

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JULY 31, 2003**

The Fauquier County Planning Commission held its regular meeting on Thursday, July 31, 2003, beginning at 3:00 P.M. in the 4th Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. 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, Mrs. Elizabeth Cook, Mr. Robert Counts, Mr. Chuck Floyd, Mrs. Kimberley Johnson, and Mrs. Paulette Dolan.

1. **APPROVAL OF MINUTES** – June 26, 2003

Mr. Robison, seconded by Mr. Stone, moved to approve the minutes of June 26, 2003, as amended.

The motion carried unanimously.

2. **PRELIMINARY PLATS**

- a. **#PP03-C-17 – Toll Bros, Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately ± 244 acres into (one hundred fifty) 150 single family residential and (2) two non-residential lots. The applicants have also requested a determination that the proposed dedication of open space meets the open space requirement for development. 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), 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 until July 31, 2003, at the request of the applicant.)

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

Mr. Robison, seconded by Mr. Meadows, moved to postpone action until the 7:00 p.m. meeting.

The motion carried unanimously.

- b. **#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 10 lots. The property is

Withdrawn

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.)

- c. **#PP03-CR-24 – Panklands, Inc., owner and R. Carl Faller, applicant – Panklands Estates** – applicant wishes to obtain preliminary plat approval 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 Blackwells Mill Road (Route 617), Cedar Run District. (PIN # 7825-89-2386-000)

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

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

The motion carried unanimously.

3. **SPECIAL EXCEPTIONS**

- a. **#SE03-S-30 – William S. Fralin, P.C. & Gladys M. Joseph, Trustees; Richard S. & Maggie M. Stanley; Cecil T. & Rebecca W. Campbell, owners, and Shenandoah Development, LLC, applicants – Cross Creek Retail Center** – applicants wish to obtain special exception approval under Category 23, which would allow for some minor filling and grading within a floodplain to construct an access road. The property is located on Route 29, Scott District. (PIN # 7906-83-2379-000 and portions of 7906-82-0818-000, 7906-82-6836-000, 7906-83-8247-000 and 7906-93-1223-000.) (Postponed June 26, 2003 until July 31, 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. Sinclair, seconded by Mr. Meadows, moved to approve this request.

The motion carried 3 – 2 with Mr. Stone and Mr. Robison in opposition.

- b. **#SE03-C-32 and SE03-C-33 – Margaret A. Hufnagel & Others, owners and Landmark Property Development, LLC, applicant – Raymond Farm** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction of an on-site wastewater collection and treatment system; and Category 30, which would allow for a waiver of the public sewer requirement. The property is located at the southeast quadrant of the Route 29 and Route 605 intersection, Center

District. (PIN # 6995-21-1875-000) (Postponed June 26, 2003 until July 31, 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. Robison, seconded by Mr. Stone, moved to deny the Category 20 request based on the resolution proposed by staff.

RESOLUTION

A RESOLUTION OF THE FAUQUIER COUNTY PLANNING COMMISSION RECOMMENDING DENIAL OF SPECIAL EXCEPTION SE03-C-32 REQUESTING APPROVAL OF A COMMUNITY WASTEWATER TREATMENT AND DISPOSAL SYSTEM

WHEREAS, in the matter of SE03-C-32: A Special Exception to construct a community wastewater treatment facility, the Planning Commission has conducted a public hearing; and

WHEREAS, based on public testimony, staff analysis and its own deliberations the Planning Commission has made a number of findings and conclusions regarding the proposed system, now, therefore, be it

RESOLVED by the Fauquier County Planning Commission this 31st day of July 2003, That the Planning Commission recommends to the Board of Supervisors denial of SE03-C-32 based on the following findings and conclusions:

1. The Applicant has failed to demonstrate the long-term viability of the proposed land application of sewage effluent.
2. Absent an agreement to transfer the proposed system to public ownership, the Applicant has failed to demonstrate either the long-term viability of system ownership or operational responsibility.
3. The Applicant has failed to adequately demonstrate the provision of 200% reserve drainfield area as recommended by WSA draft standards for such systems.
4. The Applicant has failed to adequately demonstrate that the proposed community drainfield system will not adversely affect the use or development of neighboring properties.
5. The Applicant has failed to demonstrate that the anticipated life of the proposed system will provide adequate long-term sewage disposal for the proposed community.

6. The Applicant has failed to demonstrate that the proposed land application of treated sewage will not degrade surface or groundwater to an extent that may hinder or discourage the development or use of adjacent properties.
7. Similar systems in other jurisdictions have required extensive upgrades and/or replacements with conventional sewage systems at significant public cost; the proposed system provides no safeguards against such an occurrence.
8. The Applicant has failed to provide adequate information on long-term operating history and reliability of the proposed system.
9. The Applicant has failed to demonstrate that the primary drainfields, required reserve drainfield areas, SWM/BMP facilities, and required open space can all be adequately accommodated within the proposed development.
10. The denial of this request will not preclude the Applicant from pursuing other reasonable development opportunities for this site.

The motion carried 3-2, with Mr. Meadows and Mr. Sinclair in opposition.

Mr. Robison, seconded by Mrs. McCarty, moved to approve the Category 30 request.

The motion carried unanimously.

4. **TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE FAUQUIER COUNTY CODE.**
 - a. Specified Zoning and Subdivision Ordinance Text Amendments Restricting Multiple User Sewage Disposal Systems to Service Districts
 - b. Zoning Ordinance and Fauquier County Code Text Amendments Relating to the Provision of Public Water Within the Marshall Service District.
 - c. Zoning Ordinance Text Amendment Adding an Aquifer Protection Overlay District.
 - d. Zoning Ordinance Text Amendment Adding a Watershed Management and Protection Overlay District

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

Mr. Stone, seconded by Mr. Robison, moved to schedule these items for the public hearing on August 28, 2003.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison asked the Commission if they had any comments to forward to the Board of Zoning Appeals.

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, July 31, 2003, beginning at 7:00 P.M. at the Warrenton Community Center, 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, Mrs. Elizabeth Cook, Mr. Richard Calderon, and Ms. Paulette Dolan.

A motion was made to add Item 7.1, which is previous item 2A, Warrenton Chase.

The motion carried unanimously.

6. **THE PLEDGE OF ALLEGIANCE**

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

7. **CITIZENS TIME**

- 7.1 **#PP03-C-17 – Toll Bros, Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately ± 244 acres into (one hundred fifty) 150 single family residential and (2) two non-residential lots. The applicants have also requested a determination that the proposed dedication of open space meets the open space requirement for development. 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), 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 until July 31, 2003, at the request of the applicant.)

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

Mr. Robison, seconded by Mr. Meadows, moved to deny the request for an open space determination, as per the attached resolution prepared by staff.

RESOLUTION

A RESOLUTION PURSUANT TO FAUQUIER COUNTY ZONING ORDINANCE §2-309.6

THAT LANDS SHOWN ON THE PRELIMINARY PLAT WITHIN THE WARRENTON CHASE SUBDIVISION (PPO3-C-17), AS A COMMUNITY PACKAGE TREATMENT PLANT WITH MASS DRAINFIELDS, DO NOT QUALIFY AS OPEN SPACE

WHEREAS, Toll Brothers, applicant for the Warrenton Chase Subdivision's preliminary plat, has proposed a community package treatment plant with mass drainfields to provide sewage treatment to the proposed subdivision; and

WHEREAS, Toll Brothers has shown 67.6 acres as dedicated open space as part of the required open space for the subdivision; and

WHEREAS, the aforesaid dedicated open space is planned on the preliminary subdivision plat to have the community package treatment plant with mass drainfields located thereon; and

WHEREAS, Fauquier County Code §2-309.6 authorizes the Planning Commission to determine whether lands qualify as open space; now, therefore, be it

RESOLVED, by the Fauquier County Planning Commission, this 31st day of July 2003, That it does hereby find that the aforesaid 67.6 acres of land upon which the community package treatment plant, including mass drainfields, does not qualify as open space for the following reasons:

(1) Community package treatment plants with mass drainfields are not expressly identified as qualifying for open space under Fauquier County Zoning Ordinance §2-309.1, *et seq*;

(2) The aforesaid property does not constitute dedicated open space under the Zoning Ordinance as no governmental entity, including but not limited to, Fauquier County, Fauquier County Water and Sanitation Authority, the Town of Warrenton, or any other public agency or body, has accepted or agreed to ownership of the system;

(3) The 67.6 acres constitute more than 50% of the required open space for the subdivision and it is not good planning or policy to permit more than 50% of open space for any subdivision to be land upon which a mass drainfield sewage system is to be established.

The motion carried unanimously.

Mr. Robison, seconded by Mr. Meadows, moved to postpone the preliminary plat request until the August 28, 2003 meeting.

The motion carried unanimously.

8. **TEXT AMENDMENT TO THE FAUQUIER COUNTY ZONING ORDINANCE** - Zoning Ordinance Text Amendment to Section 5-1503 (Additional Standards for Livestock Exchange) in order to allow an arena at a livestock exchange.

Mr. Carr reviewed Mrs. Johnson's staff memorandum, a copy of which is attached to and made part of these official minutes. The following revisions were reviewed:

§5-1503 Additional Standards For Livestock Exchanges

1. The minimum lot size requirement for such uses located in Rural Zoning Districts shall be twenty-five (25) acres
2. The road frontage requirement shall be 300 feet on a road designated as a major collector (or higher) in the Comprehensive Plan unless the Board of Zoning Appeals find that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage.
3. An arena to be utilized for Livestock Business may be approved as part of a Livestock Exchange. The arena may be utilized for other events primarily involving livestock, if such other events are specifically authorized as part of the Livestock Exchange special permit. Any such arena shall be set back a minimum of 100 feet from all property lines, except that the Board of Zoning Appeals may reduce the setback to 50 feet upon a finding that a lesser setback is adequate given the specific layout of the arena and types of adjoining uses.

Mr. Robison opened the public hearing.

Mr. Ross Poe, Chairman of the Board of the Fauquier Livestock, stated there is not an arena in Fauquier County that can be used by the public. He said this would help their industry stay alive.

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

Mr. Sinclair stated that he agreed with Mr. Poe. He said the Fauquier Livestock Exchange has been a major part of the agricultural community of Fauquier County. Mr. Sinclair stated he would like to have the opportunity to discuss the lighting issue more. He stated he would like to leave the public hearing for 30 days to meet with the staff and the applicant.

Mr. Meadows thanked Mr. Sinclair for seeing that there is a need for this market in Fauquier County and suggested in the meeting with the Livestock Exchange that the arena lighting be directed downward when their design stage starts.

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

The motion carried unanimously.

9. **AMENDMENT TO THE FAUQUIER COMPREHENSIVE PLAN**

The amendment requests the proposed update for the land use, transportation and public facilities components of the Warrenton Service District.

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

Ms. Ann Michael Moorhead, Center District, stated since February 2001, she had been an active member of the Warrenton Service District Committee. She said the plan before the Commission has some very positive elements; however, the Committee could have worked side by side with the Town of Warrenton. Ms. Moorhead suggested taking the plan and seeing if we can work with the Town of Warrenton to create a good transportation and utility plan.

Mr. Paul Bernard, who lives on the edge of the Center District and Marshall District, stated he was pleased to have been able to work on this committee. He said the committee had a common goal – to maintain the standard of life in the Town of Warrenton and Fauquier County. Mr. Bernard stated it would have been more constructive if they could have tied this in with the Town of Warrenton's comprehensive plan. He stated that there were two items he felt strongly about; the area of density within the Service District and the planning of infrastructure to support the Service District. He stated that squeezing density out of the Service Districts will only have one effect, squeezing growth out into the areas we are trying to preserve. Mr. Bernard stated that we need to allow for the infrastructure to support growth. He said proper planning now would save time, energy, and money in the future. He said the Commission had a responsibility to take positive actions to prevent future problems.

Mr. Roy Beckner, member of the citizens group, apologized for not speaking at the last public hearing. He stated he was for this plan and did not feel the need to speak. Mr. Beckner asked the Commission to look at one specific area, the area of Moriah Farm. He said this area is presently planned in the proposed plan as an industrial use property. He stated his definition of a comprehensive plan is a guideline and that is what is being looked at. He said industrial is a proper use for the area of Moriah Farm based on adjacent properties.

Yak Lubowsky, Center District, stated he agreed with this plan and commends the citizens who worked on it. He said that it is more than fair to say that there is a civic and political mandate for appropriate density to mean less density.

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

Mr. Robison stated that they have been working on this plan for sometime and they have more work to do on it.

Mr. Robison, seconded by Mr. Stone, moved to postpone action and close the public hearing.

The motion carried unanimously.

10. **REZONINGS**

- a. **#RZ03-S-18 – Eleanor J. Butler and Nicholas F. and Michele A. Glowicki, owners / applicants** – applicants wish to rezone approximately 2.0 acres from Residential – 1 (R-1) to Residential – 2 (R-2). The property is located at 7030 and 7036 Riley Road (Route 676), Scott District. (PIN # 7905-86-7871-000 and 7905-86-7609-000)

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.

Ms. Leocade Leighton, Scott District, stated her concerns regarding this application. She said the first is in regards to the proffers. She stated the applicants have not signed the Statement of Justification, there is no net gain in subdivision potential and there is no deadline for the down zoning back to R-1. Ms. Leighton stated that it was not clear who would initiate the return from R-1 to R-2. She further said that the applicant should be required to initiate it and leaving it to the BOS is completely out of order. Ms. Leighton said the application says the applicants should have proffers; however, they do not include any proffers. Ms. Leighton stated the applicant should be required to submit a certified plat. She said there are two areas that are affected by the rezoning but this information is not supplied since staff is using an old plat. She said this plat is voided on November 27, 1998 and should not be used.

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

Mr. Sinclair stated he did receive Ms. Leighton's memo and that it had been made public record.

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

The motion carried unanimously.

11. **SPECIAL EXCEPTIONS**

- a. **#SE03-S-35 – High Mountain Farm, LLC, owner / applicant** – applicant wishes to obtain Special Exception approval under Category 23, which would allow for the construction of a farm pond damn crossing a floodplain. The property is located on the southwest side of Landmark School Road (Route 776), Scott District. (PIN # 7002-92-3409-000)

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. Hank Day, representing the applicant, commended Mr. Count's staff report. He stated the pond has to be approved under the state's ordinance. He stated that the applicant had worked on obtaining this approval for several years. Mr. Day stated these approvals should be received shortly. He said they had to comply with the permitting process in Richmond and if they made any changes they have to go back through the process. Mr. Day stated they accept the NCRS pond restriction condition at this time, but between now and the Board of Supervisors meeting they would like to study the publication and if they see any problems they will ask for this condition to be updated. He stated this application does not conflict with any local laws or the ordinance. Mr. Day stated the only possible impact on other properties is the cutting off of water supply while the pond is filling. He said this is a temporary problem and DEQ had already addressed this. Mr. Sinclair asked if this was the 40% he was referring to. Mr. Day said it was yes.

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

Mr. Sinclair stated the applicant has met the requirements.

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

The motion carried unanimously.

There being no further business, the meeting adjourned at 7:53 p.m.

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