

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
DECEMBER 7, 2005**

*The Fauquier County Planning Commission held its regular meeting on Wednesday, December 7, 2005, beginning at 4:00 P.M. in the 2<sup>nd</sup> Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Ms. Elizabeth Cook, Mr. Todd Benson, Mr. Kevin Burke, Mrs. Melissa Dargis, Ms. Holly Meade and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – October 27, 2005

Mr. Robison, seconded by Mrs. McCarty, moved to approve.

The motion carried unanimously.

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

- a. Initiation of a Zoning Ordinance Text Amendment to Section 7-102 to authorize the Director of Community Development to waive certain parking requirements upon evidence that a proposed use requires less parking than required by the Zoning Ordinance

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 7-102 to authorize the Director of Community Development to waive certain parking requirements upon evidence that a proposed use requires less parking than required by the Zoning Ordinance, and to schedule a public hearing for the Planning Commission's January meeting.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to Section 2-406 to set forth rules with respect to the effect of Boundary Line Adjustments, Large-Lot Divisions, and other subdivisions on Open Space requirements within the RA and RC Zones

Mr. Burke 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 2-406 to set forth rules with respect to the effect of Boundary Line Adjustments, Large-Lot Divisions, and other subdivisions on Open Space requirements within the RA and RC Zones, and to schedule a public hearing for the Planning Commission's January meeting.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Section 13-406 to authorize the Zoning Administrator to grant exemptions to Zoning Ordinance requirements concerning physical requirements on a lot or parcel of land and to delete certain variance powers delegated to the Board of Zoning Appeals

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

For the purposes of convenience and good zoning practices, Mr. Meadows, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to Section 13-406 to grant exemptions to minimum lot width, minimum lot frontage, minimum setback requirements, and certain residential height requirements, to delete certain variance authority delegated to the Zoning Administrator and the Board of Zoning Appeals, and to amend Sections 2-413, 2-505, and 3-324 for constancy with these changes, and schedule a public hearing for the Planning Commission's January meeting.

The motion carried unanimously.

- d. Initiation of a Zoning Ordinance Text Amendment to Section 4-106 of the Planned Residential Development District (PRD) regarding use limitations

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. Robison, moved to initiate a Zoning Ordinance Text Amendment to Section 4-106 of the Planned Residential Development District (PRD) regarding use limitations, and to schedule a public hearing for the Planning Commission's January meeting.

The motion carried unanimously.

3. **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. Meadows asked for clarification, as transportation is listed as #7 on the list of revisions to the Proffer Policy, yet it is not addressed in the agenda request.

Mr. Carr advised that Community Development will work with VDOT and provide the transportation figures at a later date. He added staff will clarify this for the Board of Supervisors.

Mr. Stone thanked staff for all their hard work.

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

The motion carried unanimously.

Mr. Carr thanked Kristen Slawter and staff for their hard work and dedication.

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 eleven (11) 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 approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Ott Property” dated February 17, 2005, last revised October 24, 2005, signed by Michael Keith on October 24, 2005 and received in the Planning Office on October 28, 2005, except as modified by these conditions. This approval is for a maximum of eleven (11) residential lots.

2. The typical sections shall be dimensioned the full width of the right-of-way, from right-of-way line to right-of-way line, and the necessary 3 foot setback from back of ditch to the right-of-way line shall be demonstrated.
3. Duey Street shall be overlaid the full width of the road for the entire length of the frontage improvements.
4. If 21B is used in pavement design, underdrain shall be provided.
5. Any existing utilities within the proposed pavement widening shall be relocated.
6. The width of the right-of-way shown on the plan for Duey Street shall match the width shown on the typical section.
7. All utility crossings, including sewer, shall be as close to perpendicular as possible.
8. The entrances along Duey Street shall either be combined or accessed from the rear.
9. Service connection for Lot 11 shall be revised to minimize the area of the line under the pavement and the bend in the waterline.
10. Entrance width of the proposed street at the intersection of Duey Street shall be 30 feet in width.
11. The proposed name, "First Street", shall be changed.
12. Trees within street rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
13. The notes in VDOT's September 21, 2005 review letter shall be located on the final construction plan.
14. Houses shall not be placed in swales or drainageways. These areas shall be preserved to the maximum extent practicable.
15. A final soils report shall be required as part of the final construction plans. A Virginia Certified Professional Soil Scientist shall field review and adjust the Type I Soil Report to produce a final soils report.
16. All necessary State and Federal permits, including a COE wetlands permit, shall be filed with the first submission of the final construction plans.
17. A note shall be placed on the final plat stating, "Basements are not recommended in mapping units 74A, 74B, 78A, 79A, 417B, and 475B. A basement in this

mapping unit is subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure”.

18. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat.
19. All culverts shall be designed to pass the 10-year storm.
20. No stormwater runoff generated from new development shall be discharged into jurisdictional wetlands without adequate treatment.
21. An overlot grading plan shall be provided as part of the Final Construction Plans. It is to show downspout discharges and sump pump discharges.
22. Proof of provisions for adequate fire flow as outlined by the Office of Emergency Services shall be required with the first submission of the Final Construction Plans.
23. A complete landscape plan shall be required as part of the Final Construction Plans.

The motion carried unanimously.

- b. **#PPLT05-MA-024 – Rita and Lyle P. Schertz, owners and Mac Holt, Kline Operations, LLC applicant – Groveton Meadow (formerly Marshall Farms and Bellegrove)** – 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 explained the applicant requested postponement until the Planning Commission’s January meeting.

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

The motion carried unanimously.

- c. **#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 approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Canterbury Reserves" dated July 13, 2005, signed by James R. Ashley on July 15, 2005 and received in the Planning Office on July 17, 2005, except as modified by these conditions. This approval is for a maximum of three (3) residential lots.
2. The deed restrictions for the well lot shall be vacated prior to the alteration of the existing well lot portion of the property division.
3. The well lot shall be boundary line adjusted into the 11.4-acre parcel identified as PIN 6971-25-7697-000 prior to Final Construction Plan approval.
4. A complete landscaping plan shall be required at Final Construction Plan review.
5. Prior to Final Construction Plan submission, a jurisdictional determination by the Army Corps of Engineers shall be obtained.
6. For drainage areas larger than 100 acres, houses shall not be located in the 100 year inundation zone. For drainage areas less than 100 acres, houses shall be kept out of the 10 year water surface elevation.
7. Houses shall not be located in swales.
8. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Unless, in the opinion of the County Engineer, the topography of the lot in relation to the overlot grading plan precludes grading the site to drain the basement to daylight, all basements shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) shall be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating, "Basements are not recommended in mapping units 12A, 15B, 17B, 415B, and 417B. Basements in these mapping units are subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure."

9. Verification that all drainfield systems have been approved by the Fauquier County Health Department shall be provided prior to Final Construction Plan approval.
10. The entrances shall be constructed in accordance with the PE-1 standard with a minimum of 15 inches x 30 feet culvert pipe.
11. The width between the drainfields on Lot 3 shall be dimensioned on the Final Construction Plans to demonstrate there is sufficient room between the drainfields to construct the entrance.
12. The number of bedrooms per house site shall be provided on the Final Construction Plans.
13. Verification from the Health Department shall be provided with the first submittal of the Final Construction Plans that the wells on the site have been properly abandoned.
14. Drainfields shall not be installed in disturbed areas.

The motion carried unanimously.

- d. **#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. Stone, moved to postpone action until the January meeting, at the request of the applicant.

The motion carried unanimously.

- e. **#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. Stone, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled “Colgan Property” dated July 13, 2005, last revised November 4, 2005 and received in the Planning Office on November 7, 2005, except as modified by these conditions. This approval is for a maximum of three (3) residential lots.
2. An approved Final Construction Plan is required prior to filing a Final Plat.
3. Street trees shall be provided along the entire length of the street, including the area in front of “Future Administrative Lot”, which is part of the subject parcel being divided in this subdivision.
4. Culverts pipes shall be required, as there is an existing road side ditch in the location of both proposed entrances and neither entrance is at a high point. The location of the proposed culverts shall be shown on the Final Construction Plans. Headwater depth calculations shall be provided as necessary. “Adequate channels shall be provided in accordance with VESCH provision MS-19 including downstream of the culverts” shall be provided.
5. The entrances shall have adequate site distance and receive a Virginia Department of Transportation entrance permit prior to a building permit being issued.
6. The relocation of any utilities shall be shown on the Final Construction Plans.
7. The Final Construction Plans shall show who is responsible for the installation of the entrances.
8. The proposed house sites for Lot 1 and “Administrative Lot” shall be moved out of the drainageways and placed on higher ground.

The motion carried unanimously.

Mr. Stone questioned if there would be a motion to deny the combination of the Preliminary Plan with the Final Construction Plan.

Mrs. McCarty, seconded by Mr. Stone, moved to deny the combination of the Preliminary Plan with the Final Construction Plan.

The motion carried unanimously.

- f. *#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 explained the applicant requested postponement until the Planning Commission's January meeting.

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

The motion carried unanimously.

- g. **#PPLT06-LE-011 - Gerald B. and Sally A. Yeckley, owners and Bradford Klein & Associates, applicant - Colonial Downs** – applicant wishes to subdivide approximately 26.15 acres into seventeen (17) lots. The property is located on the southeast side of Catlett Road (Route 28) at 6717 Catlett Road, Bealeton, Virginia, Lee District. (PIN #6889-61-2415-000)

Ms. Meade explained the applicant requested postponement until the Planning Commission's January meeting.

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

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 forward to the Board of Supervisors with a recommendation of approval subject to the following revised conditions.

1. The Special Exception is granted for and runs with the land (392 +/- acres owned by Luck Stone near Bealeton, VA and the subject of a November 17, 1987 Special Exception approval “the Property”) indicated in this application and is not transferable to other land. Review by the Board of Supervisors shall be required if operation of the stone quarry on the Property is transferred to a new quarry operator (hereinafter, the “transferee”). A transferee may continue to operate under this Special Exception if, prior to the transfer, a transferee is determined by the Board of Supervisors to be an acceptable operator of the stone quarry located on the Property. A determination of a transferee’s acceptability shall be initiated by a written request from the Applicant to the Board of Supervisors. Upon receipt by the Board of Supervisors of a written request by the Applicant and required supporting documentation, the Board shall have 120 days to review the request and issue a determination as to the acceptability of a transferee. Supporting documentation to be considered by the Board shall include: (i) a financial report that demonstrates a transferee’s financial ability to comply with all applicable rules and regulations, (ii) a letter from the state agency responsible for the regulation of stone quarries of up to three (3) states in which a transferee owns or operates a stone quarry facility, if any, indicating whether a transferee is in compliance with all applicable state rules and regulations, and (iii) a list of each locality in which a transferee owns or operates a stone quarry, if any. This 120-day review by the Board of Supervisors is not intended to constitute a new Special Exception application, and approval of a transferee shall not be unreasonably withheld.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated in the original application that was approved November 17, 1987 and as shown on the schematic plan, Exhibit “A” submitted with the application for the November 17, 1987 Special Exception approval (“Special Exception Plat”) approved with the application and all purposes and/or uses shall be in general conformance with the Special Exception Plat, as qualified by these development conditions.
3. This Special Exception shall be granted for twenty-one (21) years from the date of Board of Supervisors approval.
4. Best Management Practices (BMPs) with emphasis on minimizing noise, dust, odor and vibration shall be implemented for use of all crushing equipment and associated equipment.
5. Fugitive dust shall be suppressed by use of water spraying activities. No oil-based products shall be used for suppression of fugitive dust.
6. Access to be directly to U.S. Route 17.
7. Associated uses such as asphalt and concrete plants to be located within the related use area to minimize impact on adjacent uses and appropriately screened

as is necessary. The determination of location and screening to be finalized during the site plan process.

8. Normal hours of operation for truck delivery and pick-up limited to 7:00 a.m. to 6:00 p.m. Monday thru Saturday.
9. Truck deliveries and pickups, other than during normal hours of operations, shall be allowed for emergency situations, or for federal, state or local government projects or public utilities requiring off-hour truck deliveries or pickups. The expanded hours shall not adversely impact the surrounding properties.
10. Truck deliveries and pickups, other than during normal hours of operations, for exceptional situations, not categorized in the above item #8, shall be granted pursuant to approval by the Zoning Administrator.
11. Blasting schedule shall be Monday through Friday from 8:00 a.m. to 5:00 p.m.; except in the case when a blasting charge has been set before 5:00 p.m. and there is an unexpected delay (e.g. thunderstorms in the summer) that may create an unsafe condition. In such a case, the Applicant may then complete the blast after 5:00 p.m., but no later than 30 minutes after sunset.
12. All blasting shall be seismograph monitored. Program to be approved by state or local government in conjunction with site plan approval.
13. No bulk blasting materials shall be stored on the subject property. For the purpose of this condition bulk blasting materials shall mean those large quantities of blasting materials/agents that are currently delivered to the Property on the day of the blast.
14. Operation of rock moving equipment from the quarry to primary crusher limited to between 7:00 a.m. and 6:00 p.m., Monday thru Saturday.
15. Truck loads not to exceed legal capacity limits; except during a declared local, state or federal emergency situation.
16. Upon request by Fauquier County, Luck Stone shall, at its expense, erect a street light to illuminate the entrance to the quarry on Route 17.
17. Adverse impact resulting from a violation of any condition of the Special Exception, as determined by the Board of Supervisors based on competent analysis shall be the responsibility of Luck Stone to correct to the satisfaction of the County.
18. The applicant shall develop and implement a long-term groundwater monitoring plan:

Concerns have been raised to Fauquier County regarding the potential long-term impacts that quarry operations may have on local groundwater resources. The depth of the quarry pit is currently 80-90 feet below grade. The maximum excavation depth is anticipated to be approximately 350 feet. It is important to the local constituency and to the County that the excavation process throughout the life of this quarry does not adversely influence either the quality or the quantity of groundwater produced from existing residential and/or local community water supply wells.

The Groundwater Monitoring Plan shall be prepared and include an assessment of the adequacy of existing monitoring wells (location, depth of construction, etc.), as well as a hydrogeologic assessment of the quarry and the neighboring area. This associated investigation shall include the following work efforts, unless the Director of Community Development approves a change of scope:

- a) Assess on site hydrogeologic setting (through the use of geologic mapping, photolineament analysis, and/or geophysical surveys).
- b) Evaluate the local bedrock fracture fabric (identification of faults and other discontinuities in the rock that could be highly transmissive to groundwater flow).
- c) Conduct an inventory of local domestic wells, based on data from Health Department records, within 2,000 feet of the quarry operation and review construction details of the Marsh Run Mobil Home Park wells.
- d) Determine existing quality of groundwater from available existing monitoring wells.
- e) Assess the potential or existing impacts that pumping the Marsh Run Mobil Home Park community well has on the existing quarry monitoring wells.
- f) Evaluate the amount of water being pumped monthly from the quarry as a result of groundwater flow.

Hydrogeologic data collected as a result of these investigations shall serve to determine the most beneficial groundwater monitoring locations around the perimeter of the quarry and to develop an associated Groundwater Monitoring Plan. It is anticipated that three to six new monitoring wells will be identified as a result of this investigation. (Currently, there are no monitoring wells located west, south, or east of the existing quarry.)

The Groundwater Monitoring Plan shall be presented to Fauquier County within six months of Board of Supervisors approval of this Special Exception. This

Groundwater Monitoring Plan shall be reviewed and approved through the Department of Community Development and the County's water resources consultant. The approved plan shall then be implemented within one year of Board of Supervisors approval of this Special Exception. Compensation for the County's consultant's review of the plan shall be borne by the applicant.

19. Impacts to wells or groundwater in the vicinity of the quarry, as determined by the Board, and based on competent analysis to be caused by quarrying or associated usage shall be the responsibility of Luck Stone to correct to the satisfaction of the County.
20. The owner shall submit, to the Board of Supervisors, once every three (3) years, from the date of Special Exception approval, a report documenting that the use of the property as approved by the Special Exception is in full compliance with all requirements of law and respect to the maintenance and conduct of the use, with all of the requirements and the standards of the Zoning Ordinance and with all conditions of the Special Exception that were designated in issuing the same.
21. All local, state and federal regulations shall be met and the applicant shall submit this documentation every three (3) years to the Zoning Administrator to demonstrate compliance. This shall include, but not be limited to, permit information, aerial maps from Virginia Department of Mines, Minerals and Energy (DMME) annual submittals and any other pertinent data.
22. Buffer to be left in a natural state except where berming has been approved in the site plan process. Mobile home park buffering is first priority; berm to be completed, stabilized and planted within two years.
23. The buffer between the related use area and the Mobile Home Park shall be a minimum of 350 feet and the berm contained therein shall be at least 25 feet in height. Berming shall not cause increased flooding on adjacent properties.
24. Security fencing shall be required on the perimeter of the site (pit) designated for quarrying activities.
25. Any loose stone at the entrance on Route 17, in the crossover at Route 17 or in the acceleration/deceleration lanes shall be removed by Luck Stone on a daily basis.
26. Luck Stone Corporation shall reimburse Fauquier County Water and Sanitation Authority (WSA) for any construction/relocation costs, if any, attributed to the quarry operation, upon determination by the Board and upon evidence by competent authority.
27. If traffic generated at the Property conflicts with school bus operation at Liberty High School and the junior high school, out loading can be discontinued for a period of 30 minutes prior to school and 30 minutes after school is dismissed.

Determination to be made by County Board of Supervisors upon request of School Board or the Virginia Department of Transportation (VDOT).

28. All external lighting sources shall be shielded so that lighting is directed downward and source is not directly visible from neighboring properties and the applicant shall meet the standards set forth in the Fauquier County Zoning Ordinance Section 9-1000: Outdoor Light Control and Section 9-900: Glare Standards.
29. Associated uses in this permit shall include asphalt and ready-mix concrete facilities or a similar type of industry; new approvals shall be subject to determination of the Zoning Administrator and Site Plan approval.
30. At the time the quarry is no longer in use, applicant shall grant a non-exclusive easement to the County to permit the construction and maintenance of a water withdrawal or intake structure(s) and water pipes to permit the quarry to be used by the County as a water reservoir. The appearance and location of such structures and water pipes shall be mutually agreed upon between the County and applicant so as to avoid any adverse impact to the future development and activities on the Property. In the event that the quarry is to be conveyed from the applicant after its use has been terminated and it has been reclaimed in accordance with applicable state and federal law and these conditions, the applicant shall afford the County a first right of refusal to purchase the quarry at the price agreed upon between the applicant and the prospective purchaser. The County shall have 120 days to determine whether to exercise the right of first refusal. The applicant shall enter into a written agreement with the County memorializing this first right of refusal, which shall be in recordable form.
31. Final reclamation of the site shall not adversely affect surface waters or cause permanent reduction in the quality or quantity of groundwater reasonably available to future users.
32. A detailed analysis of the impact of the encroachment of fill material, placed by Luck Stone, into the floodplain shall be performed by Luck Stone in conformance with County standards. This study shall be submitted to the County for review and approval and then to FEMA for consideration. The as-built floodplain analysis must be compared with the pre-developed flooding condition. In general, the floodplain analysis should begin at approximately the confluence of Craig Run with Marsh Run and be computed upstream to the point at which the post-developed flooding condition ties to the pre-developed flooding condition. The study shall be initiated immediately and submitted to the County for review within one (1) year of the Board of Supervisors action date. Upon approval by the County, Luck Stone shall submit to FEMA within 60 days.

The motion carried unanimously.

- b. **#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 explained the applicant has requested postponement.

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

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 Wednesday, December 7, 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. Elizabeth Cook, Mr. Todd Benson, Ms. Melissa Dargis and Mrs. Rebecca Kauffman.*

7. **THE PLEDGE OF ALLEGIANCE**

8. **ANNOUNCEMENTS**

Mr. Stone announced the Planning Commission's next meeting will be January 26, 2006.

9. **CITIZENS' TIME**

No one spoke.

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

- 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

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. James Downey, representative for Flint Hill Partners, LLC, owner of Chattins Run Farm in the Marshall District, explained the history of divisions on the farm and prospects for an upcoming Boundary Line Adjustment. He asked that this property be grandfathered, since the owners are in receipt of a zoning determination letter that would allow for a Boundary Line Adjustment, and the application will be filed under the existing law. He requested that if this amendment is recommended for approval, it be forwarded to the Board of Supervisors with the appropriate grandfathering language.

Dr. Kitty Smith, Marshall District and adjoining property owner to Chattins Run Farm, stated she is in favor of the text amendment. She noted the land is currently in the Agricultural and Forestal District; therefore, the land development application for Boundary Line Adjustment should not have been accepted. She commented it will be good to close up a loophole and suggested the property in question should not be grandfathered.

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

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

Mr. Meadows asked staff to respond to Dr. Smith's comments.

Ms. Cook stated in the past, the Department of Community Development has accepted land development applications for properties still in the Agricultural and Forestal District. She further explained these applications can not be approved until the parcels are removed from that classification.

Mr. Meadows questioned if any grandfathering language will be forwarded to the Board of Supervisors along with this motion.

Mrs. McCarty stated she would like to send this forward as currently written and suggested the Board of Supervisors can add a grandfathering clause if they so wish.

Mr. Stone agreed the Board of Supervisors can add that type of language at any time and asked that staff mention the discussion of grandfathering certain properties.

Mr. Meadows inquired whether there was earlier discussion that this motion would be forwarded with the grandfathering language.

Mrs. McCarty stated the motion will remain as presented.

The motion carried 4-1, with Mr. Meadows in opposition.

- b. 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.

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

11. **SPECIAL EXCEPTION**

- **#SPEX06-CR-006 and #SPEX06-CR-007 – Flying Circus Airshow, Inc., owner and applicant – Flying Circus Airshow** – applicant wishes to obtain Special Exception approval under Category 21 to allow for the construction of new facilities at the Flying Circus Aerodrome and under Category 9 to allow for additional special events. The property is located on the north and south sides of Route 644 at 5114 Ritchie Road, Bealeton, Virginia, Cedar Run District. (PIN #7808-74-7710-000)

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

Mr. Trumbo stated the following two words need clarification: 1) in Condition #7. in the staff report, the word “about” 7:00 p.m. and 2) in Condition #18.a., the word “most.”

Mr. John Corradi, the applicant, explained it is difficult to state an exact closing time, since in the summer time, plane rides can be made available until 9:00-9:30 p.m. as daylight allows.

Mr. Trumbo suggested adding language that allows for patronage until a half hour before dusk. He added the word “most” in Condition #18.a. should be changed to “these.”

Mr. Corradi explained he is not planning on a great deal of expansion and is only seeking to add a gift shop, some bathrooms and eventually another hangar. He said the Flying Circus just wants to continue doing what they have been doing for years.

Mr. Stone opened the public hearing.

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

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

1. These Special Exceptions, SPEX06-CR-006 and SPEX06-CR-007 are granted for and run with the land identified as PIN 7808-74-7710-000.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated in the application and as shown on the Special Exception Plat,” Proposed New Construction on the Property of Flying Circus Airshows, Inc.” dated March 11, 2005. All purposes and/or uses shall be in general conformance with this plat, as qualified by these development conditions.
3. Access shall be directly to Ritchie Road (Route 644) and the site entrance shall meet VDOT approval.
4. The applicant shall meet all local, state and federal regulations for its operation and maintain an onsite log of this information.
5. Existing air show activities, museum and gift shop activities shall continue to operate, as indicated in the original Special Permit.
6. The Flying Circus will operate its vintage airplane show from May through October each year.

7. At air shows, the gates shall open at 11:00 a.m., and shows run from 2:30 p.m. to about 4:00 p.m. Attendees can take plane rides after the show until a half hour before dusk.
8. No night flying is permitted at air shows.
9. A concession stand shall be allowed for patrons.
10. This Special Exception grants approval for construction of a new gift shop facility to replace a temporary structure. It is subject to other permits prior to construction.
11. This Special Exception grants approval for construction of new public restroom facilities, subject to Health Department or other required approvals.
12. This Special Exception grants approval for construction of an aviation museum.
13. This Special Exception grants approval for construction of a pavilion structure.
14. This Special Exception grants approval for construction of up to six (6) new hangars for aircraft flown in the air shows.
15. The architectural style of the new buildings will be consistent with the character and old-fashioned appearance of existing structures.
16. All pilots shall be required to possess valid Federal Aviation Administration (FAA) pilot licenses and insurance to cover participation at the air shows. The Flying Circus shall maintain and record a log of this data on site.
17. Aircraft shall be maintained and pass FAA inspections. The Flying Circus shall maintain and record a log of this data on site.
18. Special Events:
  - a) These events shall take place on either the 10-acre or 12-acre open areas shown on the plat as 'Activity areas'.
  - b) Special events shall occur during regular air show season of operation from May to October each year.
  - c) There shall be no more than 1000 attendees at an event, with the exception of the 2-day Volkswagen Owner's Club Show and the annual BalloonFest.
  - d) Educational tours and aviation themed civic, school or church events (picnics or meetings), company picnics, shall be allowed for up to 300 attendees.

- e) Three weddings, with up to 300 attendees, shall be allowed per year.
19. Educational Tours shall occur by appointment on any three days between Monday and Friday.
20. BalloonFest shall be an annual (once per year) 3-day event held early in the season, with participants arriving and setting up on Friday evening, and departing by Sunday afternoon.
- A similar, smaller event, a one-day hot-air balloon rally shall be allowed (once per year) in the fall.
21. Car Club and Motorcycle shows shall be permitted as one-day or weekend events in conjunction to an air show. This entails participants bringing motorcycles or antique cars to display and compete for prizes and trophies. At the end of a show, a motorcade procession drives around the show grounds to display vehicles, and owners often want a picture taken of their vehicle next to one of our biplanes.
22. Tractor shows One tractor show per year shall be permitted. Typically this is a one or two-day event, with approximately 300 attendees. It is a static display event.
23. Radio-Controlled Model Airplane meets shall be permitted for two (2) events per year with up to 500 attendees. On a routine basis this site provides a gathering place for RC modelers to meet, fly their planes on Saturday, and then watch the show on Sunday.
24. Antique Airplane Fly-ins one annual event per year shall be permitted for up to 50 antique planes. Pilots must provide proof of insurance in advance to the Flying Circus Airshow, Inc., and these records shall be kept on file on site. This event may have up to 2500 attendees. Pilots may camp onsite.
25. Boy Scout Camporees or Camping Four events shall be permitted each year. Attendees of up to 600 Scouts and Leaders shall be permitted to camp on the property for two nights. During this time, aircraft and crews are available to conduct Aviation Merit Badge seminars. Camporees shall be allowed outside of the regular air show season. Smaller camping events are also permitted up to twelve per year for smaller scout, church or youth groups.
26. Only one (1) special event shall be allowed per weekend (this does not include regular air show activities).

The motion carried unanimously.

12. **REZONINGS**

- a. **#REZN05-SC-009 – Belvoir Ridge of Virginia, LLC, owner and Centex Homes, applicant – Belvoir Ridge** applicant wishes to rezone approximately 58.26 acres of a 64.93-acre parcel from Industrial Park (I-1), Industrial General (I-2) and Residential-1 (R-1) to Residential-2 (R-2) Cluster to allow for the construction of seventy (70) dwelling units. The property is located on Belvoir Road (Route 709) south of its intersection with John Marshall Highway (Route 55), Scott District. (PIN #6979-57-4795-000)
- b. **#REZN05-SC-015 and REZN05-SC-016 – Karen E. Cosner, Trustee, owner and Shenandoah Development, LLC, applicant** – applicant wishes to rezone approximately 4.5 acres from Residential-1 (R-1) to Commercial-Highway (C-2) and to amend the existing proffers on the balance of the property (9.5 acre portion) in order to allow for more diverse land uses. The property is located on the east side of Route 15/29 at 4545 Lee Highway in Warrenton, Virginia, Scott District. (PIN #7916-03-8979-000)

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. Ben Jones, with Walker, Jones and representative for the applicant, stated he is honored to represent Ms. Karen Cosner and introduced his colleagues Mr. Mark Hyson and Mr. Joe Wiltse. He commented the staff report is complete and stated with all the changes that have occurred in New Baltimore in regards to water, transportation improvements and land use, this application is consistent with the Comprehensive Plan. He continued the Proffers are under review and refined Proffers will be submitted addressing all technical issues. Mr. Jones agreed to postpone action and concluded this property, zoned commercially, will be of greater value to the applicant, as well as to the county.

Mr. Trumbo questioned if the postponement will be at the applicant's request.

Mr. Jones replied it would.

Dr. Kitty Smith, Marshall District, questioned whether there would be a direct entrance onto Route 29 and noted, if this is the case, the traffic impacts would be great. She said she did not see another entrance although it was discussed and added it would be better if there was an entrance to this property from Riley Road.

Mr. Larry Kovalik, Center District, agreed with Dr. Smith. He stated this will be the gateway to the County and although the mixed use development is consistent with the Comprehensive Plan, we must be careful when evaluating the site plan for this project. He noted one side of the road will bear the sign that reads "Preserving Agriculture in a Business-Friendly Community," so the other side of the road should strive to fit in with that motto.

Ms. Barbara Severin, Scott District, stated she is speaking for herself, as well as on behalf of her neighbor John Pierce. She stated Karen Cosner has always been a good neighbor which is why it is difficult to object to her project, but she indicated there are a number of concerns. She continued Mr. Pierce has lived on his property for 52 years and does not want to continue to see additional strip malls and signage. Ms. Severin noted the plan does show an entrance off Route 29 and said unless the transportation issues are resolved, this project must be delayed because it will create a dangerous situation. She said she has already contacted VDOT regarding painting new line patterns here because the third lane is currently being used as a traffic lane when that is not what is intended. She added a light at Route 676 may or may not be necessary. Ms. Severin indicated she did not find much information in the County's file and suggested the Proffers should be available to the public. She stated she will comment on those Proffers via mail as they become available. She commented this is spot zoning even though the Comprehensive Plan shows mixed use for this area. Ms. Severin also noted the many zoning violations in the area. She concluded the frontage on the Cosner property is attractive and a 65 foot office building would be far too obtrusive. She suggested a landscaping business would do well here and some buffering off Route 29 would be appreciated.

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

Mr. Trumbo stated the applicant is willing to work with the County and this application will change a great deal as it is still in the discussion stage. He indicated he would like to leave the public hearing open so the public can continue to comment. He asked citizens to contact him to share any concerns.

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

The motion carried unanimously.

Mr. Robison noted the applicant presented a list of items to be Proffered out and asked to see that list.

Mr. Stone thanked staff for all their hard work throughout the year and wished everyone Happy Holidays.

There being no further business, the meeting adjourned at 7:41 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.*