Commission was within four (4) units of looking upon the application favorably and if given thirty (30) days to work on development conditions a compromise could possibly have been reached.

Mrs. McCarty indicated the developer wants to proceed to the Board of Supervisors because he believes he has a better chance at that level. She said she wishes they had more time with this application.

Mr. Robison noted that all agree the affordable housing component of the application is desirable, but it does not mean the applicant should be able to double the density allowed on the property. He said the proposed access to the development is unacceptable and will impose too much traffic on the existing neighborhood.

Mr. Trumbo said this is a messy application with too many questions left unanswered. He commented he would like to be able to support the application because of the affordable housing component but can not do so in its current condition.

Mr. Meadows noted the turning point was that the applicant was not willing postpone to allow time to work with Staff and the Planning Commission.

Mr. Stone stated he hopes everyone understands the Commissioners want affordable housing in the County but are not willing to obtain it at any cost.

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

Mr. Trumbo asked if conditions would also be forwarded.

Mr. Stone stated the conditions would be revised and forwarded along with the denial recommendation to the Board of Supervisors for consideration at its June 9th meeting.

Mr. Meadows suggested meeting on June 7th at 5:30 p.m. to work out the conditions. He invited the applicant and the public to attend.

The motion carried unanimously.

- b. **#REZN05-LE-005 – Levern L. and Dorothy K. Ziegler and Lynette M. Podolsky, owners and U.S. Homes Corporation, applicant – Remington Heights** – applicant wishes to rezone approximately 165.58 acres of three of the parcels from Residential-1 (R-1) to Residential-3 (R-3) with a Planned Residential Development (PRD) overlay on the entirety of the properties to permit a mixed use development consisting of 293 single-family detached dwelling units and two (2) commercial sites. The property is located at the intersection of Strodes Mill Road (Route 654) and Lucky Hill Road (Route 655), Lee District. (PIN #6887-78-2050-000, 6887-77-4090-000, 6887-76-8441-000 and 6887-88-9080-000)

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. James Downey, representative for the applicant, stated since the application is at too early a stage to call for a vote, the applicant has requested a 90-day postponement. He said the applicant would like input from the neighbors and time to address Staff's comments.

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

Mr. Meadows stated this application needs work.

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.

- c. **#REZN05-SC-013 – MCC, LCC, owner and applicant – Jammin Joe's BBQ, LLC** – applicant wishes to amend the existing Proffer Statement to allow for a use not currently permitted by the existing Proffers. The property is located at 5282 Lee Highway (Route 15/29/211), Scott District. (PIN #7906-32-1665-000 and 7906-32-3745-000)

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. Joe Van Dyke, Jammin Joe's BBQ, LLC owner, stated he has had permission to operate the business for some time and is only applying for the Rezoning in order to correct a clerical error made by the Zoning Department. He said the business is a good source of revenue for the

County and indicated he runs a neat and tight operation. He also noted the expensive improvements made to the property.

Mr. Robert Dunleavy, Scott District, stated he is mildly concerned about the traffic but loves the owner's entrepreneurial spirit. He recommended approval of the application.

Mr. Charlie Moore, property owner, stated he and Mr. Van Dyke have tried to make Jammin' Joes a nice place, and they are both thankful they are allowed to have the business there. He said it started as a fruit stand, but more was in demand for the area. He asked that the Commission please approve the request.

In that there were no further 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.

Mr. Meadows commented to Mr. Carr that he is sad to see that the County is losing certain valued Staff members, but is also pleased with those remaining.

Mr. Stone stated the Commissioners will miss Chuck Floyd.

There being no further business, the meeting adjourned at 9:40 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.