

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
OCTOBER 27, 2005**

*The Fauquier County Planning Commission held its regular meeting on Thursday, October 27, 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, Mrs. Melissa Dargis, Ms. Holly Meade, Ms. Bonnie Bogert and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – September 29, 2005

Mr. Robison, seconded by Mr. Stone, moved to approve as amended.

The motion carried unanimously.

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

- a. Initiation of Zoning Ordinance Text Amendment to Section 2-310.5 to prohibit future boundary line adjustments to lots created through certain family or administrative divisions

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 2-310.5 to prohibit future boundary line adjustments to lots created through certain family or administrative divisions, and to schedule a public hearing for the Planning Commission's December 7, 2005 meeting.

The motion carried unanimously.

- b. Initiation of Zoning Ordinance Text Amendment to Sections 2-404 and 2-405 to eliminate pipestem lots and to amend Section 15-300 to eliminate the definition of "Lot, Pipestem"

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. Robison moved to initiate a Zoning Ordinance Text Amendment to Sections 2-404 and 2-405 to eliminate pipestem lots and to amend Section 15-300 to eliminate the definition of “Lot, Pipestem,” and to schedule a public hearing for the Planning Commission’s December meeting.

The motion failed 1-4 with Mr. Stone, Mrs. McCarty, Mr. Meadows and Mr. Trumbo in opposition.

- c. Initiation of a Zoning Ordinance Text Amendment to Sections 12-601, 12-609, 12-610, 12-611, 12-617 and 12-702 to make these sections consistent with the recently adopted Design Standards Manual

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 Sections 12-601, 12-609, 12-610, 12-611, 12-617 and 12-702 to make these sections consistent with the recently adopted Design Standards Manual, and to schedule a public hearing for the Planning Commission’s December 7, 2005 meeting after further revision by the County Engineer’s Office.

The motion carried unanimously.

- d. Initiation of a Zoning Ordinance Text Amendment adding a Public Reservoir Management and Protection Overlay District

Mr. Carr 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 adding a Public Reservoir Management and Protection Overlay District, and to schedule a separate public hearing for this item for Tuesday, January 24, 2006 at 7:00 p.m.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PPLT03-LE-007 – Janja Zobundija, owner/applicant – Remington Business Park** – applicant wishes to subdivide approximately 65.72 acres into twelve (12) lots. The property is zoned Industrial-1 (I-1), and is located on the east side of Lucky Hill Road, south of its intersection with

James Madison Street (Route 15/29 Business), Lee District. (PIN #6888-37-4051-000)

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

Mr. Meadows questioned whether staff would have further information from the transportation consultant regarding the alignment of the Bealeton Connector by December 7, 2005.

Mr. Carr said he would inquire, with the traffic consultant, MCV, as to the status of the alignment work being developed by HNTB.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the Planning Commission's January 26, 2006 meeting, at the request of the applicant.

The motion carried unanimously.

- b. **#PPLT06-LE-001 – Harry L. (Jr.) and Faye P. Morris, owners and Kerr Contracting Corporation, applicant - Canterbury Reserves** – applicant wishes to subdivide approximately 11.4 acres into three (3) lots. The property is located on the east side of Routt's Hill Road (Route 685) south of its intersection with Opal Road (Route 687), Lee District. (PIN #6971-25-7697-000)

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 until the Planning Commission's December 7, 2005 meeting, at the request of the applicant.

The motion carried unanimously.

- c. **#PPLT06-MA-002 - Steven M. and Barbara S. Parr, owners and applicants – Parr Subdivision** – applicants wish to subdivide approximately 50.6 acres into two (2) lots. The property is located on the east side of Dudie Road (Route 689), Marshall District. (PIN #6955-73-9155-000, formerly)

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. Meadows, moved to postpone action until the Planning Commission's December 7, 2005 meeting, at the request of the applicant.

The motion carried unanimously.

- d. **#PPLT06-MA-003 – Patricia A. Colgan, Trustee et al, owners and applicants - Colgan Subdivision** – applicants wish to subdivide approximately 41.4 acres into three (3) lots. The property is located on the west side of Lees Mill Road (Route 651) northeast of its intersection with Opal Road (Route 687), Marshall District. (PIN #6971-86-6348)

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. Meadows, moved to postpone action until the Planning Commission's December 7, 2005 meeting, at the request of the applicant.

The motion carried unanimously.

4. **ZONING ORDINANCE WAIVER**

- a. **#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 Mrs. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval subject to the following revised conditions.

1. The owner/applicant shall enter into an agreement to maintain the ingress-egress easement from the cul-de-sac to the point of state maintenance on South Pines Road. Such agreement shall be included in the deed conveying the family lot to the new owner.
2. The owner/applicant shall design and construct 364.99 feet of South Pines Road (from posted end of state maintenance to furthest property line) to current VDOT specifications.

3. The ingress-egress easement serving the family lot shall be less than fifty (50) feet in width.
4. The owner/applicant shall submit a modified construction plan for the required road improvements to the County for review and approval.
5. If VDOT accepts the newly constructed section of South Pines Road into the state system for maintenance, then the applicant will be relieved of any maintenance responsibilities for that section of road.

Mr. Meadows noted the previous Conditions #3 and 4 have become #4 and #5 and a new Condition #3 has been added stating, "The ingress-egress easement serving the family lot shall be less than fifty (50) feet in width."

The motion carried unanimously.

- b. **#WVRP06-CR-007 – Michael D. and Patsy L. Gonzales, owners and applicants** – applicants wish 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 in the southwest quadrant of the intersection of Bristersburg Road (Route 616) and Courtney School Road (Route 637), Cedar Run District. (PIN #7838-35-1253-000)

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

Mr. Stone stated additional time is necessary to sort out transportation issues.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action until the Planning Commission's December 7, 2005 meeting, at the request of the applicant.

The motion carried unanimously.

- c. **#WVRP06-MA-008 – Larry L. Allen, owner and applicant** – applicant wishes to obtain a waiver of Section 7-302.1.C of the Zoning Ordinance, limitation on right-of-way width. The property is located 6505 Watery Mountain Road, Warrenton, Marshall District. (PIN #6976-71-9721-000)

Ms. Bogert 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 forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

5. **SPECIAL EXCEPTIONS**

- 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. Meadows, seconded by Mr. Stone, moved to postpone action until the Planning Commission’s December 7, 2005 meeting and to early advertise for the December 8, 2005 Board of Supervisors meeting.

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, seconded by Mrs. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval subject to the following 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 titled “Special Exception Plat, Decrease in Non-Common Open Space; The Property of Alioth R. & Gayle S. Glaettli, Tax Map #7913-94-4789-000” dated August 15, 2005 and received in Community Development on August 16, 2005, approved with the application, as qualified by these development conditions.

3. The reduction of non-common open space shall be no more than 63.5% ( $\pm 25.48$  acres) in order to create one (1) 2-acre lot.
4. The residue parcel shall be deed restricted from further subdivision and the required non-common open space easement shall be recorded.

The motion carried unanimously.

6. **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. Robison moved to recommend denial of the request for Comprehensive Plan Amendment #CPAM05-CT-012, Caroline Atlee Timlin, owner and Toll Brothers, Inc., applicant, and to approve the request for a determination that extension of public water service for the subject property is consistent with Section 15.2-2232 of the Code of Virginia, provided, however that this approval is contingent upon the applicant or others agreeing to improve the road network to an adequate degree to justify the extension of public services to the site prior to final action by the Board of Supervisors on this application. In the event that such agreement is not forthcoming, it is the intent of my recommendation that the Board of Supervisors overrule this finding in accordance with Section 15.2-2232 of the Code of Virginia and determine that provision of public services to the site is not consistent with the Comprehensive Plan and is not consistent with Section 15.2-2232 of the Code of Virginia, in that the Comprehensive Plan was amended to remove this property from the Service District and current status of the infrastructure to the property does not justify extension of public utilities to the site.

Mr. Stone asked for clarification.

Mr. Kevin Burke, County Attorney, stated the applicants have agreed to the contingency.

Mrs. McCarty stated she is concerned the Commission is making demands rather than accepting Proffers.

Mr. Burke clarified the Commission is merely making a recommendation to the Board of Supervisors that it may reverse the decision to approve the applicant's request if the applicant does not follow through with the contingency.

Mr. Stone seconded the motion.

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. Robison, seconded by Mr. Trumbo, moved to approve the request for a determination that extension of public water service for the subject property is consistent with Section 15.2-2232 of the Code of Virginia, provided, however that this approval is contingent upon the applicant or others agreeing to improve the road network to an adequate degree to justify the extension of public services to the site prior to final action by the Board of Supervisors on this application. In the event that such agreement is not forthcoming, it is the intent of my recommendation that the Board of Supervisors overrule this finding in accordance with Section 15.2-2232 of the Code of Virginia and determine that provision of public services to the site is not consistent with the Comprehensive Plan and is not consistent with Section 15.2-2232 of the Code of Virginia, in that the Comprehensive Plan was amended to remove this property from the

Service District and current status of the infrastructure to the property does not justify extension of public utilities to the site.

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, October 27, 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, Ms. Kimberley Johnson, Ms. Melissa Dargis and Mrs. Rebecca Kauffman.*

8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Stone announced the Planning Commission will not have a meeting in November, and the next regularly scheduled meeting will be Wednesday, December 7, 2005.

10. **CITIZENS' TIME**

Mr. Robert Dunleavy, Scott District, stated a Virginia gubernatorial candidate, who wishes to bestow more power on local government and specifically on the Board of Supervisors and the Planning Commission, will speak at Legends on Monday, October 31, 2005 at 3:15 p.m.

11. **Updating of the Fauquier County Proffer Policy for Residential Elements of Rezoning Applications** – Propose revisions to the Board of Supervisors' proffer guidelines which include cash contributions for: 1) Environmental Services, 2) Fire and Rescue, 3) Libraries, 4) Parks and Recreation, 5) Schools, 6) Sheriff's Office and 7) Transportation.

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

Mr. Stone opened the public hearing.

Mr. Robert Dunleavy, Scott District and on behalf of Citizens for Fauquier County (CFFC), stated the CFFC calculated what the new Proffers should be and their figures are amazingly close to those provided by the County. He indicated that the school figures are now invalid though due to the fact that construction costs have increased and some of the assumptions that were used are a bit dated.

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action until the Planning Commission's next regular meeting in order to look at updated numbers.

Mr. Meadows questioned if this should be early advertised for the December 8, 2005 Board of Supervisors Public Hearing.

Mr. Stone agreed it should.

The motion carried unanimously.

12. **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

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

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

13. **SPECIAL EXCEPTIONS**

- **#SPEX06-MA-004 – Arthur McKenny, owner and applicant** – applicant wishes to obtain Special Exception approval under Category 14 to allow for auto repair and recreational vehicle storage in an I-2 zoning district. In

addition, the applicant wishes to obtain Special Exception approval under Category 31 to remove the requirement to develop the property using public water as stipulated by Section 7-501 of the Fauquier County Zoning Ordinance. The property is located on the west side of Whiting Road (Route 622) south of its intersection with John Marshall Highway (Route 55), Marshall District. (PIN #6979-29-9361-000)

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. Arthur McKenny, owner and applicant, stated the two uses for which he is applying are necessary and appropriate for Marshall. He continued this will be low impact as well as a light use for an industrial zoned property. He concluded he looks forward to working with staff to resolve any issues.

Mr. Michael Neish, President of Morgan Oil Corporation and a Marshall resident, said he is not against the application but has questions regarding limitations on storage of junk vehicles, recreational vehicle sales, and types of recreational vehicles that will be allowable. He also voiced concerns about groundwater on the property.

Ms. Dargis clarified that the application for a Category 31 Special Exception (to remove the requirement to develop the property using public water as stipulated by Section 7-501 of the Fauquier County Zoning Ordinance) has been withdrawn. She noted the applicant will, in lieu of the Special Exception, seek an administrative permit.

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

Mrs. McCarty, seconded by Mr. Trumbo moved to postpone action until the December 7, 2005 meeting to allow time for refinements.

Mr. Meadows asked that Mr. Neish be kept abreast of what is happening with this application.

The motion carried unanimously.

14. **REZONINGS**

- **#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. 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 this application is consistent with the Comprehensive Plan and the access issues have been discussed with the County and the Commission. He continued the applicant is willing to proffer money to the Bealeton Connector and has agreed that no development will occur on the site until there is access to a public street.

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

Mr. Meadows noted this must be a good application, as it is rare that a Rezoning public hearing has no speakers.

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

Mr. Meadows explained this property is surrounded by Residential-4 (R-4) zoned property. He continued the Craigs have lived on this land for some time and tried to maintain its agricultural uses. He said they have had to construct a three layer fence to deal with the development that is occurring all around them, and they are essentially being pushed out of their land. Mr. Meadows expressed if the market so allows them to get something for their property, then they should be able to sell it. He noted the applicant will not get building permits until there is access to the property from a public street, not including Route 28. He stated there will be no construction traffic imposed on the adjoining subdivision. Mr. Meadows stated the applicant has given the full Proffers and is allotting an additional \$115,000 to a fund established for the land acquisition in order to build the Bealeton Connector. He added if the Connector does not come to fruition, the County will use the funds for other projects. Mr. Meadows concluded this is essentially filling in a gap in the development in the area, and it is the right thing to do.

Mr. Robison stated he can not support this application as it calls for too many housing units. He said the Comprehensive Plan starts at one (1) unit in this area and this is double that amount.

Mr. Stone said he will support the motion, as he could sympathize with the owner's struggles to continue to use the land in an agricultural manner

when she voiced them at a previous public hearing. He added he appreciates the Proffers beginning from unit one (1) and the funding for the Bealeton Connector.

Mrs. McCarty agreed with Mr. Stone.

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

15. **REZONING AND SPECIAL EXCEPTION**

- **#REZN05-LE-001 and #SPEX05-LE-008 – Estate of Robert H. Hodgson, Jean E. Cheatham, William W. Goulding, James F. Steffey and Gary W. Weaver, owners and Centex Homes, applicant – Freedom Place** – The applicant wishes to rezone approximately 338.34 acres from Rural Agricultural (RA) to Planned Residential Development (PRD), Rural Residential – 2 (RR-2), and Commercial-Shopping Center Community/Regional (C-3) to permit a mixed use neo-traditional development including approximately 373 single-family dwelling units and 23 live/work units. As part of the PRD rezoning request, the applicant is requesting modifications to the Zoning and Subdivision Ordinances pursuant to the Zoning Ordinance Section 4-112. In addition, the applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. The property, which is in the Bealeton Service District, is located in the northwest quadrant of the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), Lee District. (PIN #6889-89-6214-000, 6899-18-3742-000 and 6899-05-7716-000)

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, representative for Centex, introduced other representatives from Centex in attendance and his colleague, Ms. Alice Haase. He stated Ms. Dargis provided an accurate overview of the project and a fair staff report. He continued the land use plan for this property includes five (5) designations. He said Centex has contracted to purchase the entire Chatham Farm and has acquired additional property in order to allow for a conservation area within this development. Mr. Foote contended the road network is appropriate, and the applicant has met with the school system about providing an additional traffic light. He suggested this is a rare opportunity for the County to achieve what it projected for the future of this area as displayed in the Comprehensive Plan. Mr. Foote requested additional time to work with staff and added he is pleased to present this application.

Ms. Ines Huber, Lee District and member of the Citizens' Planning Committee, stated she worked on the Comprehensive Plan and while she commends the applicant on the restructuring, in that they reduced dwelling units, increased open space, provided a conservation area, and proposed a people friendly community, there is still work to be done. She said questions about the floodplain crossing, lot dimensions, affordable housing provisions, sidewalks, trails, pedestrian routes, safety issues and traffic impacts are still unanswered.

Mr. Larry Kovalik, Center District, voiced his concerns about transportation issues. He commended the applicant for redesigning to coincide with the Comprehensive Plan. He noted VDOT, however, has different ideas than the applicant which may lead to a very congested area. He suggested the County decipher VDOT plans before approving more development in the area.

Dr. Kitty Smith, Marshall District, stated she commends the applicant for redrawing the plan. She noted there is no water and sewer on the other side of the floodplain. Dr. Smith stated the community component is an important part of this application and the additional open space and conservation easement are appreciated. She continued since this will likely be one of largest developments to be approved in the County, affordable housing should be a part of it. She noted she believes of the 373 single family homes and twenty-three (23) apartments the applicant is requesting, at least thirty (30) should be affordable housing units and the project should be cut down by approximately forty (40) units. Dr. Smith also suggested after half of the housing units are built, the County should require a certain amount of square feet of retail/commercial space be constructed.

Mr. Brad Carr, Meadowbrook resident, stated even Meadowbrook was built too densely, and he has concerns about where the trail system that will be put in place will cut through his neighborhood. He stated he does not want additional foot traffic in his yard. He continued he would like to see the tree line maintained and hopes this will not create more runoff onto his property as it already floods into his crawlspace. He also voiced concerns about the type of street lights that will be installed and stated he would like the area to maintain its country atmosphere.

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

Mr. Meadows expressed his amazement that the room was not packed with those who wish to speak regarding a rezoning of this size. He continued, staff and the Commission will work through this in great detail.

He noted traffic is a major issue, which is being examined in a regional manner and commented the idea of phasing commercial development in after the completion of fifty (50) lots is under consideration as is the phasing concept for future mixed use development.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the Planning Commission's February 16, 2006 meeting, at the request of the applicant.

Mr. Meadows stated he hates to see Rural Agricultural (RA) land rezoned, but according to the Comprehensive Plan, this is the future for Bealeton. He added he appreciates the applicant listening to recommendations, reducing density and following the Comprehensive Plan. He said they purchased land beyond the Service District to create a hard edge around the Service District but indicated he would like to see the Conservation area remain one lot. He stated he would also encourage the applicant to reduce the phasing from fifty (50) to thirty-five (35).

The motion carried unanimously.

16. **REZONINGS AND COMPREHENSIVE PLAN AMENDMENTS**

- a. **#REZN05-MA-018 and #CPAM05-MA-013 – Beights Development Corporation, owner and applicant – Mills Property** – applicant wishes to rezone approximately 1.78 acres from Residential-4 (R-4) to Commercial-2 (C-2) to allow for the construction of a two-story commercial building which will be occupied by a financial institution on the first floor and professional offices on the second floor. The applicant also wishes to obtain a Comprehensive Plan Amendment to change the Land Use category from Low Density Residential: 1-3 units per acre to Mixed Use. The property is located in the southeast quadrant of the intersection of Winchester Road (Route 17) and Route 622, Marshall District. (PIN #6969-87-8431-000)
- b. **#REZN05-LE-003 and #CPAM05-LE-001 – Janja Zobundija, owner and D.C. Diamond Corporation, applicant – Pelham Village** – applicant wishes to rezone approximately 106.41 acres from Rural Agricultural (RA) to Residential-4 (R-4) Cluster and Residential-2 (R-2) Conventional in order to allow for a 124-lot subdivision. The applicant also wishes to obtain a Comprehensive Plan Amendment to change the Land Use designation from Low-Density Residential: 1-3 units per acre, without utility services, to Low-Density Residential with utility services. The property is located at the northeast quadrant of the intersection of Catlett Road (Route 28) and James Madison Highway (Route 29), Lee District. (PIN #6889-31-6397-000 and 6888-39-2530-000)

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 Moorstein, representative for the applicant, requested deferral until the January meeting. He stated the density has been reduced from 199 units to 124 units in accordance with the County's requests. Mr. Moorstein said a Comprehensive Plan Amendment is required to extend sewer, but it would likely not go further than Route 29. He continued the applicant is willing to proffer affordable housing units and would commence construction of Southcoate Boulevard immediately upon approval. He added the applicant has proffered paved trails, land and funding for VDOT improvements and a turning lane and will give \$14,730 beginning with Lot #1.

Dr. Kitty Smith, Marshall District, stated she can not support this because it is against the Comprehensive Plan. She continued there is a reason there is no sewer on this property and noted the applicant is requesting more density than the parcel will allow in addition to wanting to cross the floodplain.

Ms. Ines Huber, Lee District, suggested the applicant adhere to the Comprehensive Plan and not try to take sewer across the floodplain. She noted this project was denied before, and the current proposal still calls for too much density. Ms. Huber indicated the soil conditions are fair to poor with wetlands and floodplain throughout. She asked that the Commission deny the application.

Mr. Larry Kovalik, Center District, commented the applicant presents no compelling reason that the Comprehensive Plan should be amended. He stated this is too much density at the edge of the Service District.

Mr. Jim Van Luven, Lee District and member of the Citizens' Planning Committee, agreed with the previous speakers. He noted the Committee concurred that utilities should not be extended across the floodplain.

Ms. Sheila Glascock, neighbor, stated this property is floodplain, the proposed density is too high and the application should be denied.

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

Mr. Meadows stated even though Route 28 creates a hard edge, it may not be enough to keep development from going further out, which is why it is important that services do not cross the floodplain.

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

Mr. Meadows suggested Mr. Moorstein continue to work with staff.

The motion carried unanimously.

There being no further business, the meeting adjourned at 8:22 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.*