

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
APRIL 24, 2003**

*The Fauquier County Planning Commission held its regular meeting on Thursday, April 24, 2003, beginning at 3:05 P.M. in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone, Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mr. Robert Counts, Ms. Deirdre Clark, Mr. Chuck Floyd, Mrs. Kimberley Johnson and Ms. Beckie Williams.*

Mr. Robison, seconded by Mrs. McCarty, moved to amend the agenda to add item 4.1, Board of Zoning Appeals Agenda.

The motion carried unanimously.

1. **APPROVAL OF MINUTES** – February 27, 2003, March 13, 2003, and March 27, 2003

Mr. Robison, seconded by Mr. Sinclair, moved to postpone action on the February 27<sup>th</sup>, March 13<sup>th</sup>, and March 27<sup>th</sup> minutes until May 29, 2003.

The motion carried unanimously.

2. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT**

- Zoning Ordinance Text Amendment to add Section 3-309.19 (Paintball Recreation Fields) and Section 5-919 (Additional Standards for Paintball Recreation Fields.) The Planning Commission held the public hearing January 23, 2003. (Postponed February 27, 2003 until March 27, 2003)

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

Mr. Robison stated that item # 5 of the conditions should be changed from all parking areas to all parking and spectator areas.

Mr. Stone, seconded by Mrs. McCarty, moved to approve this text amendment request with the revised conditions.

The motion carried unanimously.

Mr. Robison stated he is pleased that this Text Amendment is finally moving forward and he looks forward to having these fields in Fauquier County.

3. **PRELIMINARY PLATS**

- a. **#PP02-S-12 - Llewellyn J. Evans, Jr., owner and Airlie Estates, LLC, applicant – Reserve at Glanaman (formerly known as Airlie Estates)** - applicant wishes to obtain preliminary plat approval to subdivide approximately 47.56 acres into twenty-four (24) lots. The property is zoned Residential -1 (R-1), and is located on the northeast side of Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and 6995-15-2925-000) (Postponed until May 29, 2003, at the request of the applicant.)
- b. **#PP02-S-13 - Lillie E. Smith Estate, owner, and Robert H. Rogers, III, applicant - Smithridge Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 16.7 acres into fourteen (14) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Routes 15/29, Lee District. (PIN #6888-32-5186-000) (Postponed until May 29, 2003, at the request of the applicant.)
- c. **#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 nineteen (19) lots. The property is zoned Residential-1 (R-1), and is located on Frytown Road, Center District. (PIN's #6994-36-3798-000, #6994-37-3260-000 and #6994-36-5406-000) (Postponed until May 29, 2003, at the request of the applicant.)
- d. **#PP03-C-05 – Toll Bros, Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately 244.53 acres into one hundred fifty (150) single family residential lots and two (2) non-residential lots. The property is zoned Residential-1 (R-1) and is located on the north side of Duhollow Road (Route 672) at its intersection with Frytown Road (Route 674), east of Route 15/29, Center District. (PIN # 6994-02-8294-000, #6994-13-8021-000 and #6984-92-6454-000) (Postponed until April 24, 2003, at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes. She stated the applicant has requested a 30-day deferral.

Mr. Counts briefly reviewed the unresolved issues regarding the ownership of the waste water system.

Mr. Sinclair stated that it is important to have a representative from WSA meet with the Commission to get a handle on the ownership and to get a clear understanding of where the water is being drawn from.

Mr. Robison concurred with Mr. Sinclair.

Mr. Robison, seconded by Mrs. McCarty, moved to postpone action for 30 days, at the applicant's request.

- e. **#PP03-L-07 – D.C. Diamond Corporation, owner/applicant – Remington Business Park** – applicant wishes to obtain preliminary plat approval to subdivide approximately 65.7 acres into twelve (12) lots. The property is zoned Industrial (I) and is located on the east side of Lucky Hill Road, south of the intersection with James Madison Street (Route 15/29 Business), Lee District. (PIN #6888-37-4051-000) (Postponed until July 31, 2003, at the request of the applicant.)
- f. **#PP03-M-11 – The California House Investment Co., owner / applicant – Fenny Hill Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately 18.9 acres into five (5) lots. The property is located on the northeast side of Fenny Hill Road (Route 816), Marshall District. (PIN #6031-60-1727-000) (Postponed until May 29, 2003, at the request of the applicant.)

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

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

The motion carried unanimously.

- g. **#PP03-M-13 – Judith C. Ellis, owner and Mike Stumpo, applicant – Woodmont Forest** – applicant wishes to subdivide approximately 20.33 acres of a +/- 29.736 acre parcel into twenty (20) lots. The property is zoned Village and Rural Agriculture (V/RA) and is located at 9259 Springs Road, Marshall District. (part of PIN #6962-67-5339-000) (Postponed until July 31, 2003, at the request of the applicant.)
- h. **#PP03-L-23 – Thomas A. Moran and Galia Ofer, owner / applicant** – applicant wishes to subdivide approximately 94 acres into six (6) lots. The property is zoned Rural Agriculture (RA) and is located on the east side of Rogers Ford Road (Route 632), Lee District. (PIN # 7804-46-

3247-000) (Postponed March 27, 2003, until April 24, 2003, at the request of the applicant.)

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

Mr. Meadows, seconded by Mr. Stone, moved to approve the request subject to the revised conditions, as outlined below.

The motion carried unanimously.

**PRELIMINARY PLAT CONDITIONS  
THOMAS A. MORAN AND GALIA OFER**

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Preliminary Subdivision Plat – Thomas A. Moran & Galia Ofer" dated April 7, 2003, and received in the Planning Office on April 9, 2003 .
2. In accord with Section 7-603 2. of the Fauquier County Zoning Ordinance, Residential Subdivisions, a landscape plan shall be required at record plat or construction drawing phase.
3. 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.
4. 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 August 26, 2002 .	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (?="??') and certifies that this is the Best Available Soils Information to Date for Lots ?-?.	
_____ Va. Certified Professional Soil Scientist	_____ DATE
CPSS #3401-_____	

5. 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.
6. The following statement 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, 13B, and 313B 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."
7. The following statement shall be placed on the Final Construction Plans:
  - "Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction."
  - "The County recommends that before road or home construction begins in soil mapping units 33B, C, & D, a site specific evaluation be conducted so that shallow to bedrock areas are identified."
8. The type of primary and reserve drainfield area shall be stated for each lot.
9. All of the symbols shown on the Type I Soil Map shall be included in the Soils Legend.
10. All intermittent streams shown on the Type 1 Soil Map shall be included in the final soils map.
11. Two copies of the final soil map with original CPSS signature shall be submitted to the Soil Scientist Office before final plat approval is made.
12. The final soil map shall be filed in the front office of Community Development and the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
13. A deed of non-common open space shall be recorded at the time of the first plat of subdivision.
14. All SWM/BMPs shall be designed and constructed to conform to Fauquier County Stormwater Management Ordinance standards. This may require minor changes to the lot sizes and configurations as shown on this Preliminary Plat.

15. A homeowners' association maintenance agreement shall be required for the Stormwater Management/BMP facility. The homeowners' association documents shall be submitted with the final construction plans.
  16. Maintenance easements shall be provided for all SWM/BMP facilities.
  17. Natural drainageways shall be protected to the maximum extent possible.
  18. Appropriate bulk regulations district shall be placed on the plat.
  19. All front setbacks shall be measured from the centerline of the roadway and correctly labeled.
  20. All driveway entrances shall be sited and constructed in accordance with VDOT regulations and design standards.
  21. The Virginia Department of Transportation shall review the record plat to assure compliance with dedication and sight distance easement requirements.
  22. The existing driveway currently serving Lot #1 shall be abandoned, all surfacing materials removed and the area graded and seeded to conform with the surrounding farmland. This action shall occur as soon as practically possible after the recordation of the plat.
  23. At such time as the entrance to Lot #1 is constructed, all improvements to accommodate the entrance to Lot #2 shall be included.
- i. **#PP03-CR-24 – Panklands, Inc., owner and R. Carl Faller, applicant – Panklands, Inc.** – applicant wishes to subdivide approximately 73.5 acres into two (2) lots. The property is zoned Rural Agriculture (RA) and is located on the south side of Wells Mill Road (Route 617), Cedar Run District. (PIN # 782389-2386-000) (Postponed until May 29, 2003, at the request of the applicant.)
  - j. **#PP03-CR-26 – Vint Hill Economic Development Authority, owner / applicant – Land Bay “I”** – applicant wishes to subdivide approximately 30.87 acres into twenty-nine (29) lots. The property is zoned Planned Residential Development (PRD) and is located on Routes 215, 602, and 652, Cedar Run District. (PIN #7925-05-6356-000) (Postponed March 27, 2003, until April 24, 2003, at the request of the applicant.)

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

Mr. Stone, seconded by Mrs. McCarty, moved to approve this request, subject to the revised conditions.

The motion carried unanimously.

4. **SPECIAL EXCEPTIONS**

- a. **#SE02-L-27 - D.C. Diamond Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for grading and construction of a road in the floodplain. The property contains 85.84 acres, is zoned Rural Agriculture (RA), and is located on the southwest side of Catlett Road (Route 28), Lee District. (PIN #6889-31-7311-000) (Postponed until April 24, 2003, at the request of the applicant.)
- b. **#SE02-CR-29 - William A. Hamp, III, owner, and Karen Coleman/Eastern Clearing Inc., applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance, which would allow for a private treatment plant. The property contains  $\pm$  10 acres, is zoned Industrial-Park (I-1), and is located on the northeast side of Bealeton Road (Route 805), Cedar Run District. (PIN #6899-75-8606-000) (Postponed until April 24, 2003, at the request of the applicant.)
- c. **#SE02-S-22 and #SE02-S-23 - Llewellyn J. Evans, Jr., owner, and Airlie Estates, applicant – Reserve at Glanaman (formerly known as Airlie Estates)** - applicant wishes to obtain special exception approval under Category 29 which would allow for a waiver of the public street requirements and Category 29 which would allow for a waiver of the public/central water requirements. The property contains 47.56 acres, is zoned Residential-1 (R-1), and is located on Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and #6995-15-2925-000) (Postponed until May 29, 2003, at the request of the applicant.)
- d. **#SE03-CR-24 – John C. Kandl, owner / applicant** – applicant wishes to obtain special exception approval under Category 20, which would allow for the repair / replacement of a private sewer system. The property is zoned Rural Agriculture (RA) and is located at the intersection of Rogues Road (Route 602) and Ritchie Road (Route 644), Cedar Run District. (PIN # 7818-24-3358-000) (Postponed March 27, 2003, until April 24, 2003, for further review.)

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

Mr. Stone, seconded by Mrs. McCarty, moved to approve this request subject to the conditions.

The motion carried unanimously.

4.1 **BOARD OF ZONING APPEALS AGENDA**

1. REVIEW OF MINUTES OF THE APRIL 3, 2003 MEETING
2. SPECIAL PERMIT #50887 JOHN P. SIFRIT & HEATHER P. SIFRIT (OWNERS) - Applicants are requesting special permit approval to locate a small contracting business on the property, identified as PIN #6945-36-1395, located at 7017 Catbird Lane, Marshall District, Marshall, Virginia. The public hearing has been closed.
3. SPECIAL PERMIT #51090 ROY & LOU ANNE BOATWRIGHT (OWNERS) - Applicants are requesting special permit approval for sales, service, repair and rental of heavy trucks, vans, equipment and trailers; to include inventory awaiting restoration, identified as PIN #7906-00-9413, located at 5391 Telephone Road, Scott District, Warrenton, Virginia.
4. SPECIAL PERMIT # 51121 OUR SAVIOUR LUTHERAN CHURCH TEES (OWNER) & FAUQUIER COMMUNITY CHILD CARE, INC. (APPLICANT) - Applicants are requesting to renew a special permit granted in July, 2000 to permit the location of a teen camp for eight weeks during the months of June – August each year, identified as PIN #6995-32-1396, located at 6194 Dumfries Road, Scott District, Warrenton, Virginia.
5. SPECIAL PERMIT #51307 LINDA L. STEPHENSON (OWNER) & JAMES W. & EDEL M. KUNKEL (CONTRACT OWNERS) - Applicants are requesting special permit approval to locate a preschool, identified as PIN #6947-10-8248, located at 6089 John Barton Payne Road, Marshall District, Marshall, Virginia.
6. SPECIAL PERMIT #51317 FREEZELAND ORCHARD CO., INC. (OWNER) & THE DOMINICAN NUNS (CONTRACT OWNERS) - Applicants are requesting special permit approval to locate a monastery, identified as PIN #6001-79-5633, located off of Route 638, Marshall District, Linden, Virginia.
7. VARIANCE #51368 JOHN D. METZ (OWNER) - Applicant is requesting a variance from the side yard setback to construct a detached garage, identified as PIN #6959-82-5137, located at 4661 Morgan's Bluff Drive, Marshall District, Marshall, Virginia.



8. VARIANCE #51377 JOHN D. PIVK (OWNER) - Applicant is requesting a variance from the side yard setback to construct an attached garage, identified as PIN #7915-33-9490, located at 7204 Sunrise Court, Scott District, Warrenton, Virginia.

Mrs. Johnson reviewed the above Board of Zoning Appeals cases.

No comments were stated.

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

*The Fauquier County Planning Commission held its Public Hearing on Thursday, April 24, 2003, beginning at 7:14 P.M. in The Cafeteria at Fauquier High School, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone; Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mr. Robert Counts, Ms. Holly Meade, Mr. Kevin Burke, and Ms. Beckie Williams, Administrative Secretary.*

5. **THE PLEDGE OF ALLEGIANCE**

Mr. Robison led the Commission and public in the Pledge of Allegiance.

6. **CITIZENS TIME**

No one spoke.

7. **AGRICULTURAL AND FORESTAL DISTRICT**

- a. 10<sup>th</sup> Addition to Orlean/Hume Agricultural and Forestal District
  1. Andrew and Elizabeth Stone, requesting to add 28.14 acres, located at 5932 Lake Sunset Lane
  2. Ernest Robinson Heirs by Felice R. Brooks, requesting to add 39.41 acres, located at 6480 Ernest Robinson Road
  3. Julian Kulski requesting to add 17.139 acres, located off Route 772, Warland Road, in Thumb Run Mountain Estates
- b. 20<sup>th</sup> Addition to Southern Fauquier Agricultural and Forestal District
  1. Charles A. and June T. Padgett, requesting to add 22.47 acres, located off Bristersburg Road
- c. Third Renewal of the Upperville Agricultural and Forestal District

d. Third Renewal of the Springs Valley Agricultural and Forestal District

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

Mr. Stone, seconded by Mr. Sinclair, moved to approve all of the above requests.

The motion carried unanimously.

8. **PROPOSED ZONING ORDINANCE TEXT AMENDMENTS**

a. Zoning Ordinance Text Amendment to change all references from 15.1, *Code of Virginia* to 15.2 *Code of Virginia* and with all appropriate sub references.

1-200 14.; 1-200 15.; 4-301 1.; 4-501.; 5-010 1.; 5-010 2.; 5-1703 GG (1); 5-1703 GG (2); 8-1200; 8-1700; 12-601; 12-612 6.; 13-202 1.A.; 13-202 2.D.; 13-205; 13-301; 14-102; 14-201; 14-202; 14-210; 15; and Appendix B – III A.

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

Mr. Robison opened the public hearing.

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

Mr. Robison, seconded by Mrs. McCarty, moved to approve this request.

The motion carried unanimously.

b. Zoning Ordinance Text Amendment to Section 5-1812.7, Additional Standards for a Farmer's Market.

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

Mr. Robison opened the public hearing.

Mr. Meadows asked for clarification from Mrs. Johnson regarding whether or not the property where the farmer's market would be held could be leased or not. Mrs. Johnson confirmed that the property could be leased.

Hobb Knot, owner of a Corn Maze in the Plains, stated that this text amendment would provide flexibility for operators of the farmer's market.

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

Mr. Sinclair, seconded by Mrs. McCarty, moved to approve this request.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to Section 5-1813.5, Additional Standards for a Community Farmer's Market.

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

Mr. Robison opened the public hearing.

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

Mr. Sinclair, seconded by Mrs. McCarty, moved to approve this request.

The motion carried unanimously.

9. **SPECIAL EXCEPTIONS**

- a. **#SE03-C-17, SE03-C-21, and SE03-C-22 – Toll Bros., Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain special exception approval under Category 20, which would allow for a water storage system and the construction and operation of a community wastewater treatment and disposal system; Category 23, which would allow for the location of SWM facilities and utility and trail crossings in the floodplain; and Category 30, which would allow for a waiver of the public sewer requirements. The applicants have also requested a county determination as to whether the locations of the proposed water storage facility associated with # SE03-C-17 is in accordance with the Code of Virginia, Section 15.2-2232. The property is located on the north side of Duhollow Road (Route 672) at its intersection with Frytown Road (Route 674), east of Route 15/29, Center District. (PIN #6984-92-6454-000, 6984-93-2775-000, 6984-83-4176-000, 6994-02-8294-000, 6994-03-2688-000, 6994-13-8021-000) (Postponed March 13, 2003, for further review.)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes. Mr. Counts stated the applicant is requesting a 30-day deferral.

Mr. Robison opened the public hearing.

Mr. John Foote, Walsh, Colucci & Lubeley, stated this project is familiar to the Commission. He said this is the third public hearing and the applicant has had several meetings with staff and WSA. Mr. Foote stated the applicant has made huge progress. He said there are still some outstanding issues and that is why the applicant is requesting additional time.

Ms. Sonja Addison, Center District, stated she has spoken before the Commission several times. She said she wanted to highlight the major items. Ms. Addison stated that Frytown and Duhollow want water and sewer and they are asking Toll Brothers to provide hookups. She requested the county provide water testing. Ms. Addison stated that the majority of the residents of Frytown and Duhollow are elderly, single, or low-income and they should not have to pay for the sewer and water.

Ms. Ersaline Anderson, Center District, addressed a few items that the residents of Duhollow and Frytown are requesting. These items include, public access to greenway, safer traffic patterns, dense screenage, and for Frytown and Duhollow to be designated a historic area. Ms. Anderson also asked permission from the Commission to allow the residents present to sign the sign-in sheet.

Mr. Ben Nichols, Center District, stated that the water in this area is contaminated. He asked the Commission to carefully look at this situation. Mr. Nichols voiced his concerned with the water and sewer issue. He said this will cause an impact on the current residents and the issue needs to be studied.

Mr. John Richard, Center District, stated he is for Toll Brothers and what they will bring to the community. However, he is concerned with the water and sewer and with the crossing of the floodplain. He said he would like more visual drawings informing the public of what the end result would be.

Ms. Elizabeth Farnham, representative of Goose Creek, stated her major concern is the package treatment concept.

Ms. Mimi Moore, representative of Citizens of Fauquier County, stated there are three major issues with this project. She said that taking water from New Baltimore to provide water to the Warrenton Service District is harmful to New Baltimore. Ms. Moore said the owning and operating of the sewer plant is still unresolved. She said that a professionally trained company needs to maintain this, not the homeowner. Ms. Moore said that granting of special exceptions for driveways and access roads in the

floodplain is common but this application includes other uses in the floodplain.

Ms. Kitty Smith, Marshall District, speaking for PEC, agreed with Ms. Moore's comments. She stated the sewage treatment plan is still the major concern. She asked who would operate this sewage treatment plant? Ms. Smith said it is unacceptable for the HOA to be in charge of this type of system. Ms. Smith pointed out to the Commission a few standards on the WSA's Draft Community Wastewater System plan dated April 3, 2003. These items are 1) the applicant is required to provide a 200% reserve drainfield capacity, 2) drainfield areas must be held fee simple by WSA, and 3) no heavy equipment should be on the drainfields and these fields should not be used as recreational fields. Ms. Smith closed stating this application should not be approved until the Commission and staff are satisfied.

Mr. Jake Andre, Center District, asked if there has been a traffic study completed for this area. He questioned whether or not the roads could handle the impact.

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

Mr. Robison stated that there are many outstanding issues and concerns and he is willing to postpone the application for 30-days.

Mr. Sinclair stated the speakers touched on his major concerns, for example who will own and operate this sewer system. He said he has asked staff to hold a meeting with a representative from WSA to discuss this matter. Mr. Sinclair also stated he is concerned with the movement of water from the New Baltimore Service District up Route 605 to provide water for 150 houses.

Mr. Robison, seconded by Mr. Sinclair, moved to postpone action for 30-days at the applicant's request.

The motion carried unanimously.

- b. **#SE03-S-18 – Earl R. Simpson, owner, ASQUIP, INC., contract owner, and DuBrook Concrete, Inc., applicant** – applicant wishes to obtain special exception approval under Code 17, which would allow for the construction of a concrete storm drain. The property is zoned Industrial – 2 (I-2), and is located at the intersection of Routes 55 and 622, Scott District. (PIN #6979-57-4795-000) (Postponed until April 24, 2003, at the request of the applicant.)

- c. **#SE03-CR-23 – Fauquier County, owner / applicant – Warrenton-Fauquier Airport** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction and operation of a wastewater treatment and disposal system. The property is located on the west side of Midland Road (Route 610), Cedar Run District. (PIN # 7809-78-6301-000) (Postponed March 27, 2003, until April 24, 2003, for further review.)

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

Mr. Tony Hooper, Assistant County Administrator, stated that the county has been working with the airport committee for a number of months regarding this application. He stated that there are a number of existing businesses in this area, including the airport, which have failing drainfields. Mr. Hooper stated that this plan would provide facilities for both the airport and these businesses. He said that this plan would be phased.

Mr. Meadows asked Mr. Hooper to clarify whether or not they have takers for all 2500 gallons. Mr. Hooper responded that they have takers for the whole capacity, to include property owners whose property is currently vacant but may wish to develop in the future, and they hope that the 4400 gallons allowed in Phase I would accommodate the existing businesses.

Mrs. McCarty asked which businesses intend to expand. Mr. Hooper stated that there are a number of businesses they have met with that have this intent, Ross Industries being one of them. Mr. Hooper stated that a number of businesses were surveyed and the majority responded with the intent to expand.

Mr. Stone asked how many businesses were surveyed and what the general response was? Mr. Hooper responded that there are approximately 18 or 19 parcels in this area. He said that a meeting was held and about 75% of the owners of these parcels were present and most everyone present expressed an interest. Mr. Hooper stated that some of these residents were the owners of the vacant parcels and he did caution them that the county's first priority is to provide service to the existing businesses.

Mr. Stone asked Mr. Hooper if he expected the majority of the capacity to be used by parcels already occupied rather than opening new parcels. Mr. Hooper confirmed that existing parcels would use the Phase I capacity.

Mr. Jim Van Luven, Airport Committee, stated that he believes this is one of the greatest things that has ever happened and he feels people are

realizing that something needs to be done to accommodate industries in this area. He stated that this is in the comprehensive plan and it will not cost the county any money. He said the homeowners would be paying for this service. Mr. Van Luven stressed that there has been no opposition to this application.

Mr. Meadows asked Mr. Van Luven to clarify whether he meant homeowners or business owners. Mr. Van Luven said he did mean business owners.

Mr. Rodney Robinson, Cedar Run District, stated he lives approximately 300 yards from where this system is going to be. He said he is not against this application. Mr. Robinson stated that he does not want to see mass development, but he understands that growth is going to happen and he is okay with that as long as it follows the Comprehensive Plan. Mr. Robinson said that he was not aware of a meeting between the airport committee and the Industrial landowners. He said he would have loved to go as a resident. He stated that he hasn't seen any visuals and he is here to get more information. Mr. Robinson said that the airport committee is targeted business but they also need to inform the residents.

Chairman Robison asked Mr. Robinson if he had seen any posted signs. Mr. Robinson responded that he had; however, they blew down. Mr. Robinson stated that he supports this project, he is just concerned with what it will look like and he would like to be more informed. Mr. Robison advised Mr. Robinson to contact The Planning Department regarding any questions he may have.

Mr. Van Luven, with Mr. Stone's permission, addressed Mr. Robinson. He stated that the airport committee and the county would be more than happy to meet with residents and it is not their intention to keep residents in the dark.

Ms. Kitty Smith, Marshall District, recommended that the Commission only approve Phase I at this stage. She stated that Phase II is very problematic in terms of receiving a DEQ permit and the capacity of Phase II is not as necessary at this point as Phase I is. Ms. Smith stated that the county has informed the owners of the industrial properties but not the owners of the residential property and she questioned whether or not it was legally enforceable to exclude the residential properties.

Roy Beckner, representing Steve Rodgers, stated this area needs sewer; however, at this stage there is not enough information to approve this request.

Mr. Robison asked Mr. Beckner if he was notified regarding any meetings. Mr. Beckner responded he asked Mr. Hatch to notify him; however, he never received any notification. Ms. Beverly Pullen stated the notice was sent to S.W. Rodgers in Gainesville.

Mr. Meadows asked Mr. Beckner which property does Steve Rodgers own? Mr. Beckner responded 5-acres adjacent to the airport.

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

Mr. Meadows asked Mr. Burke if it was legal to have a package plant that is exclusive to industrial property?

Mr. Burke stated this plant has been designed to serve a service area that is referenced in the comprehensive plan.

Mr. Stone stated that he has been to two meetings with the airport committee and two briefings with the county, since this application was first proposed. He said that he is satisfied that this plan conforms to the comprehensive plan that was drawn up by the citizens of this area about 18 months ago. Mr. Stone stated that if the 8800 gallons were allocated to residents it would serve about 25 houses. He stated that this will not happen but it does provide additional employment and allows existing businesses to stay where they are. Mr. Stone said he has seen enthusiasm among potential users regarding this system.

Mr. Stone, on condition, that the WSA own and operate this system and with the additional condition requiring the service area system be limited as set forth in option three of the comprehensive plan for the Midland Service District, made a motion to approve this request.

Mrs. McCarty stated that this application is very tightly conditioned. She said that it is vital to her that it is owned and operated by WSA and it has a limited discharge capacity and limited expansion. Therefore, she reluctantly seconds Mr. Stone's motion.

Mr. Robison agrees with Mr. Van Luven that businesses in this area need to be assisted. However, he has a number of concerns and he originally thought this application would be postponed. Mr. Robison said that Ross Industries came before the Planning Commission about 3 years ago seeking approval for an alternative system. This system was approved in October. He asked what happened to this approval and has it been acted on? Mr. Robison stated he asked WSA for a letter on the issue of their owning and operating this system but he has yet to receive it. He said he had discussed this issue with the Assistant Director of WSA who stated



they had no desire to work with package sewage plants. They feel they are expensive to operate and have a short life span. Mr. Robison said they had not received information on the actual costs of owning and operating this system. He stated that because he missed the work session he would not be voting for or against this application.

Mr. Stone stated that if this application is approved it is very well defined and confined to this system in this area. He said this application had no adverse impact and does not set precedence for other applications like this.

Mr. Stone, seconded by Mrs. McCarty, moved to approve this request.

The motion carried 4 to 0.

- d. **#SE03-S-26 – Fauquier County, owner / applicant – Northern Fauquier County Sports Complex** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction and operation of an above ground water storage tank and sanitary sewer pump station. The applicant has also requested a county determination as to whether the location of the proposed storage tank and pump station are in accordance with the *Code of Virginia*, Section 15.2-2232. The property is located at the northeast corner of John Marshall Highway (Route 55) and Whiting Road (Route 622), Scott District. (PIN # 6070-40-3474-000)

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

Mr. Robison opened the public hearing.

Ron Mabry, Project Manager, stated the applicant's intent is to locate the above-ground storage tank in the vicinity of the existing silo. If the concrete base does not allow this, they will construct a tank that has the appearance of the silo to maintain integrity. He stated that at this point, they are unable to provide any information on the capacity because they are still in the groundwater study phase. Mr. Mabry stated this tank would be built to the standards and specifications of WSA.

Mr. Jay Fetner, here representing himself and The Committee for Responsible Rural Development, Scott District. He stated he wanted to make a few general observations because it is hard to make specific comments because the application is premature. Mr. Fetner stated that people are being forced into unnecessary opposition because there are capacity details, etc. He stated that he is not opposed to the Sports Complex; however, he is opposed to approving an application that is so vague. Mr. Fetner recommended the postponement of this application until further details and calculations are provided.

Mr. Stone asked Mr. Fetner to describe the wetland problems. Mr. Fetner responded by saying there is substantial wetlands on this property and the original design will impact these wetlands to a far greater extent than originally thought. As a result, the applicant has substantially redesigned this complex but still cannot take this design to the Corp of Engineers for approval until they have decided the impact of this redesign on the wetlands. Mr. Fetner stated that citizens were assured at the last meeting that they would be more involved and that they would be able to make decisions based on facts. He said that these oppositions would go away if the details of this application were provided.

Ms. Hilary Bogley, Scott District, owns 5 acres across from the subject property. She stated that her property is similar to the subject property. Ms. Bogley said this property is marshland. She requested a buffer along Whiting Road so the residents will not have to deal with the lights and the noise.

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

Mr. Sinclair, seconded by Mr. Robison, moved to leave the public hearing open and postpone for 30-days, at the applicant's request.

The motion carried unanimously.

- e. **#SE03-M-27 – Judith A. Almquist, owner and Cole, Raywid & Braverman, LLP, applicant** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction of a 105' monopole, antennas, and equipment. The applicant has also requested a county determination as to whether the location of the proposed telecommunication facility is in accordance with the *Code of Virginia*, Section 15.2-2232. The property is located at 9309 Belle Haven Lane, Marshall District. (PIN # 6050-50-3466-000)
- f. **#SE03-L-28 – Marsh Run Generation, LLC, owner / applicant** – 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 east side of Lucky Hill Road (Route 655), Lee District. (PIN # 6897-28-4312-000)

Mr. Counts reviewed his staff report, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Rick Gregory, representing Marsh Run Generation, LLC, stated he was available to answer any questions.

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

Mr. Meadows asked if the incorrect file numbers listed in the legal ad caused a problem. Mr. Burke stated that the parcel identification numbers and the property descriptions are what are vital.

Mr. Meadows, seconded by Mr. Sinclair, moved to approve this request.

The motion carried unanimously.

- g. **#SEA03-L-12 – Marsh Run Generation, LLC, owner / applicant** – applicant wishes to obtain special exception approval to amend a previously approved application (#SE00-L-17) to allow for the location of an access road to run over PIN # 6897-28-4312-000 and 6897-19-0471-000. The property is located on the east side of Lucky Hill Road (Route 655), Lee District. (PIN # 6897-28-4312-000) (Postponed until April 24, 2003, at the request of the applicant.)

Mr. Counts reviewed his staff report, a copy of which is attached to and made part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Rick Gregory, representing Marsh Run Generation, LLC, stated he was available to answer any questions.

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

Mr. Meadows asked if the incorrect file numbers listed in the legal ad caused a problem. Mr. Burke stated that the parcel identification numbers and the property descriptions are what are vital.

Mr. Meadows, seconded by Mr. Stone, moved to approve this request, subject to revised conditions, as outlined below.

The motion carried unanimously.

*Marsh Run Generation Facility (ODEC)*  
**Special Exception Conditions**

**Special Exception Amendment**

An amendment to SE00-L-17 Condition 15 to read as follows:

15. *~~Prior to September 1, 2003~~ ~~Prior to submitting the site plan for County review and action~~, the Applicant shall complete an executed agreement with the Fauquier County Water and Sanitation Authority (WSA) regarding the construction of lines conveying treated effluent to the peaking facility and returning product water to the Remington Wastewater Treatment Facility, the quantity of effluent to be used, and associated topics; and*

**An amendment to SE00-L-17 Condition 25 to read as follows:**

25. *The Applicant shall ~~must, prior to obtaining the soils disturbance permit~~ obtain the VDOT Entrance Permit and Hauling Permit, which will cover the transportation of the turbine units and associated equipment over public roads. The Applicant shall be required to repair any damage to public roads resulting from construction traffic and deliveries, if VDOT so requests; and*

**An amendment to SE00-L-17 Condition 18 to read as follows:**

18. The applicant shall work with Fauquier County environmental organizations and public schools in development and establishment of planned wildlife habitats, wildlife observation areas, including boardwalks and other associated viewing areas within the established woodland field and marsh environment, consistent with state and federal regulations. As part of the planning for such wildlife preservation areas, the applicant shall endeavor to create areas that may serve as hunting preserves, assuring that such hunting areas are compatible with and complementary to the other preserved natural areas

**Floodplain Special Exception**

**SE03-L-28 is was recommended for approval subject the following conditions:**

1. The Applicants shall obtain a revised LOMR reflecting the more accurate floodplain limit.
2. The Applicant shall consolidate the two adjacent entrances to the Virginia Power property into a single access point on Lucky Hill Road.

3. The Applicant shall determine buffering requirements on the Virginia Power property and take action to assure that the buffer is either preserved or restored if damaged during road construction.

10. **REZONING**

- a. **#RZ03-L-12 – BRS, L.C., owner / applicant – Cedar Brooke (formerly Reynard’s Crossing)** – applicant wishes to amend proffers of rezoning application # RZ 99-L-04 related to right-of-way dedication. The property is located on the south side of Route 28, east of its intersection with Route 17, Lee District. (PIN # 6899-47-7006-000)

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

Mr. Robison opened the public hearing.

Mr. Ben Jones, attorney, representing BRS, L.C., stated that Mr. Counts covered this application thoroughly. He stated that a 30-day deferral would be ample time to address all outstanding issues.

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

Mr. Meadows, seconded by Mr. Sinclair, moved to close the public hearing and postpone action for 30-days.

The motion carried unanimously.

There being no further business the meeting was adjourned.

*A tape recording of the meeting is on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one year.*