

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
October 30, 2003**

The Fauquier County Planning Commission held its regular meeting on Thursday, October 30, 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. Richard Calderon, Mr. Chuck Floyd, Mrs. Kimberley Johnson, and Mrs. Paulette Dolan.

1. **APPROVAL OF MINUTES**

Minutes from September 25, 2003 and October 6, 2003 were not yet available.

2. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE FAUQUIER COUNTY CODE.**

- a. Zoning Ordinance Text Amendment Adding a Watershed Management and Protection Overlay District. (Postponed until October 30, 2003 for further review.)

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

Mr. Sinclair, seconded by Mrs. McCarty moved to postpone action until November 20, 2003.

The motion carried unanimously.

- b. Specified Zoning and Subdivision Ordinance Text Amendments Restricting Multiple User Sewage Disposal Systems to Service Districts. (Postponed until October 30, 2003 for further review.)

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

Mr. Sinclair, seconded by Mrs. McCarty moved to postpone action until November 20, 2003.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to add Sections 3-332 and 5-3200 to authorize and establish standards for allowing a residential use as a component of

mixed use development and approving modifications to lot size, width, frontage, yards, building heights and parking requirements.

Mr. Carr reviewed his 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 until November 20, 2003, after being reviewed in the November 18, 2003 Reformatted Zoning Ordinance work session.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PP03-M-33 – Keith N. Fletcher Estate; Keith N. Fletcher II & Stewart K. Fletcher, owners / applicants** – applicant wishes to re-subdivide approximately 24.4 acres into thirty-three (33) lots. The property is located on the west side of James Madison Highway (Route 17), Marshall District. (PIN # 6975-67-9855-000, 6975-77-0759-000, 6975-77-1764-000, 6975-77-2780-000, 6975-77-3780-000, 6975-77-4771-000, 6975-77-5763-000, 6975-77-6763-000, 6975-77-7765-000, 6975-77-8774-000, 6975-87-0882-000, 6975-87-0686-000, 6975-87-0479-000, 6975-87-1338-000, 6975-77-9256-000, 6975-87-0241-000, 6975-87-1188-000, 6975-77-3410-000, 6975-77-6282-000, 6975-76-8925-000, 6975-76-9932-000, and 6975-86-0858-000) (Postponed until October 30, 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.

Mrs. McCarty, seconded by Mr. Sinclair, moved to postpone action until the October 30, 2003, 7:00 p.m. regular meeting.

The motion carried unanimously.

- b. **#PPLT04-SC-002 – Lucille I. Grant Estate, owner, and New Baltimore Knolls, LLC, applicant – New Baltimore Knolls** – applicant wishes to obtain preliminary plat approval to subdivide approximately 16.0 acres into six (6) lots. The property is located at 5248 Old Alexandria Turnpike, Scott District. (PIN # 7906-34-7262-000)

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

Mr. Sinclair, seconded by Mr. Robison, moved to postpone action for up to 90 days at the applicant's request.

The motion carried unanimously.

- c. **#PPLT04-MA-003 – James I. & Cheryl L. Alls, owners and Dominion Land Group, LLC, applicant – Alls Property Subdivision** – applicant wishes to obtain preliminary plat approval to subdivide approximately 52.3 acres into four (4) lots. The property is located on the east side of Fiery Run Road (Route 726), Marshall District. (PIN # 6909-87-6884-000)

Mr. Floyd reviewed his 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 up to 90 days at the applicant's request.

The motion carried unanimously.

4. **SPECIAL EXCEPTIONS**

- **#SPEX-04-MA-002 and #SPEX-04-MA-006 Mildred S. Fletcher, Owner and Keith Fletcher, Applicant** – applicant is seeking a Category 20 Special Exception to allow the construction of an above ground sewage pump station and a Category 23 Special Exception to allow floodplain disturbance associated with construction of a roadway. The property is located in the Village of Fletcherville, on the west side of James Madison Highway (Route 17), Marshall District (PIN: 6975-87-1188-000 and 6975-77-3410-000)

Mrs. Cook 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 until the October 30, 2003, 7:00 p.m. regular meeting.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison reminded everyone of the Planning Commission's work session to be held November 18, 2003 from 5:00 p.m. to 9:00 p.m.

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

The Fauquier County Planning Commission held its Public Hearing on Thursday, October 30, 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, Mr. Chuck Floyd, Mrs. Kimberley Johnson, and Mrs. Paulette Dolan.

Mr. Robison announced that Liberty Station, Pelham Village, Wexford Village, and Bishop's Run projects were postponed or deferred.

Mr. Robison, seconded by Mrs. McCarty, moved to add item 7.1 to the agenda, currently on the agenda as items 3a and 4.

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-M-33 – Keith N. Fletcher Estate; Keith N. Fletcher II & Stewart K. Fletcher, owners / applicants** – applicant wishes to re-subdivide approximately 24.4 acres into thirty-three (33) lots. The property is located on the west side of James Madison Highway (Route 17), Marshall District. (PIN # 6975-67-9855-000, 6975-77-0759-000, 6975-77-1764-000, 6975-77-2780-000, 6975-77-3780-000, 6975-77-4771-000, 6975-77-5763-000, 6975-77-6763-000, 6975-77-7765-000, 6975-77-8774-000, 6975-87-0882-000, 6975-87-0686-000, 6975-87-0479-000, 6975-87-1338-000, 6975-77-9256-000, 6975-87-0241-000, 6975-87-1188-000, 6975-77-3410-000, 6975-77-6282-000, 6975-76-8925-000, 6975-76-9932-000, and 6975-86-0858-000) (Postponed until October 30, 2003, at the request of the applicant.)

#SPEX-04-MA-002 and #SPEX-04-MA-006 Mildred S. Fletcher, Owner and Keith Fletcher, Applicant – applicant is seeking a Category 20 Special Exception to allow the construction of an above ground sewage pump station and a Category 23 Special Exception to allow floodplain disturbance associated with construction of a roadway. The property is located in the Village of Fletcherville, on the west side of James Madison Highway (Route 17), Marshall District (PIN: 6975-87-1188-000 and 6975-77-3410-000)

Mrs. Cook 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 forward to the Board of Supervisors with a recommendation of approval subject to the conditions outlined below.

Final Plat Conditions:

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Preliminary Resubdivision - Fletcherville" dated 6/11/03, revised 10/20/03 and received in the Planning Office on October 24, 2003, except as modified by these

conditions. Prior to scheduling the Preliminary Plat for Board of Supervisors consideration the following revisions shall be made to the Preliminary Plat:

- a. The property owner shall sign the Preliminary Plat.
 - b. The area of right-of-way to be abandoned needs to be added to Sheet 2 of the Preliminary Plat.
 - c. Indicate the location of "Out Parcels 1 and 2" on the Plat.
 - d. Note #10 Sheet 2 needs to be corrected to indicate that the subdivision roads are "to be dedicated for public use".
 - e. The Lot Analysis on Sheet 2 needs to be corrected to reflect the Pipe Stem Area for Lots 22R and 24R rather than 21R and 23R.
 - f. On Sheet 2 the Right of Way Areas tabulation needs to be revised to reflect the correct pipestem lot references.
 - g. On Sheet 2 the Lots Areas totals do not correspond to the Lot Analysis totals, these need to be clarified.
 - h. On Sheet 2 the Typical Section needs to be revised to label the 4-foot shoulder as a "gravel shoulder".
 - i. The right-of-way with on Routes 17 and 628 shall be shown on the Preliminary Plat, and the distance labeled from the property line to the edge of pavement of the centerline of the road.
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.
 3. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards, unless modified by this approval, the Community Development Department, and/or VDOT. Approval of this Preliminary Plat modifies Subdivision Ordinance Sections 5-7, Street Width; 7-8, Graded Width; 7-9, Pavement Width; 6-1, Local Street; 6-2, Collector Street; 7-1, Design; 7-2, Standards; 7-16, Landscaping; 8-1, Curb, Gutter and Sidewalk; and 8-2, Ditch Cross Section; as noted in the applicant's Statement of Justification and modified by the Preliminary Plat and these conditions.
 4. Street grades shall not exceed 10%, unless approved by the County Engineer.
 5. The typical road section shown on Sheet 2, as modified herein and agreed to by both the County Engineer's Office and VDOT, is approved for this Resubdivision.
 6. 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

7. 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.
8. Culverts shall be designed to pass they 10-year storm with 12 inches of freeboard.
9. A minimum right-of-way width of 40 feet is approved for the proposed public streets in this Resubdivision.
10. The driveway entrance to Lot 21R shall be perpendicular to the roadway or as approved by VDOT.
11. Those private roadways, pipestems, and ingress/egress easements provided for with the Resubdivision shall be maintained by the uses of said accessways. The applicant shall submit for County approval homeowner's association documents or other required road maintenance agreements prior to Final Plat approval.
12. The development shall be served by Town of Warrenton Sewer Service.
13. Approval of this Preliminary Plat grants the applicant's requested open space reduction pursuant to Zoning Ordinance Section 10-206. No less than 40% of the gross site acreage shall be in open space. This open space area may be either common or non-common.
14. Approval of this Preliminary Plat modifies Subdivision Ordinance Section 4-18, Lots, Shape. The lot configuration shall be in general conformance with the approved Preliminary Plat.
15. The requirements for a Phase 1 Soils Study, a Hydrogeological Study, and/or a traffic study are waived with approval of this Preliminary Plat.
16. The existing community water system may serve the existing residential properties located within the Resubdivision. However, no new residential units may be added to that existing community water system.
17. Approval of this Preliminary Plat is subject to approval of a Special Exception to allow an above ground sewage pump station, and approval of a Special Exception to allow minor disturbance and fill in the 100-Year Floodplain in association with construction of a roadway.

Special Exception Conditions:

1. These Special Exceptions are granted for and run with the land indicated in these applications and is not transferable to other land.
2. These Special Exceptions are granted only for the purpose(s), structure(s) and/or uses indicated on Special Exception Plat approved with these applications, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat entitled "Fletcher ville - Special Exception Plan Category 20-Public Utilities-Pump Station Category 23-Floodplain Use" dated 07/16/03, revised 7/23/03 and received in the Planning Office on August 14, 2003.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance for the Sewer Pump Station.
5. A Landscape Plan shall be required for the Sewer Pump Station, pursuant to Article 7 of the Zoning Ordinance. Required landscaping shall conform to the landscaping shown on the Special Exception Plat or Article 7 requirements, which ever is greater.
6. The connection of Nelson Lane to Route 17 shall be removed once the Sewer Pump Station is constructed. The applicant shall post appropriate surety bonding for this removal and reconditioning of the area.
7. The existing pavement of Nelson Lane shall not be removed until the driveway to the Pump Station is constructed. The access to the Pump Station shall not be from Route 17. Once the Pump Station driveway is constructed, the section of Nelson Lane that will not be dedicated to public use shall be removed and the area reseeded.
8. A guardrail shall be extended across the vacated entrance from Route 17 to Nelson Lane.
9. The existing and proposed culverts for existing Nelson Lane and the proposed Pump Station driveway shall be reviewed during the Final Construction Plan and Site Plan review to determine if they are adequately sized. These structures shall be designed as required by the County and VDOT.
10. The proposed culverts shall be sized to pass the 10-year storm and the headwater depth shall be 12 inches below the Pump Station driveway and the common driveway easement.
11. A drainage easement shall be dedicated at the downstream end of the proposed culverts, if required by the County or VDOT.
12. The Sewer Pump Station shall be operated and maintained by the Town of Warrenton.

13. Approval of the Special Exception for fill in the 100-Year Floodplain shall be limited to disturbance associated the construction of the cul-de-sac extension for Nelson Lane.
14. If it is necessary to fill in the 100-Year Floodplain, the applicant shall show that this fill will not cause an increase in the level of flooding or the velocity of floodwaters. No additional potential hazard of debris shall be created subject to movement of floodwaters, which might cause damage downstream. No materials or equipment will be stored in the floodplain, as this would create a danger to downstream properties. All information regarding any fill in the floodplain is to be submitted to the County Engineers Office for review and approval when plans are complete.
15. Slope maintenance easements shall be dedicated, if required, with the Final Plat.

8. **AMENDMENT TO THE FAUQUIER COUNTY COMPREHENSIVE PLAN**

- The requested update of the Marshall Service District Plan includes proposed goals, land use and transportation plans, as well as urban design guidelines.

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. Ray Hyde, of the Marshall District, stated that he was unaware of the previous meetings for updating the Marshall Service District Plan and questioned if there was appropriate public advertising. He suggested that Marshall was in more need of urban renewal than historic preservation. Mr. Hyde stated that a Comprehensive Plan to serve a population of 6,000 may not be enough.

Ms. McCarty stated that the Comprehensive Plan is revised every five years, and that the citizens will have a chance to revisit the proposed population at that time.

Mr. Calderon explained that establishing a historic district in Marshall would be beneficial in that homeowners could receive considerable tax credits from the state and federal governments, if they qualified, for preservation their homes.

Mr. Carr stated that the meetings to update the Marshall Service District Plan had been well advertised, were held regularly, and were well attended.

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

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

Mr. Sinclair and Mr. Robison thanked everyone for their hard work.

The motion carried unanimously.

9. **SPECIAL EXCEPTIONS**

- a. **#SE03-M-27 – Judith A. Almquist, owner, and AT & T Wireless Services, Inc., applicant** – applicant has filed a Special Exception application under Category 20 which would allow for construction of an 80’ monopole, antennas, and related equipment. The property is located at 9309 Belle Haven Lane, Marshall District. (PIN # 6050-50-3466-000)

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. Terry Cooke, representing AT & T Wireless Services, explained that Verizon and various other wireless providers can provide service in this area because their licenses allow them greater bandwidth. AWS cannot transmit signals as far as these other providers. He also provided the results of a drive test to prove the disturbance and loss of AWS service along this part of the Interstate 66 corridor and to show the necessity for a tower in the area. Mr. Cooke stated that the applicant would like to postpone action in order to meet with staff, Mrs. McCarty, and the Almquist’s to discuss alternate locations and designs for the tower.

Mr. Ray Hyde, stated that he has no cell phone coverage in that area and would like to see the County work with AWS to fill in the gaps in coverage.

Mr. John Alcock, of the Marshall District, stated that he lives about 4,000 feet from the proposed site of the tower. He stated that he would have no objection to the project if the tower could be moved to the Southeast corner of the Almquist property, closer to the tree line.

Ms. Judy Lamana stated that she needed clarification on whether or not this would be the only tower constructed in Marshall. She stated that she did not think Marshall should have to sacrifice in order to fix AWS’s insufficient bandwidth problem.

Mr. George Thompson stated that there are no trees or even shrubs along Interstate 66 in the proposed area. He suggested that if AWS were to use a silo, perhaps they could construct their tower in an existing silo. He stated that he has no problem with his Sprint service and that he witnessed a test of AWS service where there was no problem with coverage in the area. He asked that AWS provide him with signal strength test data so that he could take the data for evaluation to an independent lab, at his own expense.

Mrs. Mimi Moore stated that she was present for the balloon test and did not find the flagpole terribly offensive, but suggested that the tower, hidden in a silo, would be 50% higher than the tree line and therefore, far too obvious. She stated that she would not want the location of this tower to set precedence for future construction of towers in residential areas.

Mrs. Kitty Smith stated that she witnessed the balloon test. She said that it is not the county's job to be sure that AWS has appropriate coverage; the county's job is to uphold ordinances. She stated that AWS should come up with an application that is within the guidelines.

Mrs. Jolly de Give stated that she believes Fauquier County has good tower ordinances and that "stealth" towers should be virtually invisible. She added that she has AWS service and is not certain whether or not she has good coverage in the area, but is willing to sacrifice some things to live in the slower paced area.

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

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

Mr. Sinclair stated that he will support Mrs. McCarty with reluctance as he feels that there are many problems with the application.

Mr. Stone stated that he will support Mrs. McCarty while taking to heart the concerns of the citizens.

The motion carried unanimously.

- b. **#SPEX04-MA-010 – James R. Green, Jr., owner/applicant** – applicant wishes to obtain Special Exception approval under Category 26, which would allow for a reduction in the non-common open space requirement. The property is located on the south side of John Marshall Highway (Route 55), Marshall District. (PIN #6031-14-6213-000)

Mr. Floyd 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 Green, the applicant, explained the application, and stated that all adjoining neighbors, with the exception of one who could not be reached for comment, were in support. He expressed his excitement at being able to provide property on which to build a Habitat for Humanity house.

Major Warner, of the Marshall District, stated that he, more than anyone, would be affected by the Habitat for Humanity home, and was in support. He noted that the application only suggests adding one home and would not be a great reduction to the open space. He added that he is interested in purchasing some of the land.

Mrs. Vicki McQuellan, of the Marshall District, is the Outreach Chair for the Leeds Episcopal Church. She expressed that she is largely in favor of building the Habitat for Humanity house on the property. She stated that the home would be given to a single mother who is currently living in a home in Marshall without indoor plumbing. The single mother rejected another Habitat home in Warrenton because she wants to raise her family in a more rural area.

Mr. Ray Hyde stated that he supports the application.

Mr. Heath Henegar, an adjoining property owner, voiced his support of the application.

Ms. Kelly Walker, an adjoining property owner, stated that she will speak on the application in 90 days, when she has more information. She also stated that she supports Habitat for Humanity but cannot support the construction of the home on that particular property if the land cannot support the new construction.

Dr. Kitty Smith, of the Marshall District, stated that the lot is on Goose Creek and is in a flood plain. A proposal to build on the property was denied before and since the property has not changed, she cannot support this application.

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

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

The motion carried unanimously.

- c. **#SPEX04-CR-009 – Vint Hill Economic Development Authority, owner/applicant** – applicant wishes to obtain Special Exception approval under Category 20, which would allow for an above ground water storage tank to replace an existing facility at Vint Hill. The property is located on the east side of Vint Hill Parkway, Cedar Run District. (PIN 7915-76-8772-000)

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. Bludau, the applicant, stated that the existing water tower in Vint Hill is in disrepair and that fixing it would cost nearly as much as constructing a new tower.

He stated that the current tower, even if repaired, would not meet the future needs of the community. The new tower would be behind the NCO club as opposed to in front and would be a great benefit to the New Baltimore community as well as the Vint Hill community as they will be linked in the future.

Mr. Robison asked the height of the existing tower.

Mr. Bludau responded that it is 112 feet above ground level.

Mr. Merle Fallon, of Brookside Community LLC, stated that he owns 1,000 acres adjacent to the site and is in support of the application.

Mr. Chuck Medvitz, of the Scott District, agreed that there is a need for a new water tower but would like for it to be close in height to the old tower.

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

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

Mr. Meadows stated that this water tower would only appear to be 20 feet higher than the old tower and could serve as a holder for 6-8 telecommunications towers, not to exceed the height of the water tower. He stated that there is currently an application to locate a telecommunications tower in the area and that construction of the water tower could result in the elimination of the telecommunications tower application.

Mr. Robison stated that although he is not opposed to the construction of a new tower at Vint Hill, he is opposed to this application for its lack of clarity. He stated that the applicant has been unclear on the height of the tower as well as the color and style of the tank. Mr. Robison expressed his concern about the lack of consideration to traditional style, the visual impact of the tower on the surrounding community and its proximity to the Grapewood Subdivision.

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

10. **REZONINGS**

- a. **REZN04-LE-001 – Crane’s Corner, LLC – Liberty Station** – applicant wishes to amend proffer conditions of the former State Bank of Remington-Reynard’s Crossing rezoning to permit an increase in the commercial/office/retail square footage from 70,067 square feet to 140,000 square feet with a maximum of sixty-four (64) apartments to be located on the second floor over office/retail/commercial space. The property is located on the east side of Marsh Road (Route 17) south of Catlett Road (Route 28), Lee District. (PIN # 6889-24-9836-000)

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.

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

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

The motion carried unanimously.

- b. **#REZN04-LE-002 – Richard M. Barb, LLC, owner / applicant – Ellerslie Farm**
- applicant wishes to amend a previously approved Rezoning Concept Development Plan and Proffer Statement. The property is located on the south side of James Madison Highway (Route 15/29), Lee District. (Part of PIN # 6888-13-8870-000 and Part of PIN # 6888-15-4359-000)

Mr. Meadows stated, having received monies for business services from the applicant in excess of the allowable amount, he recuses himself from the case.

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.

Dr. Kitty Smith, of the Marshall District, stated that although the applicant is moving in the right direction, she feels that there are some problems with the application process, that become evident with this case, that need to be addressed.

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

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

11. **COMPREHENSIVE PLAN AMENDMENTS AND REZONINGS**

- **#CPA03-S-09 and #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 Up to 3 Dwellings Per Acre, and Low Density Residential to Mixed Use 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). (Postponed on August 28, 2003, at the applicant's request.)

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. John Foote, a representative for the applicant, stated that new property had been added to the application, so it needed to be readvertised for the public hearing. He stated that the C-1 ground that had been added would decrease density. He added that the new development would be pedestrian friendly, keep large areas of open space, provide land for a new fire station and a waste space transfer station, and include a beautiful commercial area. He stated that the process had been evolving to meet the needs and address the concerns of the New Baltimore community and would continue to do so.

Mr. Peter Karanovich recommended that this application be postponed for 30-45 days in order to get more citizens involved and informed. He noted that public advertisements for this proposal had been ripped down. He stated that he would be saddened to see the beauty in the area destroyed by this development.

Mr. Chuck Medvitz, of the Scott District, acknowledged Angler Development for beginning this project by conferring with Scott District citizens and taking their views into account as they have proceeded with the application. He stated that the applicant is moving in the right direction but that there are major concerns about sewer usage. After performing calculations, Mr. Medvitz concluded that if this development were constructed as proposed, it would require 105 additional units of sewer than were allotted the property by the Citizens' Planning Committee. He stated his concern that another area would actually have to have sewer usage taken away in order that Bishop's Run be constructed.

Ms. Judy Lamana, of the Marshall District, said that she has no problem with single family home construction on this site, but that the type of development proposed is too dense for Fauquier County. She also stated that Route 29 is a dangerous route and that traffic would increase dramatically.

Mr. Everett Garber, of the Scott District, echoed Mr. Medvitz's concerns about sewer usage. He stated that re-assigning the amount of sewer usage for different areas in the county in order to accommodate Bishop's Run would disappoint the Citizens' Planning Committee because they spent so much time trying to get these numbers right. He also stated that he was concerned that there had been mention of building a traffic circle in the area, but that there were no specifics offered.

Mr. Robert Dunleavy, of the Scott District, stated that changes to the Comprehensive Plan result in growth. He agreed with others that traffic, water, sewer, and overall growth were serious issues that should be considered. He stated that this type of development is not the future of Fauquier County nor should it be. He continued that the County's growth rate is 2% per year and this would make up for 1% of that growth. He asked that the Commission please consider the breadth of this application.

Dr. Kitty Smith stated that although this application is moving in the right direction, she is still having a difficult time discerning the true figures. She stated that her biggest problem with this application is the townhouses which will create too much density in the area and which are in direct opposition to Item #2 on Page 14 in the Comprehensive Plan. She also voiced her concerns about sewer usage.

Mrs. Jolly de Give stated that her biggest issue was that the Comprehensive Plan is being amended so quickly.

Mrs. Barbara Severin, of the Scott District, stated that she appreciated Mr. Medvitz's calculations. She also stated that this development would create too much density and that she was uncertain about some of the commercial development. She said that she was concerned by the amount of time that staff and the public are spending on this application. She stated that she hoped to see a final application, a final public hearing, and some resolution soon.

Mr. Don Fansler stated that this development would create too much density. He stated that he would like to go on record as an opponent to this application.

Mr. Holder Trumbo, of the Scott District, applauded the changes that the applicant had made thus far and stated that he hoped they would continue in that direction.

Mr. Robison thanked the attendees for their remarks and closed the public hearing.

Mr. Sinclair, seconded by Mr. Robison, moved to postpone action for 30 days at the request of the applicant, so that that current application could be amended, and to close the public hearing. He stated the public hearing would re-open at the next meeting once the application had been amended.

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:08 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.