

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JUNE 24, 2004**

The Fauquier County Planning Commission held its regular meeting on Thursday, June 24, 2004, beginning at 3:00 P.M. in the 2nd Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mrs. Kimberley Johnson, Mr. Chuck Floyd, Mr. Kevin Burke, Ms. Holly Meade and Mrs. Rebecca Kauffman.

<p><i>Regular Meeting 3:00 P.M. 2nd Floor Conference Room Warren Green Building</i></p>
--

1. **APPROVAL OF MINUTES** – May 27, 2004

Mr. Robison, seconded by Mrs. McCarty, moved to approve the May 27, 2004 minutes as amended.

The motion carried unanimously.

2. **PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE AND COMPREHENSIVE PLAN**

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

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

Mr. Meadows, seconded by Mrs. McCarty, moved to schedule a review for next month's regular meeting.

The motion carried unanimously.

- b. Consider initiation of Zoning Ordinance Text Amendments regarding purchase of development rights.

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

Mr. Stone, seconded by Mrs. McCarty, moved to schedule a review for next month's regular meeting with a public hearing to be set for August.

The motion carried unanimously.

- c. Scheduling Chapter 6 of the Comprehensive Plan [Revisions – Introductory Text] for public hearing.

Mr. Carr 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 schedule a public hearing for next month.

The motion carried unanimously.

- d. Scheduling Strategic Transportation Plan for public hearing.

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

Mr. Stone, seconded by Mr. Meadows, moved to schedule a public hearing for next month.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PP02-C-20 - Carlton Moorefield, owner, and Premier Homebuilders, Inc., applicant - Cedar Mill Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 31.92 acres into seventeen (17) lots. The property is zoned Residential-1 (R-1), and is located on Frytown Road, Center District. (PIN #6994-36-3798-000, #6994-37-3260-000 and #6994-36-5406-000) (Postponed on May 27, 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. Robison, seconded by Mr. Stone, moved to continue the 90 day postponement, at the applicant's request.

The motion carried unanimously.

- b. **#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, which is in the Warrenton Service District, is located at the southeast

quadrant of the U.S. 15/29 and Dumfries Road (Route 605) intersection, Center 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 approve subject to the following revised conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Raymond Farm" dated January 28, 2004, revised on March 26, 2004, signed by Paul B. Johnson 3-29-04 and received in the Planning Office on March 31, 2004, except as modified by these conditions. This approval is for a maximum of sixty-six (66) single-family residential lots, with twenty-seven (27) acres being dedicated to Fauquier County. The following revisions shall be made to the Preliminary Plat prior to scheduling for Board of Supervisors action:
 - a. Some mapping symbols are still missing and/or are incorrect. These errors shall be corrected prior to Board of Supervisors action. The Certified Professional Soil Scientist (CPSS) shall contact the Soil Scientist Office for clarification. The Type I soil map is not to be altered in any way. Any alteration may only occur at the Final Plat stage.
 - b. The survey located springs, etc. shall be replaced with original Type I information.
 - c. Soils map on sheet 10 of 15 is outdated. This shall be replaced with current GIS soils layer on the preliminary plans.
2. The applicant will continue to work with the Fauquier County School Board to further determine a mutually acceptable solution to install a right-hand turn lane into P.B. Smith Elementary School, on the school property.
3. The one (1) level structure shown on page 4 of 15 of the Preliminary Plat located on the south side of the proposed 6-foot trail behind lot 58 to remain shall be preserved and restored by the applicant.
4. A landscape plan shall be submitted with the final construction plan submission.
5. The landscape plan shall show easements for all street trees and tree preservation areas.
6. A landscape buffer along Dumfries Road (Route 605) shall be planted in conformance with the Plan titled "Landscape Screening Along Dumfries Road" that was signed by Paul B. Johnson on April 1, 2004. This buffer shall be planted as heavy as possible, with additional evergreen trees.

7. The wet pond shall adhere to the set backs and other requirements of the Fauquier County Zoning Ordinance 6-102 (24). This includes PIN 6995-41-1448.
8. All applicable federal and state permits shall be included in the first submission of the Final Construction Plans. This includes wetlands permits, dam safety permits, etc.
9. The soils map indicates that several soil types are characterized by high water table, hydric conditions (indicating possible wetlands), and low bearing capacity. Of particular concern are Lots, 10, 11, 12, 13, 14, 15, 16 and the street in this area. If springs and/or wetlands are identified, these houses and the road shall be relocated into more suitable soils type. In addition, if springs are present, this pond cannot be designed as a dry pond because base flow may be present.
10. Roads shall not be located over springs. Show spring locations.
11. If the wet pond dam is to be reconstructed, an emergency spillway shall be provided. If the current dam is to be preserved, an engineer shall certify that it is sound and will function as intended.
12. Evidence that there is adequate fire flow, as outlined by the Office of Emergency Services, shall be required with the first submission of the Final Construction Plan. A water model showing existing conditions and assumptions shall be included.
13. There shall be a 25-foot “no planting” zone downstream of the toe of slope of the pond embankments. No landscaping or buffering shall be in this area. This includes the area next to PIN 6995-41-1448.
14. The configuration of the dry pond will allow short-circuiting. This shall be revised for the Final Construction Plans.
15. There shall be **no** increase in flows to the existing pond in the Airy Lake Subdivision unless an engineer inspects and certifies that this dam is stable.
16. In the Final Construction Plans, all requirements of the Fauquier County SWM Ordinance shall be met.
17. The County recommends that no below grade basements shall be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Where possible, all exterior foundation drainage systems shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating, “Basements are not recommended in mapping units 10A, 15B, 415B, 416B, 16B and 110A. Basements in

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

18. Provide a typical section for the Route 605 improvements.
19. The typical sections shall list the street names and/or stationing being constructed for each road design.
20. The full width of the right-of-way shall be dimensioned on the typical section. It appears as if the numbers are not adding up.
21. A proposed pavement design shall be included on the typical section. The plan is indicating prime and double seal, which is not an acceptable design. A note shall be incorporated that the pavement design is for planning purposes only, and the final design shall be based on the Flexible Pavement Design Worksheet per the 2000 Pavement Design Guide and actual CBR values. The pavement design shall be reviewed and approved by VDOT prior to construction.
22. The area on the plan shown as a reservation for future road expansion shall be dimensioned on the plan.
23. The entrance features shall be located outside of the area of the right-of-way reservation.
24. VDOT recommends that the sidewalk along the entrance road be extended to handicap ramps at the intersection of Route 605 to accommodate pedestrian movement to the school. The signal shall also incorporate the pedestrian movement along with cross walks.
25. The plan shall list street names.
26. Any landscaping in the median of the entrance road shall be in accordance with VDOT's clear zone requirements, sight distance requirements, and landscaping standards. The landscaping shall be reviewed and approved with the construction plan. The Homeowners association will need to provide a CE-7 permit at the time of street acceptance agreeing to the maintenance of the trees.
27. The water and sewer lines shall be located outside of the pavement and preferably outside of the right-of-way.
28. The right-of-way dedication shall transition at a defined point rather than the variable width shown.
29. Fauquier County Water and Sanitation Authority shall accept the sanitary sewer within the right-of-way prior to the streets being accepted into the state system for maintenance.

30. No sanitary sewer or water line structures shall be placed in the roadway or the sidewalk per General Note number 2.
31. A minimum radius of 45 feet from face-of-curb to face-of-curb on cul-de-sac streets serving more than 25 dwellings is needed, and 55 feet for the right-of-way. This shall be shown on the plans.
32. Sight distance profiles shall be provided for all intersections.
33. Plans shall be labeled with the stationing.
34. The final plan shall include a signal layout with the control boxes and poles to determine any additional right-of-way or easements that may be required to accommodate the signal.
35. The sight distance profile for Route 605 shall include the vertical curve for the left turn lanes, and shall indicate the design or posted speed used to calculate the sight distance. The profile shall incorporate the grade of the proposed improvements.
36. Cross sections of Route 605 improvements at 100' intervals shall be submitted with the final plan.
37. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final construction plan. This shall be done in the field and checked for any additional soils information to be added to the final construction plan.
38. Interpretive information from the Type I soil report for each mapping unit shown on the above final construction plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the final construction plan to identify spot symbols.
39. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
40. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before final plat approval is made.
41. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated November 12, 2002.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=?') and certifies that this is the Best Available Soils Information to Date for Lots ??.

Va. Certified Professional Soil Scientist CPSS #3401-_____	DATE
---	------

42. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.

- The County recommends that no below grade basements be constructed on soil mapping units 10A, 15B, 16B, 110A, 415B and 416B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.
- Roads built on 53B, 53C and 55B and 55C mapping units will need to be designed to overcome the low bearing capacity caused by the substratum of these soil types which are high in mica.
- Due to the mica content of the soils in the 53B, 53C and 55B and 55C mapping units, these soils are highly erosive. The erosion and sedimentation plans need to consider more filtration practices as compared to sedimentation. Special precaution will need to be addressed in stabilizing the cut-banks along the proposed road.
- Foundations placed in soil mapping units that show a moderate, high, or very high shrink-swell potential in the most recent *Interpretive Guide to the Soils of Fauquier County, Virginia* will require a geotechnical evaluation in order to determine proper design.

The motion carried unanimously.

- c. **#PPLT04-LE-006 – Lewis N. & William F. Springer, owners and 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), Lee District. (PIN #6889-54-9393-000; 6889-74-0648-000 and 6889-75-2303-000) (Postponed on May 27, 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. Meadows, seconded by Mr. Stone, moved to postpone for up to 90 days, at the applicant’s request.

The motion carried unanimously.

- d. **#PPLT04-LE-012 – Paul Dressler, owner, and Gerry Blankenship, applicant – Old Dominion Ridge Subdivision** – applicant wishes to obtain preliminary plat

approval to subdivide approximately 12.0 acres into five (5) lots. The property, which is in the Bealeton Service District, is located on the northeast side of Weaversville Road (Route 662), Lee District. (PIN # 6889-66-7583-000, 6889-66-2687-000 and 6889-66-3424-000)

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.

- e. **#PPLT04-LE-013 – Dunn Brothers, Inc., owners and applicants – Oak Meadows Subdivision** – applicants wish to obtain preliminary plat approval to subdivide approximately 5.9 acres into nine (9) lots. The property, which is in the Bealeton Service District, is located on the south side of Oak Shade Road (Route 661), Lee District. (PIN #6889-75-7223-000)

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.

- f. **#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. Stone, moved to continue the postponement for 30 days.

Mr. Stone asked if the railroad had authorized a crossing and if they were so obliged.

Mr. Carr replied that it is difficult to get a railroad crossing, but he believes this is one of two crossings in that area that will be authorized. He stated the need for affirmation.

The motion carried unanimously.

4. **ZONING ORDINANCE WAIVER**

- a. **Waiver of Section 7-302.1.B., Limitation on a private street connecting directly to a state maintained street – Raymond P. & Linda Hawkins, owners** – Maryann Lane (private street) north side of Sumerduck Road (Route 651) near the Village of Sumerduck, Lee District. (PIN #7804-58-9416-000)

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

Mr. Meadows questioned the number of allowable divisions on this lot.

Ms. Meade stated the applicant could have further divided the residue to create 12 total lots, but with the new deed restrictions that the applicant agreed to, the property can now only be divided into 5 total lots.

Mr. Meadows commended the applicant for his compromise.

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

Mr. Stone thanked Mr. Meadows, Ms. Meade, staff, and the applicant for a job well done.

Mr. Meadows expressed gratitude to legal counsel.

The motion carried unanimously.

- b. **Waiver of Section 7-302.1.B., Limitation on a private street connecting directly to a state maintained street – William P. and Isabelle Swick, owners** – Stonefield Lane (private street) west side of Culver Drive (private street) and north of Broad Run Church Road (Route 600) in New Baltimore, Scott District. (7916-03-9325-000)

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

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

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

No Comments.

There being no further business, the meeting was adjourned.

The Fauquier County Planning Commission held its Public Hearing on Thursday, June 24, 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.

6. **THE PLEDGE OF ALLEGIANCE**

7. **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.

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

- a. Text amendment to Section 6-105 of the Fauquier County Zoning Ordinance in order to allow a reduction in the additional 100-foot setback requirement for barns by approval of a special permit. The reduction would be limited to barns in the RA, RC, I-1 and I-2 zoning districts, and only where adjacent to other properties zoning RZ, RC, I-1 and I-2.

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.

Ms. Kay Hayes stated she lives in a large lot subdivision and has been pleased with the 100-foot setback requirement for barns. She said that barns, even if properly kept, can be quite messy. She added that homes only have a 50 foot setback and if barns were permitted to be less than 100 feet from a home, some serious problems could arise. She added that this buffer reduction could interfere with scenic easements and create safety concerns.

Mr. Stone questioned Ms. Hayes about the zoning of her property.

Ms. Hayes stated her property is zoned RA and is in a subdivision with 10-acre home sites.

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

Mr. Meadows stated, as a member of the Board of Zoning Appeals, he sees many people who need this reduction to build their barns, if just to move the barn 25 feet.

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

Mrs. McCarty stated the Board of Zoning Appeals would look at each case very carefully.

Mr. Stone stated the Board of Zoning Appeals would not likely approve a request to reduce setbacks for barns in residential neighborhoods although it would not be prevented from doing so. He added this text amendment is more for the benefit of those in rural areas.

Mr. Robison stated the Special Permit process provides citizens with some protection.

The motion carried unanimously.

- b. Text amendment to Section 5-2002 of the Fauquier County Zoning Ordinance in order to allow a new private individual sewage treatment system to discharge into an open ditch or water. The amendment would limit such system to the RA zoning district and only where serving a commercial business supporting agricultural uses.

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

Mr. Meadows clarified that the language should read less than 1000 gallons per day.

Mr. Stone questioned if one would need a permit from DEQ.

Mrs. Johnson stated one would also need a permit from DEQ.

Mr. Stone asked what role VDOT would have.

Mrs. Johnson stated if the ditch were on VDOT property, the applicant would have to get an easement from VDOT.

Mr. Stone opened the public hearing.

Ms. Mimi Moore, on behalf of Citizens for Fauquier County, stated her organization supports agriculture, but this amendment is undesirable. She said she believes the Planning Commission is trying to help one individual to make useful land that does not percolate. She continued that this will open up a dialogue for other businesses to try to do the same thing. She stated according to the definition of “agriculturally related uses”, many businesses that hardly seem related to agriculture, could take advantage of this amendment. She said this should either be denied or the definition of “agriculturally related uses” should be changed.

Mr. Chuck Medvitz, Scott District, questioned how many properties in the county this would affect and how pervasive the Planning Commission really wanted this to be. He urged the Planning Commission to consider what uses should be allowed.

Dr. Kitty Smith, Marshall District, concurred with the other speakers. She added that she supports agriculture and its related businesses. Dr. Smith stated although this text amendment may have been proposed with good intentions, without properly defining “agriculturally related uses” too many types of businesses will take advantage. She continued that 85-90% of the county is zoned RA, so surely the applicant, for which this text amendment has come about, can find some RA land that percolates so the Board of Zoning appeals could have approved this, and it never would have come before the Planning Commission.

Ms. Jolly de Give, Piedmont Environmental Council, stated she has many of the same concerns. She said unless the definition of agricultural use is narrowed, this text amendment may open the barn door far too wide.

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

Mrs. Johnson stated the definition Ms. Moore read was for “agriculturally related uses” in the C-2 zoning district and this text amendment is regarding the RA zoning district. She continued that regardless of the zoning district, the definition of “agriculturally related uses” can be clarified by specifying Category 18 uses, which essentially include nothing other than farming.

Mr. Stone asked how the language could be changed tonight.

Mrs. Johnson stated they may want to amend 6a to specify that “agriculturally related uses” are those listed under Category 18.

Mr. Stone asked if exceptions could be made to that list.

Mrs. Johnson answered they could.

Mrs. McCarty stated because important issues have been raised tonight, the Planning Commission should spend more time to consider this text amendment.

Ms. Mimi Moore asked if farm supply was on the list of Category 18 uses.

Mrs. Johnson stated the line that is used in the Text Amendment is “a use that primarily serves an agricultural business,” so farm supply fits in as it primarily serves farms, which are included in this list.

Mr. Trumbo stated we owe it to those who raised concerns about this text amendment to make the language clear.

Mr. Meadows asked if they needed to tweak the language in 6a.

Mrs. Johnson stated 6a should be made to include the list of approved agriculturally related businesses from Category 18.

Mr. Trumbo added it should be made clear that there will be no cross-contamination with approved uses in the C-2 zoning district.

Mr. Stone stated he did not believe it would be an undue hardship to the applicant to delay action so that staff can work on the list and the language. He thanked the public for their input.

Mr. Stone, seconded by Mrs. McCarty, moved to postpone action for 30 days with the public hearing left open.

Mr. Meadows stated he had no problem with the postponement if it was only to work on the language, but would not be able to support the postponement if the intention was to kill this text amendment.

Mr. Trumbo said he had no intention of killing the text amendment, but felt they owed it to the citizens to make the language clear.

Mr. Meadows stated he certainly wants the citizens to be heard.

Mr. Robison said that staff may also want to revise 6c.

The motion carried unanimously.

9. **SPECIAL EXCEPTIONS**

- a. **#SPEX04-CR-021 – David R. Chapman, owner, and Culpeper Farmer’s Cooperative, Inc., applicant – Culpeper Farmer’s Cooperative, Inc. Wastewater System** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for the operation of a wastewater treatment facility. The

property is located at the intersection of Marsh Road (Route 17) and Harpers Run Road (Route 836) near Lois, Cedar Run District. (PIN #7807-54-6024-000)

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 he concurs with staff's recommendations and would be happy to answer any questions.

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

Mr. Meadows requested that as staff clarifies the language in the corresponding text amendment, they correct the language to read less than 1000 gallons.

Mr. Stone, seconded by Mr. Robison, moved to postpone action for 30 days with the public hearing left open.

The motion carried unanimously.

- b. **#SPEX04-CR-023 – Al-Mara Farms, Inc., owner, and JAPAL, LLC, applicant**
– applicant wishes to obtain Special Exception approval under Category 9, which would allow for the renewal of a previously approved request to hold Class C events and new approval for Class B events. The property, which is in the Midland Service District, is located on the southeast side of Catlett Road (Route 28), Cedar Run District. (PIN #7900-64-8311-000 and 7900-44-7085-000)

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.

Ms. Patty Leonard stated she respectfully requested that the Planning Commission recommend approval of this Special Exception to the Board of Supervisors. She said the farm is now in its fourth season running special events and has had a moderate level of success. She added that 75% of the business comes from outside Fauquier County.

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

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for 30 days with the public hearing left open.

Mr. Meadows clarified that the reason for the postponement is that the property was not posted.

Mr. Stone said that was correct.

Mr. Meadows asked the applicant if this postponement would put her business in jeopardy.

Mrs. Leonard stated it would not.

The motion carried unanimously.

- c. **#SPEX04-CT-024 – Fauquier County Board of Supervisors, owner and Fauquier County Parks & Recreation Department, applicant – Central Area Park** – applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. The property is located on the south side of Old Auburn Road (Route 670), Center District. (PIN #6993-16-9798-000)

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

Mr. Stone explained that although this Special Exception was advertised, the property was not posted. He continued that because of this there would be no vote this evening.

Mr. Stone opened the public hearing.

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

Mr. Robison, seconded by Mr. Meadows, moved to postpone action for 30 days with the public hearing left open.

The motion carried unanimously.

10. **REZONING**

- **#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) (Postponed on March 25, 2004 for up to 90 days.)

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. Bruce Davis, representative for Mr. Sevinsky, stated in 1998, there was a floodplain study done by Dewberry and Davis, and if another study were performed, the results would be the same. He asked that the Planning Commission move this application forward as Mr. Sevinsky has responded to all of staff's requests.

Mr. Dan O'Connell, representative for Mr. Joel Deem, the owner of a properly permitted car wash in Remington, stated he has read the DEQ and staff reports, and nothing has changed in months. He said the County should insist Mr. Sevinsky address his numerous zoning violations and stop making a mockery out of their Zoning Ordinance. He added that the floodplain situation can not be resolved and for these reasons, the Planning Commission should recommend denial.

Mr. Stone stated the Planning Commission was on the verge of requiring Mr. Sevinsky to have a suitable floodplain study.

Mrs. Dargis stated the study Mr. Davis referred to was entirely different from the type of floodplain study that will now be required of Mr. Sevinsky. She continued that prior to this Mr. Sevinsky simply had elevations taken. She said the new floodplain study would evaluate the flow from Brown's Run and its tributaries and could possibly change the floodplain mapping.

Mr. Stone questioned if the County progressively updates floodplain maps.

Mrs. Dargis stated as large projects come about, floodplain studies are performed, and maps are updated.

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

Mr. Stone stated this has been the most difficult application he has seen staff work on in that the applicant has been less than forthcoming. He continued that the Planning Commission is not an enforcing body but a recommending body. He said the Planning Commission wants this property to be in conformance with the Ordinances as there are some services provided by the applicant that are useful to the community. He added that there are also some services that are being offered that are not as necessary. Mr. Stone expressed his hopes that the prepared motion will ensure that Mr. Sevinsky bring the use of this land into compliance with the Ordinances.

Mr. Stone, seconded by Mr. Meadows, made the following motion.

Motion for Approval:

I move to forward the application for rezoning with a recommendation that the Board of Supervisors approve the rezoning only if the applicant has, prior to the vote of the Board, provided a suitable floodplain study demonstrating that the proposed industrial use is feasible on the subject property, and a proffer statement to limit it to the lawfully permissible existing uses allowed in zoning as well as to proffer out the following uses of the property:

- A. Delete the ability to develop the following permitted uses:
 - 1. Motor vehicle freight terminal
 - 2. Auto body painting establishment
 - 3. Motor vehicle impoundment
 - 4. Bottling plant
 - 5. Stone monument processing
 - 6. Sawmills
 - 7. Warehousing, including moving and storage establishments

- B. Require Special Permit approval for the following normally permitted uses:
 - 1. Wholesale trade establishments

Mrs. McCarty stated while she appreciates the language used in the motion, the floodplain study should be step one. She continued that without knowing the results of that study, she is uncomfortable forwarding this to the Board of Supervisors with a recommendation of approval.

Mr. Meadows stated the adjoining property is zoned I-2 and Mr. Sevinsky's property has hard lines with a location at the intersection of Ritchie Road and Route 17. He added that there are services being offered on this property that the area needs. He said in supporting this application, he hopes the applicant will be forced to clean-up the property.

Mr. Robison stated he is all for being business friendly in an agricultural environment. He continued that he realizes the benefits of some of the services offered on the property, but can not forget this property is in a floodplain. He said some of the businesses currently on the property have toxicities that could be hazardous in this environment. Mr. Robison concluded that sending this application forward with a recommendation of approval would be like putting the cart before the horse.

Mr. Meadows said the floodplain issue is moot, since many properties, which include floodplain, are rezoned residential.

Mr. Trumbo concurred with Mr. Meadows. He reiterated the Planning Commission is not an enforcing body, though he trusts enforcement will occur as Mr. Sevinsky must have a suitable floodplain study in hand to go before the Board of Supervisors. He said the property has hard lines and neighbors I-2 zoned property. He stated considering what the County will look like in ten years, this property will fit in well if it is zoned I-2. Mr. Trumbo added that he would support this motion with the conditions, as the conditions are an assurance that nothing inappropriate will take place on the property.

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

11. **COMPREHENSIVE PLAN AMENDMENT**

- **#CPAM04-SC-002 – Walter R. & Erbie S. Brown; Theodore M. & Evelyn A. Smith & Orace R. (Jr.) & Rebecca M. Whitelock, owners, and Richmond American Homes of Virginia, Inc., applicant – Edmar Farms** – applicant wishes to obtain a Comprehensive Plan Amendment, which would allow for the development of 235 dwellings on 67 acres of land and the dedication of 50 acres of land for a high school. To this end, the applicant is requesting that the County include the Edmar Farm in the WSA Public Water and Sewer Phase I (2000-2010). The property, which is in the New Baltimore Service District, is adjacent to Vint Hill Road (Route 215) and near its intersection with Broad Run Church Road (Route 600), Scott District. (PIN #7916-60-3676-000, 7916-50-5946-000, 7915-79-0416-000, 7915-69-3536-000, and 7916-40-7543-000)

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

Mrs. Dargis read a letter from the applicant stating they realize no motion could be made this evening. The applicant's representative stated they could not be present at the meeting in July and would like to request the application be heard again in August.

Mr. Stone opened the public hearing.

Mr. Chuck Medvitz, New Baltimore Citizens Planning Committee, stated he worked on the New Baltimore Service District Plan where the committee diligently allocated sewer and planned for sewer capacity to reach through the full build-out of Vint Hill. He continued that sewer was not allocated to the proposed Edmar Farms site, and if it does in fact, have to accommodate the new development, other areas will not receive the sewer that was so assigned. Mr. Medvitz concluded there was no intent to bring sewer to this area, so this application should be denied.

Mr. Everett Garber, member of the New Baltimore Citizens Planning Committee, concurred with Mr. Medvitz. He stated at least the Bishop's Run development

was consistent with the sewer allocations, but this area was deliberately denied sewer, and for this reason, this application should have been “Dead on Arrival.”

Mr. Peter Schmidt, adjacent property owner, stated he has a young son about to start at a school where the enrollment can not be deciphered adequately to tell whether or not they will need additional teachers. He said that he moved to Fauquier County to escape the urban sprawl and to enjoy the agricultural lifestyle. He added two houses per acre is too much. Mr. Schmidt stated the Comprehensive Plan is constantly being assaulted, especially in the Scott District. He asked that the Planning Commission recommend denial in a timely manner to spare citizens from the drawn out process they faced with Bishop’s Run. He asked the Planning Commission to remember there are many opposed to this development, even if they can not make it to future meetings to express their disapproval.

Mr. James Ferebee stated he lives behind Vint Hill and does not want all these houses behind his property. He continued that the traffic on Vint Hill Road is already excessive and will only be made worse by this new development. He questioned what would be done to fix the roads. He noted if you look at this plan in its entirety, it actually calls for three houses per acre. He asked the Planning Commission to dismiss this application in order to keep this environment beautiful.

Ms. Pamela Ferebee stated that if 50 acres are dedicated, this development will call for three houses per acre. She said she is not opposed to growth but is opposed to overcrowding. She stated her concerns about the high school that may be built in the area and the crime that will come with that. She added she has concerns about the insufficient yellow flashing traffic signal, the increase in traffic and the speed of that traffic. Ms. Ferebee questioned whether or not this would be a good location for the new high school in that it borders the Fauquier County/Prince William County line. She concluded that this application should be denied.

Dr. Kitty Smith, Marshall District, stated the applicant advertised for public hearing in March and again this month, yet they don’t seem like they are putting in any effort. She said the applicant should show up for the public hearings and stop the indecisiveness that is wearing on the public. She continued that three applicants, with items on the agenda this month, did not post their properties. Dr. Smith stated maybe the County should take over the posting again.

Ms. Jolly de Give, Piedmont Environmental Council, stated she opposed the Edmar application and Bishop’s Run as well. She said the more development that is approved, the harder it is to deny the next project. She asked that this application be denied.

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

Mr. Trumbo stated adjourning to August would be a bit too accommodating for the applicant.

Mr. Trumbo, seconded by Mr. Stone, moved to postpone action until the September meeting.

Mr. Stone stated he believed this motion was within the Planning Commission's legal limitations.

Mr. Carr responded that was correct.

Mr. Meadows noted the applicant's absence from the meeting today.

The motion carried unanimously.

There being no further business, the meeting adjourned at 8:24 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.