

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
MARCH 25, 2004**

*The Fauquier County Planning Commission held its regular meeting on Thursday, March 25, 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 Mr. Rick Carr, Mrs. Elizabeth Cook, Mrs. Kimberley Johnson, Mr. Chuck Floyd, Mr. Kevin Burke, Ms. Deirdre Clark, Ms. Bonnie Bogert, and Mrs. Rebecca Kauffman.*

<p><b>Regular Meeting 3:00 P.M. 4<sup>th</sup> Floor Conference Room</b></p>
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1. **APPROVAL OF MINUTES** – February 19, 2004

Mr. Robison, seconded by Mr. Meadows, moved to approve the February 19, 2004 minutes as amended.

The motion carried unanimously.

2. **CONSIDERATION OF BYLAWS**

Mr. Robison, seconded by Mr. Trumbo, moved to approve the Bylaws as amended.

The motion carried unanimously.

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

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

Mr. Stone, seconded by Mr. Robison, moved to postpone action for 60 days.

The motion carried unanimously.

- b. Initiation of a text amendment to allow “Kennel” in the R-1/Residential Zoning District, with Standards.

Mr. Trumbo, seconded by Mr. Meadows, moved to schedule a public hearing for next month and to require a Special Exception as opposed to a Special Permit.

The motion carried unanimously.

4. **AGRICULTURAL AND FORESTAL DISTRICT WITHDRAWALS**

Southern Fauquier District

- a. Richard and Patrice Grandy, requesting to withdraw 44.10 acres located at 10401 Green Road. (PIN # 6990-14-5795)

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

The motion carried unanimously.

- b. Joan G. Brent and Miriam R. Glaettli, requesting to withdraw 130.5 acres located at 5382 Inglewood Farm Lane. (PIN # 7807-59-7220)

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

The motion carried unanimously.

- c. Jimmie N. Eustace, requesting to withdraw 277.18 acres located on Willowlyn Lane. (PIN #s 7930-29-4478, 7931-21-9776, 7931-42-1873)

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

The motion carried unanimously.

5. **PRELIMINARY PLAT EXTENSION**

- **#PP03-M-19 – Desyd, LC, owner and applicant – Cannon Ridge Subdivision** – applicant wishes to request an extension of the twelve month preliminary plat limitation pursuant to section 9-11 of the Fauquier County Subdivision Ordinance. The property is located on the south side of John Marshall Highway (Route 55) in the Marshall District. (PIN #6969-47-7043-000 and 6969-47-3414-000)

Mr. Floyd 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.

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- **#PPLT04-CR-004 – Prospect Development Co. Inc., owners and Paul Lucas, applicant – Heddings Springs Estates** – applicant wishes to subdivide approximately 107.1 acres into seven (7) lots. The property is located on the northwest side of Heddings Road (Route 794), Cedar Run District. (PIN #7940-79-2131-000)

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

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

The motion carried unanimously.

7. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison stated he would like to forward his earlier comments about Item #3.

Mrs. Cook asked the Planning Commission to consider scheduling a site visit for the April 29, 2004 work session.

Mrs. McCarty stated she would be interested in visiting the proposed site of the Marshall water tower.

Mrs. Cook mentioned other cases of interest including the Ryder Rezoning, a Comprehensive Plan Amendment in Bealeton, the Boatright Rezoning in New Baltimore, and the Edmar Farms Comprehensive Plan Amendment. She stated the Planning Commission should choose a site visit destination this evening based upon the items that will appear on the April agenda.

Mr. Stone stated the Planning Commission should schedule meeting dates for the Reformatted Zoning Ordinance work sessions.

Mr. Stone stated the Reformatted Zoning Ordinance meetings will be held April 22, 2004; April 26, 2004; May 13, 2004 and May 24, 2004 at 4:00 p.m. in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse.

Mr. Carr suggested staff should invite Barney Durrett, of the Fauquier County Water and Sanitation Authority (WSA), to work session to discuss the Marshall tower and answer questions about alternate sites, engineering, and tower specifications.

The Planning Commissioners thanked staff for all their hard work.

There being no further business, the regular meeting was adjourned.

*The Fauquier County Planning Commission held its Public Hearing on Thursday, March 25, 2004, beginning at 7:00 P.M. at the Warrenton Community Center, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mrs. Kimberley Johnson, Mr. Kevin Burke, Ms. Bonnie Bogert, and Mrs. Rebecca Kauffman.*

8. **THE PLEDGE OF ALLEGIANCE**

Mr. Stone stated there would be some deviations to the agenda.

Mr. Stone said the Edmar Farms Comprehensive Plan Amendment was advertised and subsequently cancelled.

Mr. Stone stated because of reevaluation of the School Board's proposed Capital Improvements Plan and project costs, the Capital Improvements Plan would be withdrawn from the public hearing.

Mr. Stone added if the public wished to comment on either of these items, they could do so during Citizens' Time.

Mr. Stone, seconded by Mr. Robison, moved to withdraw the proposed CIP for FY 2006-2009 from public hearing and for further consideration due to required and substantive School Board reevaluation of its proposed CIP and project costs, and recommended further that the Board of Supervisors keep in force the CIP for FY 2005-2008.

The motion carried unanimously.

9. **CITIZENS' TIME**

Dr. Kitty Smith, Marshall District, stated she was surprised that there was not more explanation as to what would become of the CIP and why the Planning Commission would not hold a public hearing. She stated Brian Tippie explained that the CIP was being withdrawn because of the schools' increased construction costs. She added that she was on the CIP committee and spent the summer working on projects that had nothing to do with the School Board. She stated the Planning Commission should make a recommendation to the Board of Supervisors and let them decide.

Mr. Stone stated there should be more explanation of the CIP withdrawal and asked Mr. Paul Blackmer to respond.

Mr. Paul Blackmer stated he had been monitoring the budget and there were many issues involved. He said the main difficulty was the lack of money in the budget and the costly school construction projects. He explained the increasing steel prices and energy crisis have adversely affected building plans. He added that he would have to work all the numbers to decipher the impact. Mr. Blackmer stated there are laws that require the County to have a CIP plan, but there are no laws that govern the timing. He said the County now has a CIP plan with all the major projects included and when the accurate numbers come in from the School Board we will be able to move quickly on the 2006-2010 CIP.

Mr. Stone said although everyone will not agree with the action taken, he appreciated Mr. Blackmer's thorough explanation.

10. **CAPITAL IMPROVEMENT PLAN FY2005-2009**

See explanation above.

11. **SPECIAL EXCEPTIONS**

- a. **#SPEX04-CR-015 – Richard L. (Sr.) & Patrice M. Grandy, owners, and Scott & Mary Ann Robertson, applicants – Liberty Hill Pet Resort** – applicants wish to obtain Special Exception approval under Category 13, which would allow for a kennel offering boarding to pets, grooming, indoor obedience training and doggy daycare. The property is located at 10104 Green Road (Route 674) near the intersection of Old Marsh Road (Route 837), Cedar Run District. (PIN #6990-14-0393-000)

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.

Ms. Mary Ann Robertson, applicant, stated she spoke with her lender and he said he would like to see this Special Exception approved for a twenty-year term but would consider financing if it were approved for a ten-year term.

Mr. Meadows asked the Planning Commission if they would consider approving the Special Exception for an eight-year term.

Mr. Stone posed Mr. Meadow's question to the Planning Commissioners.

Mr. Robison stated he would not support approval of an eight-year term because that is too long for a new Special Exception.

Mr. Stone stated if there were any complaints or problems with the facility, nothing could be done for a long period of time.

Mr. Jim Van Luven, Lee District, stated he was a neighbor who spoke on his concerns about noise and traffic at the last public hearing. He said since then he has talked with the applicant, and his concerns about noise have been alleviated. He stated he still has some concerns about traffic, but hopes that by limiting the number of clients that will visit the facility per day and discussing different routes for travel to the property those fears will also be eliminated. He added that most neighbors welcome the proposed pet resort as it will help to maintain the beauty of the area and keep developers from buying the land. He stated he supports the application and appreciates that the allowable number of animals has been reduced.

Ms. Mara Seaforest, Cedar Run District, stated she is concerned about traffic on the poorly maintained gravel road. She continued that she would be happy to retain the farmland in the area, but stated the Agricultural and Forestal District by definition only allows for agricultural uses. She stated the Planning Commission should be aware that they may be setting precedence allowing future commercial business to come into the Agricultural and Forestal District.

Dr. Kitty Smith, Marshall District, stated she is on the Agricultural and Forestal District Committee. She said the owners of this land wanted to remove parts of it from the Agricultural and Forestal District, excluding the piece that will house this pet resort, and leave less than 25 acres to remain in this classification. She stated their request was denied as there must be 25 acres remaining and there was no proven hardship. She said this Special Exception application should be denied because it is in conflict with the rules of the Agricultural and Forestal District. She added that the Agricultural and Forestal District was created to be of help to the farming community and in no way does this pet resort qualify as an allowable use. She stated next year this property can be released from the Agricultural and Forestal District and the applicant could pursue the application then.

Ms. Robertson stated there will still be some agricultural uses of the land.

Mr. Stone stated he is aware of that.

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

Mrs. McCarty stated this application is not compatible with the uses permitted in the weakening, but extremely important, Agricultural and Forestal District.

Mr. Stone stated after decreasing the allowable traffic flow on Green Road and with VDOT's recommendations, he does not think that approving this application will do harm to the Agricultural and Forestal District. He said this farmland's term in the Agricultural and Forestal District will expire next year and by allowing this Special Exception we may, in fact, protect a small piece of farmland. He added on many farmlands (not in the Agricultural and Forestal District) this use is permitted.

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

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The subject parcel under this Special Exception shall not be subdivided without amendment to the Special Exception in accordance with the provisions of Article 5 of the Zoning Ordinance.
3. The term of this Special Exception shall be limited to three (3) years from the date of site plan approval.
4. The proposed dog grooming use shall be limited to no more than 4 grooming clients per day.
5. The hours of grooming operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. – noon Saturday and 1:00 p.m. to 8:00 p.m. Sunday.
6. In Phase I, the proposed dog boarding use shall be limited to boarding of no more than 75 dogs per day. And, the proposed training classes shall be limited to 10 dogs per class for 2 classes per year. Phase II increases shall be determined during Special Exception renewal or via amendment.
7. The applicant shall file a site plan within one year of approval of these Special Exceptions.

Mr. Robison and Mrs. McCarty indicated they opposed the motion because they do not approve of allowing commercial uses in the Agricultural and Forestal District and because of concerns with the traffic impact on the one lane gravel road.

Mr. Meadows stated he would support the Chairman but thought the Planning Commission should take the applicant's lender situation into account. He suggested they consider amending the conditions to allow the

Special Exception for a three-year term with up to seven annual extensions.

Mrs. Cook stated the Planning Commission can set any time limit they wish.

Mr. Stone stated he would be in favor of Mr. Meadow's proposed terms.

Mr. Trumbo stated this is a difficult call to make because while he respects the Agricultural and Forestal District, this piece of property's term will expire in one year and he would like to see it remain farmland. He said he also felt that future residents in the area should have some say in this and so he would support this motion with the three-year term and seven one year renewals.

Mr. Stone, seconded by Mr. Meadows, moved to amend the previous motion in order to include the updated Condition #3 and to forward to the Board of Supervisors with a recommendation of approval subject to the following updated conditions.

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The subject parcel under this Special Exception shall not be subdivided without amendment to the Special Exception in accordance with the provisions of Article 5 of the Zoning Ordinance.
3. The term of this Special Exception shall be limited to three (3) years from the date of site plan approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for seven (7) annual extensions, a total of ten (10) years. Thereafter, the special exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance.
4. The dog grooming use shall be limited to no more than 24 grooming clients per week with no grooming clients permitted on Sundays. However, this condition does not limit the grooming of boarded dogs.
5. The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. – noon Saturday and 1:00 p.m. to 8:00 p.m. Sunday.
6. The dog boarding use shall be limited to boarding of no more than 75 dogs per day. And, the proposed training classes shall be limited to 10 dogs per class for 4 classes per year. The cat boarding shall be limited to no more than 20 cats per day.

7. The dog daycare portion of the operation shall be limited to 10 clients per day, with no daycare permitted on Sundays.
8. Any expansion of the boarding, daycare, grooming, or training uses shall require amendment to this Special Exception approval.
9. The applicants shall maintain the farm building appearance of any remodeled or reconstructed buildings used for the kennel/day care operation.
10. The applicant shall file a site plan within one year of approval of this Special Exception.

The motion carried 3-2 with Mr. Robison and Mrs. McCarty in opposition.

- b. **#SPEX04-CR-016 – Fauquier 904, Inc., owner and applicant – Seneca Lake Estates** – applicant wishes to obtain a Special Exception Amendment under Category 23, which would allow for the relocation of a previously approved floodplain crossing. The property is located southwest of the intersection of Courthouse Road (Route 609) and Brent Town Road (Route 612), Cedar Run District. (PIN #7848-48-4521-000; 7848-39-6484-000; 7849-20-4323-000; 7849-20-8866-000; 7849-31-2378-000; 7849-31-5944-000; 7849-32-5649-000; 7849-33-8392-000; 7849-44-4073-000; 7849-54-6276-000; 7849-64-4262-000; 7849-74-2019-000; 7849-73-6267-000; 7849-72-9417-000; 7849-92-0229-000 & 7849-70-4823-000)

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

Mr. Stone opened the public hearing.

Mr. Frank McDermott, representative of the owner and applicant, stated that the owner received Special Exception approval to cross the floodplain in 1991 and is now asking for a relocation of the floodplain crossing. He stated that the locations where there will access to public roads will be almost exactly the same, and there will be many environmental benefits as a result of the change. He continued that the new floodplain crossing will result in many reductions including less clearing, less overall roadway extension, and reductions to the amount of floodplain being disturbed. He asked that the Planning Commission consider approving this Special Exception with conditions that the applicant bring the existing dam up to code as that is something that must be done anyway.

Mr. Bill Butler, neighbor, stated he lives downhill from this property and is worried about what affect this may have on his septic system and well.

He said he was concerned about the health and safety of the area citizens and livestock.

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

Mr. Stone, seconded by Mr. Trumbo, moved to postpone action and leave the public hearing open for up to 30 days to allow time to learn more specifics from the engineers involved with the project and to make any changes that may be necessary. He said he did not want to send a questionable proposal to the Board of Supervisors.

The motion carried unanimously.

- c. **#SPEX04-CR-017 – Mabel V. Lunceford Estate, owner, and Fauquier County Water and Sanitation Authority, applicant – Rogues Road Water Storage and Pumping Facility** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the operation of a water booster pumping station and ground storage tank. The property is located on the south side of Rogues Road (Route 602), Cedar Run District. (PIN #7914-79-2156-000)

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.

Mr. Dave Wieller, an engineer representing the Fauquier County WSA, stated New Baltimore needs this 344,000 water storage tank to serve the growing community including the new Brookside development. He said this Special Exception would include one water storage tank not exceeding 45 feet in height, a pump house, control house, and an emergency generator.

Mr. Meadows asked how the diesel fuel would be stored.

Mr. Wieller responded in a double containment storage tank.

Mr. Stone asked about the visibility of the tank from the road.

Mr. Wieller stated the road grade is higher than that of the tank. He said although they will be asking for a waiver of the landscape buffer requirements, they will put in some trees and a chain link fence with three rows of barbed wire.

Mr. Stone asked if the neighbors would only see approximately 14 feet of the tank.

Mr. Wieller responded that was correct.

Mr. Stone stated that there should be approval conditions regarding the installation of trees around the facility.

Mr. Merle Fallon, the attorney representing the Brookside community, stated the rapidly growing community is in need of water and this is a good place for the facility. He said this is a part of the Comprehensive Plan for the New Baltimore Service District; and furthermore, the water tap fees will cover most of the expenses for the project, sparing the taxpayers.

Mr. Jim Morris, neighbor, stated this information has alleviated some of his concerns, but he questions the amount of noise that will come from the pumps and the diesel generator.

Mr. Wayne Stephens, Fauquier County Water and Sanitation Authority (WSA) stated the pumps are fully enclosed in a structure, and the generator is fairly quiet and will be used only as a back-up. He continued that the generator will only run approximately fifteen minutes per week, and can be set to run in the middle of the day when it will least impact the surrounding neighbors.

Mrs. McCarty asked if the sound would be seventy decibels right next to the generator or at the property boundary.

Mr. Stephens stated that it was at the generator.

Mr. David Jerge, neighbor, stated he is concerned about area homeowners' wells running dry. He said he wondered if water and sewage treatment facilities would come next.

Mr. David Hatcher, neighbor, stated he recalls a water storage and pumping facility that was proposed in New Baltimore. He said it did not come to fruition because of the community's concern about their wells. He asked if his well had been considered and if the County would compensate him if his well were to run dry. He added he is concerned about noise, the environment, and what may come next.

Ms. Dee Swope, neighbor, stated her concern about her well running dry.

Ms. Lisa Long, neighbor, stated she is concerned about her well running dry as well as the aesthetics of the facility if the landscape buffer requirement is waived. She questioned what this may do to her property

value. She added that Brookside or other new communities should use their own land for facilities such as these.

Mr. Meadows asked Mr. Barney Durrett of the Fauquier County Water and Sanitation Authority (WSA) to address questions about landscape buffers.

Mr. Barney Durrett, WSA, stated they did not want landscape buffers surrounding the facility for security reasons. He said the County and WSA had extensively studied the five wells on the property for the past ten years to determine the impact that pumping from these wells would have on other wells in the area. He stated it was determined that there would be no impact.

Ms. Daisy Wood, neighbor, stated she lives right next to the proposed site and asked if she would be able to hear the pumps.

Mr. Barney Durrett stated it was unlikely that she would hear anything.

Ms. Daisy Wood asked what will happen if her well runs dry.

Mr. David Hatcher, neighbor, stated the WSA seems so concerned about safety in regards to the storage and pumping facility, but less concerned about the safety of the adjoining property owners and their wells.

Mr. Roger Maier, neighbor, stated he did not feel he received enough information from the County about the proposal and would like to see better communication in the future.

Mr. Stone stated if the public has questions about applications that are to be considered by the Planning Commission, they are encouraged to call or stop by the Fauquier County Department of Community Development which is located in the Fauquier County Courthouse on the third floor.

Ms. Olivia Carter, neighbor, stated WSA put a meter in her well to determine the impact that pumping from these five wells would have on surrounding wells. She said it seems a facility such as this one would have to impact her well.

Mr. Stone, seconded by Mr. Robison, moved to postpone action for thirty days with the public hearing left open in order to give the public time to process this information. He stated studies have shown this source of ground water is reliable and will be an ample supply for the new development in the New Baltimore area. He asked that a condition be included to require the applicants to plant trees, not a buffer, around the site.

The motion carried unanimously.

- d. **#SPEX04-LE-018 – Cranes Corner, LLC, owner and applicant – Liberty Station** – applicant wishes to obtain Special Exception approval under Category 1, which would allow for up to forty (40) apartment units in a mixed use C-2 zoning district. The property is located on the southeast side of Catlett Road (Route 28), Lee District. (PIN #6899-24-9873-000, 6899-25-6175-000 and 6899-25-9398-000)

Mr. Stone stated the Planning Commission would consider and vote jointly on items 11.d. and 12.b.

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

Mr. Stone opened the public hearing.

Mr. Merle Fallon, representative of Crane's Corner, LLC, thanked staff and the Planning Commission for all their work on this project over the past six months. He stated the applicants have tried to develop this land in accordance with the Comprehensive Plan first by working to amend the Zoning Ordinance and now by submitting the full proffers that the County is asking for. He continued that this mixed use development will be a tax positive for the County.

Dr. Kitty Smith, Marshall District, asked that the Planning Commission keep the public hearing open on this application until they see the traffic analysis that VDOT has repeatedly requested and that the County receives enough proffers from the residential development. She said she could not adequately decipher how many acres are involved.

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

Mr. Meadows stated this applicant has gone above and beyond as far as making road improvements and proffers. He added they are giving the sheriff's office a corner store front that will be a minimum of one thousand (1,000) square feet.

Mr. Meadows, seconded by Mr. Trumbo, moved to forward to the Board of Supervisors with a recommendation of approval subject to conditions that will be decided upon in the April 22, 2004 work session.

Mr. Robison stated he can not support the motion based on conditions that are not yet decided upon. He continued that there are still too many

uncertainties that need clarification such as retail footage, number of residential units, parking issues, and VDOT's concerns.

Mr. Meadows stated the Planning Commission will make minor modifications to the some of the language in the existing conditions. He added that the applicant is aware that if the conditions can not be worked out, the application will not go forward to the Board of Supervisors.

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

12. **REZONING**

- a. **#REZN04-CR-005 – Sevinsky Enterprises, Inc., owner and applicant Fauquier Feed Supply** – applicant wishes to rezone approximately 9.6 acres from RA (Rural Agriculture) to I-2 (Industrial – General) in order to allow the continued use of business wash bays, the filling of propane tanks from a business pumping station as well as the rental of ten (10) buildings to accommodate various businesses. The property is located on the southeast side of Ritchie Road (Route 644), Cedar Run District. (PIN #7808-31-4577-000)

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

Mr. Stone asked staff if they know which buildings on the property, including the one that does not meet set back requirements have been permitted.

Mrs. Cook stated the building that does not meet set back requirements was constructed on the property since the Floodplain Overlay District was established. She said some of the older buildings were there before the Floodplain Overlay District was established and may be grandfathered. She added that some of the uses may also be grandfathered, though some of them may be limited. She stated the applicant should submit the report to the County that was given to FEMA in the 1990's.

Mr. Meadows asked if Payne's Paving, immediately behind this property, was zoned I-2.

Mrs. Cook stated it is.

Mr. Stone opened the public hearing.

Mr. Thomas Sevinsky stated he bought this property in 1992 and the silt pond was already there along with one wash bay. He said the feed company was failing; and so, in order to keep afloat, he accepted business

washing vehicles. He continued that other business ventures evolved from that point. He said these commercial businesses are helping to keep agriculture alive in the area. He added he will follow up with the DEQ to clear up any issues there and will work with staff to move things along as swiftly as possible.

Mr. Garland Heddings, a dairy farmer in Catlett, stated area farmers have been struggling and they appreciate the support Mr. Sevinsky provides. He said Mr. Sevinsky's business services are useful in the community.

Mr. Frank Ott, a farmer in the Lee District, stated Mr. Sevinsky is a good man who graciously meets the needs of the community whether it is providing storage, fixing tires, or renting equipment.

Mr. Jimmy Messick stated he is in favor of the Rezoning and is, in fact, surprised that it is not zoned for these uses as they are beneficial to the community.

Mr. Bruce Davis stated he works for a small trucking company located on the property. He said the trucking business pays \$17,000 per year in taxes to the County without adding a lot of traffic or asking for many services. He added he is a member of the volunteer Fire Department and is proud to be a part of a community in which he can serve, work, and live.

Mr. Dan O'Connell, representative for Joel Deem, the owner of a properly permitted car wash in Remington, stated the County's own staff report sites one zoning violation after another. He said citizens can not just do whatever they want with their land and then come to the Planning Commission to ask for a rezoning. He continued that Mr. Sevinsky is polluting Brown's Run, building without permits, and disregarding set back requirements. He stated most of the businesses he runs on the property are not permitted in the Rural-Agricultural (RA) zoned area. He asked staff who would respect the Zoning Ordinance if they work to help someone who is so blatantly in violation. Mr. O'Connell stated his client operates a properly permitted car wash, and his main objection to this rezoning is that he should not have to compete with this type of establishment. He said the Planning Commission should recommend denial tonight and have the County Attorney file an injunction to terminate Mr. Sevinsky's businesses.

Mr. Stone stated Mr. Deem's attorney is correct about the zoning violations and he shares in his distaste; however, he does appreciate some of the services that Mr. Sevinsky provides, some of which are permissible in the RA zoning. He said that he will follow staff recommendations and postpone for now to see which uses and buildings may be saved.

Mr. Stone, seconded by Mr. Meadows, moved to postpone for up to 90 days with the public hearing left open.

Mr. Meadows stated Mr. O'Connell did speak a lot of truth, but he believes Mr. Sevinsky inherited some of the problems he is faced with.

Mr. Trumbo stated he has some sympathy but feels the applicant has gone overboard. He said that he will support the motion but wants it to be clear to Mr. Sevinsky that nothing should be done on the property until everything is sorted out. He added since the Planning Commission's site visit, a ditch was dug on the property.

Mr. Meadows reiterated Mr. Trumbo's remarks that nothing should be done to the property.

Mr. Robison stated he believes in keeping business in the County, but joins with staff and Mr. O'Connell in their concerns about the facilities on this site.

Mrs. McCarty stated she agrees with Mr. O'Connell, and added Mr. Sevinsky is on shaky ground.

Mr. Trumbo stated there are important environmental issues that must be dealt with.

The motion carried unanimously.

13. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS**

Mr. Stone opened the public hearing for anyone who wished to speak on any of the following Agricultural and Forestal District Additions.

Ms. Mary Bryan DeBerry, daughter of M.H.G. DiZerega, stated her mother ran a cattle operation on this property for years. She said they are now downsizing, but would like to get all of the property into the Agricultural and Forestal District.

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

a. 11<sup>th</sup> Addition to Orlean/Hume

1. John and Debra Jeniec, requesting to add 67.88 acres, located off Rt. 688. (PIN #6944-39-0770-000 and 6945-20-8528-000)

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

- i. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the district.
- ii. If any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the district.
- iii. Should the 7.59 acre parcel be sold, it will automatically be removed from the district.

The motion carried unanimously.

2. Marion and Mary Long, requesting to add 31.40 acres, located on Ernest Robinson Road. (PIN #6936-75-4220-000 and 6936-74-4765-000)

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

- i. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the district.
- ii. If any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the district.
- iii. Should the 1.01 acre parcel be sold, it will automatically be removed from the district.

The motion carried unanimously.

- a. 13<sup>th</sup> Addition to Marshall/Warrenton

- Kirk M. Lucas, requesting to add 70.06 acres, located at 6679 Blackwell Road. (PIN #6985-98-2842-000)

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

The motion carried unanimously.

- b. 11<sup>th</sup> Addition to Springs Valley

- Duncan and Margaret MacPherson, requesting to add 72.78 acres, located at 8306 March Wales Road. (PIN #6962-81-1949-000)

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

- If any portion of the parcel is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the district.

The motion carried unanimously.

c. 10<sup>th</sup> Addition to Upperville

- M.H.G. DiZerega Heirs, by Mary Bryan DeBerry, requesting to add 1,083.84 acres, located on Rectortown Road, Delaplane Grade Road, Crenshaw Road, and Carr Lane. (PIN #6053-41-7879-000, 6053-03-2393-000, and 6062-55-8181-000)

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

- i. If any portion of the parcel less than 25 acres is boundary line adjusted or divided, then the entire parcel shall be removed from the district.
- ii. If any portion of the parcel greater than 25 acres is boundary line adjusted or divided to below 25 acres, then the portion less than 25 acres shall be removed from the district.
- iii. Should the 17.02 acre parcel be sold, it will automatically be removed from the district.

Mr. Trumbo thanked Ms. DeBerry for staying throughout the meeting.

The motion carried unanimously.

Mr. Stone stated this meeting will be left open until April 22, 2004 at 4:00 p.m. when it will reconvene in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse.

*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.*



