

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
AUGUST 26, 2004**

The Fauquier County Planning Commission held its regular meeting on Thursday, August 26, 2004, beginning at 4:00 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, Mr. Chuck Floyd, Ms. Holly Meade, Mr. Kevin Burke and Mrs. Rebecca Kauffman.

1. **APPROVAL OF MINUTES** – July 29, 2004

Mr. Robison, seconded by Mr. Meadows, moved to approve the July 29, 2004 minutes as amended.

The motion carried unanimously.

2. **CONSIDER RESCHEDULING THE DECEMBER PLANNING COMMISSION MEETING, AND SETTING ITS 2005 CALENDAR**

Mrs. Cook noted there will be a Reformatted Zoning Ordinance Work Session from 4:00 p.m. to 7:00 p.m. on August 30, 2004, a site visit to Range 82 at 5:30 p.m. on September 16, 2004 and a site visit to the Leesburg Petting Zoo at 11:00 a.m. on September 21, 2004. She stated the September Planning Commission meeting has been changed to Tuesday, September 28, 2004, and the December meeting has also been moved to Wednesday, December 8, 2004. She added that the 2005 Planning Commission calendar has been set with irregular meeting dates in February and December and no meeting scheduled for November.

Mr. Stone, seconded by Mr. Meadows, moved to adopt the 2005 Planning Commission calendar.

The motion carried unanimously.

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

a. **Initiation of a Zoning Ordinance Text Amendment** – Article 2-308, Maximum Density; eliminating density credit for property in a floodplain.

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

No action was taken.

- b. **Text Amendment to Chapter Six – Service Districts of the Comprehensive Plan -**
With the completion of the nine service districts, the introductory portion of Chapter 6 needs to be updated to be compatible with all the changes and recommendations contained in those adopted elements. There are proposed changes regarding development phasing, densities, build-out and general updating of data.

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 forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#PPLT04-LE-009 – Wexford Mews, LLC, owner and applicant – Wexford Mews** – applicant wishes to obtain preliminary plat approval to subdivide approximately 10.0 acres into thirty-eight (38) lots. The property, which is in the Bealeton Service District, is located on the west side of Marsh Road (Route 17), Lee District. (PIN #6899-24-0759-000 and 6899-25-0237-000)

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

Mr. Meadows stated the applicant’s representative has submitted a letter requesting deferment.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the December 8, 2004 Regular Meeting at the request of the applicant.

The motion carried unanimously.

- b. **#PPLT05-LE-001 - James & Joseph Romano, owners and applicants - Loveless - Lot 10** - applicants wish to subdivide approximately 5.0 acres into three (3) lots. The property is zoned Residential-1 (R-1), and is located on the west side of Marsh Road (Route 17), Lee District. (PIN #7816-61-2981-000)

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

Mr. Meadows stated the applicant’s representative has submitted a letter requesting deferment.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action until the December 8, 2004 Regular Meeting at the request of the applicant.

The motion carried unanimously.

- c. **#PPLT05-SC-002 - Ricky L. Brown, owner and applicant - Moseby's Ridge** - applicant wishes to subdivide approximately 45.2 acres into three (3) lots. The property is zoned Rural Agricultural (RA), and is located on the east side of Foster's Fork Road (Route 673), Scott District. (PIN #6996-65-2542-000)

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. Robison, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Moseby's Ridge" dated July 7, 2004, signed by James R. Ashley July 13, 2004, except as modified by these conditions. This approval is for a maximum of three (3) residential lots. The following items shall be addressed on the Preliminary Plat prior to scheduling for Board of Supervisors action:
 - a. Dedication of right-of-way is required to make Foster's Fork Road 25' wide from the center line to this subdivision property line.
 - b. Label sheet 3 of 4 as Preliminary Soil Map.
 - c. The type of primary and reserve drainfield area shall be stated for each lot.
2. When submitting the Final Construction Plans, a complete landscape plan shall be provided with full detail of planting type, size and location pursuant to Article 7-603.2 of the Zoning Ordinance.
3. Language shall be provided on the plan that states the SWM lots are not useable lots for any other purpose.
4. All driveway culverts shall be a minimum of 15 inches in diameter and pass the 10 year storm.
5. The houses on Lots 2 and 3 shall be located out of the swale and above the 10 year water surface elevation of the swale.
6. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. 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 an adequate channel. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating that “Basements are not recommended in mapping units 12A, 15B, 17B, 17C, and 48B. 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.”

7. A Virginia Certified Professional Soil Scientist (CPSS) **needs to adjust the Type I Soil Map soil lines** onto the Final Construction Plan. This needs to be done in the field and checked for any additional soils information to be added to the final construction plan.
8. A signature block shall be placed on this plat for the CPSS to sign which states:

<p>Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated <u>6/16/04</u>.</p>	
<p>This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"= <u>?</u> ') and certifies that this is the Best Available Soils Information to Date for Lots 1- <u>?</u>.</p>	
<p>_____ Va. Certified Professional Soil Scientist CPSS #3401-_____</p>	<p>_____ DATE</p>

9. Interpretive information from the Type I soil report for each mapping unit shown on the 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.
10. The statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
11. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
12. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
13. Signature sets of the Final Construction Plans will require original CPSS signature.
14. Due to landscape position (drainageways) and high seasonal water tables the following statement shall be placed on the Final Construction Plan to be placed in the

front office of Community Development: "The County recommends that no below grade basements be constructed on soil mapping units 12A, 15B, 17B, 17C, 48B, 417B, 440B, 440C, 440D 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."

15. The following statement shall be included on final soils map and E & S plans:
"PRIOR TO FINAL CONSTRUCTION PLAN APPROVAL, IT SHALL BE AGREED THAT ALL DRAINFIELD AREAS ARE TO BE SURROUNDED BY SAFETY FENCING AND NO CONSTRUCTION TRAFFIC SHALL CROSS NOR SHALL LAND DISTURBANCE OCCUR IN THESE AREAS. THE FENCING OF THESE AREAS IS TO BE VERIFIED BY COUNTY STAFF BEFORE THE ISSUANCE OF THE LAND DISTURBING PERMIT."
16. Roads built on 48B, 440B, 440C, 440D, 12A, and 15B mapping units shall be designed to overcome the low bearing capacity caused by shrink-swell clay and/or high water tables.
17. The following statement shall be placed on the Final Construction Plan:
"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."
18. Soil mapping units 140C, 140D, 240C, 340C, 340D, and 400D are usually shallow to bedrock. The following statement shall be placed on the Final Construction Plan:
"The County recommends that before road or home construction begins in soil mapping units 140C, 140D, 240C, 340C, 340D, and 440D, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done."
19. Areas of steep slopes shall be avoided at all cost due to high erosion hazard. Proper erosion and sedimentation practices shall be installed before construction begins. Soil mapping units 340D, 140D, 40D, and 440D should be left in their natural state.
20. Mapping Unit 12A may contain hydric soils (wetlands). An approved wetland delineation shall be required for the first submission of the Final Construction Plans.

The motion carried unanimously.

- d. **#PPLT05-LE-003 - Robert J. & Amanda J. Brown, owners and applicants - Tinpot Overlook** - applicants wish to subdivide approximately 33.7 acres into three (3) lots. The property is zoned Rural Agricultural (RA), and is located on the northeast side of Cemetery Road (Route 658), Lee District. (PIN #6878-68-2748-000)

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

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

The motion carried unanimously.

- e. **#PPLT05-LE-004 - Virginia M. Menmuir, Trustee, owner and applicant - Summer Sky** - applicant wishes to subdivide approximately 199.0 acres into five (5) lots. The property is zoned Rural Agricultural (RA), and is located on the west side of Union Church Road (Route 632), Lee District. (PIN #7805-66-0235-000)

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

Mr. Meadows stated a document from the applicant was expected to arrive before the 4:00 p.m. meeting to request an up to 90-day deferment. He noted the Planning Commission was not in receipt of such request at this time.

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

Mr. Trumbo asked if this postponement would be at the County's expense.

Mr. Robison answered that it would.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

Mrs. McCarty, commenting on Item #2, stated she would like the Board of Zoning Appeals to consider a 60 decibel maximum rather than 90 decibels.

Mr. Robison, commenting on Item #4, stated the Board of Zoning Appeals should consider buffers with propane tanks.

There being no further business, the meeting was adjourned.

The Fauquier County Planning Commission held its Public Hearing on Thursday, August 26, 2004, beginning at 7:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Kevin Burke, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.

6. **THE PLEDGE OF ALLEGIANCE**

7. **CITIZENS' TIME**

No one spoke.

8. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES**

- a. Zoning Ordinance Text Amendment to Article 8, Signs; Section 9-1000, Outdoor Light Control; and Section 15-300, Definitions to Incorporate Additional Limitations on Outdoor Illumination.

Mr. Carr 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 adjourned the public hearing.

There was concurrence of the Planning Commissioners to postpone action.

Mr. Stone moved to the next item with the public hearing left open.

- b. Zoning Ordinance Text Amendments to Article 4, Special and Overlay District Regulations, to create a Purchase of Development Rights Incentive District within Service Districts.

Mr. Carr 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. Chuck Medvitz, Scott District, stated creating a Purchase of Development Rights Incentive District in the Service Districts is a good idea. He asked that the Ordinance clearly state that use of this provision will not allow for an increase in density in the Service Districts. He continued that he knows the concept is to develop clusters. He added he was on the Citizens' Service District Planning Committee where they put a great deal of effort into calculating the build-out density. He said this Text Amendment will be helpful if it makes a barrier around the Service District.

Dr. Kitty Smith, Marshall District, stated she is in support of this Text Amendment, but does worry about unintended consequences particularly if definitions of certain terms such as "historic" and "proffer system" are misinterpreted. She asked that the Planning Commission take its time to think this through and to weigh the benefits.

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

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

Mr. Stone stated, within the text as it is written, there is a limitation on density which will keep it from rising above the original range. He added that “historic” is defined elsewhere in the Zoning Ordinance and other County archives, but County Staff may want to be sure that definition is tightened up.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 2-310, Large Lot Development Option in the RA and RC Zones; and Subdivision Ordinance Text Amendment to Section 2-39, Subdivisions.

Mr. Carr 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.

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

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Section 3-302 regarding home occupations in commercial and industrial zones.

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

Mr. Stone opened the public hearing.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days to refine the language in the Text Amendment.

Mr. Trumbo thanked Mr. Meadows for accommodating his conservativeness.

The motion carried unanimously.

9. **SPECIAL EXCEPTIONS**

- a. **#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 fill in the floodplain. The property is located on the south side of Old Auburn Road (Route 670), Center District. (PIN #6993-16-9798-000)

Mr. Stone stated because the property was not properly posted, no action can be taken this evening regarding this application.

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. Sue Scheer stated the applicant should consider Meetze Road for the entrance as opposed to Old Auburn Road. She continued that Old Auburn Road is a narrow, windy road with poor sight distance. She noted when the County Fair took place at this site, the Sheriff was at this entrance to direct traffic. She added the new Sports Complex will not have the Sheriff's assistance.

Ms. Patricia Cutts, Center District, stated Meetze Road is a dangerous road with poor sight distance. She said just because FEMA disregards quantities of land under one hundred acres, we should not. She added that she is concerned about the density the sports complex will bring to the area and the noise and lighting pollution that will inevitably follow. She stated this will encourage future development in the area. She mentioned the posting of the property was inadequate, in that the road on which it was posted is far too dangerous to stop on to read the signage.

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

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

The motion carried unanimously.

- b. **SPEX04-CR-025 - Cedar Run Properties, LLC, owner/applicant – Harding Division II** – applicant wishes to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement. The property is located on the north side of Shenandoah Path (Route 607), Cedar Run District. (PIN #7931-02-4406-000)

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. Ron Harding, owner and applicant, stated he will not fully develop the land, as he has six (6) by right lots. He said he would like to address the future needs of the county by allocating some of this land for a sewage treatment facility. Mr. Harding thanked the Planning Commission for their consideration.

Mr. Robert Beckett stated he spoke at last month's public hearing to relay that he is somewhat opposed to this application dependent upon the smells the sewage treatment plant may bring and the aesthetic impact it may have on the area. He said upon further consideration, he is concerned about the environmental impacts on Cedar Run.

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

Mr. Stone questioned if proposed plans for sewage treatment facilities must be reviewed and approved by the county.

Mrs. Dargis answered they have to be approved by the county and the state.

Mr. Stone stated this type of facility is called for in the Comprehensive Plan.

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

The motion carried unanimously.

- c. **#SPEX05-CR-004 - A.W. & William C. Patton, owners and Lee Hollander, applicant - Range 82** - applicant wishes to obtain Special Exception approval under Category 5 of the Zoning Ordinance, which would allow for a training facility. The property is located at 4818 Midland Road, Midland, Virginia, Cedar Run District. (PIN #7819-66-3353-000)

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 the applicants are confident they can keep noise levels within the Zoning Ordinance limitations. He continued that after today's Work Session, he contacted an engineering firm specializing in this type of sound monitoring. He said this group will certify sound levels, and a report on the outcome will be available at the September site visit. Mr. Counts added the applicants will be happy to perform the sound tests at the site visit as well.

Mr. Stone stated he hopes the testing will include night shooting.

Mrs. McCarty stated environmental conditions will impact sound levels.

Mr. Trumbo said the applicant should demonstrate the levels of sound at the site visit.

Mr. Ken Brown, Marshall, stated he welcomes Range 82 because it will do a great deal to support local and federal law enforcement officials. He noted that its patrons will support local businesses and the added law enforcement presence in the community will deter crime.

Daniel Elliott, Center District, stated he knows the applicants to be skilled and trustworthy men. He said this type of training is a necessity especially with the threats of terrorism that have become so prevalent since September 11th. He added that the Fauquier County Sheriff's Department will benefit greatly from the free training they will receive at this facility.

Ms. Joan Thurlow, neighbor, stated this will be a for-profit organization that will in no way benefit the citizens of Fauquier County. She said it would be a shame to operate this monstrosity amongst the existing peaceful countryside. She referred to a letter from Quantico indicating that atmospheric changes may cause the decibel levels to vary. She continued that this is not a training center but a shooting range being lodged in the midst of a highly populated area. She said it would be located .03 miles from Route 610 with residents living right across the street. Ms. Thurlow stated the applicants may, in the future, request permission to discharge even larger weapons as these retired CIA agents hope to build a profitable business. She concluded the citizens have a right to enjoy their peaceful property, and as is indicated by the noise that carries 8-10 miles from the Quantico training facility and up to 5 miles from the Clark Brothers shooting range, they will no longer be able to do so.

Mr. Ed Dickerson stated he was formerly in the Marine Corps and is a true patriot, supportive of the military and law enforcement officials. He indicated that because of his past, he is acutely aware of the shrill sounds that weaponry and military equipment produce. He continued that Oak Run is peaceful farming community that will be disturbed by the noise and increased traffic. Mr. Dickerson stated he knows Mr. Patton, the owner of the property to be used for the training facility, to be a good man. He said his only concern is for the residents in the area of Route 610. He presented a petition with 57 signatures, and stated there were more citizens opposed who did not want to sign. Mr. Dickerson urged the Planning Commission to deny this application and preserve the quiet farmland.

Ms. Terry Lucas, Midland, stated she was unsure of the accuracy of the recent article in the Fauquier Citizen, but said it reported there would be eight (8) shooting ranges here including ranges for firing machine guns. She said she is aware of the need for this type of facility; however, this particular property is too small. She added it would be quite difficult to have the proposed concrete walls and dirt buffers in place by September 16th, the date of the Planning Commission site visit, in order to accurately test the decibel levels.

Mr. Al Lucas stated he previously lived across from Quantico and could hear the shooting ranges all the time. He said he moved to this agricultural area to get away from the noise and to farm the land, and he does not want to be chased away by this again. Mr. Lucas added that he is a patriot and is aware this is a popular idea with today's constant threat of terrorism, but this property is not large enough to support this facility.

Mr. Serf Guerra, Cedar Run District, stated there are many that oppose this application as the facility would be an undesirable addition to the rural community. He said that undoubtedly September 11th changed our lives, but suggested it not be brought here. He concluded this is a no-brainer, and asked that the Planning Commission unanimously deny the application.

Mr. Lonnie Brooks, former Marine, disputed the applicants claim that there was no facility of this sort within 200 miles as Quantico is fairly close. Mr. Brooks stated he did not want this noise in the area especially at night and on the weekends.

Mr. Bill Cook stated he moved here seven years ago to enjoy the peace and quiet which will certainly be disrupted by this facility. He voiced his concern that the area property values will decrease.

Ms. Valerie Sails, stated she lives within four (4) miles of the proposed Range 82. She said she used to live more than (4) miles from another similar facility and was constantly awakened by the sounds of weaponry. She asked that the Planning Commission preserve this quiet community.

Mr. Jean Lowe, Morrisville, stated he has been moving to escape noise for years now and has been very happy in this quiet community. He said he does not want to see Fauquier County become like Fairfax, Loudoun and Prince William Counties.

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

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

Mrs. Dargis noted there will be a site visit to this property on September 16, 2004 at 6:00 p.m.

The motion carried unanimously.

Mr. Stone stated there will be a Work Session on August 30, 2004 at 4:00 p.m.

There being no further business, the meeting adjourned at 8:12 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.