

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
NOVEMBER 20, 2003**

*The Fauquier County Planning Commission held its regular meeting on Thursday, November 20, 2003, beginning at 3:00 P.M. in the 4<sup>th</sup> Floor Conference Room of the Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Jim Stone, Secretary; Mr. Bob Sinclair; and Mr. John Meadows. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Richard Calderon, Mr. Chuck Floyd, Mrs. Kimberley Johnson, Mrs. Paulette Dolan, and Mrs. Rebecca Kauffman.*

1. **APPROVAL OF MINUTES** – September 25, 2003, October 6, 2003 and October 30, 2003

Mr. Robison, seconded by Mrs. McCarty, moved to approve the September 25, 2003 minutes as amended.

The motion carried unanimously.

2. **REVIEW OF PROPOSED ACQUISITION OF PROPERTY BY DOMINION POWER** – Dominion Power is proposing to acquire a portion of a 282.52-acre parcel owned by Lewis J. & Martha Bender, PIN #7941-23-4200-000, located in the Southern Fauquier Agricultural and Forestal District. Section 12.2-4313 of the Code of Virginia requires the Board of Supervisors, in consultation with the Planning Commission and the Agricultural and Forestal District Advisory Committee, to review the proposed action to determine its effect upon the preservation and enhancement of agricultural and forestry and the necessity of the proposed action to provide a public service in the most economical and practicable manner.

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

Mr. Stone, seconded by Mr. Robison, moved to forward to the Board of Supervisors with a recommendation that the Board hold a public hearing.

The motion carried unanimously.

3. **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. (Postponed until November 20, 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. Robison, seconded by Mr. Stone, moved to schedule a public hearing for December 18, 2003.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment Adding an Aquifer Protection Overlay District. (Postponed until November 20, 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. Robison, seconded by Mr. Stone, moved to postpone action for up to 90 days.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment Adding a Watershed Management and Protection Overlay District. (Postponed until November 20, 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. Robison, seconded by Mrs. McCarty, moved to postpone action for 30 days.

The motion carried unanimously.

- d. Initiation of text amendments to Section 3-301.1 subsections a, b, and c of the Fauquier County Zoning Ordinance to require special exception approval in the Commercial – 1 Zoning District for dwellings, single family detached; dwellings, single family attached and dwellings, multi-family.

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

Mr. Robison, seconded by Mr. Meadows, moved to combine with the proposed C-1 Zoning Ordinance Text Amendment at agenda item #7 with a public hearing set for December.

4. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison advised that the Planning Commission have a work session and a site visit to Melrose Castle on December 1, 2003 at 11:00 a.m.

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

*The Fauquier County Planning Commission held its Public Hearing on Thursday, November 20, 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, Mrs. Paulette Dolan, and Mrs. Rebecca Kauffman.*

Mr. Robison, seconded by Mr. Meadows, moved to amend the agenda to move item 8.b to item 10.c.

The motion carried unanimously.

5. **THE PLEDGE OF ALLEGIANCE**

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

6. **CITIZENS TIME**

Ms. Kathleen King, of the Scott District, stated that there was little participation in the local electoral process. She stated that if the Planning Commission would stick to the Comprehensive Plans, then the citizens' would maintain hope and interest in their communities. She stated that Special Exceptions should be just that, special, not a planning method or a matter of right. She said that people lose confidence in the Planning Commission every time Special Exceptions are made.

7. **PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE**

- 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. Applies to areas designated for mixed use within the Comprehensive Plan and zoned C-1 (Neighborhood Commercial).

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

Mr. Robison opened the public hearing.

In that there were no further speakers, Mr. Robison closed the public hearing. Mr. Robison, seconded by Mr. Stone, moved to postpone action for 30 days.

The motion carried unanimously.

8. **SPECIAL EXCEPTIONS**

- a. **#SE03-M-27 – Judith A. Almquist, owner and AT & T Wireless, applicant** - applicant wishes to obtain Special Exception approval under Category 20, which would allow for the 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) (Postponed until November 20, 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. Terry Cooke, a representative for the applicant, stated that the applicant has been looking at new options for the location and design of the tower. He stated that they are considering splitting the signal by co-locating shorter towers in existing structures on both the Almquist property and at another possible site. He stated that the applicant would need additional time to work out the technical details.

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

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

The motion carried unanimously.

- b. **#SPEX04-LE-007 and SPEX04-LE-008 – Patrick J. & Deborah Mason, owners/applicants** – applicants wish to obtain Special Exception approval under Category 26, which would allow for a decrease in the non-common open space requirement and Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property is located on the west side of Marsh Road (Route 17), Lee District. (PIN #7815-73-3973-000)

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.

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

Mr. Meadows questioned the legalities of posting requirements.

Mr. Carr clarified.

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

The motion carried unanimously.

- c. **#SPEX04-CR- 011-David C. Dillen, owner, and John C. & Patricia B. North, applicants – Melrose Castle** – applicants wish to obtain Special Exception approval under Category 9, which would allow for a variety of special events to include weddings, corporate events and retreats. The property is located on the southeast side of Rogues Road (Route 602), Cedar Run District. (PIN #7902-89-5059-000)

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

Mr. Robison thanked the public for their letters for and against this application. He stated that the Planning Commission would take all of their views into consideration.

Mr. Robison opened the public hearing.

Mr. Jack North, the applicant, stated that he and his wife would like to purchase and restore the Melrose Castle and both run a bed and breakfast and hold special events inside the residence. He stated that he had amended the original application and that the proposal, if approved, would bring business and income to the area without adding additional houses.

Ms. Kathleen King, of the Scott District, stated that, if this application were approved, this would be the best example of the Planning Commission making Special Exception for the benefit of one and not for the benefit of many. She added that Rogues Road is historically significant and although it is beautiful, it can be very dangerous. She stated her concern that if the Melrose Castle hosted special events, VDOT would come in and improve the road, devastating its historic value.

Ms. Mildred Riddell, of the Cedar Run District, stated that Casanova is unique in that it is a village of farms linked by Rogues Road. She expressed that she does not want to see this agricultural area, home to the largest thoroughbred farm in Virginia, disturbed by the incompatible commercial project. She pleaded that the Planning Commission stop allowing Special Exceptions.

Mr. Chris Baker, manager of Spring Hill Farm, stated that the Farm's property adjoins the Melrose Castle property on three sides. He stated that all that live on Spring Hill Farm oppose the application because of concerns about safety, traffic, and historic value. He suggested that the Planning Commission closely examine Rogues Road and the parking situation at Melrose Castle while on their site visit.

Mr. Greg Huddleston stated that Rogues Road is too small to accommodate special event traffic and that his concern is for the safety and comfort of the surrounding neighbors.

Ms. Wendy Breeden stated that she opposed the application because there was no need for it and expressed her concern for Rogues Road residents' safety and quality of life.

Ms. Laura van Royen stated that if special events were held at Melrose Castle, VDOT would not find the entrance to the property acceptable.

Ms. Andrea Tuck, of the Cedar Run District, voiced her objection to the project as she is Melrose's closest neighbor. She stated her concern about noise pollution.

Ms. Nancy Crawford stated that approval of this application would decrease the historic value of Rogues Road and that this area should remain agricultural and not become commercial. She also stated her concerns about traffic and safety.

Ms. Susan Carter stated that she lives two doors away from the castle. She expressed her safety concerns for drivers and bicyclists on Rogues Road as she has seen tragedy on the road first hand. She also stated that noise carries in this area.

Ms. Jordan Koepke stated that she opposed this application as she has seen and helped victims of horrible accidents on the dangerous Rogues Road.

Ms. Diana Baker stated that Rogues Road is treacherous. She said that in the past fifteen months, two people have been airlifted after being seriously injured in accidents on Rogues Road.

Mr. Joseph Migliacio noted that the application, as proposed, will bring approximately 2,800 guests to Melrose Castle per year. He stated that VDOT will come in and address the safety concerns. He also stated that outhouses will be a health concern and will infringe on the beauty of the area.

Ms. Suzanne Scheer stated that allowing this Special Exception would be criminal. She said that Rogues Road is appropriate for agriculture, not

parties. She added that the castle is not even large enough to hold a wedding with 100 guests and that the screened in porch should not be considered indoors. She stated that she worries that in a year, the applicant will be back in front of the Planning Commission to ask for permission to have tents for special events outside. She noted that she and her daughter had been forced off Rogues Road previously.

Ms. Carol Goshorn stated that she lives and works on Spring Hill Farm. She asked that the project be denied so that her peaceful weekends in Casanova would not be disturbed.

Mr. Jud Fischel stated that his property backs up to the Melrose property, and that he is concerned that out-of-control partygoers will explore the land and interfere with or startle the stock possibly causing injury to horses and riders. He asked the Planning Commission not to change the zoning.

Ms. Mary Russell stated that this is the second time that she has had to oppose an application to commercialize Melrose. She asked that the application be denied so that she and her husband can live in peace.

Ms. Jolly de Give stated that she is concerned that Rogues Road will not be able to accommodate increased traffic.

Mr. Martin Berkofsky stated his concerns about safety on Rogues Road and about maintaining the beauty of the Casanova area.

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

Mr. Stone thanked everyone for coming and stated that there would be a site visit to Melrose Castle on December 1, 2003 at 11:00 a.m.

Mr. Stone, seconded by Mr. Meadows, moved to postpone action for up to 90 days with the public hearing left open.

The motion carried unanimously.

Mr. Sinclair suggested that, while on the December site visit, they will closely examine Rogues Road.

9. **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) (Postponed until November 20, 2003, at the applicant's request.)

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. Bob Counts requested that the Planning Commission defer action up to 90 days. They are looking for ways to implement the Comprehensive Plan. He indicated that, hopefully, they will come back with solutions.

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

Mr. Meadows, seconded by Mr. Sinclair, moved to postpone action for up to 90 days.

The motion carried unanimously.

- b. **#REZN04-LE-001 – Crane's Corner, LLC – Liberty Station** – applicant wishes to amend a proffer condition to Liberty Station to provide for a Town Center concept as planned for in the Bealeton/Opal/Remington Service District Plan. The commercial/office/retail square footage would increase from 70,067 square feet to 110,000 square feet and a maximum of forty (40) apartments to be located over shops are proposed. The property is located on the east side of Marsh Road (Route 17) and the southeast side of Catlett Road (Route 28), Lee District. (PIN # 6889-24-9836-000) (Postponed until November 20, 2003, at the applicant's request.)

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. Merle Fallon stated that the applicant will be able to conform to the Comprehensive Plan when the Ordinance Amendment goes through.

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

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for up to 90 days with the public hearing left open.

The motion carried unanimously.



- c. **#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). (Postponed until November 20, 2003, at the applicant's request.)

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 staff minutes.

Mr. Robison opened the public hearing.

Mr. Jim Butler stated he had worked with Mr. Barb and staff, and they worked out their differences. They had tried to work to be similar to the approved Concept Development Plan. Mr. Barb is a local builder with a good family-run business, and he is very pleased.

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

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

The motion carried 4-0-1, with Mr. Meadows abstaining.

Mrs. McCarty thanked the applicant for working on this and indicated that Mr. Barb had a good reputation.

Mr. Robison also thanked the applicant for taking the storm water management facility out of the park.

10. **COMPREHENSIVE PLAN AMENDMENTS AND REZONING**

- 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). (Postponed until November 20, 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. Tom Milic stated that he lives right next to the proposed site and that his father is the applicant. He stated that he and his father have differing views and that he would like to see Bealeton become more than a thoroughfare for trucks. He also stated that he would like to see some well planned, attractive development in Bealeton.

Mr. Chuck Medvitz stated that he was pleased with the staff's recommendation to deny the application.

Ms. Meredith Whiting stated that this development did not adhere to the Comprehensive Plan because it allowed for too much density on too little land.

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

Mr. Meadows stated that the staff worked hard on this project and that the applicant thought that financially he could do what needed to be done to make the application acceptable but in the end, changed his mind.

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

The motion carried unanimously.

Mr. Meadows stated that an application like this will come up again.

Mr. Tom Milic expressed his concerns that another Ryan Homes community will come into Bealeton and destroy it. He stated that he hopes a proposal will come about that will add charm and beauty to the community.

- b. **#CPA03-S-09 - #RZ03-S-17 - Gaines Trust, W. Robert Gaines Trustee, owner and Angler Development LLC, applicant - Bishop's Run** – applicant wishes to receive a Comprehensive Plan Amendment to change the land use designations from Low Density Residential, Commercial Neighborhood and Mixed Use Neighborhood Up to 3 Dwellings Per Acre to a new land use designation of Low Density Residential up to 3 Dwellings Per Acre (single family attached permitted). The applicant also wishes to rezone ± 53.75 acres from Residential-1 (R-1) and Commercial Neighborhood (C-1) to

Residential-4 (R-4) Conventional and Cluster for the purpose of developing 148 residential units with approximately 69 single family lots and 79 single family attached units and to rezone 9.14 acres from Commercial Neighborhood (C-1) to Commercial Neighborhood (C-1) with proffers permitting 65,000 square feet of commercial/retail/office space including a day care facility and up to 20 second story apartments. 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 until November 20, 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 stated that the applicant tried to address all of the citizens' concerns, but unfortunately the Planning Commission and the developers want to move in very different directions. He requested that the Planning Commission not hold up the application any further and forward it to the Board of Supervisors.

Ms. Judy Lamana stated that although the proffers are generous, this is not a good plan. She also stated that this new development would drastically increase traffic and would be out of character for the area. She asked that the Planning Commission deny the application.

Mr. J.L. Combemale stated that he had spoken in the past about the need for a new fire department site in New Baltimore and wanted to add that despite the inevitable increase in traffic, it would be unkind to deny other people the opportunity to live in this beautiful area.

Ms. Hope Porter stated that increasing the population in this area would be a disaster.

Ms. Maureen Riordan, of the Scott District, stated that the County should adhere to the Comprehensive Plan and deny this type of development.

Mr. Chuck Medvitz stated his concern that allowing this type of development would set precedence. He also urged the Commission to consider sewer usage.

Ms. Anita Tortorella stated that the community does not want the proffers from the apartments. She asked that the County stick to the Comprehensive Plan.

Dr. Kitty Smith, of the Marshall District, stated that the application was slowly moving in the right direction, but it is not there yet. She also expressed concern about sewer usage. She stated that the Comprehensive Plan does not call for townhouses and the application should, therefore, be denied.

Mr. Don Fansler stated that the County should adhere to the Comprehensive Plan and reject this type of development. He stated that Special Exceptions should be stopped.

Mr. Peter Karanovich stated that he does not want the land developed at all because he does not want traffic to increase. He stated that he is all for moving the Fire Department. He also mentioned that public hearing postings had been removed too soon.

Ms. Jolly de Give stated that the County should adhere to the Comprehensive Plan, consider the sewer usage, and deny this request.

Ms. Barbara Severin, of the Scott District, stated that Route 29 is already hazardous and VDOT is working to correct it and introducing a new traffic light would counter their efforts. She also stated that all the changes to the Comprehensive Plan cause citizens to lose faith.

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

Mr. Sinclair, seconded by Mr. Meadows, moved to close the public hearing and forward to the Board of Supervisors with a recommendation of denial for the reasons stated below.

1. The project density exceeds expectations for this area in the New Baltimore Service District.
2. Would like to see the applicant provide the full Proffer Policy contribution for the proposed residential units and a contribution for the 20 apartment units.
3. There is a concern about the credit proposed for the off-site property dedication for the Fire and Rescue site.
4. The proffer contributions should be made at the time of the Building Permit rather than the Occupancy Permit pursuant to the County Proffer Policy.
5. The proposed sidewalk/trail should be along the frontage of the property including the commercial property.
6. There needs to be clarification on the turn lanes needed and therefore provided along Riley Road.
7. There needs to be a limit on the number of residential units to be developed per year.
8. Would like some clarification on what recreational facilities will be located on the property in the park and open space areas for residents.

The motion failed 2-3 with Mr. Robison, Mrs. McCarty, and Mr. Stone in opposition.

Mr. Robison stated that there have been many changes to the application, but it is not there yet. He stated that he would be willing to grant a postponement.

Mr. Stone concurred with Mr. Robison. He stated that he needed more clarification on the project and that alternatives for the relocation of the Fire Department should be considered.

Mr. Sinclair stated that he could not see why this should be continued because he could not fathom what could be done with this application in the next 30 days.

Mr. Meadows agreed with Mr. Stone.

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

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

Mr. Sinclair stated that he could not fathom why, given the opportunity to remove additional units, the Planning Commission would not do so right now.

- c. **#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). (Postponed until November 20, 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.

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

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

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:34 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.