

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

The Fauquier County Planning Commission held its regular meeting on Thursday, April 29, 2004, beginning at 3:00 P.M. in the 4th 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, Mr. Chuck Floyd, Mr. Kevin Burke, and Mrs. Rebecca Kauffman.

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| <p>Regular Meeting 3:00 P.M. 4th Floor Conference Room</p> |
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1. **APPROVAL OF MINUTES** – March 25, 2004 and April 22, 2004

Mr. Trumbo, seconded by Mr. Robison, move to approve the March 25, 2004 and April 22, 2004 minutes as amended.

The motion carried unanimously.

2. **CIP POLICY**

The CIP Policy was adopted unanimously.

3. **PRELIMINARY PLATS**

- a. **#PPLT04-MA-001 – Marshall Limited Partnership, owner, and Sunchase Capital, VII, LLC, applicant – Partisan’s Reach** – applicant wishes to obtain Preliminary Plat approval to subdivide approximately 34.2 acres into fifty-one (51) lots. The property is located in the Marshall Service District on the east side of Rectortown Road (Route 710), Marshall District. (PIN #6060-70-0919-000 and 6060-71-1555-000)

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. Trumbo, moved to postpone action for up to 90 days, at the applicant’s request.

The motion carried unanimously.

- b. **#PPLT04-MA-003 – James I. & Cheryl L. Alls, owners and Dominion Land Group, LLC, applicant – Alls Property Subdivision** – applicant wishes to obtain Preliminary Plat approval to subdivide approximately 52.3 acres into two (2)

preliminary lots and (2) companion administrative lots. The property is located on the east side of Fiery Run Road (Route 726), Marshall District. (PIN # 6909-87-6884-000) (Postponed on October 30, 2003 for up to 90 days, at the request of the applicant.)

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. Robison, moved to postpone action for 30 days, at the applicant's request.

The motion carried unanimously.

- c. **#PPLT04-CR-004 – Prospect Development Co. Inc., owners and Paul Lucas, applicant – Heddings Springs Estates** – applicant wishes to subdivide approximately 107.1 acres into six (6) lots. The property is located on the northwest side of Heddings Road (Route 794), Cedar Run District. (PIN #7940-79-2131-000) (Postponed on March 25, 2004 for up to 90 days, at the request of the applicant.)

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 continue the 90 day postponement from last month's meeting, at the applicant's request.

The motion carried unanimously.

- d. **#PPLT04-CT-007 – Raymond Hufnagel, owner and John H. Thillmann, applicant – Raymond Farm** – applicant wishes to obtain Preliminary Plat approval to subdivide approximately 64.2 acres into sixty-six (66) lots. The property is located at the southeast quadrant of the U.S. 15/29 and Dumfries Road (Route 605) intersection, Warrenton Service District. (PIN #6995-21-1875-000)

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

Mr. Robison, seconded by Mr. Stone, moved to postpone action for up to 90 days.

The motion carried unanimously.

- e. **#PPLT04-LE-008 – Carter W. & Janice N. Kehoe, owners and Brahma Land Development, LLC, applicant – Walthem Commons** – applicant wishes to obtain Preliminary Plat approval to subdivide approximately 9.6 acres into thirty-six (36) lots. The property, which is in the Bealeton Service District, is located on the

south side of Catlett Road (Route 28), Lee District. (PIN #6899-05-5345-000 and 6899-05-9336-000)

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

The motion carried unanimously.

4. **REZONING**

- **REZN04-LE-001 – Cranes 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 on January 29, 2004, for up to 90 days, at the applicant's request.)

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

Mr. Meadows asked Mr. Steve Vento, applicant, to add the phrase “end space” to the proffer regarding the office that would be allotted to the Sheriff in order that the Sheriff would be guaranteed a corner office in the new commercial development.

Mr. Vento agreed to fix the wording of the proffer statement.

Mr. Meadows, seconded by Mrs. McCarty, moved to forward the Rezoning and the Special Exception to the Board of Supervisors with a recommendation of approval based on the updated proffers and subject to the following conditions.

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.

4. An initial Site Plan shall be filed within one (1) year of the approval of this Special Exception. No time limit shall be imposed on this Special Exception, provided that a Site Plan is filed within one year of approval.
5. The development of the property shall be in general conformance with the Special Exception Plat entitled "Liberty Station (a.k.a. Crane's Corner) Special Exception, Rezoning and Concept Development Plan Amendment" dated April 16, 2004 and received in the Planning Office on April 22, 2004, except as modified by these conditions.
6. The property association agreement shall be provided to the County for review and comment prior to Site Plan approval as it relates to stormwater management/BMP facilities, landscaping, parking agreements/arrangements, parking lot maintenance, private streets, open space, etc.
7. The maximum number of apartment units shall be 40.
8. The maximum number of bedrooms per unit shall be two (2).
9. Apartments shall be limited to the 2nd floor and above.
10. This Special Exception approval grants a 20% reduction of the number of parking spaces required pursuant to Zoning Ordinance Sections 5-103.2.e, 7-102.3 and 7-102.4 for the nonresidential components of the development and removes the requirement for visitor parking spaces for the residential portion of the development. Parking space credit shall be given for those spaces provided along Willow Drive and Liberty Station Boulevard.
11. The Shared Parking Agreement shall be provided to the County for review and approval prior to Site Plan approval. This Agreement shall provide that all tenants shall share parking rights for a specified number of parking spaces; however, a limited number of parking spaces may be assigned to a particular user/tenant.
12. Overnight parking of boats, trailers, or camper type vehicles shall not be permitted on the site.
13. The minimum front yard shall be 14 feet measured from the property line in accord with Zoning Ordinance Section 5-103.2.c.
14. The uses allowed with this Special Exception shall be those uses identified in Article 3 of the Zoning Ordinance permitted in the C-1 zoning district, except the following or similar uses shall not be permitted in mixed residential use buildings:
 - a. Medical Care Facility, Minor or Major;
 - b. Golf, Miniature;
 - c. Kennel/Animal Shelter;
 - d. Veterinary Clinic;

- e. Furniture Repair, Cabinet Making, Upholstery, More Than 5,000 sq. ft.;
 - f. Welding, Sheet Metal Shops, Less or More Than 5,000 sq. ft.; and
 - g. Any Category 14 Use except vehicle part sales, installation (not including repair garage).
15. This Special Exception approval does not remove any Site Plan, Administrative Special Permit, Special Permit or Special Exception approval required for specific uses permitted in the C-1 zoning district, pursuant to Article 3 of the Zoning Ordinance.
16. The Liberty Station Boulevard entrance to Route 17 shall meet the Virginia Department of Transportation (VDOT) design requirements.
17. The applicant shall work diligently with VDOT and Fauquier County to have Liberty Station Boulevard accepted into the State System of Highways, provided that building setbacks are acceptable to the applicant. If approved by VDOT through its land use permit process, a landscaped median shall be provided in the Liberty Station Boulevard design. In addition, landscaping shall be provided along both sides of the roadway within any unused right-of-way, as permitted by VDOT. Said landscaping shall be consistent with VDOT's requirements as promulgated in its "Guidelines For Planting Along Virginia's Roadways". The property owners association shall be responsible for the continued upkeep and maintenance of said landscaping. If Liberty Station Boulevard must remain as a development travelway for setback purposes, rather than a public or private street, the maintenance agreement for its perpetual maintenance shall be reviewed and approved by the County prior to Site Plan approval. The Special Exception Plat may be amended to reflect Liberty Station Boulevard as a travelway rather than a street.
18. The architectural appearance of the mixed-use residential buildings shall be as shown on the rendering received in the Planning Office August 6, 2003, entitled "Town Center Mixed Use Complex".

Mr. Robison stated his concerns about the density of this development. He added that since the March 25, 2004 Planning Commission meeting, he listened to the recorded minutes of the 3:00 p.m. Regular Meeting of the same date, and he noted there was no mention of a continuation of the work session to discuss Liberty Station after the Regular Meeting. He stated it was for this reason he was absent from the work session that did, in fact, take place.

Mr. Stone stated he takes full responsibility that Mr. Robison missed the continued work session on Liberty Station as it had been unclear that it would take place. Mr. Stone expressed his apologies.

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

5. **SPECIAL EXCEPTION**

- **#SPEX04-LE-018 – Cranes Corner, LLC, owner/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)

See Item #4.

6. **BOARD OF ZONING APPEALS AGENDA**

No comments.

Mr. Robison, seconded by Mr. Meadows, moved to adjourn.

The motion carried unanimously.

The Fauquier County Planning Commission held its Public Hearing on Thursday, April 29, 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, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.

7. **THE PLEDGE OF ALLEGIANCE**

Mr. Robison, seconded by Mr. Stone, moved to amend the agenda to include Item #13 to schedule a public hearing for revisions to the lighting ordinance.

The motion carried unanimously.

8. **CITIZENS' TIME**

Comments should not be directed to Public Hearing items.

Citizens wishing to address the Planning Commission should provide their name and residential address. Citizens' comments are limited to five (5) minutes unless a large number of citizens wish to speak; in which case, the time limit must be reduced to accommodate all who wish to address the Planning Commission.

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

- a. Zoning Ordinance Text Amendment to add "Kennel" as a use in the R-1/Residential Zoning District, with Standards.

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

Mr. Stone opened the public hearing.

Mr. James Tucker, the architect for Paws Awhile kennels, stated the applicants would like to update the kennel with a new, totally enclosed facility. He said he would like to see this amendment passed so that they can move forward.

Mr. Stone asked how long the kennel had been in business.

Mr. Tucker stated the kennel would be forty years old next year.

Ms. Burl Williams, neighbor, stated she was in favor of expanding the kennel.

Ms. Anne Selway, neighbor, said she uses Paws Awhile on occasion and has had only good experiences. She added the kennel has been an excellent neighbor.

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

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to eliminate the 25 acre minimum lot size requirement for a “Livestock Exchange.”

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

Mr. Stone opened the public hearing.

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

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

The motion carried unanimously.

10. **SPECIAL EXCEPTION AMENDMENTS**

- a. **#TWSE03-CT-005 – George C. & Helen F. Elmore, owners, and AT&T Wireless, Inc., applicant** – applicant wishes to obtain a Special Exception Amendment under Category 20 in order to amend a previously approved condition, which would allow for the relocation of an access road to its leased

premises and to renew the previously approved Special Exception, #SE03-C-11. The property is located beyond the end of Elmores Lane south of Dumfries Road (Route 605) near its intersection with Marigold Lane, Center District. (PIN #7904-15-6717-000)

Mrs. 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. Terry Cooke, representative for the applicant, stated everything in the staff report is accurate, and in the interest of time, he would forego any further explanation. He added he would be happy to answer any questions.

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

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

The motion carried unanimously.

- 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) (Postponed until April 29, 2004)

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

Mr. Stone opened the public hearing.

Mr. John McGranahan, attorney representing the applicant, stated the applicant had complied with County staff's requests to work with DCR to bring the existing dam up to code and to make conditions for approval that require the dam to meet all regulations. He added this is a Special Exception Amendment; the original Special Exception was approved, and this amendment will create many reductions including a reduction in floodplain disturbance. He said the County is protected by the conditions as written because the applicant will not be able to take advantage of the newly approved floodplain crossing until the dam is up to code.

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

Mr. Stone stated the applicant does propose to shorten the road but wants to put the road very close to the dam, which is not up to code. He indicated that he was not comfortable sending a questionable proposal to the Board of Supervisors.

Mr. Stone, seconded by Mr. Robison, moved to forward to the Board of Supervisors with a recommendation of denial since the applicant does not wish to continue at the Planning Commission level.

The motion carried unanimously.

11. **SPECIAL EXCEPTIONS**

- a. **#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) (Postponed until April 29, 2004)

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

Mr. Stone stated this public hearing is not about the existing wells on the Lunceford Estate but about the proposed pumping station. He explained the Planning Commission sympathizes with the public perspective on this matter, but that on this occasion they were limited to discussion about the pumping station. He asked the applicant to speak in regards to the wells and how, when, and why they came about.

Mr. Stone opened the public hearing.

Mr. Barney Durrett, Fauquier County Water and Sanitation Authority (WSA), presented a timeline, which was passed around to the public, to show the progression of the project over the past ten years. He stated this was a joint venture between WSA and the Fauquier County Board of Supervisors from conception. He continued that there was an investigative process where they searched for a site to drill wells that would support the growth that was suggested in the Comprehensive Plan including, but not limited to, the New Baltimore Service District. He stated hydro-geological studies were performed at the Lunceford site, and the survey results, which indicated there was adequate groundwater to support a pumping station, were presented at a public hearing. Mr. Durrett urged the Planning Commission to forward this application to the Board of Supervisors with a recommendation of approval.

Mr. Wayne Stephens, an engineer at the Fauquier County Water and Sanitation Authority, stated there had been no technical changes to the proposal since the last public hearing. He said the only thing that had been changed, as was requested, was the color of the pumping station.

Mr. Russell Turner, a 65-year resident of the area, stated he recalls when the Board of Supervisors sent notification about the drilling of the wells, but residents did not have any idea that the water would be pumped out to the New Baltimore Service District, approximately five miles away. He added that the residents in the area need the groundwater.

Mr. Chuck Medvitz, Scott District, stated he would not comment on the wells or their usage, but on the change in the usage of the wells and the draw of water from the wells because of the booster system. He continued the hydro-geologist recommended monitoring area wells once pumping commences because one of the test wells drained 30 feet. He stated there is no way to be certain what the impact on neighboring wells will be until the pumping begins. He added the location of this pumping station will encourage future development on the Lunceford Estate as it will be a simple administrative subdivision with the accessible water source already intact. Mr. Medvitz stated he would like to see the water storage and pumping facility placed within the service district it will be serving.

Mr. David Hatcher agreed with Mr. Medvitz. He stated most neighboring wells that were tested supported homes with only two residents. He continued that many of the new dwellings that will be served by the wells on the Lunceford Estate will house larger families; and therefore, use more water. He stated there should be a bond posted for all wells within a ten mile radius of the site in question in case they go dry within three years of the onset of pumping.

Mr. David Jerge, neighbor, stated the area residents have not been asleep for the past ten years but have been repeatedly deceived. He said he does not want the facility in his neighborhood and suggested that it be put in Brookside. He continued that he does not want the Lunceford Estate, a 305 acre farm, to become the next target for developers. Mr. Jerge stated when the area wells were tested three years ago, only twenty wells were monitored, and they registered water depletions in a range of zero to thirty-three feet. He said if this pumping station comes to fruition, fifty to one hundred wells should be periodically tested and the Board of Supervisors should guarantee all wells within a two to three mile radius of the site.

Ms. Sharon Krasny asked the Planning Commission to remember the sign as you enter Fauquier County that reads "Preserving Agriculture in a Business Friendly Community," and decide if it is a mission statement or just a motto. She stated it should be a guide and not just an empty promise. Ms. Krasny added the Planning

Commission should think long-term, as she did when buying her home with what she thought would always have a good, stable well.

Mr. Paul Ruby, Cedar Run District, stated he agreed with all of the previous speakers. He said he had been through droughts in the area and had seen people spend a lot of money to get good water. He continued that his well is shallow and expressed his concern that the deep wells on the Lunceford Estate will draw from his. He stated he wants assurance that his well will not run dry.

Mr. Chadwick Coombs, long-time area resident, said he is against anything that will take away from his standard of living. He stated it is inconceivable to him that this will not adversely affect area wells and that the water will be pumped out of the neighborhood.

Mr. Melvin Cephas, long-time neighbor, stated he agreed with all of the previous speakers. He added with all the new technology that is available there should be a better system of notifying citizens about projects in their area that will affect them.

Ms. Mary Anne Hanback, a neighbor, stated that because of her age she would never get out of her car to read a little green sign posted on the side of the road, nor would she see public hearing notifications in the newspaper. She said she would never have known about the proposed pumping station or the public hearing had Mr. Jerge not told her. Ms. Hanback suggested the County notify every homeowner in the area with a clearly identifiable letter.

Ms. Carol Vargas, neighbor, stated she agreed with the previous speakers. She said she was surprised to learn about this application and wondered how big the facility would be and how much water it would store. She added she wants protection for the area wells.

Mr. John Lamper, neighbor, indicated that with his real estate background, he realized the impact this facility will have on his property value. He stated he may eventually have to buy water that he once owned outright. He added when they first drilled the wells on the Lunceford property, they did not say there would be a big pumping station.

Mr. Kenneth Tapscott stated his well was monitored during the testing period, and he never received any results, leading to his current state of skepticism. He added that he is opposed to this project because if it impacts wells in the area, he will have three failing wells.

Mr. John Haines, neighbor, stated when there was a drought, he had to use his water sparingly. He said they drill wells much deeper than they used to.

Mr. Wes Pohlmann stated he bought a home with a good well and now this pumping station threatens that well. He expressed his concern that the County would not guarantee his well would not run dry. He said he lives only two miles away from the site of the proposed facility and knew nothing about it, as he is busy and does not have time to read the newspaper.

Mr. Donald Tapscott stated he currently resides in Springfield, Virginia but was clearing his lot near the Lunceford Estate to prepare to move to the beautiful, slow-paced area. He said he will not build on the property if there is a threat to the water supply.

Ms. Tasco Carter, a local resident, stated her grandmother lived on her property before her, and there was always water in their well. She said when they did the well studies, they told her there were no effects on her well and she later found out there were and with only one person using the water. She stated she wants protection in the case that her well goes dry.

Mr. Halbert Brooks expressed his concern that this facility is being built to support Brookside and wondered where the next huge development will come up and where their water will come from. He stated he is concerned that his well will run dry, and that he will have to buy water.

Mr. Robert McGregor, neighbor, stated he had his well checked and the level was down from ten years ago. He added the water is going somewhere and he wants to see his well protected.

Mr. Paul Budd, neighbor and engineer, stated engineers sometimes make mistakes. He said there are many people here who can not protect themselves, and they are pleading with the Planning Commission to be responsible and take care of them.

Mr. Robert Green, identifying Wayne Stephens of Fauquier County Water and Sanitation Authority (WSA), stated this man said he was going to test his well and the County would replace it if it ran dry.

Mr. Wayne Stephens, WSA, said Mr. Green's statement was incorrect.

Mr. Stone reminded everyone that this was not a question and answer period although there may be an information session at a later date.

Mr. Robert Green asked why he had not received the results of the testing performed on his well.

Mr. Stone reminded the public that this was not a question and answer period.

Mr. Trumbo stated this is a public hearing.

Mr. Robert Green stated his concerns that his well will run dry, and he will have to replace it at his own expense.

Mr. Meadows said he did not want the citizens' questions to go unanswered and asked that they please meet with WSA and County staff.

Mr. Christopher Macari stated he moved his family to Fauquier County from New York to enjoy this beautiful community and is now dismayed with what is happening. He added that the area residents were not informed of the results of the well testing, and they would like some assurance that their water will be still be there tomorrow and in the future to sustain their families.

Ms. Lucy Echols agreed with many of the previous speakers. She stated they were being bound in by the development around them. She said she knows this pumping station will affect their wells.

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

Mr. Stone said he could see this issue was very near and dear to the hearts of the citizens and agreed information should have been more readily available as the events were unfolding. He stated unfortunately, the battles that matter the most were fought and lost when land was rezoned to allow high density development in Vint Hill and other areas. Mr. Stone indicated that he had heard some discussion that the Board of Supervisors and WSA may hold a public information session to answer any questions citizens have about the well testing.

Mr. Stone, seconded by Mrs. McCarty, moved to postpone action for 30 days.

Mr. Meadows suggested this proposed information session be held before next month's meeting so that they could respond to the citizens' feedback. He asked how information regarding the public forum would be dispersed.

Mr. Robison asked if the information session would be held by the Fauquier County WSA or Fauquier County Community Development staff.

Mr. Rick Carr, Director of Community Development, stated the Board of Supervisors may want to hold a joint work session with WSA, but Community Development does not hold this type of meeting other than the Planning Commission meetings. He added that the Board of Supervisors does a great job with public notification and feels certain that citizens will be made aware of the information session in a sufficient and timely manner.

Mr. Wayne Stephens, WSA, stated this was the second public hearing on this application, and after last month's meeting, he spoke with several concerned citizens who took his business card and were invited to meet with him in his

office to ask any questions they may have. He said only one citizen came to see him regarding the proposed facility. He added that WSA will not voluntarily delay this application for another 30 days.

Mr. Kevin Burke, Fauquier County Attorney's Office, said a Fauquier County Ordinance states that if the Planning Commission closes the public hearing on an application and if the applicant does not agree to another postponement, they must act on that application at their next regular meeting. He continued there is some ambiguity in this case because the public hearing was left open. He said he could not recall whether the applicant was in favor of holding the public hearing open at the last meeting, but if not, the Planning Commission may want to make a decision on this application tonight.

Mr. Wayne Stephens, WSA, stated they were not in favor of holding the public hearing open at the last meeting. He continued that the Planning Commission's own instructions this evening were that the results of the hydro-geological studies were not to be discussed in regards to this application; and moreover, the results are not going to change.

Mr. Trumbo asked Mr. Stephens if it was true that the Health Department only required the wells be tested for a 48 hour period and these wells were tested an additional 24 hours to total 72 hours of testing.

Mr. Stephens stated that was correct. He said these wells are just a small part of the larger WSA water system which they have been tasked by the Board of Supervisors to create and maintain according to the Comprehensive Plan. He added he would not acquiesce to another 30 day postponement as there is nothing about this application or these wells that will change.

Mr. Stone asked the Planning Commissioners to vote against the motion that was on the table in light of the legal advice offered by Mr. Burke.

The motion was denied unanimously.

Mr. Stone, seconded by Mr. Trumbo, moved to forward to the Board of Supervisors with a recommendation of approval as he has confidence in the exhaustive hydro-geological studies that were performed by competent professionals. He stated in looking at this application and all its elements, it is in order, and he can not recommend denial.

Mr. Trumbo stated he seconded the motion because this hearing is about a tank and a booster pump. He added the wells can not be taken into consideration, as they are not a part of this application making it impossible to deny.

Mr. Stone stated he hopes WSA will host an informal information session as they have the facts on their side.

Mr. Robison asked County staff if the state requirements for public hearing notification were met for this application.

Mr. Carr said the state requirements for public hearing for this application were met and fulfilled by advertising in two newspapers for two weeks and mailing letters of notification to adjoining property owners. He added it is the applicant's responsibility to post signs on the property and that was also done.

Mr. Robison asked WSA staff about the impact on the neighboring wells if this application were denied and the location of the pumping station were changed.

Mr. Barney Durrett, WSA, stated they had evaluated alternate sites for the pumping station but found that there would still be a need for a relatively large structure on the Lunceford property for disinfection purposes. He said ultimately, it is the WSA's job to provide the community with the safest, most efficient and cost effective provisions for water.

Mr. Robison asked Mr. Durrett if the location of the pumping station were changed would it affect the area residents.

Mr. Durrett stated the wells are already in existence.

Mr. Robison clarified if the application were denied, it would not change the effects on the neighboring wells.

Mr. Durrett said there are no significant effects on the neighboring wells regardless of the location of the pumping station.

Mr. Robison asked Mr. Kevin Burke, County Attorney's Office, if he could ask Mr. Durrett what affect the new facility will have on neighboring wells.

Mr. Burke stated the wells are not a part of this application.

Mr. Durrett said he did not mind answering questions about the wells, as the results of the hydro-geological study are public record.

Mr. Robison asked Mr. Durrett if any of the wells that were tested went dry.

Mr. Durrett answered "no."

Mr. Robison asked if once pumping began the WSA would monitor neighboring wells.

Mr. Durrett explained the hydro-geologist recommended establishing a monitoring well between the WSA wells and the well that had the most impact

even though it was not a significant impact. He continued that the WSA is required to monitor the levels of their static and pumping wells.

Mr. Stone suggested to WSA that it may be advisable, from a public relations standpoint, to expand the testing to include neighboring wells. He added, although he would never criticize WSA as he does not know about their methods of disseminating information to the public, they may want to provide the public with more information in the future.

Mr. Durrett stated he would be more than happy to have a public forum regarding this application even though the results will remain the same.

Mr. Robison highly recommended WSA hold a public forum to explain this application and that the impact of the wells was discussed previously in a separate application.

Mr. Durrett objected to the verbiage that was being used because the studies showed that there was no significant impact on neighboring wells.

The motion carried unanimously.

- b. **#SPEX04-MA-020 – Douglas E. & Sharon Y. Darling, owners, and Fauquier County Water and Sanitation Authority, applicant – Cannon Ridge Water Storage Silo** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the construction of an above ground water storage silo. The property, which is in the Marshall Service District, is located off Main Street in Marshall Virginia; across from the Marshall Rescue Squad and east of Lunceford Lane, Marshall District. (PIN #6969-47-7043-000)

Mrs. 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. Bob Counts, representative for the applicant, stated during the Planning Commission's site visit this morning, they discussed alternatives for the location of this facility. He said they could decrease the size of the silo from 810 to 790 feet and place it at a lower elevation.

Mrs. McCarty asked if this was a state chartered water system, belonging to someone other than WSA and if so, could WSA be the applicant.

Mr. Barney Durrett said WSA currently has a contract for acquisition of the property.

Mrs. McCarty said if the property is not owned by WSA, she questioned whether or not WSA could make this application.

Mr. Durrett stated WSA has contract owner status.

Mr. Trumbo asked Mr. Durrett what would happen if the contract fell through and inquired who would own the water system.

Mr. Durrett stated in the event the contract falls through, WSA would own the water system and lease it to Water Works for \$1 per year.

Mr. Meadows asked if the contract falls through and there is a leasing agreement, who would bear the financial responsibility of fixing the system if it breaks.

Mr. Durrett stated WSA would not be responsible for repairs.

Mr. Trumbo asked about the term of the lease.

Mr. Durrett stated the current proposal does not identify a lease term as it is not yet signed.

Mr. Trumbo stated he spoke with the WSA Board and understood if the political forces in Marshall did not accept WSA's proposal, then WSA would not take over the water system and Mr. Rice would retain ownership.

Mr. Durrett said WSA plans to resolve the ownership issue in the near future.

Mr. Trumbo stated WSA previously presented a plan to build one 300,000 gallon water storage tank at the Route 17 and I-66 Industrial Park and make improvements to some water lines but never mentioned a second water tank. He questioned what changes had occurred since the time of that proposal to justify the need for a second water tank.

Mr. Durrett stated since this has not been a WSA owned property, it did not have a master plan. He said this is a gravity stand pipe, and to achieve the best results this type of water tank is generally placed at the highest elevation possible.

Mr. Trumbo said he understands the benefits of this location, but questioned why there is a need for a second tank at all when other areas, including Warrenton, operate off one water storage tank.

Mr. Durrett stated he could not speak to how Warrenton operates off one water tank as generally there is a need for a second tank for draining and inspecting, pressurization, and for buffer storage.

Mr. Trumbo said as he discussed the second water storage tank with Mr. Durrett earlier he understood there may be a need for a third tank as well.

Mr. Durrett stated the Route 17 and I-66 water storage tank was never expected to support all of the Marshall Service District at full build out. He added it would support the current population and some growth but not the growth indicated by the Comprehensive Plan.

Mr. Trumbo questioned if Mr. Durrett was referring to the recently approved Comprehensive Plan that allowed for substantially less growth than was previously expected. He clarified that the WSA is proposing a possibility of three water storage tanks in the Marshall Service District.

Mr. Durrett stated the master plan for the Marshall Service District, inclusive of the Marshall Water Works tank, is not complete. He added he could not say positively that there will be a need for three water storage tanks, but two tanks would be highly advantageous.

Mr. Trumbo questioned if the water pressure would be sufficient if there was one tank in Marshall with the proper infrastructure.

Mr. Durrett answered if one spends enough money, they can make any system work, but the WSA is charged with building the most efficient and cost effective system.

Mr. Trumbo stated he was just trying to understand why there would be a need for three water storage tanks.

Mr. Stone opened the public hearing.

Ms. Wendy Emery stated her opposition as the County and the citizens have been trying to improve the area and preserve its historic beauty. She read a letter from Chris Robinson, an opponent to the application, who stated he knows Marshall has water problems, but he understood the water tank in the Industrial Park would be enough to solve the issues. He added this is an unnecessary use for this historical site. Ms. Emery read a letter from Albert Payne, another opponent, who stated this water tank should not be located at a site with such historical significance.

Mr. Donald Yowell, adjoining property owner, stated the water tower would be in his back yard, and he does not feel a new tank is necessary as the Comprehensive Plan only calls for one. He added many larger towns have only one water storage tank. He stated the citizens have been working to improve Marshall, and this would be a step back. He said everyone on the street strongly opposes this application, and he only wished Mr. Darling, the applicant, was in attendance so

he could ask why he would want to put this water tower in the midst of the nice, expensive development he is building.

Mr. John Whiting, Marshall District, stated he has been taking notes for Marshall Business and Residents Association and he has never heard of the need for a second or third water tank at any of the meetings he attended. He added the Marshall water system does need improvement, but the Comprehensive Plan does not call for this. He said this tower would be unattractive, and the only winner in this would be the developer. He stated this application should be denied.

Ms. Joyce O'Bannon stated this tower would be in her backyard. She said it appears there have been many changes to the development that the applicant originally presented. She added that she was led to believe there would just be one water tank closer to I-66. Ms. O'Bannon asked the Planning Commissioners to ask questions before approving this application.

Mr. Paul Lawrence, Marshall Citizens Planning Committee, stated they just finished meeting to update the Comprehensive Plan where both WSA and Water Works discussed the Marshall water system only mentioning one water tank. He added Marshall may need more than one water tank because of the area topography. He said this application presents a managerial mess with unclear ownership. He suggested WSA and Water Works perform geological studies and go back to the drawing board with the help of the public. He questioned the need for this tower presently.

Ms. Meredith Whiting, Marshall District, agreed with the previous speakers. She asked the Planning Commission to deny this application in order to preserve Marshall's beauty.

Mr. Chuck Rice, Marshall Water Works owner, stated he purchased Water Works strictly as a facilitator, but he was at this meeting to speak as a landowner. He said he does not want this water tower in his backyard, and as the owner of Water Works, he has no intention of transferring ownership in the near future.

Mr. Trumbo asked Mr. Rice if he owned Water Works and WSA currently managed it.

Mr. Rice answered that was correct.

Mr. Trumbo asked if WSA made this application without Mr. Rice's support.

Mr. Rice stated he was not in favor of the water tower.

Mr. Meadows clarified that Mr. Rice has no intentions of turning over Water Works to WSA.

Mr. Rice stated he has no intentions of turning it over in the near future. He said there is an agreement with WSA, but he only bought Water Works to act as a facilitator and has no desire to own or operate a water system. He said in his discussions with WSA they never planned for a second water tank other than a brief mention of a second tower in the North. He added it may be true that a second tower would help, but most towns run their water systems with just one.

Mr. Trumbo clarified we are now discussing the tower in the West and not the North.

Mrs. McCarty asked if at one time Mr. Rice had considered and decided against putting a water tower behind Marshall Manor, adjoining his property.

Mr. Rice stated at one time, in Marshall's desperation, he considered putting a water tower on his property, but that was not necessary once there was an agreement to construct a tower at 17/66.

Mr. Trumbo asked when Mr. Rice became aware of this proposal.

Mr. Rice answered that he knew about the proposal for two or three months. He added that he had an agreement with WSA, but he has never read it or agreed to it.

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

Mrs. McCarty stated she could see the value of the Marshall citizens having just finished work on the Comprehensive Plan in that they know this part of Stevenson Hill was protected. She added there are concerns over the ownership of this property and who is applying. She said this Special Exception application is in conflict with Mr. Darling's last Special Exception where he agreed to protect this hill as open space.

Mrs. McCarty, seconded by Mr. Stone, moved to forward to the Board of Supervisors with a recommendation of denial for the based upon the following grounds:

- 1) The proposal for the Special Exception is not consistent with the Comprehensive Plan.
- 2) The proposal fails to satisfy the general and specific standards for the proposed use established by the Zoning Ordinance.
- 3) The proposal can not move forward as the proposed site is within the dedicated open space, which has been reduced by an approved Special Exception, and open space credit cannot be afforded to lands which include the proposed public facility.

- 4) The proposal failed to demonstrate that there were no other alternatives available, nor did it show that any other options were pursued and then eliminated due to cost, location, or other reason.

Mr. Trumbo stated having lived in Marshall, he knows about the failing water system. He said the existing business and residential core should be served before new development. He added he is not convinced there is a need for a second water storage tank but a need to improve the infrastructure on Main Street and build a functional tower at 17/66. He said he would support the motion for denial.

Mr. Meadows stated he would support Mrs. McCarty and would like to add a fifth reason for denying the application. He stated the ownership issue is of great concern in that one must know about their expenditures. He continued that if the deal between WSA and Water Works falls through and there is a leasing situation, there will be maintenance costs that will become a burden to taxpayers as they try to keep their water system afloat.

Mr. Robison questioned WSA's purpose in applying for this tank if Mr. Rice does not want it.

Mr. Stone stated just because this hill has the right elevation for a water tower does not mean it is the exclusive location.

The motion carried unanimously.

12. **COMPREHENSIVE PLAN AMENDMENT AND REZONING**

- **#CPAM04-CR-003 and #REZN04-CR-007 – Virginia Crane Rental, Inc., owner, and R.L. Rider & Company, applicant** – applicant wishes to obtain a Comprehensive Plan Amendment, which would allow the property to be developed for light industrial and contractor yard uses. The applicant also wishes to rezone approximately 29.25 acres from RA (Rural Agriculture to I-1 (Industrial Park). The property is located in the Opal Service District on the east side of Routes 15, 29 & 17, Cedar Run District. (6981-32-7629-000)

Mrs. 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. Bob Counts stated the Planning Commission has scheduled a site visit for May 13, 2004 and proffers will be available for review at that time.

Mr. Todd Atkins, Vice President of General Excavating Inc., the company that owns the adjoining property, stated he is in favor of the application. He added that his company may, in the future, look to acquire part of the adjoining property.

Mr. Stone asked Mr. Atkins about the zoning of his business' property.

Mr. Atkins stated it was either I-1 (Industrial Park) or I-2 (Industrial General)

Mr. Meadows stated it was I-1, the same zoning the applicant wishes to obtain.

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 pending the May 13, 2004 site visit.

Mr. Kevin Burke, Fauquier County Attorney's Office, stated the Planning Commission had no legal obligation to hold the public hearing open.

Mr. Stone stated the public hearing is now closed based on legal counsel.

Mr. Meadows stated the applicant has been in business many years, and they need this Comprehensive Plan Amendment and Rezoning to continue. He added the adjoining property has the I-1 zoning that the applicant desires.

The motion carried unanimously.

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

- Consider initiation of a Zoning Ordinance Text Amendment for revisions to the Lighting Ordinance.

Mr. Robison moved to schedule a public hearing for next month's meeting.

Mr. Stone asked if staff could feasibly prepare a report for next month's meeting.

Mr. Carr replied staff would likely need more time and could have something ready for the June Planning Commission meeting.

Mr. Meadows stated with the current workload, staff will need 90 days for preparation.

Mr. Robison, seconded by Mr. Meadows, moved to amend the previous motion and to schedule the text amendment for the 3:00 p.m. regular meeting in May where they will schedule a public hearing for the June Planning Commission meeting.

The motion carried unanimously.

Mr. Stone stated there will be a site visit to R.L. Rider & Company at 3:00 p.m., May 13, 2004 immediately followed by a Reformatted Zoning Ordinance work session to be held in the 4th Floor Conference Room of the Fauquier County Courthouse. He continued there will be another Reformatted Zoning Ordinance work session from 4:00 p.m. – 7:00 p.m. on May 24, 2004 in the same location.

Mr. Trumbo, seconded by Mrs. McCarty, moved to adjourn.

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:34 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.