

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
AUGUST 28, 2003**

The Fauquier County Planning Commission held its regular meeting on Thursday, August 28, 2003, beginning at 3:15 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; Mr. Jim Stone, Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Chuck Floyd, and Ms. Beckie Williams.

1. **APPROVAL OF MINUTES** – July 31, 2003

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

The motion carried 4-0.

2. **PROPOSED ZONING ORDINANCE TEXT AMENDMENT**

- a. Initiation of a text amendment to the Fauquier County Zoning Ordinance to define the use of a salvage yard.

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

Mr. Robison, seconded by Mr. Meadows, moved to schedule this item for the September 25th public hearing for Option 2.

The motion carried 4-0.

- b. 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 Ms. Johnson's staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sinclair, seconded by Mr. Stone, moved to approve this request subject to the amended text outlined below.

The motion carried 4-0.

3. **PRELIMINARY PLATS**

- a. **#PP03-C-17 – Toll Bros, Inc., owner / applicant – Warrenton Chase Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide ± 244 acres into one hundred fifty (150) single family residential 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), 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 August 28, 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. Stone, moved to approve this request subject to the conditions outlined below.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Preliminary Subdivision and Special Exception Plat - Warrenton Chase" dated May 14, 2003 and received in the Planning Office on May 15, 2003 with amendments received in the Planning Office on April 11, 2003 and July 24, 2003, except as modified by these conditions. This approval is for a maximum of 150 single-family residential lots, two (2) non-residential lots, and approximately 127 acres in open space.
2. In accordance with the Fauquier County Zoning Ordinance, a tree canopy calculation, landscape plan and buffer plan shall be provided with the Final Construction Plans and Final Plat.
3. A Virginia Certified Professional Soil Scientist (CPSS) shall 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.
4. A lot density calculation shall be provided on the Final Construction Plans. The soil map shall be used to determine the maximum density using mapping units with D (15-25% slope), E (25-45% slope) and floodplain soils (2A, 4A, and 5A).
5. Prior to Final Construction Plan approval, the locations of the mass drainfields and active recreation sites, and their acreage, shall be provided.
6. Prior to Final Construction Plan approval, 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.

7. Prior to Final Construction Plan approval, the applicant shall work with the County Soil Scientist, the Health Department, and the Fauquier County Water and Sanitation Authority on the precise location of the primary and reserve drainfield areas. The applicant shall endeavor to locate the primary drainfields, to the greatest extent practical, in areas 2b, 3, 6, 7 and 8 as allowed by permeability, topography, and final drainfield capacity. More detailed soil evaluation shall be required during the Final Construction Plan design/review phase to precisely locate the best drainfield areas.
8. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by Chuck Jackson, CPSS
 February 3, 2003, (1 inch = 200 feet)
 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 X-XX.

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

9. Due to the size of the property and scale limitations, interpretive information from the latest County Soil Interpretive Guide for each mapping unit shown on the above Final Construction Plan shall be shown on separate sheets as the soil map. Also, a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
10. All lots proposed for development shall provide an area of suitable soil and/or landscape for a building pad.
11. The following statements shall be placed on the final construction plan:
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 10A, 16B, 16C, 415C, 416B, and 417C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines shall be daylighted for gravity flow on all structures."
 - b. "Roads built on 53B, 53C, 53D, and 55C mapping units shall be designed to overcome the low bearing capacity caused by the substratum of these soil types which are high in mica."

- c. "The high mica content of the soils in mapping units 53B, 53C, 53D, and 55C will require the use of filtration devices in erosion and sediment control."
 - d. "Due to the highly erosive character of soils in mapping units 53B, 53C, 53D, and 55C, particular care shall be taken to assure the effective control and stabilization of the cut banks along the proposed road."
 - e. "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 shall require a geotechnical evaluation in order to determine proper design."
 - f. "The County recommends that before road or home construction begins in soil mapping units 33B, 33C, 33D, 33E, and 41C, a site specific evaluation shall be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done."
 - g. "Areas of steep slopes and areas containing soils mapping unit 33E shall be avoided to the extent practical, proper erosion and sedimentation practices shall be installed before construction begins."
12. The applicant shall protect natural drainageways and existing wetlands where possible by minimizing proposed grading operations. Any federal, state and/or local permits must be obtained prior to Final Construction Plan approval. Impacts shall be limited to those areas identified on the Preliminary Plat.
13. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
14. Road and other construction shall insure drainage water will not rise higher than 18" below the shoulder of proposed or existing public roads. At a minimum, culverts shall be designed to accommodate the following flood frequencies:
- | | |
|-----------------------------------|---------|
| Secondary and Subdivision Streets | 10-year |
| Primary and Parkways | 25-year |
15. All utilities placed within the street right-of-way shall be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the pavement or shoulder of highways. Deviation from this condition requires prior approval by VDOT and will be considered on a case-by-case basis.
16. Trees within rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.

17. Sight distance profiles and design or posted speed used to calculate the sight distance shall be provided.
18. Unpaved portions of street rights of way shall not be credited towards open space requirements.
19. The typical section shall show one (1) foot between the sidewalk and the right-of-way line.
20. All road improvements along Duhollow Road shall be completed to VDOT standards. These improvements shall be made during the initial phase of construction.
21. At all existing inter-parcel connections, the applicant shall perform all final off-site construction and remedial work within the existing temporary construction easements to make the final connections functional and permanent. As an alternative to off-site construction and remedial work, staff encourages the applicant to work with the developer(s) of off-site interparcel connections to coordinate construction timing to remove the need for temporary cul-de-sacs and other temporary improvements. In the event that the interparcel connections cannot not be completed within the temporary easements, the applicant shall revise the transportation impact analysis to address these changes and address any needed improvements reflecting the additional traffic demands resulting from the concentration of development traffic on Duhollow Road and/or Millfield Drive. If the County determines these impacts to be significant, an Amended Preliminary Plat application may be required.
22. A detail of the transition from the proposed curb and gutter street section to existing ditch section shall be provided prior to Final Construction Plan approval.
23. All construction work performed to tie into Millfield Drive shall be performed to VDOT standards, including those improvements within the right-of-way to be dedicated by the applicant. Prior to Final Construction Plan submission, applicant shall meet with VDOT to determine if Millfield Drive is capable of supporting the proposed connection. In the event it is determined by VDOT that connection to Millfield Drive is not acceptable, the applicant shall eliminate the "tie-in" prior to Millfield Drive and end proposed Hunt Club Drive with a cul-de-sac or other approved turnaround. The right-of-way dedication adjacent to Millfield Drive will occur under either option.
24. All traffic calming measures shall be in conformance with VDOT standards.
25. Access to existing homes along Duhollow Drive shall be maintained at all times.
26. The proposed turnaround on Duhollow Drive shall be designed to accommodate school buses and emergency vehicles.

27. The developer shall be responsible for any necessary additional street right-of-way or abandonment required in association with the realignment of Duhollow Road. Confirmation of the dedication of right-of-way for the Duhollow Road realignment shall be provided prior to issuing any permits for construction.
28. The right-of-way dedication along Academy Hill Road shall be consistent with The Woods of Warrenton dedication.
29. Sufficient right-of-way shall be provided for necessary turn lanes as noted in VDOT's April 1, 2003 response regarding the Traffic Impact Analysis.
30. The dimension from the centerline or edge of pavement to the property line along existing state maintained roads shall be indicated on the Final Construction Plans.
31. Any access to Parcel B along Academy Hill Road shall meet the minimum required sight distance for an entrance.
32. All trails shown on the Warrenton Chase Preliminary Subdivision Plat Open Space & Trail Location Exhibit dated 07/22/03 and received in the Planning Office on July 24, 2003 shall be constructed as part of the site development work.
33. The Greenway Trail shall be paved with six (6) inches of stone and two (2) inches of asphalt at a minimum pavement width of ten (10) feet and a maximum slope of eight (8%) percent. The secondary connector trails shall be paved (using the same cross section) to a minimum width of six (6) feet.
34. All trail easements granted to the County shall be equal to the width of the trail plus ten (10) feet.
35. The Greenway Trail shall be deeded to the Fauquier County Board of Supervisors and shall be built in accordance with Fauquier County Parks and Recreation standards and approved by Parks and Recreation prior to Final Construction Plan Approval.
36. Prior to construction, the applicant agrees to work with the County on the exact location of the trails. Prior to Final Construction Plan approval, the final alignment shall be staked out in the field and approved for installation by the Department of Community Development and the Department of Parks and Recreation.
37. Prior to Final Construction Plan approval, trail bridge specifications, including construction details, placement, and method of installation shall be provided and approved.

38. Prior to Final Construction Plan approval, a detailed overlot grading plan shall be submitted for evaluation.
39. Prior to Final Construction Plan approval it shall be demonstrated that all open space requirements have been met.
40. All SWM/BMP facilities shall be designed and constructed to conform to Fauquier County Stormwater Management Ordinance standards. This shall include the placement of such facilities on separate lots, if required, with maintenance easements provided for each facility.
41. A homeowners' association maintenance agreement shall be required for the SWM/BMP facilities and other commonly owned property and facilities.
42. The homeowners association documents shall be submitted to the Planning Office, Zoning Office, and the Department of Parks and Recreation for review with the Final Construction Plans.
43. The toe of slope on the embankment or associated disturbed area of the SWM/BMP facilities shall be at least twenty-five (25) feet from any property line or street right-of-way.
44. All site development construction traffic shall be routed via Duhollow Road. No construction traffic access shall be permitted from Millfield Drive. However, if the applicant wants to utilize Millfield Drive as a construction entrance, it shall be required to repave and bring the remaining portion of the road to a standard eligible for the road to be acceptable into the State System of Highways. If Millfield Drive has been accepted into the State System, the applicant shall have an active VDOT entrance permit and make repairs to the road, as required by VDOT, to address adverse impacts associated with using the road for construction traffic.
45. Prior to approval of the Final Plat the final street names must be selected and approved. The following street names shown on the Preliminary Plat are too similar to existing street names and shall be renamed on the Final Plat:
 - a. Hunt Club Lane;
 - b. Sycamore Place;
 - c. Waverly Farms Way;
 - d. Fox Mill Place;
 - e. Eagle Ridge Court.
46. The applicant shall restrict vehicular access to the primary and reserve drainfield areas with appropriate measures, including, but not limited to, densely planted landscape materials, board fencing, grade changes, and similar measures. The

proposed measures shall be reviewed and approved by the County prior Final Construction Plan approval.

Mr. Meadows stated he would like it to be on record that he still feels the open space does not meet the requirement for development. The Commission concurred.

The motion carried 4-0.

- b. **#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) (Postponed until August 28, 2003, at the request of the applicant.)

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

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

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Panklands Estates" dated Jan. 13, 2003, signed by James G. Bulter 7-29-03 and received in the Planning Office on July 29, 2003, except as modified by these conditions. This approval is for a maximum of two (2) residential lots.
2. In accordance with the Fauquier County Zoning Ordinance, a landscape plan shall be provided with the Final Construction Plans and Final Plat.
3. The applicant shall be required to meet the provisions of the Fauquier County Stormwater Management Ordinance. SWM/BMP facilities shall be types that do not use infiltration. Rain gardens shall not be acceptable. All SWM/BMP facilities shall be located in separate lots.
4. All culverts shall be designed to pass the 10-year storm with one (1') foot of freeboard along VDOT roads. The minimum culvert size shall be fifteen (15") inches in diameter.
5. The Northern Virginia BMP Handbook shall be used for sizing and verifying BMP compliance. The Northern Virginia BMP Handbook worksheets shall be submitted with the Final Construction Plans.

6. Access to Lot 1 shall be limited to Stingray Road.
7. The entrance for Stingray Road to Route 617 shall be constructed in accordance with the Private Subdivision Road/Street Entrance standards.
8. The County Soil Survey map showing all soil mapping units, drainageways, and spot symbols shall be shown on the parcel with the Final Construction Plans.
9. The soil map shall have a symbols legend if spot symbols are used (drainways, rock outcrops, springs, etc.) describing each symbol shown on the soil map for the Final Construction Plans.
10. The source of the soils map shall be clearly stated on the same sheet as the soil map with the Final Construction Plans.
11. A summary of soil characteristics and use potential shall be stated from the most recent Interpretive Guide to the Soils of Fauquier County, Virginia, for all mapping unit symbols shown on the soil map for the Final Construction Plans. The source of the soil characteristics should be stated on the soils map, i.e. *Interpretive Guide to the Soils of Fauquier County, Virginia, 4th Edition – 2002*.
12. This soil map shall be overlain with the lot layout and all infrastructure.
13. All drainfields and well locations shall be described as proposed or approved and the type of drainfield and well described on the Final Construction Plans.

The motion carried 4-0.

- c. **#PP03-S-28 – James R. and Margaret L. Hendricks, Trustees, owner/applicant – Misty Run Estates – Phase 3** – applicants wish to obtain preliminary plat approval to subdivide approximately 10.5 acres into six (6) lots. The property is located on the west side of Gray’s Mill Road (Route 674), Scott District. (PIN # 6995-94-1740-000) (Postponed until August 28, 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.

1. The Final Plat shall be in general conformance with the preliminary subdivision plat entitled "Preliminary Plat, Phase 3, Misty Run Estates" dated April 17, 2003, and last revised August 19, 2003.
2. Prior to Final Plat and Construction Plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.

3. In accord with Section 6-102 24 C. 1. the 100 year flood pool and spillway for ponds shall be located not less than 50 feet from an adjacent property unless written consent of the owner is provided.
4. Section 2-309(3) requires that “in cases where open space requirements exceed five (5) acres, a minimum of three (3) acres will be so located and shall have dimensions and topography as to be open space useable for active recreation”. This condition must be met with the Final Construction Plan and Final Plat.
5. Natural drainage swales are to be protected to the maximum extent possible. The swales across Lots 4 and 5 shall be protected. No house shall be built within the 10-year water surface areas.
6. Lot 1 may use the existing driveway access. Lots 2, 3, 4, and 5 shall be accessed from within the development, via the proposed alley. The alley shall be designed and constructed as provided in Subdivision Ordinance Section 5-10, however the alley may dead end.
7. Verification of adequate fire flow and hydrant coverage shall be provided prior to approval of the Final Construction Plans.
8. The toe of slope on the embankment or associate disturbed area of the SWM/BMP shall be at least twenty-five (25) feet from the property line.
9. Driveway culverts and all other pipes shall be shown on the Final Plan and shall be sized for the ten (10) year storm.
10. Prior to Final Construction Plan approval, as-builts of the SWM/BMP ponds shall be provided along with routings of these facilities to assure that they are functioning as designed and will meet the minimum requirements of the SWM/BMP Ordinance.
11. Ponds and dams shall be inspected by an engineer and their structural stability shall be certified prior to approval of the Final Construction Plan.
12. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final working plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map on sheet 4 of 5.
13. A signature block shall be placed on the Final Plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated November 7, 2002.

<p>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 2 and 3.</p>	
<p>_____ Va. Certified Professional Soil Scientist CPSS #3401-</p>	<p>DATE</p>

14. The following statements shall be placed on the Final Plat:

"The County recommends that no below grade basements be constructed on soil mapping unit 16B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."

"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 geotechnical evaluation in order to determine proper design."

15. Once drainfield areas are identified and approved by the Health Department, the following statement shall be placed on the final drainfield plat:

"Before a home is started, the builder shall mark the drainfield area off and not disturb it during construction."

16. The drainfield and well types shall be stated on the Final Construction Plan.

17. All easements, including the fiber-optic cable easement, shall be shown on the Final Construction Plan.

18. All driveway entrances shall be sited and constructed in accordance with VDOT regulations and design standards.

19. Calculations demonstrating adequate channel downstream of the culvert shall be required prior to Final Construction Plan approval.

Mr. Sinclair, seconded by Mr. Robison, moved to approve this request, subject to the conditions outlined below.

The motion carried 4-0.

4. **ZONING ORDINANCE WAIVER**

- **Farzin Sadeghi, owner / applicant** - Waiver of Section 7-302.1.C, Limitation on a private street having a minimum right-of-way width of fifty (50) feet. Marshall District (PIN # 6949-81-0583-000)

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

Mr. Robison stated he spoke with Mrs. McCarty and she concurs that this application should have a 30-day postponement.

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

The motion carried 4-0.

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 at 3:25 p.m.

The Fauquier County Planning Commission held its Public Hearing on Thursday, August 28, 2003, beginning at 7:00 P.M. at the Warrenton Community Center, Warrenton, Virginia. Those members present were Mr. Richard Robison, 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. Beckie Williams.

6. **THE PLEDGE OF ALLEGIANCE**

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

7. **CITIZENS TIME**

No one spoke.

8. **PROPOSED 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

Mr. Carr 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. Kitty Smith, Marshall District, stated she has been against Multiple User Sewage Disposal Systems for awhile. She said she would like to see this Amendment applied countywide but she would accept this.

Mr. Tom Harris, Center District, commended the Commission for proposing these Text Amendments.

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

Mr. Robison, seconded by Mr. Sinclair, moved to postpone action for 30 days.

The motion carried 4-0.

- b. Zoning Ordinance and Fauquier County Code Text Amendments Relating to the Provision of Public Water Within the Marshall Service District.

Mr. Carr 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. Kitty Smith, Marshall District, stated this amendment is important in terms of public water systems and she recommends this amendment be applied to all service districts.

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

Mr. Sinclair stated he would be speaking on behalf of the Marshall District.

Mr. Sinclair, seconded by Mr. Robison, moved to forward the text amendments to the Board of Supervisors with a recommendation they be adopted as presented.

The motion carried 4-0.

- c. Zoning Ordinance Text Amendment Adding an Aquifer Protection Overlay District.

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

Ms. Kitty Smith, Marshall District, stated that according to the County's Consultant, Fauquier County has been ahead in protecting the aquifers and we need to continue this practice.

Mr. Owen Bludau, Vint Hill Economic Development Authority, stated he supports staff recommendation to postpone this request. He said there are a lot of unanswered questions.

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

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

The motion carried 4-0.

- 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.

Ms. Kitty Smith, Marshall District, stated this amendment is a balancing act. She said the Commission needs to proceed very carefully because farmers would be impacted by this amendment. Ms. Smith stated water needs to be protected but farmers could not be forgotten.

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

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

The motion carried 4-0.

9. **SPECIAL EXCEPTIONS**

- a. **#SPEX04-LE-001 – D.C. Diamond Corporation, owner / applicant – Pelham Village** – applicant wishes to obtain Special Exception approval under Category 23, which would allow floodplain disturbance associated with construction of a regional pond and road crossings. The property is located on the northwest side of Catlett Road (Route 28), north of its

intersection with Route 29/15, Lee District. (PIN #6889-31-7311-000 and PIN #6888-39-2530-000)

Mrs. Cook 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. Jim Carson, representative of D.C. Diamond Corporation, stated this application does need to be tracked with the Rezoning and Comprehensive Plan Amendment applications. He stated the rezoning is complex and this facility is an amenity to the rezoning. Mr. Carson said that none of the engineering issues are complex and that they are standard. He asked the Commission to keep in mind that this is not a SWM issue but a character issue.

Ms. Mary Root, Lee District, stated she is opposed to all of these applications. She said they go against everything that the citizens have put together in the Bealeton, Opal, Remington Comprehensive Plan. Ms. Root said homeowners in this area have already experienced vast flooding in this area and these applications would only make it worse. She stated that Craig Run and Tinpot Run are historic because of the cemetery and the old King's Hill School. Ms. Root said that there is no need for additional ballfields in this area, what is needed is public access to the Rappahannock River.

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

Mr. Meadows, seconded by Mr. Robison, moved to close the public hearing and postpone action for 30 days, at the applicant's request.

The motion carried 4-0.

- b. **#SPEX04-LE-003 – Melvin C. Bender, Owner and Irven W. Jones, applicant – Blue Ridge Christian Home** – applicant is requesting an amendment to an existing Special Exception to allow an increase in the number of residents at the Blue Ridge Christian Home from 34 to 36. The property is located at 7034 Catlett Road, Bealeton, Virginia. (PIN: 6889-42-5068-000)

Ms. Cook 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. Irven Jones, applicant, thanked the Commission for considering this application. He stated there is a growing need for this facility.

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

Mr. Meadows stated there is a need for this minor expansion and the Christian Home is a good neighbor.

Mr. Meadows, seconded by Mr. Robison, moved to approve this request subject to the conditions outlined below.

The motion carried 4-0.

10. **REZONING**

- a. **#RZ03-L-16 – Desyd, LLC, owner / applicant – Wexford Village** – applicant wishes to rezone approximately 21.1 acres of a 24.5 acre parcel from Residential – 2 & 4 (R-2 / R-4) to Planned Development Mixed Use District (PDMU) to create seventy-three (73) lots for residential and some future commercial uses. The property is located near the southwest quadrant of Routes 17 and 28, Lee District. (PIN # 6899-05-5345-000, 6899-25-0237-000, 6899-05-9336-000, and 6899-24-0759-000)

Mr. Calderon 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. Jim Carson, representative of Desyd, LLC, stated they have been working on this application for over a year and as Mr. Calderon stated the project is currently zoned R-4 permitting 4 lots per acre. Mr. Carson stated county staff and the Supervisors wanted them to pursue the new plan that is contemplated for the Bealeton Service District. He stated that the current ordinance does not support a new urbanism styled plan. He said by volunteering to apply under the mixed use plan they are being placed with the burden of solving all of the problems. Mr. Carson stated this property can be developed and it is their intentions to bring quality to Bealeton. He said they concur with staff's recommendation to postpone for 30 days to address outstanding issues but they are looking for a little more cooperation from the community. Mr. Carson stated he hopes to see this application move forward at the September Planning Commission meeting.

Mr. Dell Ennis, Midland, Va., stated he has a few concerns with this application, but he is not against it. He stated he supports the owners of

this property. Mr. Ennis stated his family has an approved rezoning, with proffers, for property adjoining this application. Mr. Ennis said one of the proffers state the cooperation that would take place when the Kehoe property develops. He said the proffer states he would have a connector street between his property and the Kehoe's property to allow traffic flow back and forth. Mr. Ennis indicated that he spoke with Mr. Darling and Mr. Carson's office and they are not interested in providing this connector street. He said he stands before the Commission to see if this issue could be worked out.

Mr. Meadows asked that a copy of Mr. Ennis's proffer statement, filed as part of the public record, be distributed to the Planning Commission for its' next meeting.

Ms. Kitty Smith, Marshall District, stated that there have been problems with this parcel in the past. She said the Mixed-Use Development section of the ordinance is new and she believes this is one of the first applications applied for under this section of the Zoning Ordinance. Ms. Smith contended that this application does not meet certain requirements of the ordinance, first being the property should be a minimum of 25 acres, secondly the application should be for 60% Residential and 40% Commercial. She stated this area needs more commercial property to serve the Bealeton area and the applicant should proffer how much commercial they will provide.

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

Mr. Meadows stated there are problems with this application and he, staff, and Jim Carson will have two work sessions to address these issues. He stated the work session would be held on September 16, 2003 at 4:00 p.m. in the 4th Floor Conference Room.

Mr. Meadows, seconded by Mr. Robison, moved to postpone this application for up to 90 days at the request of the applicant and leave the public hearing open.

The motion carried 4-0.

11. **COMPREHENSIVE PLAN AMENDMENTS AND REZONINGS**

- a. **#CPA03-L-07 and #RZ03-L-10 – D.C. Diamond Corporation, owner / applicant – Pelham Village** – applicant wishes to receive a Comprehensive Plan Amendment to allow for the entire subject property (105.39 acres) to be in the Bealeton Service District designated as Low Density Residential with public sewer and water rather than a portion of

the site designated Residential (No Sewer/Water). The applicant also wishes to rezone approximately 105.39 acres from Rural Agriculture (RA) to Planned Residential District (PRD) for the purpose of developing 199 residential lots and approximately 2.1 acres of commercial property. The property is located on the northwest side of Catlett Road (Route 28) north of its intersection with Route 15/29, Lee District. (PIN # 6888-39-2530-000 and 6889-31-7311-000)

Mr. Calderon 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. Carson, representative of D.C. Diamond Corporation, stated this project was started over a year ago. He also represented that the County has approached his client and asked to buy 125 acres for a regional park. Mr. Carson stated that the acquisition did not go forward; however, it planted a seed and that is how this application came about. Now the applicant is proffering that parkland to the county. Mr. Carson stated their intention is to create a community that is above the status quo. He said this is a unique concept and he feels it would be an asset to the community. Mr. Carson stated the outstanding issues are not difficult and he hopes this application will move forward with a positive outcome at the next meeting.

Mr. Jim Van Luven, Lee District, stated this park would be nice for the area but citizens should recognize what is being bartered. However, approval of this rezoning would increase the cost for schools, increase taxes, etc. Mr. Van Luven stated the ink is not fry on the adopted Bealeton, Opal, Remington Comprehensive Plan, but we are already considering a major change. He said he realizes comprehensive plans are guidelines and sometimes they need to be changed but this application is going overboard.

Mr. Jeremy Ponn, Lee District, stated he is a homeowner in Liberty Run (Southcoate Village) and representing the Homeowners Association. Mr. Ponn posed that certain things need to be put in place before this application is allowed. He represented D.C. Diamond has not followed through for Liberty Run; as a result their homeowners association was organized before all of the houses were completed because D.C. Diamond backed out. He said the outstanding issues with Liberty Run should be addressed prior to the approval of this application.

Mr. James Outzen, Lee District, stated D.C. Diamond Corporation has failed in taking care of the Liberty Run Subdivision and the applicant needs to fulfill their obligations. He noted that they have limited interest

in providing amenities. Mr. Outzen stated they are unable to follow through on their promises. He urged the Commission to tread carefully on approving this request. Mr. Outzen stated D.C. Diamond Corporation is not a good developer in this county.

Ms. Mimi Moore, Marshall District, spoke on behalf of the Citizens For Fauquier County. Ms. Moore stated the Bealeton, Opal, Remington Plan was developed a few months ago and the citizens did not envision the Pelham density. She said 212 acres for the park is a poor trade off for 199 lots and growth. Ms. Moore felt the soils in this area are marginal and will be a host of problems. She said no one believes this area needs more residential development and she urged the Commission to speak to the citizens before granting this request. Ms. Moore said we need to stick with by-right development and follow the Comprehensive Plans as they are.

Ms. Douglas Hytla, Marshall District, asked the Commission to please stop special exceptions. She said the county is too special and we should not destroy it.

Mr. Mark Moorstein, attorney for D.C. Diamond Corporation, asked if he could rebut some of the previous comments. The Commission agreed. Mr. Moorstein stated he has had first hand experience with developers, and they all have to deal with problems. Mr. Moorstein stated we need to recognize the dynamic need for growth and it shouldn't be in an unplanned sloppy fashion. He stated Mr. Milic is proffering parks and it is up to the Planning Commission to recognize the problems and solve them. Mr. Moorstein said in order to get the amenities the county wants there has to be a trade-off in terms of density. He asked the Commission to keep an open mind. Further, he stated that the applicant is working through litigation with NVR.

Kathleen King, Scott District, stated that the previous testimony was out of order and should be struck from the record. She said the Commission had never permitted a rebuttal before.

Mr. Tom Harris, Piedmont Environmental Council, commended staff for their report. He stated that this site was not a proper location for a sports complex. Mr. Harris stated that the citizens have worked long and hard in creating the Comprehensive Plan and there is no need to change it. He stated this application should be denied and the applicant should submit a proposal that confirms with what the citizens desire.

Larry Kovalick, Center District, stated the applicant was giving the county a major incentive to approve this plan. He stated an approval of this application would cause more traffic and more time on the roads.

Ms. Kitty Smith, Marshall District, stated she is most concerned with the comprehensive plan amendment application. She said the report is full of problems. Ms. Smith asked the Commission not to rush into these applications. She stated the applicant needs to clean up the land so the County Soil Scientist may get on the property and do a complete preliminary soils report. Ms. Smith stated there are huge problems and she asked how could they be solved one month from now.

Ms. Nancy Grambo, Marshall District, stated the sports council would greatly benefit from the parkland, but the Commission needs to take time to review this application. She said there is a need for more sports complexes in this county, but questioned if this application would solve the problem.

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

Mr. Meadows stated Dr. Smith has told the applicant what it needed to do. The property needs to be bush hogged for the County Soil Scientist may do his work. He announced a work session for this project on September 16th at 4:00 p.m. in the 4th Floor Conference Room.

Mr. Meadows, seconded by Mr. Robison, moved to postpone this request for up to 90 days at the request of the applicant and leave the public hearing open.

The motion carried 4-0.

- b. **#CPA03-S-09 - #RZ03-S-17 – Gaines Trust, W. Robert Gaines Trustee, owner/applicant – Bishop’s Run** – applicant wishes to receive a Comprehensive Plan Amendment to change the land use designations from Commercial Neighborhood, Mixed Use Neighborhood up to 3 dwellings per acre and Low Density Residential to Mixed Use Neighborhood up to 4 dwellings per acre. The applicant also wishes to rezone ± 53.75 acres from Residential – 1 (R-1) and Commercial – Neighborhood (C-1) to Residential – 4 (R-4) Cluster for the purpose of developing 78 single family lots and 130 single family attached units. The property is located on the east and west sides of Riley Road (Route 676) north of Broad Run Church Road (Route 600), Scott District. (PIN # 7916-22-4949-000 and 7916-12-8941-000)

Ms. Cook 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. John Foote, representing the applicant, stated he is not speaking for the applicant but for the people who are not here yet. He said the comprehensive plan process is never static. Mr. Foote stated growth is coming, the question is how. He said the citizens who worked on the New Baltimore Comprehensive Plan recognized this area would be re-planned. Mr. Foote represented this development is an improvement and staff recognized that. He stated the New Baltimore Fire & Rescue has searched for a new area to house their facilities and now they have found it. Mr. Foote thanked the Commission for their time.

Mr. Robert Gaines, applicant, acknowledged sensitivity to the problems and conflicts resulting with development. Mr. Gaines stated a few years ago there was a need for a school in New Baltimore because it was growing rapidly. He said the County was asking for land donations and he made an agreement, thus came Ritchie Elementary School. Mr. Gaines stated that next the extension of Route 676 to Route 29 was completed and that had been on the plans for many years. Now sewer and water was being brought to the land, which would take away the demand for houses to depend on septic.

Mr. James T. Rosamond, President of New Baltimore Fire & Rescue, stressed the need for fire and rescue demand in this area continues to escalate. He stated there is a need for more area to house trucks and for adequate facilities for the volunteers. Mr. Rosamond stated the design would be appealing and there would not be aerial sirens or towers.

Mr. George Keefer, Chief of the New Baltimore Fire & Rescue Company, represented that 10 years ago the New Baltimore Fire & Rescue Company responded to less than 400 calls, last year they responded to 1,000 calls. He said there is a need to expand the Fire & Rescue Company to better serve the community.

Mr. Bill Swick, Scott District, stated he lives one house away from the property in question, he served on the New Baltimore Committee, and he is here representing the neighbors in the community. He stated that everyone would rather see this application go forward than to see development of the current zoning.

Mr. Tom Marable, President of the Fauquier County Fire & Rescue Association, stated this application is setting a precedent for future developers to provide amenities to the County. He asked the Commission to please approve this request.

Ms. Debby Reedy, Scott District, stated that all other developments have townhouses and this location is safe and better because 676 provides a

straight shot to Route 29. She advised the Commission that right now, Fire and Rescue may have to go down Route 605 to get to New Baltimore. She stated this application would be a major improvement.

Mr. Gerald Wolff, Scott District, stated he is in favor of the application.

Mr. Bruce Patterson, Scott District, urged the Commission to deny this application. He stated the Commission should say no to applications that provide outrageous increases in growth. Mr. Patterson said it is causing Route 29 to become a parking lot and causing schools to become overcrowded.

Mr. Dennis McMullin, Scott District, stated the Citizen's Committee developed good ideas for this area. He said providing a town center in Vint Hill is smart. He said he is most against the townhouses on Culver Street. Mr. McMullin stated he understood why adjacent property owners paid to have sewer lines put in because it increases the value of their property. He asked the Commission to turn down the application at this density.

Ms. Rhianna Hahn, Scott District, stated when Riley Road was extended it took two acres from her land and adding the Fire & Rescue facility would take more.

Mr. Chris Hahn, Scott District, stated he is against the townhouses. He would like new development with one acre per house.

Mr. Bill Downey, Scott District, stated he was co-chair of the New Baltimore Service District Committee, which did allow for a greater density in this area, more like. This request flies in the face of the Committee's recognition of an increase in density stated Mr. Downey. Fire & Rescue needs are very real, but allowing 208 homes has a price. He stated this is bad for schools, traffic and roads.

Mr. Don Fansler, Scott District, stated that every time there is a change in the Comprehensive Plan the County gets deeper in debt because of the cost of more schools and more roads. He stated this needs to stop now.

Mr. Chuck Medvitz, Scott District, stated that he was a participant in the Citizens Committee for the New Baltimore Comprehensive Plan which was a mixed group of people who did not always agree but they did come up with a compromise. He said the sewer capacities are very significant and asked if the risk is worth the proffers. Mr. Medvitz stated the citizen's contributions should not be taken lightly.

Ms. Laura Stevenson, Scott District, thanked the Fire & Rescue Company and commended them. She said she wanted them to have the facilities they need but she is concerned with what it will cost. Ms. Stevenson stated the citizens needed to be considered and their concerns need to be taken to heart.

Mr. Ronald Fahy, Scott District, stated that as homeowner east of the development would be more impacted than anyone else. He stated this application is out of character from what is in the community. He said the New Baltimore citizens worked hard and looked at everything. Mr. Fahy stated the applicant is asking the Commission to throw out their plan and substitute it with their version. He said the R-1 zoning on the east side of Riley Road serves as a buffer and is the key to preserving rural land.

Ms. Kathleen King, Scott District, stated she is very familiar with the planning process. She stated that 10 years ago the citizens of this community were very bitter because they did not have a voice in the Waterfield proposal. Ms. King stated she endorses Mr. Fahy's and Mr. Medvitz comments. She said this is an issue of trust and public participation. Ms. King stated everyone is entitled to a different version but the weight should lay with the citizens of the area. She said the citizens who live here will be impacted the most. Ms. King stated Fauquier County needs jobs and affordable housing for the people who are currently living in the county.

Ms. Kim Baird, Scott District, stated that no one has discussed the impact this development will have on schools. She said she knows development is inevitable, but asked how can the community afford a development of this density.

Ms. Maureen Riordan, Scott District, stated she moved here because it was agricultural and it was slow growth. She said she loves the quality of life in this area. Ms. Riordan stated that because of all of these houses Route 29 will become a parking lot from Gainesville to New Baltimore. She stated fire and rescue should be supported but with these types of amendments the quality of life in the area will disappear.

Mr. Larry Kovalick, Center District, stated there is already a line of cars on Route 29. He asked at what point with the county sink and when will they draw a line.

Mr. Everett Garber, Scott District, stated he was on the Citizen Committee. He stated that there are design features that are good, however the overall scope is too great. He indicated that the proposal will use sewer capacity over the capacity called for in the Citizen Plan for this area of the Service District. He asked, what do these 208 units of the 233

units slated for sewer service mean to the balance of the Service District's sewer capacity.

Ms. Bonnie Fahy, Scott District, stated she grew up in Fauquier County and this development will change the open space, and it will become just another place to buy a house.

Mrs. Anita Tortarella, Scott District, stated growth is expanding in New Baltimore rapidly. She said that Dr. Gaines has provided good work, quality people and a quality plan but the density is a problem. She stated these great minds could pull together and provide a plan that matches the Comprehensive Plan.

Ms. Barbara Severin, Scott District, stated she has heard a well-thought presentation. She commended the Planning Commission for holding open the public hearing until further review. Ms. Severin stated it was premature to hold this hearing because of all of the issues that are outstanding. She said the trails and parks are nice but who will be required to maintain them. Ms. Severin stated she supports the New Baltimore Fire & Rescue Company and knows there is a need for more space but it is unclear exactly how much land they will be receiving.

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

Mr. Robison stated he received a letter from the New Baltimore Fire & Rescue Company and a letter of opposition that will be included in the file.

Mr. Sinclair thanked everyone for coming. He stated he has received a number of e-mails and calls. Mr. Sinclair stated he agrees that they should not rush this application, and there are a number of outstanding issues. He stated there would be a work session on September 16, 2003 at 4:00 p.m. in the 4th Floor Conference Room.

Mr. Sinclair, seconded by Mr. Meadows, moved to postpone action for up to 90 days at the request of the applicant and to leave the public hearing open.

The motion carried 4-0.

In that there was no further business, the public hearing was adjourned at 9:35 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.

