

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
JANUARY 29, 2004**

*The Fauquier County Planning Commission held its regular meeting on Thursday, January 29, 2004, beginning at 3:00 P.M. in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper 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 Mrs. Elizabeth Cook, Mr. Chuck Floyd, Mrs. Kimberley Johnson, Mrs. Deirdre Clark, Mr. Kevin Burke, and Mrs. Rebecca Kauffman.*

<i>Regular Meeting 3:00 P.M. 4<sup>th</sup> Floor Conference Room</i>
---

1. **ELECTION OF OFFICERS**

a. Chairman

On motion made by Mr. Robison and seconded by Mr. Meadows, it was moved to nominate Mr. Stone as Chairman.

The nomination carried unanimously.

b. Vice Chairman

On motion made by Mr. Meadows and seconded by Mr. Robison, it was moved to nominate Mrs. McCarty as Vice Chairman.

The nomination carried unanimously.

c. Secretary

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to nominate Mr. Meadows as Secretary.

The nomination carried unanimously.

Mr. Robison, seconded by Mr. Meadows, moved to amend the agenda to add item 5.c.

The motion carried unanimously.

Mr. Meadows, seconded by Mr. Robison, moved to amend the agenda to move item 6.b. to become item 12.c.1.

The motion carried unanimously.

Mrs. Cook asked the Planning Commission to reconsider the previous amendment to the agenda because although the applicant was not present at the work session, he was currently present and could be addressed with any questions at this time.

Mr. Meadows, seconded by Mr. Robison, moved to reconsider the motion and to hold discussion when they reached 6.b. on the agenda.

2. **CONSIDERATION OF BY-LAWS**

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to schedule the Consideration of By-Laws for the February 2, 2004 meeting.

The motion carried unanimously.

3. **COMMITTEE ASSIGNMENTS**

- a. Architectural Review Board – Richard Robison
- b. Capital Improvements Plan – to be discussed at the next Planning Commission meeting
- c. Fiscal Impact Modeling Advisory Committee - defunct
- d. Transportation Committee – Holder Trumbo

4. **APPROVAL OF MINUTES** – December 18, 2003

Mr. Robison, seconded by Mr. Meadows, moved to approve the December 18, 2003 minutes as amended.

The motion carried unanimously.

5. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE FAUQUIER COUNTY CODE.**

- a. Zoning Ordinance Text Amendment Adding a Watershed Management and Protection Overlay District. (Postponed until January 29, 2004 for further review.)

Mr. Meadows, seconded by Mr. Trumbo, moved to postpone action for up to 60 days.

The motion carried unanimously.

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

Mrs. McCarty, seconded by Mr. Meadows, moved to schedule a public hearing for February 19, 2004.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to modify the Commercial Village/CV zoning district regulations in order to consider requiring special permit approval for convenience store and auto service station uses, and consider added uses standards.

Mrs. McCarty, seconded by Mr. Meadows, moved to schedule a public hearing for February 19, 2004.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PPLT04-LE-006 – Lewis N. & William F. Springer, owners/applicants – Foxhaven** – applicants wish to obtain preliminary plat approval to subdivide approximately 90.0 acres into one hundred ninety-seven (197) lots. The property is located on the northwest side of Catlett Road (Route 28). (PIN #6889-54-9393-000; 6889-74-0648-000 and 6889-75-2303-000)

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

Mr. Meadows, seconded by Mr. Robison, moved to postpone action for up to 90 days at the applicant's request.

The motion carried unanimously.

- b. **#PPLT04-SC-005 – John T. & Ruth W. Hopkins, Trustees, owners/applicants – Hopkins Subdivision** – applicants wish to obtain preliminary plat approval to subdivide approximately 16.9 acres into two (2) lots. The property is located in the New Baltimore Service District on the south side of Broad Run Church Road (Route 600). (PIN #7906-61-6519-000)

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

Mr. Trumbo asked the applicant what his plans were for this property in the future.

Mr. Hopkins, the applicant, replied the majority of the land is in a floodplain and that he would like to divide the land into two parcels so he may eventually sell part of the land.

Mr. Trumbo asked the applicant if he would be willing to place an easement on part of the property so it could not be subdivided further.

Mr. Hopkins, the applicant, stated if sewer came to the property, it could be divided into a few lots but expressed his doubt that would ever happen.

Mr. Trumbo asked staff about the barn/garage on the property.

Mr. Floyd stated that before final approval, the applicant would have to submit a letter regarding the barn/garage and the structure would be detailed in the approval conditions. He further described how the property could be divided into 3 to 5 lots.

Mr. Trumbo stated he was concerned about future development on the property.

Mrs. McCarty concurred.

Mr. Trumbo, seconded by Mrs. McCarty, moved to postpone action for up to 90 days.

The motion carried unanimously.

Mr. Stone explained to the applicant that there are issues that must be resolved before the application can be approved.

Mr. Hopkins, the applicant, stated he had no plans to further develop the land.

7. **PRELIMINARY PLAT EXTENSION**

- **Amos & Jane Shipe, applicants – Shipes Ridge** – applicants wish to obtain an extension of a previously approved preliminary plat. The property is located in the Cedar Run Magisterial District on the south side of Elk Run road (Route 806). (PIN #7817-95-7536-000)

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

The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

*Public Hearings  
7:00 P.M.  
Warrenton Community Center*

9. **THE PLEDGE OF ALLEGIANCE**

10. **CITIZENS TIME**

11. **PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE**

- Consideration of a Text Amendment to the Fauquier County Zoning Ordinance to delete 3-312.8 and 3-312.9, eliminating 'Building Material Sales' as separate uses.

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

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SPEX04-LE-007 and SPEX04-LE-008 – Patrick J. & Deborah Mason, owners/applicants** – applicants wish to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement and Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located on the west side of Marsh Road (Route 17), Lee District. (PIN #7815-73-3973-000) (Postponed on December 18, 2003 for up to 90 days.)

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

Mr. Stone opened the public hearing.

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

Mr. Meadows asked if the applicant was present and noted that the applicant had not attended the previous three meetings. He asked Staff if this proposal would add lots.

Mr. Floyd stated this would not add lots and that there would be little reduction in open space.

Mr. Meadows stated the applicant had made several promises to his neighbors, which he upheld. He said he felt the applicant deserved this Special Exception.

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

### **PROPOSED DEVELOPMENT CONDITIONS**

#### **Special Exception #SPEX04-LE-007 & SPEX04-LE-008**

#### **Owner/Applicant – Patrick and Deborah Mason**

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A deed on non-common open space shall be recorded on the ±173.60 acre residue parcel with Final Subdivision approval of the new lot.
4. Once the new Lot has been subdivided and recorded, no further subdivision shall be permitted on PIN# 7815-73-3973-000 or any lots created from PIN# 7815-73-3973-000.
5. Prior to Final Plat approval a fifty (50) foot wide tree/landscape buffer shall be located along the boundaries of PIN's 7815-72-9404-000 and 7815-82-2359-000. This buffer shall be placed within an easement.
6. The final engineering for the floodplain crossing shall be determined during the Final Construction Plan process.
7. All entrances shall be designed in accordance with the Virginia Department of Transportation standards.

8. The applicant shall demonstrate, prior to Preliminary Plat approval, that the proposed use will not cause an increase in the level of flooding or velocity of floodwaters.
9. The applicant must demonstrate, prior to Preliminary Plat approval, that the proposed use will not create a potential hazard of debris subject to movement by floodwaters, which might cause damage downstream.
10. All existing structures on the property shall be shown on the Preliminary Plat.
11. The fifty (50) foot ingress/egress easement shall be located in such a manor that it does not create non-conforming buildings on the Preliminary Plat.
12. The plat needs to indicate the right-of-way width of Route 17 and indicate the distance from the centerline or edge of pavement to the property line. The distance to the nearest intersection should be shown.
13. Prior to Final Plat approval the applicant shall design and construct or bond for construction a standard two-way commercial entrance with a paved surface.
14. Prior to Final Plat approval, the applicant shall design and construct or bond for construction a deceleration lane along State Route 17. The lanes shall have a length of 200 feet and a taper of 150 feet.
15. The private street shall be at least 16 feet wide with a minimum of 4 feet shoulders.
16. All work and requirements associated with this Special Exception shall be completed within two (2) years of Final Plat approval, or the Special Exception becomes null and void.
17. Homeowner's association documents demonstrating that adequate provisions have been made to provide for the continuous maintenance and repair of the private street shall be required prior to Final Plat approval.

The motion carried unanimously.

- b. **#SPEX04-CR-012 and #CCRV04-CR-001– Lewis J. & Martha M. Bender, owners and Dominion Transmission, Inc., contract owner and applicant** – applicant wishes to obtain Special Exception approval under Category 20, Public Utilities, which would allow for the construction of a gas compressor station. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination that the location of the proposed gas compressor station is in accordance with the Code of

Virginia, Section 15.2-2232. The property is located on the northwest side of Laws Ford Road (Route 640). (PIN #7941-23-4200-000)

Ms. Meade 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. Edith Williams, neighbor, stated years ago there was a promise made by Dominion to plant evergreen trees to hide the existing M & R facility, which they did not uphold. She added that she hopes they will make good on that promise and quickly provide proper coverage for the new compressor station as well.

Dr. Kitty Smith, Marshall District, stated although she is concerned with industrialization in an agricultural zone, she is more concerned with air pollution. She stated the EPA has proposed that Fauquier County become a part of the non-attainment area of Northern Virginia. Dr. Smith stated she felt that regardless of whether or not DEQ objects, this will likely happen. She added that if this occurs, every pound of pollution over the allowable amount will cost the County. She asked the Planning Commission to table this discussion for 30 days so she could provide figures. Dr. Smith requested that if the application were to be recommended for approval, a condition be added to keep the applicant from emitting more than 70 tons of pollution per year.

Ms. Julie Keang, Scott District, stated she fears noise and air pollution will cause a negative impact on the area. She added she would like to know more about the exact location of the compressor station and what measures will be taken to hide it from view.

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action for 30 days to consider the issues raised.

The motion carried unanimously.

- c. **#SPEX04-SC-013 – John T. & Ruth W. Hopkins, Trustees, owners/applicants – Hopkins Subdivision** – applicants wish to obtain Special Exception approval under Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located in the New Baltimore Service District on the south side of Broad Run Church Road (Route 600). (PIN #7906-61-6519-000)

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

Mr. Stone opened the public hearing.

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

Mr. Trumbo stated there are issues about future uses of the property that the applicant should work with Staff to clear up.

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for up to 90 days.

The motion carried unanimously.

13. **REZONING**

- a. **#RZ03-L-16 – Carter & Janice Kehoe and Charles T. & Carter Hanback, owners and DESYD, LC, applicant – Wexford Village** – applicant wishes to rezone approximately 25.3493 acres from Residential – 2 & 4 (R-2 / R-4) to Planned Development Mixed Use District (PDMU) to create eighty-eight (88) lots for residential and some future commercial uses and ± 3.8 acres for commercial development. Thirty-two (32) of the residential lots are planned as townhouse lots with fifty-six (56) planned for single-family detached lots. Pursuant to Zoning Ordinance Section 4-714, the applicant has requested modifications to the Zoning and Subdivision Ordinances. The property is located near the southwest quadrant of Routes 17 and 28, Lee District. (PIN #6899-05-5345-000, 6899-25-0237-000, 6899-05-9336-000, 6899-24-0759-000, and 6899-15-5761-000) (Postponed until January 20, 2004, at the applicant’s request.)

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

Mr. Stone opened the public hearing.

Mr. Bob Counts, representative for the applicant, stated, on behalf of his client, he was withdrawing this application in its entirety.

Dr. Kitty Smith, Marshall District, stated even though the application was withdrawn, she wanted to comment because applicants should not be permitted to use this section of the Zoning Ordinance for this type of development in the future. She said this section is for planned/mixed development and this applicant did not propose any commercial development at all. She assumed they made application in this manner to get flexibility with setbacks. She continued that the County should have a

plan for roads such as Church Street in Bealeton so that developers do not choose a path for all others to follow (First Cow Syndrome).

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

Mr. Meadows stated he might call what Kitty Smith calls “First Cow Syndrome” – leadership. He expressed his disappointment at the withdrawal of this application that, in the beginning, held so much promise.

Mr. Stone stated the Planning Commission and Staff were all excited and hopeful about this project. He said the County is currently working with VDOT on the transportation plan. He added there are other projects in the works and that hopefully something will be resurrected with the proper mixture of residential and commercial uses.

Mr. Meadows said he hoped the applicant would continue to work on the Rezoning in some form, and noted that this piece of property is one of the most difficult to develop that he has seen.

Mr. Calderon concurred with Mr. Meadows. He stated the applicant worked hard and in a clever manner making the withdrawal a great disappointment.

Mr. Meadows stated this was a step in the right direction for Bealeton and thanked Bob Counts and Staff for their hard work.

- b. **#REZN04-LE-001 – Crane’s Corner, LLC, owner/applicant – Liberty Station** – applicant wishes to amend a proffer condition to Liberty Station to provide for a Town Center concept as planned for in the Bealeton/Opal/Remington Service District Plan. The commercial/office/retail square footage would increase from 70,067 square feet to 110,000 square feet and a maximum of forty (40) apartments to be located over shops are proposed. The property is located on the east side of Marsh Road (Route 17) and the southeast side of Catlett Road (Route 28), Lee District. (PIN # 6899-24-9836-000) (Postponed until January 20, 2004 at the applicant’s request.)

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

Mr. Stone opened the public hearing.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until February 19, 2004, at the applicant's request.

Mrs. Cook asked that action be postponed for up to 90 days.

Mr. Meadows, seconded by Mrs. McCarty, moved to amend the previous motion and postpone action for up to 90 days.

The motion carried unanimously.

There being no further business, the meeting adjourned at 7:45 p.m.

A tape recording of the meeting is retained on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.