

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
SEPTEMBER 29, 2005**

*The Fauquier County Planning Commission held its regular meeting on Thursday, September 29, 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 Ms. Elizabeth Cook, Mr. Todd Benson, Mr. Kevin Burke, Ms. Holly Meade, Ms. Bonnie Bogert and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – August 25, 2005

Mr. Robison, seconded by Mrs. McCarty moved to approve the August 25, 2005 minutes as amended.

The motion carried unanimously.

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

- 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 and to more clearly define Major vs. Minor Site Plan

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

For the purposes of convenience and good zoning practices, Mr. Stone, seconded by Mr. Trumbo, moved to initiate a 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 and to more clearly define Major vs. Minor Site Plan, and to schedule a public hearing for the Planning Commission's October meeting.

The motion carried unanimously.

3. **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 forward to the Board of Supervisors with a recommendation of denial.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#PPLT05-LE-020 – James W. Ott, owner and The Artery Development Company, LLC, applicant – Freeman’s Ford Chase** – applicant wishes to subdivide approximately 31.0 acres into seventeen (17) lots. The property is located northeast of the intersection of Freeman’s Ford Road (Route 651) and Cemetery Road (Route 658), Lee District. (PIN #6878-80-7704-000)

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

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

The motion carried unanimously.

- b. **#PPLT05-MA-024 – Rita and Lyle P. Schertz, owners and Mac Holt, Kline Operations, LLC applicant – Bellegrove (formerly 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)

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

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

The motion carried unanimously.

- c. **#PPLT06-MA-007 – Arlington Builders, Inc., owner and applicant – Richard’s Turnbull Estates** – applicant wishes to subdivide approximately 11.7 acres into five (5) lots. The property is located on the south side of Turnbull Road, east of its intersection with Springs Road (Route 802), Marshall District. (PIN #6962-66-1233-000)

Ms. Meade 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 until the December meeting, at the request of the applicant.

The motion carried unanimously.

5. **ZONING ORDINANCE WAIVER**

- **#WVRP06-LE-004 – Nabil and Nahida Barbari, owners and Nabeela N. Barbari, applicant – Wayland W. Spilman Partition (Tract 2)** – applicant wishes to obtain a waiver of Section 7-302.1.B of the Zoning Ordinance, limitation on a private street connecting directly to a state maintained street. The property is located on the west side of South Pines Road (Private Street) south of Opal Road (Route 687), Lee District. (PIN #6961-84-1779-000)

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

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

Mr. Meadows invited the applicant to attend next month's meeting to discuss the application.

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 Thursday, September 29, 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, Mr. Kevin Burke, Mr. Todd Benson, Ms. Melissa Dargis and Mrs. Rebecca Kauffman.*

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone announced there will be a site visit to the Luck Stone, Bealeton Plant on October 17, 2005 at 1:00 p.m. followed by a work session regarding the County's Proffer Policy and other pending items at 3:00 p.m. in the 2<sup>nd</sup> floor conference room of the Warren Green Building.

Mr. Stone announced that on October 12, 2005, at Highland School, some or all of the Planning Commissioners will attend a presentation on Low Impact Development (LID).

9. **CITIZENS' TIME**

Ms. Mimi Moore, Marshall District and on behalf of Citizens for Fauquier County, invited all citizens to attend the presentation on October 12, 2005 at Highland School. She continued the presentation, entitled "Reigning in the Storm," is an information session on Low Impact Development (LID) and stormwater management practices and will include interesting speakers.

10. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL**

- a. Zoning Ordinance Text Amendment to Section 6-105 to permit the reduction in setbacks required for barns located on or adjacent to Rural Residential Districts (RR-2)

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.

- b. Zoning Ordinance Text Amendment to Section 2-411 to establish 200 foot setbacks between transmission line easements carrying 500 kV lines or greater and all buildings

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, representing a landowner with 500 kV power lines crossing his property, stated this text amendment will essentially take away the use of 500 feet of this gentleman's property including four (4) feet of his home. He continued there is no foundation for this and it will only cause problems for all involved. He said the power company relayed to him that this will do nothing for public safety and further, the power companies will have to purchase a great deal more property in order to construct power lines, as they will be required to enforce setbacks.

Mr. Brendan Stack, Opal resident, stated he has a power line running through at least 4,000 feet of his property and this text amendment would constitute a taking of his property.

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

Mr. Meadows responded this is not a taking of property as land can be farmed right up to the power lines. He explained this came about because a 500 KV power line was shocking residents in a Remington community. He said the Planning Commissioners must serve the public.

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

Mr. Stone stated, as discussed earlier, in addition to being a safety issue, there is a need to preserve aesthetic and property values for the well-being of future residents.

Mr. Trumbo commented he is not on board with this, as there are better ways to solve this issue. He stated his hopes are that the Board of Supervisors will agree.

The motion carried 4-1 with Mr. Trumbo in opposition.

- c. Zoning Ordinance Text Amendment to Section 5-105 to increase the square footage of accessory family dwelling units and to expand the classes and number of people that can dwell therein

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. Betty Wheaton, Markham resident, stated this will benefit homeowners and families. She thanked Supervisor Graham for his support. Ms. Wheaton continued the allowable size should be at least 1600 square feet and the number that should be allowed to dwell therein should increase to at least six (6). She said this will allow landowners to have their children live on their property and in many cases, will help older farmers keep the family farm afloat. She added this will maintain family bonds and work as an affordable housing measure.

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

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

1. Such a unit shall not be occupied by more than ~~three (3)~~ **four (4)** persons, at least one of ~~which~~ **whom** must be the natural or adopted parent, grandparent, child, grandchild, brother or sister of the owner and occupant of the single family residence on the same lot. **Or, the lot owner may live in the family dwelling unit and allow such family members to reside in the main house. In either case, the lot owner must reside on the property.**
2. Such a unit ~~shall contain no more than 1200 square feet of gross floor area.~~ **may be 600 square feet in gross floor area or 25 % of the gross floor area of the existing house, which ever is larger, but in no circumstance may the family dwelling unit exceed 1,200 square feet of gross floor area.**
3. No dwelling units other than the principal structure (a single family dwelling) and one such family ~~apartment~~ **dwelling unit** shall be located on one lot.
4. **For ten years, the two structures must be occupied only by the owner(s) and those identified in paragraph 1.** ~~It shall be unlawful for rent to be charged to the occupany of such a unit for two (2) years following the date it passes final inspection by the County Building Official.~~ **If the Board of Supervisors finds that an extraordinary hardship is being caused by the ten-year limitation it may reduce the time period to alleviate the hardship.**
5. When such a unit is no longer needed by a member of the owner's family and the ~~two ten~~ year period described in Paragraph 4 has expired, ~~the one~~ unit, **but not both**, can be considered a nonconforming use and as such can be rented to anyone.

Mrs. McCarty stated although what is being proposed today is better than what came down from the Board of Supervisors, she still can not support this. She noted it does not protect rural areas, increases density and does not address affordable housing needs.

Mr. Stone thanked staff for working so patiently with a Planning Commission that could not always agree on the numbers here. He remarked he is sure the Board of Supervisors will have varying views as well. Mr. Stone stated he is in favor of the text amendment.

Mr. Robison agreed with almost everything that both Mrs. McCarty and Mr. Stone said. He stated this text is better than what is currently written in the Ordinance and noted a great deal of time was spent to get this to where it is now.

Mr. Meadows asked that Mr. Robison share with the Board of Supervisors the amount of time that was put into this and the reasoning behind it.

The motion carried 4-1 with Mrs. McCarty in opposition.

11. **SPECIAL EXCEPTION AND SPECIAL EXCEPTION AMENDMENT**

- a. **#SPEX06-LE-002 – Luck Stone Corporation, owner and applicant – Luck Stone Corporation – Bealeton Plant** – applicant wishes to obtain a Special Exception Amendment under Category 19, in order to amend a previously approved condition, which would allow the plant to operate for an indefinite period of time, with the applicant submitting documentation of compliance with all requirements to the Board of Supervisors every three years. The property is located on the southwest side of Marsh Road (Route 17) at 11603 Luck Stone Road in Bealeton, Lee District. (PIN #6898-27-5158-000)

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. Mark Peterson, representative from Luck Stone, stated he is proud to represent Luck Stone, as the corporation is recognized as an industry leader. He said Luck Stone takes pride in providing environmental stewardship to the community. He explained they are asking for a Special Exception Amendment in order to amend a previously approved condition regarding renewal of the Special Exception. Mr. Peterson continued they believe the Code is written to allow applicants time to establish a track record, and he stated Luck Stone believes it has complied and should be awarded an indefinite renewal. He added the Bealeton Plant has been recognized for its business practices and stated mining is already under strict regulations. He welcomed input from neighbors in order to improve Luck Stone's contributions to the community.

Dr. Kitty Smith, Marshall District, agreed with staff that Luck Stone has been a good business within the County, but she stated it should not be granted an indefinite Special Exception because it is a huge industrial business requiring a great deal of resources and using large equipment. She continued things around them may change, and it is not too much to ask for them to come before the Planning Commission and Board of Supervisors every twelve (12) years. She asked that the Commissioners think long and hard before leaving this open-ended.

Ms. Barbara Severin, Scott District, asked that the public hearing remain open so the Library Board could make a statement. She stated, speaking personally, Luck Stone has been a good neighbor and a major supporter of the Library building and Depot renovations.

Mr. Neil Shelby, Lee District and adjoining property owner, stated Luck Stone has been a great neighbor and further, has not hindered his business or farming capabilities.

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

Mr. Meadows stated this public hearing was advertised, and he thanked those who came to speak. He asked Chris Decarlo, a member of the audience and adjoining property owner, if he wished to speak this evening.

Mr. Decarlo responded he did not.

Mr. Meadows stated some late information came in on this project, and the Planning Commission has scheduled a site visit to Luck Stone on October 17<sup>th</sup> at 1:00 p.m. He added he believes everyone has had a chance to speak.

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

Mrs. McCarty stated this Special Exception was approved in 1987 and has not been updated since. She continued while she feels this is a good company, the Special Exception Conditions should be examined and updated.

Mr. Meadows stated the Conditions will be examined within the 90-day postponement.

Mr. Stone noted concerned citizens should put comments in writing and forward them to the Planning Commission.

The motion carried unanimously.

- b. *#SPEX06-CR-003 – Alioth and Gayle Glaettli, owners and applicants* – applicants wish to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement, in order to subdivide approximately 27.48 acres into two (2) lots. The property is located on the west side of Greenwich Road (Route 603) at 8390 Greenwich Road in Catlett, Cedar Run District. (PIN #7913-94-4789-000)

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. Al Glaettli, owner, stated he submitted this application based on a conversation he had with Supervisor Graham and because of that, he thought he had a good chance of obtaining the Special Exception as did the Planning and Zoning Offices according to their comments. Mr. Glaettli expressed concerns that the division that occurred with his land in the past may have been done incorrectly. He said at that time he was misinformed about open space requirements and future subdivision potential. He asked that the Planning Commission and staff please look into this further before denying the application.

Mr. Alioth Glaettli, III, property owner's son, stated his family has been on this property for four (4) generations, and it would be nice, for the future, not to be restricted to building family dwelling units on the property. He said the properties across the street are all around an acre and residential, so this division would not be out of character for the area. He admitted what has happened in the past is confusing, and he would also like an explanation. Mr. Glaettli stated his is a close-knit family all living within a mile of each other, and he said a division would allow for a fifth generation to live on the land. He added he supports open space and in fact, intends to make a career out of public service and planning, but he noted his strong roots in Fauquier County and his wishes to have a place to come home to.

Mr. Merle Fallon, neighbor, stated he does not represent the applicant, but would like to speak in support of his request. He indicated the complexity of this ordinance makes it impossible for the citizens to understand their rights. He noted the property was changed because of a Boundary Line Adjustment. Mr. Fallon commented the Planning Commission should grant Special Exceptions for extraordinary circumstances, and this is a case where a family is losing property rights because they did not know what was happening during past transactions. He noted if the applicant

could purchase an adjacent lot, he would have three (3) divisions. Mr. Fallon stated this will not impose a hardship on the neighbors and asked that the Planning Commission reconsider and approve the application.

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

Mr. Stone stated earlier he was prepared to forward this to the Board of Supervisors with a recommendation of denial because the property has been subdivided and does not meet requirements for further subdivision. He said he was worried it would set a bad precedent, but after hearing more information this evening, he would like to postpone action and continue to gather information.

Mr. Stone, seconded by Mr. Trumbo, moved to postpone action until the next scheduled meeting.

Mr. Meadows noted all the Planning Commissioners had not yet decided, and he wanted the public to know that Mr. Fallon did not change his mind! He asked Ms. Dargis to continue to investigate what occurred in the past.

Ms. Dargis stated she will continue to look for past records.

Mr. Stone asked Mr. Glaettli if this postponement could take place at his request.

Mr. Glaettli answered yes.

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENTS AND COMPREHENSIVE COMPLIANCE REVIEWS**

- a. **#CPAM05-CT-012 and #CCRV05-CT-001 – Caroline Atlee Timlin, owner and Toll Brothers Inc., applicant – Timlin Property** – applicant wishes to obtain a Comprehensive Plan Amendment in order that water service be extended to include the applicants' property. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination, in accord with the Code of Virginia, Section 15.2-2232, as to whether public water service to this property is authorized by the Comprehensive Plan. The property is located on the east side of Frytown Road (Route 674) south of its intersection with Dumfries Road (Route 605), Center District. (PIN #6994-47-6359-000)

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

Mr. Stone questioned if the Comprehensive Plan was amended in 2003 removing this property from the Service District.

Ms. Dargis stated it was.

Mr. Stone opened the public hearing.

Mr. Merle Fallon, representative for the owner and the applicant, stated Toll Brothers, Inc. consents to a 30-day postponement and will work with staff and the Planning Commission.

Mr. Michael Murphy, President of the Whisperwood Subdivision Homeowners' Association, stated members of his community are interested in seeing the plan for this future subdivision and are curious about the access to the property. He continued he purchased his property 4-5 years ago and was aware the cul-de-sac may be opened up. Mr. Murphy noted since living there the cul-de-sac has become a nice place for neighborhood children to play, and he asked that Whisperwood residents are kept informed.

Mr. Chuck Medvitz, Scott District, stated the County has been aggressive about groundwater management and the water distribution network. He asked that no additional demands be placed on the water supply and indicated a postponement of this application would be in order until a checkbook balance can be performed by the New Baltimore Service District Citizens' Planning Committee.

Mr. Carr stated the New Baltimore Service District Citizens' Planning Committee will likely finish its work around the holidays, but there is no definite deadline.

Mr. Fallon stated the 1977 Water and Sewer Master Plan by Emery and Garrett defines when each area will receive water and sewer services.

Mr. Medvitz rebutted the Water and Sanitation Authority's (WSA) Master Plan has not been updated since 1997 (after the New Baltimore Service District Citizens' Planning Committee convened).

Ms. Stacy Cundiff, Whisperwood Subdivision resident, asked if we should keep allowing additional water hookups and placing greater demands on the County's infrastructure. She stated she is concerned with the long-term effects.

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

Mr. Robison, seconded by Mr. Trumbo, moved to postpone action for 30 days, at the request of the applicant, in order to allow more time for consideration.

Mr. Stone stated the zoning for this property is already in place. He indicated the density will differ depending on whether or not this parcel is allowed water and sewer. Mr. Stone clarified the Planning Commission and Board of Supervisors do not have a choice as to whether the property is developed.

The motion carried unanimously.

- b. **#CCRV06-CT-001 – Premier Homes at Cedar Mill, LLC; John M. & Carolyn Fagnani; Constance D. Clyde, Trustee & Lisa M. Clyde Nielsen, Trustee; and David E. Holloway, owners and Premier Homes at Cedar Mill, LLC, applicant** – applicant is seeking a Comprehensive Plan Conformance Determination, in accord with the Code of Virginia, Section 15.2-2232, that although the properties described as PIN #6994-37-9429-000, 6994-26-8780-000, 6994-37-8642-000, 6994-27-7561-000, 6994-36-7932-000 and 6994-37-4250-000 are outside the Service District, they are anticipated to be served and scheduled for public water service. The properties are located at the intersection of Academy Hill Road (Route 678) and Frytown Road (Route 674), Center District. (PIN #6994-37-9429-000, 6994-26-8780-000, 6994-37-8642-000, 6994-27-7561-000, 6994-36-7932-000 and 6994-37-4250-000)

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. Merle Fallon, representative for Premier Homes at Cedar Mill, LLC, contract owners, stated this is the second part of a previous application, the water service component. He noted there is no application for subdivision, therefore no development plan will be on file with the County, as the issue of whether the future community will be served by public water or private wells must first be resolved. Mr. Fallon continued there will be eighteen (18) homes on the Clyde property and this density will not change regardless of water source. He said whether these properties are served by public water or private wells, a central water system will be required, and the WSA will have to take the system over. Mr. Fallon noted some ordinances require public water facilities for property owners who adjoin others on public water and this conflicts with what is occurring here, as the public water lines will run right through the Clyde property.

Mr. Stone asked Mr. Fallon to address concerns about automatic sprinkler systems that rapidly draw from the Service District's water supply.

Mr. Fallon indicated he is familiar with another subdivision where irrigation systems are in place and since the WSA would not reduce water bills to allow for these systems, the residents had to curb the usage. He concluded there is more than enough water to serve this property as it is currently zoned.

Mr. Chuck Medvitz, Scott District, stated the lack of synchronicity with WSA is a great concern. He continued the Master Plan still shows Auburn Dam with a water network distribution network running from it, even though this is no longer a part of the Plan. He noted the properties in question are outside of the targeted area for service and without a system to monitor pumping, the long-term effects are not known. He said we must live within the constraints of our water supply. Mr. Medvitz encouraged the Planning Commissioners to postpone action.

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

Mr. Robison, seconded by Mr. Stone, moved to postpone action for 30 days, at the request of the applicant, to allow more time for consideration.

The motion carried unanimously.

- c. **#CPAM06-CR-001 – Seeley Brookfield, LLC, owner and Board of Supervisors, sponsor** – the owner wishes to obtain a Comprehensive Plan Amendment in order to include a portion of PIN #6981-27-6354-000 in the Opal Service District with a land use designation of Low Density Residential – one (1) to three (3) units per acre. The property is located north of Clarke's Road (Route 608), south of Route 29/15/17 and southeast of Avenel Drive, Cedar Run District.

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. John Foote, representing Seeley Brookfield, LLC, noted this Comprehensive Plan Amendment was initiated by the Board of Supervisors in order to allow for the redesign of the Green Springs subdivision and for the improvement of environmental preservation. He stated the County is interested in implementing affordable housing, a component of the Green Springs project, and feels this is necessary.

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

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

The motion carried unanimously.

13. **COMPREHENSIVE PLAN AMENDMENT AND REZONING**

- **#CPAM04-SC-002 and #REZN05-SC-006 – Walter R. & Erbie S. Brown; Theodore M. & Evelyn A. Smith & Orace R. (Jr.) & Rebecca M. Whitelock, owners, and Richmond American Homes of Virginia, Inc., applicant – Edmar Farms** – applicant wishes to obtain a Comprehensive Plan Amendment, which would change the land use designation of ±117.87 acres from Low Density Residential 1 Unit Per 10 Acres to Low Density Residential Up to 2 Dwelling Units Per Acre and include the property in the WSA Public Water and Sewer Phase I (2000-2010) to allow for the development of 61 dwellings on ±69.3 acres of land, ±40 acres of open space, and a 120-foot right-of-way dedication for a new alignment for the continuation of the Vint Hill Parkway. The applicant also wishes to rezone the 117.87 acres from Rural Agriculture (RA) to Residential-2 (R-2) in order to accommodate the proposed 61 single family detached units. The property, which is in the New Baltimore Service District, is adjacent to Vint Hill Road (Route 215) near its intersection with Broad Run Church Road (Route 600), Scott District. (PIN #7916-60-3676-000, 7916-50-5946-000, 7915-79-0416-000, 7915-69-3536-000, and 7916-40-7543-000)

14. **SPECIAL EXCEPTION AND COMPREHENSIVE COMPLIANCE REVIEW**

- **#SPEX06-CR-001 and #CCRV06-CR-002 – Virginia Electric & Power Company, owner and Virginia Electric & Power Company d.b.a. Dominion Virginia Power, applicant – Bristers Station** – applicant wishes to obtain Special Exception approval under Category 20 to allow for the construction of a new 500 kV Switching Station and an area for future substation equipment. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination as to whether the location of the proposed Switching Station is in accord with the Code of Virginia, Section 15.2-2232. The property is located on the southwest side of Cromwell Road (Route 639) southwest of its intersection with Bristersburg Road (Route 616), Cedar Run District. (PIN #7848-19-6462-000 and 7848-29-2318-000)

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.

Ms. Liz Harper, representing Dominion Virginia Power, stated the applicant is willing to comply with the Conditions set forth by the County, although Conditions #14 and 15 refer to codes which are unfamiliar. She said Dominion Virginia Power has met with adjoining property owners and other neighbors to alleviate any concerns and to provide buffers as requested. She indicated this proposal has been heard at other public venues including State Corporation Commission meetings in Fauquier County and Richmond, at which no one has spoken in opposition. Ms. Harper concluded that electrically this is the best site and the additional power and facilities are necessary in order to ensure continued reliable electric service to customers of all electric companies. She asked that the Planning Commission recommend approval.

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

Mr. Stone stated under Article 5-006, General Standards, in the Zoning Ordinance, the use of a property should not adversely affect adjoining property owners. He noted the power company has owned this property for a long time, but this is basically an industrial facility being constructed in a rural area.

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

Mr. Meadows noted there are two Condition #16's in the staff report and in the more recent documents there are two Conditions #22's. He said he just wants to be sure everyone is working with the correct conditions. He asked if there are Conditions up to #23.

Ms. Dargis replied there are.

Mr. Meadows stated Dominion Virginia Power has owned this for a length of time with this in mind. He questioned where this would be built if not here where it is electrically needed. He asked about the topography of the site..

Ms. Harper stated they will have to clear 6.37 acres to construct the switching station plus an additional twelve (12) acres for grading and drainage.

Mr. Trumbo said this is being proposed at a site where several lines converge. He continued it will have a great visual impact at any location, but he must trust the engineering reports that indicate it is going where it makes sense.

Mr. Robison asked where the switching station will go if this location is denied.

Peter Nedwick, representative for Dominion Virginia Power, stated many alternatives would be considered, but it would be very difficult to run new transmission lines to another site.

Mr. Meadows noted the site is approved by the State Corporation Commission.

Mr. Robison asked the applicant if 30 days would be enough time to provide the Planning Commission with a more specific alternative.

Mr. Nedwick stated no alternative would be better and choosing another site would likely have more of a negative impact on citizens.

Mr. Meadows feared that the alternative site would be in Fauquier County.

Mr. Nedwick stated it would have to be somewhere from Morrisville to Coventry and definitely in Fauquier County.

Ms. Harper commented this site was chosen because two (2) 500 kV lines converge there. She stated if another site were to be required, the power company would have to recreate the same situation somewhere else.

Mr. Robison stated this application reminds him of one from the past in terms of visual impact and in keeping with the decision on that application, he can not support this one.

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

There being no further business, the meeting adjourned at 8:46 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.*