

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
OCTOBER 28, 2004**

*The Fauquier County Planning Commission held its regular meeting on Thursday, October 28, 2004, beginning at 4:00 P.M. in the 2<sup>nd</sup> 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, Mr. Todd Benson, Mr. Kevin Burke and Mrs. Rebecca Kauffman.*

Mr. Robison, seconded by Mrs. McCarty, moved to add Item 5d to the agenda to initiate a Work Session regarding winery standards and the noise ordinance as well as a Public Hearing for the Capital Improvements Plan (CIP). He also moved to add Item 7b, the Fauquier County Transportation Committee agenda, to the Planning Commission agenda.

The motion carried unanimously.

1. **APPROVAL OF MINUTES** – September 28, 2004

Mr. Robison, seconded by Mr. Trumbo, moved to approve the September 28, 2004 minutes as amended.

The motion carried unanimously.

2. **A resolution to assign alternate dates, to be noted in legal advertisements, for each scheduled public hearing/meeting for the following week as a result of any hearing/meeting postponement due to inclement weather**

Mr. Trumbo, seconded by Mr. Meadows, moved to approve the following Planning Commission hearing/meeting alternate dates as amended.

**RESOLUTION**

A RESOLUTION TO ASSIGN ALTERNATE DATES, TO BE NOTED IN LEGAL  
ADVERTISEMENTS, FOR EACH SCHEDULED PUBLIC HEARING/MEETING FOR THE  
FOLLOWING WEEK AS A RESULT OF ANY HEARING/MEETING POSTPONEMENT  
DUE TO INCLEMENT WEATHER

WHEREAS, Section 15.2-2214 of the Code of Virginia addresses meetings of the local Planning Commission; and

WHEREAS, this Section allows the Commission, by resolution, to fix days which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act,

finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting; and

WHEREAS, all hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required; and

WHEREAS, the Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule; now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 28<sup>th</sup> day of October 2004, That the following schedule for alternate dates, to be noted in legal advertisements, for each scheduled public hearing/meeting for the following week or as noted below as a result of any hearing/meeting postponement due to inclement weather be adopted:

<i><b>Regular Meeting Date</b></i>	<i><b>Inclement Weather Meeting Date</b></i>	<i><b>Location</b></i>	<i><b>Time</b></i>
November 18, 2004	December 8, 2004	10 Hotel Street, Warrenton, VA	Public Hearing 7:00 p.m.
December 8, 2004	December 15, 2004	10 Hotel Street, Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
January 27, 2005	February 2, 2005	10 Hotel Street, Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
February 17, 2005	March 2, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
March 31, 2005	April 6, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
April 28, 2005	May 4, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
May 26, 2005	June 1, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
June 30, 2005	July 6, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
July 28, 2005	August 3, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
August 25, 2005	August 31, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
September 29, 2005	October 5, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
October 27, 2005	November 2, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.
December 7, 2005	December 14, 2005	10 Hotel Street Warrenton, VA	Regular Meeting 4:00 p.m. Public Hearing 7:00 p.m.

The motion carried unanimously.

3. **Bealeton Spur - Planning Commission Budget Initiative**

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

The motion carried unanimously.

4. **AGRICULTURAL AND FORESTAL DISTRICT RENEWALS**

- a. 3<sup>rd</sup> Renewal of Orlean/Hume Agricultural and Forestal District, which is currently scheduled to expire on January 20, 2005
- b. 3<sup>rd</sup> Renewal of Marshall/Warrenton Agricultural and Forestal District, which is currently scheduled to expire on January 20, 2005
- c. 3<sup>rd</sup> Renewal of The Plains Agricultural and Forestal District, which is currently scheduled to expire on January 20, 2005

Mr. Benson reviewed the staff memorandums for Items 4a, 4b, and 4c, copies of which are attached to and made part of these official minutes.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action on Items 4a, 4b, and 4c until tonight's public hearing.

The motion carried unanimously.

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

- a. Initiation of a Zoning Ordinance Text Amendment to amend Sections 6-102, 6-105, 15-300, and 2-512 to allow livestock on parcels smaller than 2 acres in Rural Agricultural (RA), Rural Conservation (RC), Rural Residential (RR-2), Village (V), and Residential-1 (R-1) Districts, to establish set backs for animal enclosures, and to eliminate the definition of commonly accepted pets.

Mr. Benson 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.

The motion carried unanimously.

- b. Initiation of a Zoning Ordinance Text Amendment to allow petting zoos by Special Use Permit in Rural Agricultural (RA) Districts, add a new Section 5-1814 setting standards for petting zoos, and to amend Section 15-300 adding a definition of petting zoos.

Mr. Benson declined commenting and called for the Planning Commission's vote.

Mr. Trumbo, seconded by Mr. Stone, moved not to forward the item to the Board of Supervisors and to allow the Text Amendment to come off the Planning Commission agenda permanently.

The motion carried unanimously.

- c. Initiation of a Zoning Ordinance Text Amendment to Section 15-1301 in order to add soundproofing and odor requirements for Kennels located in the R-1/Residential district.

Mr. Benson stated the Planning Commission was not required to take action at this meeting.

- d. Mr. Robison, seconded by Mrs. McCarty, moved to initiate a Work Session regarding wineries and the noise ordinance, as well as a Public Hearing for the Capital Improvements Plan (CIP).

The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PPLT03-LE-007 – Janja Zobundija, owner/applicant – Remington Business Park** – applicant wishes to subdivide approximately 65.72 acres into twelve (12) lots. The property is zoned Industrial-1 (I-1), and is located on the east side of Lucky Hill Road, south of its intersection with James Madison Street (Route 15/29 Business), Lee District. (PIN #6888-37-4051-000)

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

Mr. Meadows, seconded by Mrs. McCarty, moved to postpone action for up to 90 days at the request of the applicant.

The motion carried unanimously.

- b. **#PPLT05-SC-006 – Shirley D. & Louie R. Walker, owners and applicants – Breezy Knoll** – applicants wish to subdivide approximately 10.5 acres into six (6) lots. The property is located on the east side of Lee Highway (Route 15/29), Scott District. (PIN #6995-98-5502-000)

Mr. Floyd 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 postpone action for up to 90 days at the request of the applicant.

The motion carried unanimously.

- c. *#PPLT05-LE-007 – Virginia M. Menmuir, Trustee, owner and applicant – Summer Sky – Phase 2* – applicant wishes to subdivide approximately 23.3 acres into two (2) lots. The property is located on the east side of Union Church Road (Route 632), Lee District. (PIN #7805-64-8880-000) (Postponed on September 28, 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 Mrs. McCarty, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Menmuir Subdivision" dated August 11, 2004, signed by Carson G. Balzrette on 10-15-04 and received in the Planning Office on October 18, 2004, except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the Final Construction Plans for approval.
3. Dedication of right-of-way shall be required to make Union Church Road 25 feet wide from the center line to this subdivision property line.
4. All driveway culverts shall be a minimum of 15 inch diameter and pass the 10- year storm.
5. The County recommends that no below grade basements be constructed on soils with a 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 that "Basements are not recommended in mapping units 13B and 16B shall be on the final plat. 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".
6. 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.

7. 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 <u>7/12/04</u> .	
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> .	
Va. Certified Professional Soil Scientist CPSS #3401- _____	DATE

8. 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.
9. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
10. Two copies of this Final Soil Map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
11. The Final Construction Plan signature sets shall require original CPSS signature.
12. The following statements under Home Sites and Road Construction shall be placed on the same sheet as the Final Soils Map:
  - a. The County recommends that no below grade basements be constructed on soil mapping units 13B, 16B, 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.
  - b. 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.”**
  - c. The following statement needs to 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.”

The motion carried unanimously.

- d. **#PPLT05-MA-008 - Classic Concept Builders, Inc., owner and applicant – Keith Meadows Subdivision** – applicant wishes to subdivide approximately 7.6 acres into two (2) lots. The property is located on the north side of Keith Road (Route 628), Marshall District. (PIN #6975-78-0432-000)

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

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Keith Meadows Subdivision" dated September 13, 2004, signed by Henry J. Ellis on 9-13-04 and received in the Planning Office on September 14, 2004, except as modified by these conditions. This approval is for a maximum of three (3) residential lots. The Preliminary Plat shall be revised to address the following items prior to scheduling for Board of Supervisors action:
  - Density calculations shall be provided for this site, illustrating that the 2 lots are achievable from the residual. Take into account the necessary reductions in density for the areas with steep slopes as noted by the Type 1 Soils Report on Sheet 1. Pursuant to Section 2-308.4b-c of the Fauquier County Zoning Ordinance, only 30 percent density allowance shall be calculated on that area of a lot comprised of slopes in excess of twenty-five (25) percent grade, and 50 percent density allowance shall be calculated on that area of a lot comprised of slopes in excess of fourteen (14) percent but equal to or less than twenty-five (25) percent grade.
  - Label the building restriction lines on all lots.
  - The access to each lot shall be shown.
  - Dimension the right-of-way width from the centerline or edge of pavement to the property line, and indicate the distance to the nearest state road.
2. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval. That landscape plan must:
  - Save existing trees on-site to the fullest extent possible, with clearcutting only allowed for the house pad, yard, drainfields, streets, etc.
  - Provide street trees every 50 linear feet along streets.

- Provide a minimum of 15% crown coverage calculated at 20 years maturity.
3. This subdivision shall comply with the Fauquier County Subdivision Ordinance. If the SWM/BMP facility is proposed to be a dry pond, some type of assurances shall be required that the pond will remain dry.
  4. Lot 1 & 2 shall have a joint access at Keith Road. This access shall be located in the same place as the administrative lots' private street.
  5. Dedication shall be required if Keith Road right-of-way is less than 50 feet in width.
  6. Driveway culverts shall be a minimum of 15 inches in diameter
  7. A sight distance profile shall be provided demonstrating that the entrance meets minimum requirements in accordance with Minimum Standards of Entrances to State Highways.
  8. The entrance shall be constructed in accordance with our Private Subdivision Road/Street Entrance standard.
  9. A note shall be incorporated in the plan that lots 1 and 2 shall not have direct access to Route 628, and shall only be accessed from the private drive.
  10. The stormwater management ponds and outfall shall be constructed in accordance with the October 16, 2003 memorandum "Proposed Stormwater Management Facilities Adjacent to VDOT Right-of-way" from the Culpeper District Hydraulic Engineer. A profile shall be provided demonstrating that the pond is in compliance
  11. The Private Drive shall be named in accordance with Section 7-11 of the Fauquier County Subdivision Ordinance.
  12. A bold statement shall be added to the Final Construction Plans and Final Plat stating that street signs for the private street will not be maintained with funds from the County of Fauquier pursuant to Section 7-12 of the Subdivision Ordinance.
  13. Per Article 7-306 of the Zoning Ordinance a bold statement shall be on any plat of subdivision containing a private street.
  14. A Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the Type I Soil Map soil lines or needs to adjust the preliminary soil map with revisions 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.
  15. 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.



16. This final soil map shall be filed in the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
17. Two copies of this final soil map with CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.
18. The final signature sets shall require original CPSS signature.
19. The type of primary and reserve drainfield area shall be stated for each lot.
20. The 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 unit 417C 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.
  - **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.**
21. 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 June 2004.	
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 1-?.	
_____ Va. Certified Professional Soil Scientist CPSS #3401-_____	_____ DATE

The motion carried unanimously.

- e. **#PPLT05-MA-009 - Frederick W. & Deborah H. Nizer, owners and applicants - Nizer Subdivision** - applicants wish to subdivide approximately 26.6 acres into two (2) lots. The property is located on the northwest side of Tapps Ford Road (Route 645), Marshall District. (PIN #6924-36-2854-000)

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

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Nizer Subdivision" dated August 16, 2004, signed by Gary D. Cairns on 8-16-04 and received in the Planning Office on August 20, 2004, except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. Houses shall not be located in swales.
3. The driveway to Lot B-2 shall be kept out of the floodplain.
4. Dedication of right-of-way 25 feet from the centerline of Tapps Ford Road shall be required.
5. Show the limits of clearing and grading on the Preliminary Plat.
6. The plan shall indicate the distance to the nearest state maintained road.
7. It is not clear if Route 645 is a prescriptive or fee simple right-of-way. If it is prescriptive, the right-of-way dedication shall extend from the centerline of the road to the property line. The width of the dedication shall be dimensioned.
8. A sight distance shall be provided demonstrating that the entrances meet minimum sight distance requirements.
9. The plan is indicating 18-inch CMP pipes, but it does not specify a length of pipe. The minimum length is 30 feet, and the entrance should be constructed in accordance with the PE-1 standard.
10. Pursuant to Section 7-603 of the Fauquier County Zoning Ordinance, a landscape plan shall be submitted with the construction drawings for approval. That landscape plan must:
  - A. Save existing trees on-site to the fullest extent possible, with clearcutting only allowed for the house pad, yard, drainfields, streets, etc. (7-603.2).
  - B. Provide street trees every 50 linear feet along streets. (7-603.2b).
  - C. Provide at minimum of 15% crown coverage calculated at 20 years maturity (7-603.2a).

The motion carried unanimously.

- f. #PPLT05-MA-011 – William L. Beach, owner and Marshall Painter, applicant – Fiery Run Road Subdivision – applicant wishes to subdivide approximately 26.8 acres into three (3) lots. The property is located on the west side of Fiery Run Road (Route 726), Marshall District. (PIN #6000-50-8282-000)

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. Robison, moved to postpone action for up to 90 days at the request of the applicant.

The motion carried unanimously.

- g. #PPLT05-SC-013 – Eleanor J. Butler and Nicholas F. & Michele A. Glowicki, owners and applicants - Broken Hills Estates, Section 5 – Lots 2 & 3 – applicants wish to resubdivide two 1.0-acre lots currently known as Lot 2, Broken Hills Estates, Section 5 and Lot 3, Broken Hills Estates, Section 5 in order to confirm two lots that were previously subdivided and later court voided. The property is located at 7036 Riley Road and 7030 Riley Road, Warrenton, Scott District. (PIN #7905- 86-7609-000 and 7905-86-7871-000)

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

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

The motion carried unanimously.

7. a. BOARD OF ZONING APPEALS AGENDA

Deleted: 5

No Comments.

- b. TRANSPORTATION COMMITTEE AGENDA

Mr. Trumbo stated the Fauquier County Transportation Committee is considering joining the Potomac Rappahannock Transportation Committee (PRTC). He added he will advise the Planning Commission as to when there may be an information session with the PRTC.

Mr. Stone stated beginning next month, a review of the Transportation Committee agenda will be included on the Planning Commission agenda.

There being no further business, the meeting was adjourned.

*The Fauquier County Planning Commission held its Public Hearing on Thursday, October 28, 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, Ms. Kimberley Johnson, Mr. Kevin Burke, Mr. Todd Benson, Ms. Bonnie Bogert, Mrs. Melissa Dargis, and Mrs. Rebecca Kauffman.*

8. **THE PLEDGE OF ALLEGIANCE**

Deleted: 6

Mr. Stone, seconded by Mr. Robison, moved to relocate Agenda Item 12d to Item 12b therefore changing Item 12b to Item 12c and so forth.

The motion carried unanimously.

9. **CITIZENS' TIME**

Deleted: 7

No one spoke.

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

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

Mr. Benson 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 public hearing for next month.

Mr. Carr stated the Planning Commission should open the public hearing this evening. He continued that staff is recommending this Text Amendment be forwarded to the Board of Supervisors with either a recommendation of approval or denial. He reminded the Commissioners there was a prior public hearing where it was decided Staff should make a few refinements and allow the public to speak to the refinements once again.

Mr. Stone withdrew the previous motion.

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

The motion carried unanimously.

- b. 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. Benson 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. Robison, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

11. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS**

a. **12<sup>th</sup> Addition to Orlean/Hume**

- Gretchen Yahn, requesting to add two (2) parcels totaling 55 acres, located at 5478 Leeds Manor Road, Marshall District. (PIN #6927-57-7016-000 and 6927-56-8482-000)

b. **14<sup>th</sup> Addition to Marshall/Warrenton**

- Raymond G. Fox, Trustee, requesting to add 14 parcels totaling 373 acres, located at Rockingham Road & Sylvan Lane, Marshall District. (PIN #6966-99-7575-000, 6976-08-8738-000, 6966-97-7397-000, 6966-97-1253-000, 6966-86-9146-000, 6966-77-7324-000, 6966-76-5874-000, 6966-76-2074-000, 6966-68-7155-000, 6966-56-9989-000, 6966-66-4380-000, 6966-56-2031-000, 6966-54-8974-000 and 6966-44-9971-000)

c. **11<sup>th</sup> Addition to The Plains**

- Andrea Currier, requesting to add one parcel totaling 152 acres, located at Busthead and Hopewell Road, Scott District. (PIN #7000-55-1219-000)

Ms. Bogert reviewed the staff memorandum for Items 11a, 11b, and 11c, copies of which are attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

Mr. Earl Douple, Scott District, stated he is in favor of the additions.

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

Mr. Stone, seconded by Mrs. McCarty, moved to forward Items 11a, 11b, and 11c to the Board of Supervisors with recommendations of approval.

The motion carried unanimously.

Mr. Trumbo questioned whether the Planning Commission was supposed to vote on the associated Agricultural and Forestal Renewals, Agenda Items 4a, 4b, and 4c, this evening.

Mr. Carr answered the Planning Commission must vote separately on the Agricultural and Forestal Renewals tonight.

Ms. Johnson clarified the Renewals did not need a public hearing and so the Planning Commission could amend their prior motion to include these Renewals.

Mr. Stone stated the Planning Commission should hold a new vote.

Mr. Stone, seconded by Mr. Trumbo, moved to forward Items 4a, 4b, and 4c to the Board of Supervisors with recommendations of approval.

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SPEX05-MA-013 – John & Roma Sherman, owners and applicants – The Ashby Inn** – applicants wish to obtain Special Exception approval under Category 7 to amend a previously approved Special Exception Condition to remove the limitation of the use to the current owner and tie the Special Exception use to the land/parcels. The property is located at 692-678 Federal Street in the Village of Paris, Marshall District. (PIN #6034-89-5235-000 and 6034-89-4562-000)

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. Randy Parks stated the applicants could not be present this evening, so he would be happy to answer any questions that anyone may have.

In that there were no further 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 subject to the following amended conditions.

1. The Special Exception is granted for and runs with the land indicated in this application, also known as PIN's 6034-89-5235-000 & 6034-89-4562-000 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 titled "Special Exception Plat, Ashby Inn" dated August 25, 2004 and received in Community Development on September 7, 2004, approved with the application, as qualified by these development conditions
3. Ashby Inn (692 Federal Street):
  - a) All overnight guests shall be provided with off-street parking.
  - b) The restaurant will not be open to the public until 12:00 noon on Sundays.
  - c) No more than 50 seats for inside dining.
  - d) No more than 20 seats for outside dining.
  - e) Adequate off-street parking shall be provided for all dining guests.
  - f) A shrub hedge will be planted and maintained to screen the Paris Methodist Church from the Ashby Inn.
4. Ashby Inn Schoolhouse B&B (678 Federal Street):
  - a) Shall have access to parking via Main Street only.
  - b) No food or alcoholic beverages shall be served.
  - c) A maximum of four (4) suites with no more than eight adults.
  - d) No kitchen facilities or food preparation shall be maintained on the property.
  - e) A maximum of four (4) vehicles permitted on the property at any point in time.
  - f) Appropriate landscaping and screening will be provided between the subject property and adjacent properties.
5. Applicant must furnish evidence that the site meets all applicable State and local health requirements.
6. The exterior appearance of the structures shall maintain the appearance of a single family residence and normal residence accessory structures so as to match the typical architecture of the area.
7. Sound shall not exceed 60 decibels at the lot line.
8. Shall maintain Glare Standards of Section 9-900 of the Fauquier County Zoning Ordinance.

9. Shall maintain standards for Outdoor Light Control of Section 9-1000 of the Fauquier County Zoning Ordinance.
10. Any activity not specified in this Special Exception shall require new permit or Special Exception approval.

The motion carried unanimously.

- b. **#SPEX05-CR-004 - A.W. & William C. Patton, owners and Range 82, LLC, applicant - Range 82, LLC** - 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 (Route 610), 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 notified the public that the Planning Commission has taken Staff's recommendations very seriously and will likely postpone action on this application at the end of this public hearing. He added that a great deal of new environmental information regarding ammunition and clean-up costs has come about and the Planning Commission would like some time to work through these technical details.

Mr. Stone opened the public hearing.

Mr. Ed Dickerson, Midland resident, stated he did not quite understand and wondered if he was wasting his time in that the Planning Commission had already decided to postpone action based on this new environmental information.

Mr. Stone clarified that new information has come about from the Environmental Protection Agency (EPA) which the Planning Commission will need to carefully evaluate so it can make a recommendation to the Board of Supervisors to either deny or approve this facility. He stated the final decision will be up to the Board of Supervisors.

Mr. Ed Dickerson asked members of the audience to stand if they would like to express their opposition to this application. He stated if this application is approved it will benefit only one property owner but will harm many creating environmental concerns and noise pollution. He said the community has done a lot of work to prevent this from occurring and asked that the Planning Commission and Board of Supervisors reject this proposal.

Ms. Becky Thiele stated she lives approximately 1,000 feet from the proposed site of the training facility. She continued that this facility should not be a problem



but instead an asset to the community as it will bring law enforcement into an area that has seen horrific crime in recent years.

Mr. Martin Rob, neighbor, stated the noise is an obvious concern, but he is further concerned with public safety. He noted a facility in Texas with berms similar to those proposed here which had an incident where shots were misfired into the air. He said military weapons have a range of several miles. He concluded this will not be safe in such a heavily populated area.

Mr. Weldon Hamlett, a retired law enforcement official, stated he has practiced firing weapons at many training facilities and has not seen much problem with bullets going astray, not to say it can not happen but that it is unlikely. He continued that the proposed facility may produce some noise but Quantico is also audible from the area. He suggested that the berms will be a suitable buffer. Mr. Hamlett stated he would like to see more information regarding the EPA's environmental concerns. He noted the Sheriff's Department is considering building a practice range, and this facility may be a money-saving solution.

Ms. Joan Thurlow, Midland resident, stated her biggest concern is the amount of noise that 35-40 guns firing simultaneously will create. She said this is not a purely agricultural area in that there are several residential properties nearby. She suggested the decibel levels will likely be close to 97 and noted that regular exposure to 85 decibels can cause hearing loss. She concluded the applicants must prove the decibel level will always stay in the 80's.

Mr. George W. Cargill stated he is the pastor of a church less than a quarter of a mile away, and he is opposed because of safety and noise concerns. He added the evening training may disrupt church activities. He said the community can not do anything about the noise from Quantico but they can about this.

Mr. Kurt Thiele, neighbor, stated there is a shooting range on Route 17, and it is inaudible from the nearby Sheetz. He said hunters are firing weapons all around the area without the protection a buffer or berm would provide, and that concerns him more than this proposed facility. He added the airport noise is probably greater than 80 decibels. Mr. Thiele concluded that any business that brings a clean tax base to the county is welcome.

Ms. Jean Lowe, Morrisville resident, questioned who will supervise the proposed facility, and who will guard the ammunition that will be stored there. She suggested if the Sheriff's Office or the CIA is in need of a training facility then they should secure funding and protect it themselves. She asked who would ultimately control the types of weapons and the sort of training that would be allowed here.

Ms. Shani Yates, neighbor, stated when the Planning Commission held its site visit to the property and the testing took place, most of the neighbors were not

home to observe the noise, but there were some reports that shots could be heard up to 4 ½ miles away. She continued that there is nothing between the proposed site and her home, and she worries that if a bullet goes astray, her family could be in real danger. She expressed that she feels the public should be well informed and this was not as covert as it should have been. She said even the possibility of a stronger police presence in the area is of little comfort in that it will not likely make a difference.

Mr. Michael Plant stated he was prepared to build a home in the area, but will not do so if this facility is approved as it will lower the property values.

Mr. Philip Kahn stated he is opposed to this application as it will be a nuisance to the neighbors 365 days a year. He suggested if this were proposed next to one of the County officials' homes it would go straight in the garbage.

Ms. Terry Lucas stated she lives four (4) miles from the proposed site and could hear the weapons firing during the decibel level testing. She expressed her sympathy for those living even closer to the proposed facility. She said she is from a military family that moved around a lot, and now she has finally settled in the most beautiful place in the world. She asked that the Planning Commission deny the application and preserve the beauty.

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

Mr. Stone thanked the public for their participation and interest in their community and county.

Mr. Stone, seconded by Mrs. McCarty, moved to postpone action for up to 90 days at the request of the applicant with the public hearing left open.

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 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)***

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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. Patricia Cutts, neighbor, asked if the fill in the floodplain would be by the soccer fields.

Mrs. Dargis replied that it would.

Ms. Patricia Cutts stated she is concerned with traffic issues and worried that this beautiful, rolling land will become a parking lot. She said this land should be used for bike paths and other activities that would be more compatible with the surrounding area. She added this park will open up the area to new development and impose traffic on the already dangerous Meetze and Old Auburn Roads.

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

Mr. Robison, seconded by Mr. Stone, moved to forward the first part of this application regarding the fill in the floodplain to the Board of Supervisors with a recommendation of approval and to postpone action on the portion of the application dealing with the entrance.

Mr. Robison stated the use of this land has already been approved. He continued this application is regarding fill in the floodplain, and the applicant may no longer require Special Exception approval to establish the entrance to the park.

The motion carried unanimously.

- d. **#SPEX05-CT-003 - Praise Communications, Inc., owner and applicant - WPRZ 1250 AM** - applicant wishes to obtain Special Exception approval to allow for an increase in the square footage of an existing broadcasting building. The property is located at 7351 Hunton Street in the Warrenton Service District, Center District. (PIN #6984-89-8748-000)

Mr. Robison announced he would abstain from voting on this application due to a perceived conflict of interest.

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.

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

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

The motion carried 4-0, with Mr. Robison abstaining.

- e. **#SPEX05-SC-005 – Bishops Run, LLC, owner and applicant - Bishops Run** - applicant wishes to obtain Special Exception approval under Category 1 to allow for up to twenty (20) residential apartment units above a retail center. The

property is located on the west side of Riley Road (Route 676) north of Broad Run Church Road (Route 600), Scott District. (PIN #7916-12-8941-000)

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

Mr. Stone asked Staff to explain the reasoning behind this Special Exception as the twenty (20) units in this application were in the original Rezoning application for Bishop's Run.

Mrs. Dargis stated the County approved a Rezoning for Bishop's Run in May 2004 that included this commercial retail space. She said this particular nine (9) acres relates to a new section in the Zoning Ordinance. She added this was included in the proffers.

Mr. Stone opened the public hearing.

Mr. John Foote, representative for the applicant, stated Mrs. Dargis' explanation was accurate and the proposed development conditions are acceptable. He added that Mr. Steve Vento is on hand with the original plans for the proposed apartment units, and they would be glad to answer any questions.

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 subject to the following amended 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 "Bishops Run Retail Center" dated August 27, 2004 and received in the Planning Office on August 28, 2004, except as modified by these conditions.

6. The building labeled “Daycare” on the aforementioned Plan shall only be used as a daycare facility. If the building’s use changes, a new parking analysis shall be submitted along with a revised Site Plan, for any different use, to determine if the overall number of parking spaces at the site is still consistent with the parking reduction granted with this Special Exception.
7. 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.
8. The maximum number of apartment units shall be twenty (20).
9. The maximum number of bedrooms per unit shall be one (1).
10. The apartments shall not exceed 1 ½ stories (one level with a loft).
11. Apartments shall be limited to the 2<sup>nd</sup> floor and above.
12. 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. This allows for 280 parking spaces, as a reduction from the required 347 spaces.
13. 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.
14. Overnight parking of boats, trailers, or camper type vehicles shall not be permitted on the site.
15. The minimum front yard shall be 14 feet measured from the property line in accord with Zoning Ordinance Section 5-103.2.c.
16. Per the Proffer Statement, as revised on May 17, 2004, 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. Auto Repair Garage
  - b. Car Wash
  - c. Motor Vehicle Impoundment Yard
  - d. Automobile Sales
  - e. Broadcasting Studio

- f. Recreational Vehicle Storage Area
- g. Kennel/Animal Shelter
- h. Funeral Home
- i. Recycling Center

In addition, the following or similar uses (although not addressed in the proffers) shall not be permitted in mixed residential use buildings:

- j. Medical Care Facility, Minor or Major;
  - k. Golf, Miniature;
  - l. Veterinary Clinic;
  - m. Furniture Repair, Cabinet Making, Upholstery, More Than 5,000 sq. ft.;
  - n. Welding, Sheet Metal Shops, Less or More Than 5,000 sq. ft.; and
  - o. Any Category 14 Use except vehicle part sales, installation (not including repair garage).
17. 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.
  18. The Bishops Run Retail Center entrance shall meet the Virginia Department of Transportation (VDOT) design requirements.
  19. Landscaping along Riley Road shall be consistent with VDOT requirements as promulgated in its "Guidelines for Planting along Virginia's Roadways".
  20. The property owners association shall be responsible for the continued upkeep and maintenance of landscaping within the retail center complex.
  21. The architectural appearance of the mixed-use residential buildings shall be as shown on the rendering received in the Planning Office August 27, 2004, entitled "Town Center Mixed Use Complex".

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

- f. **#SPEX05-SC-014 – Joel J. & Melissa K. Whipkey, owners and applicants** – applicants wish to obtain Special Exception approval under Category 20 to allow for the construction of an alternative drainfield for one (1) single-family dwelling. The property is located on the east side of Auburn Mill Road (Route 1312) at its intersection with Dumfries Road (Route 605), Scott District. (PIN #7905-40-3258-000)

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

Mr. Trumbo asked staff if Mr. Whipkey, the applicant, had requested postponement.

Mrs. Dargis thanked Mr. Trumbo for the clarification and stated Mr. Whipkey had, in fact, requested postponement.

Mr. Stone opened the public hearing.

Mr. Joel Whipkey, applicant, stated he must ask for this Special Exception because the Health Department in Fauquier County considers this septic system to be experimental even though surrounding counties accept it without having to go through this process. He added that he needs this Special Exception to build a home for his family and has no intentions of this becoming any sort of business venture.

Mr. Joe Dove, stated his main concern is the appearance of the property as it is unsightly and unsafe. He asked that the applicant please clean up the site.

Mr. Trumbo stated the Planning Commission has heard and understands the citizens concerns regarding the appearance of the Whipkey property, but reminds the public that the purpose of this hearing is to speak to the construction of this alternative drainfield.

Mr. Richard Benfer, stated the disastrous Lot 60 is not only nuisance but a public health risk. He said area residents have cut the grass in the past and recommended the applicant begin to mow the grass and stop dumping unprocessed material on the property including cement. He continued that he is concerned with the design of the experimental septic system for several reasons. He said a large trench was dug that is not shown on the site plan, the reserve area is too small as shown on the site plan, there are no reports on the suitability of the soil for either the primary or secondary sites for the drainfield, and the site plan does not even show the primary site. He cited concerns about the possibility that Route 605 will have to be widened in the future.

Mr. Fred Goodnaugh, neighbor, concurred with the previous speaker. He stated he has lived in this community for 26 years, and when it rains, this property is a catchall for the storm water that eventually runs into the Occoquan River. He stated this experimental system may not work and could potentially be an environmental hazard. He said this pump could lead to power outages such as the one they had this afternoon and result in decreased property values. He added that the reserve field, as designed, is too small, the ground here is too wet, and the proposed drainfield would be too close to the ditch where refuse was buried. Mr. Goodnaugh stated neighbors fear for the health of their animals when drinking from streams that gather the run-off from the Whipkey property. He voiced his concerns about what will happen when the County decides to widen Route 605 and concluded that the property should be cleaned up.

Mr. Paul Wade, executor of the estate that backs up to this property, stated this would be a horrible place to build a home because it has springs throughout and is essentially a marsh. He continued that he is a utility worker, and so he knows that when you disturb land that is already unstable it only becomes worse. He expressed his sympathy for the owners but suggested that a buyer should thoroughly investigate matters such as these before purchasing land. Mr. Wade said this experimental system will adversely affect the neighbors and disturbing this land will create a situation where sewage water will lay on the ground attracting mosquitoes. He concluded this could be a serious health issue.

Mr. Shawn Love, Marstellar Estates resident, stated his community has joined together to upkeep the neighborhood as they have a great deal of pride in their subdivision. He said he has no objection to a house being constructed as long as all of these issues can be effectively worked through.

Ms. Ellen ReMay, neighbor, stated water that flows through this property comes under the road and onto her property. She said ten (10) years ago the Whipkey property was a total swamp. She added that another resident in the immediate area has an experimental septic system which she believes is a peat drain. Ms. ReMay said that there are homes across the street with basements that have always flooded.

Mr. Tom Meyers, Marstellar Estates resident for 24 years, stated the lot in question has always been a swamp. He expressed his sympathy for Mr. Whipkey and his family, but stated he should have done his homework. He continued that he would love to see a young family move into the neighborhood, but under the current circumstances, he is opposed to construction on this property. He added if all requirements can be met, he would be in favor of the new construction.

Mr. Vincent Barron voiced his objection to the experimental system because it is just that – experimental. He stated he has pride in his neighborhood and does not want to destroy the beauty with an unsightly system right at the entrance to the community.

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

Mr. Trumbo clarified his earlier comments expressing his appreciation to the public for taking pride in their community and explaining while that was important, it could not have any impact on the Planning Commission's recommendation to the Board of Supervisors.

Mr. Trumbo, seconded by Mr. Meadows, moved to postpone action for up to 90 days at the request of the applicant.



Mr. Trumbo stated the Planning Commission will hold a site visit to the Whipkey property as well as to another site to examine a system, already in operation, like the one proposed.

An unidentified audience member stated he would like to be informed as to the date and time of the site visit.

Another unidentified audience member asked the Planning Commission why the County does not do a better job of informing perspective buyers as to the quality of the land they wish to purchase.

Mr. Stone answered the burden is on the buyer as the County can not be held responsible for all real estate purchases. He stated real estate agents should be representing the buyer as well as investigating for them.

The motion carried unanimously.

Mr. Stone announced the Planning Commission will hold a site visit November 18, 2004 at 1:45 p.m. to the Whipkey property. He added there will be a Work Session November 18, 2004 around 3:30 p.m. or 4:00 p.m. regarding the Capital Improvements Plan, wineries, and the noise ordinance and a Public Hearing November 18, 2004 at 7:00 p.m.

There being no further business, the meeting adjourned at 8:25 p.m.

*A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Warrenton, Virginia, for a period of one year.*