

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
DECEMBER 18, 2003**

The Fauquier County Planning Commission held its regular meeting on Thursday, December 18, 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. Chuck Floyd, Mrs. Kimberley Johnson, Ms. Holly Meade, and Mrs. Rebecca Kauffman.

1. **CITIZENS TIME**

Mr. Merle Fallon introduced “superhero” Mark Rohrbaugh who bid farewell to Mr. Sinclair.

2. **APPROVAL OF MINUTES** – October 6, 2003, October 30, 2003, and November 20, 2003

Mr. Robison, seconded by Mrs. McCarty, moved to approve the October 6, 2003, October 30, 2003, and November 20, 2003 minutes as amended.

The motion carried unanimously.

3. **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 December 18, 2003 for further review.)

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

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

The motion carried unanimously.

- b. Consideration of a Text Amendment to the Fauquier County Zoning Ordinance to delete 3-312.8 and 3-312.9, eliminating ‘Building Material Sales’ as separate uses.

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

Mr. Robison, seconded by Mr. Sinclair, moved to schedule a public hearing for January 29, 2004.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#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) (Postponed up to 90 days on October 30, 2003, at the request of the applicant.)

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

Mr. Sinclair, seconded by Mr. Meadows, moved to approve, subject to the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "New Baltimore Knolls Subdivision " dated August 15, 2003, signed by Bob Leonard 8-15-03 and received in the Planning Office on November 24, 2003, except as modified by these conditions. This approval is for a maximum of six (6) residential lots.
2. When submitting a final construction plan, a complete landscape plan shall be provided with full detail of planting type, size and location pursuant to Article 7-603.2 of the Zoning Ordinance.
3. Show limits of 100-year floodplain.
4. Access to Lot 1 shall be from Megan Lane. A note shall be placed on the Final Construction Plans stating that Lot 1 shall not accessed from Route 693 (Old Alexandria Turnpike), and that it shall be accessed from Megan Lane.
5. The setbacks for the proposed Administrative Lot shall be revised to show the accurate side yard setback, 50-feet, for the Rural Conservation (RC) zoning district.

6. All existing structures are to be removed, or located to meet minimum yard requirements on each lot. The existing garage shall be demolished or moved to meet the required setback of fifty (50) feet.
7. A different subdivision street name shall be selected for the proposed road.
8. Lots 4 & 6 must be accessed from Megan Lane, not the ingress/egress easement.
9. All provisions of the Fauquier County Stormwater Management Ordinance shall be met.
10. Wet ponds (retention) shall meet the minimum requirements of the Virginia Stormwater Management Handbook and Section 6-102-24 of the Zoning Ordinance. Specifically, the 100-year flood pool and spillway shall be no less than 50' from the adjacent property unless written consent of the owner involved is obtained.
11. All storm sewer and drainage pipes shall be a minimum of 15" diameter and be able to pass the 10-year storm.
12. Pond 2 or any other concentrated discharges shall not discharge directly into a bio-retention facility. Bio-retention facilities shall meet the minimum requirements of Virginia Stormwater Management Handbook Section 3.11.
13. Slope maintenance easements shall be provided along the road where grades exceed 3:1.
14. A Virginia Certified Professional Soil Scientist (CPSS) shall to adjust the Type I Soil Map soil lines onto the Final Construction Plan. This shall be done in the field and checked for any additional soils information to be added to the Final Construction Plan.
15. Interpretive information from the Type I Soil Report for each mapping unit shown on the above Final Construction Plan shall be placed on the same sheet as the soil map. Also a Symbols Legend shall be placed on the Final Construction Plan to identify spot symbols.
16. This final soil map shall be filed in the front office of Community Development and the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
17. Two copies of this final soil map with original CPSS signature shall be submitted to the Soil Scientist Office before Final Plat approval is made.

18. These statements under Home Sites and Road Construction shall be placed on the same sheet as the final soils map.
- a. “The County recommends that no below grade basements be constructed on soil mapping units 17B, 17C and 440C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. The foundation drainlines should be daylighted for gravity flow on all structures.”
 - b. “Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction.”
 - c. “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 a geotechnical evaluation in order to determine proper design.”
 - d. “The County recommends that before road or home construction begins in soil mapping units 140C, D and E, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done.”
19. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soils Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated July 31, 2003.	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (? = ?) and certifies that this is the Best Available Soils Information to Date for Lots ? - ?.	
_____ Va. Certified Professional Soil Scientist CPSS #3401-_____	_____ DATE

The motion carried unanimously.

- b. #PP03-L-29 – Richard M. Barb, LLC – Ellerslie Farm – applicant wishes to obtain preliminary plat approval to subdivide approximately 139.5 acres into one hundred ninety-eight (198) lots. 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 December 18, 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. Meadows stated, having received monies for business services from the applicant in excess of the allowable amount, he recuses himself from the case.

Mr. Sinclair, seconded by Mrs. McCarty, moved to approve, subject to the following conditions:

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Ellerslie Farm Subd. Lots 1 – 198, Phases 1 - 6" dated 11/14/03, and received in the Planning Office on November 21, 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 Vicinity Map shall be revised to reflect the requirements of Subdivision Ordinance Section 9-5(A)(10).
 - b. Once the Board of Supervisors acts on the proposed Rezoning, the updated Concept Development Plan and amended proffered conditions shall be included on the Preliminary Plat.
 - c. The Parcel Identification Numbers shall be revised to reflect the most current numbers.
 - d. The typical section provided for the frontage improvements on Route 29 Business shall be modified if requested by VDOT.
 - e. The typical sections shall indicate a minimum of 1' of right-of-way behind the sidewalk in accordance with VDOT's Subdivision Street Requirements Manual.
 - f. Underdrains shall be shown on the typical sections. Deletion of underdrains shall only be allowed if VDOT concurs.
 - g. The plan shall include the centerline length of the streets and radii, as requested by VDOT.
 - h. The proposed pavement design shall be indicated on the typical section. A note shall be incorporated that the pavement design is for planning purposes only, and the final design shall be based on the Flexible Pavement Design Worksheet per the 2000 Pavement Design Guide and actual CBR values. The pavement design will need to be approved by VDOT and the County prior to construction.
 - i. On sheet 9 of 14, mapping unit 71B is missing on the interpretive table and the table shall be revised to reflect mapping unit 71B.
 - j. The building restriction lines shall be labeled on all lots.
 - k. Clearly identify the boundaries of the ±28-acre Park site dedication and the 3-acre Active Recreation Area.

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 appropriate permits for disturbance of wetlands shall be required prior to Final Construction Plan approval.
4. All tot lots, sidewalks, and trails shall be ADA compliant.
5. Evidence of the Dominion Virginia Power encroachment agreements to allow the proposed trail through Dominion's easement shall be required prior to Final Construction Plan approval.
6. Evidence of the Lees Glen Homeowners Association permission to allow the proposed trail through Association's property shall be required prior to Final Construction Plan approval.
7. The applicant shall work with Parks and Recreation to determine the exact location and design of the trail prior to Final Construction Plan approval.
8. The recreation facilities should be designed and constructed to Parks and Recreation standards.
9. The covenants of the homeowners association to provide for continued maintenance of the recreational facilities shall be submitted to the Parks and Recreation Department for review and comment prior to Final Construction Plan approval.
10. Recreation facilities shall be constructed as part of the development site work, not during construction of the actual residences.
11. Any park or trail dedication to the County shall be subject to acceptance by the Board of Supervisors or its designated agent, after the receipt of a Phase 1 Environmental Audit acceptable to the County. The audit cost shall be borne by the County.
12. The applicant is strongly encouraged to construct the second subdivision access point to Route 29 Business prior to approval of the Final Plat for the 100th lot.
13. 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 and drainage calculations provided:
 - a. Secondary and Subdivision Streets 10-year

b. Primary and Parkways

25-year

14. 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.
15. Culverts shall be designed to pass the 10-year storm with 12 inches of freeboard.
16. Trees within street rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.
17. A note shall be added to the Final Construction Plans stating, "A video camera inspection is required for all storm sewers and culverts that are deemed inaccessible to VDOT inspections. The video camera inspection shall be made with a VDOT and/or County inspector present."
18. The streets will not be eligible for acceptance for maintenance until the Town of Remington has assumed maintenance responsibility for the water line.
19. The applicant shall submit for County approval homeowners' association documents or other required road/alley/pipestem maintenance agreements prior to Final Plat approval.
20. Except as provided for on the Concept Development Plan, residential driveway access shall be restricted to the alleyways for the rear-loaded lots.
21. Town of Remington and Fauquier County Water and Sanitation Authority approval of the Final Construction Plans and Final Plat shall be required prior to Final Plat approval.
22. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the preliminary soil map onto the final construction plan.
23. A signature block shall be placed on the Final Soil Map sheet for the CPSS to sign which states:

Preliminary Soils Information Provided by Larry K. Johnson, CPSS via a Type I Soil Map (1"=400') Dated July 16, 2003.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=72') and certifies that this is the Best Available Soils Information to Date for Lots 1-??.

_____ Va. Certified Professional Soil Scientist CPSS #3401-_____	_____ DATE
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24. The interpretive information from the Preliminary Soil Report for each mapping unit shown on the above plat shall be placed on the same soil map. Also, a Spot Symbols Legend shall be placed on the plat map to identify spot symbols.
25. The following statements shall be placed on the same plat map:
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 14B, 74B, 78A and 79A due to wetness, unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer." No construction or disturbances should occur in the 5A and 6A soil mapping units, which are floodplain soils.
 - b. "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 a geotechnical evaluation in order to determine proper design."
26. This final soil map shall be filed in the front office of Community Development and the Building Department to be used exclusively for obtaining soils information for this proposed subdivision.
27. Two copies of this final soil map with the original CPSS signature shall be submitted to the Soil Scientist's Office before Final Plat approval is made.
28. No BMP facilities are to be located on the residential lots.
29. Natural drainage swales should be protected to the maximum extent practicable. Special consideration for drainage patterns should be considered due to the wet nature of the soils. The streets located in and around the intersection of Ellerslie Farm Road and McCarthy Drive are of particular concern. These areas and several others have soils that are characterized by perched water table, shrink well clay and low bearing capacity. Underdrains shall be shown on the typical sections and used in all areas, unless it can be shown that they are not necessary.
30. Evidence of adequate fire flow protection shall be required prior to Final Construction Plan approval.
31. The recreation facilities shall be in general conformance with the Recreational Lot Details exhibit dated 12/17/03, received in the Planning Office on December 18, 2003.

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

- c. **#PP03-M-21 – John Morgan, Jr., owner and Richard A. Edens, L.S. applicant – Fauquier Woods** – applicant wishes to obtain preliminary plat approval to subdivide approximately 11.8 acres into three (3) lots. The property is located on the north side of Route 55 and the south side of Route 66, Marshall District. (PIN #6001-74-4448-000) (Postponed on February 27, 2003 for up to 90 days, at the request of the applicant.)

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

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

The motion carried unanimously.

5. **COMPREHENSIVE PLAN AMENDMENTS AND REZONING**

- **#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 December 18, 2003.)

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

Mr. Sinclair stated that nothing had changed on this application.

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

The motion carried unanimously.

6. **BOARD OF ZONING APPEALS AGENDA**

7. **ESTABLISH 2004 PLANNING COMMISSION SCHEDULE**

Mr. Robison stated that, during the work session, the Planning Commission changed the proposed date for the February meeting and combined the November and December meetings.

Mr. Robison, seconded by Mrs. McCarty, moved to adopt the 2004 Planning Commission schedule.

The motion carried 4-0-1 with Mr. Sinclair abstaining.

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

The Fauquier County Planning Commission held its Public Hearing on Thursday, December 18, 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. Chuck Floyd, Mrs. Kimberley Johnson, Ms. Holly Meade, and Mrs. Rebecca Kauffman.

8. **THE PLEDGE OF ALLEGIANCE**

9. **CITIZENS TIME**

10. **PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE**

- a. **Zoning Ordinance Text Amendment** to eliminate some uses and to establish requirements for residential use as a component of mixed use development, including 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).

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

Mr. Robison opened the public hearing.

Dr. Kitty Smith, of the Marshall District, stated that she appreciated staff's comments and that recommending approval to the Board of Supervisors is a good move.

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

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

The motion carried unanimously.

- b. **Text Amendments to the Zoning and Subdivision Ordinances Regarding Multiple User Sewage Disposal Systems.** The proposed amendments to the Zoning Ordinance affect Sections 2-503, 3-330, 5-2002.6, 7-502, 7-503, 12-501.12. and 12-612, as well as Subsection 4-11.2.A of the Subdivision Ordinance. The proposed revisions result in: (1) the elimination of central public and private sewer systems as a treatment option outside service districts, except for health and remediation correction of failing septic systems; and (2) established limitations for central community wastewater treatment systems in “non-sewered areas” in designated 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.

Mr. Chuck Medvitz stated that he appreciated the action of the staff, but that he still has very serious concerns regarding this issue. He said that his concern lies with the public’s interpretation of the language in this amendment. He stated that there is pressure to build out the sewer system in New Baltimore to a greater density than what is specified in the Comprehensive Plan. He said he worries that once all community sewer capacity is used, developers will put in individual sewer systems. He stated that there have been many community sewer systems that have failed after ten years and the Commission should consider this because if these new systems fail, corrections could be costly.

Mr. Doug Darling, of the Marshall District, stated it seems there would need to be a Special Exception to install this system and that is a very difficult process. He expressed his concern about the areas zoned as villages and the soils in certain areas of the County. He questioned why one would replace a single failing drainfield system with multiple systems. He stated this would have a negative impact on citizens in smaller communities.

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

Mr. Stone asked staff to respond to Mr. Medvitz's concern about what would happen in the future when all the sewer capacity is used.

Mr. Carr stated that this issue had been examined and the current Board of Supervisors would never go over the sewage capacity as written in the Comprehensive Plan. He stated this may be a relevant question in the long-term.

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

The motion carried unanimously.

11. **SPECIAL EXCEPTIONS**

- a. **#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) (Postponed until December 18, 2003.)

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 stated that he was disappointed the applicant failed to provide new information or to attend the work session and public hearing in support of his Special Exception.

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

Mr. Sinclair stated that he was dismayed and soured by the fact that the applicant did not show up for the meetings. He also said that just as there are expectations of staff and the Commissioners, there are expectations of the applicant. He said that he could not vote for a delay.

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

- 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) (Postponed on October 30, 2003 for up to 90 days, at the request of the applicant.)

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

Mr. Robison opened the public hearing.

Mr. James Green, owner and applicant, thanked everyone. He stated that he bought this property three years ago intending to use it for good purposes. He said he was pleased that a Habitat home would be built there. He added that the adjoining neighbors have signed documents in support of the development. He mentioned that there are many supporters including Leed's Episcopal Church. He continued that the house would be built 50-60 feet above the floodplain. He stated he would like the Planning Commission to take action so that construction could begin. He said that he had just received the conditions for approval and was fine with them. He added that he would have to check to see if the floodplain would need to be crossed during construction and that he may have to come back and ask for an amendment to that condition.

Mr. Sami Sharikas, of the selection committee for Habitat for Humanity, said he thought creating space for a Habitat for Humanity home was a good idea.

Ms. McCarty asked if a family had been chosen for the home, as she had received a letter stating that the land and family had not been selected and that the funding was not yet available.

Mr. Jack Flikeid, the Director of the Fauquier Habitat for Humanity, stated that the funding for Habitat for Humanity does not come from the government, but entirely from the community. He added that the organization currently has nearly enough money to build eight homes and that they build on faith. He said they have never come up short on funding.

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

Mrs. McCarty stated the application had improved and she was pleased some of the land would go to Habitat for Humanity. She also said she was happy the fragile floodplain would be protected.

Mrs. McCarty, seconded by Mr. Stone, moved to forward to the Board of Supervisors with a recommendation of approval subject to the following revised conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions
3. A deed on non-common open space shall be recorded on the ±25.46 acre residue parcel prior to Final Subdivision approval of Lot 3. **The applicant agrees to not construct a residential dwelling that requires crossing the floodplain for access or construction**
4. A note should be added to the plat indicating that all lots shall access from a single point of entry within the 50 foot ingress/egress easement shown on the Special Exception Plat.
5. The Boundary Line Adjustments shall be recorded prior to Final Subdivision approval of Lot 3.
6. Once Lot 3 has been subdivided and recorded, no further subdivision shall be permitted on PIN# 6031-14-7251-000 or any lots created from PIN# 6031-14-7251-000.
7. **The applicant agrees that proposed Lot 3 shall be conveyed to Habitat for Humanity or other affordable housing entity acceptable to the County. No building permit shall be issued for Lot 3 until that conveyance has been completed. If Lot 3 is not conveyed for affordable housing purposes, the lot area shall be vacated within five (5) years of the date of this Special Exception.**

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) (Postponed until December 18, 2003)

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. John North, applicant, stated he was trying to purchase, restore, and live in Melrose Castle. He stated that the Board of Zoning Appeals had approved the special permit for a bed and breakfast; however, after much deliberation, he had decided that type of business would not be enough to sustain the castle. He added that the property would not be good for agricultural uses because of the landscape. He stated he and his wife have tried to propose a good alternative use for Melrose Castle. The property has been on the market for two years and no one has expressed interest in solely making the castle a home. He stated he has done many things to make the application more appealing to the neighbors and the County, including minimizing the number of events and guests and proposing only indoor events. He stated no food for the events would be cooked on-site and no floodlighting would be used. He noted that when the December site visit was held, everyone agreed that there was plenty of space inside in which to hold these events. He said guests would have to cross over two streams in order to venture onto neighboring properties. Mr. North stated that, upon conducting research on Rogues Road, he found there were not as many accidents as the Casanova residents had claimed. He offered to move the entrance to the castle, have an off-duty police officer at all events, have a bartender limiting alcohol consumption of guests, provide shuttle service for intoxicated guests, provide road signage to alert traffic on event days, and move the speed limit sign to keep traffic moving at a slower pace in order to alleviate safety concerns about Rogues Road. He said the property cannot be subdivided and he felt this application provided the community with a low impact, financially viable business and a home for his family. He stated that the citizens of Casanova do not want growth in the area, but it is already happening. Mr. North continued that Mr. Dillen, the owner, has alternatives for what he may do with the property that may not be as attractive as this one. He said this application, if approved, would bring a lot of non-permanent visitors to the area that the County would not have to provide services for, and would be good for local business. He agreed that traffic would increase on Rogues Road, but urged everyone to take the number of events (60) into perspective, considering there are 365 days in a year. He thanked everyone for their time and consideration.

Ms. Sandra Sullivan, REMAX Realty, stated that she represented Mr. Dillen, the owner. She stated no one had expressed interest in purchasing the castle other than corporations or non-profit groups. She mentioned that one non-profit organization had discussed turning the castle into a home for mentally challenged adults. She noted that the North's have been very nice and have tried to work with the community and address their concerns about alcohol consumption on the property and about the

dangers of Rogues Road. She asked that everyone please consider this application seriously.

Ms. Nancy Crawford, neighbor, stated that a commercial property in the midst of an agricultural community only benefits one person. She said any increase in traffic would negatively impact Rogues Road. She added that this was a real public safety issue and a disaster waiting to happen. She stated she had spoken with 16 Casanova residents who were all opposed to the project. Ms. Crawford mentioned she had years of experience planning corporate events and was sure this was wrong for Casanova.

Mr. Chris Baker, manager of Spring Hills Farm, stated the proposed use of Melrose Castle was incompatible with the agricultural area because of road safety, security, and noise pollution issues. He said Spring Hills Farm surrounds Melrose on three sides. It is a taxpaying business, one of the largest private employers in the County with all employees opposed to the application, and is home to many horses, cows, and other wildlife. He stated there is substantial farm traffic on Rogues Road including tractors and large horse trailers and this would not mix well with the event traffic.

Ms. Marjorie Zelko, neighbor, stated she objected when Mr. North said that the rate of accidents that occurred on Rogues Road was not as high as had been reported by the residents of Casanova. She said there were plenty of accidents and some serious enough that victims had to be airlifted to Fairfax Hospital. She stated that Rogues Road is too curvy and hilly to support increased traffic. She also expressed her concerns about drunk drivers on the road. She added that the community is unique and wonderful and permitting this type of use would violate the residents. She stated she is further concerned with the type of noise pollution that cannot be controlled such as car doors slamming and the sounds of visitors greeting one another before they enter the castle.

Ms. Susan Carter, neighbor, stated that she has spoken before in opposition to this application and that the number of people that show up for these public hearings and the level of their concern should be reason enough to deny this application. She stated that Casanova is a small community, but it has people who love it.

Ms. Diana Baker, Cedar Run District, stated that she lives on Rogues Road and the road is already very dangerous. She said there are many accidents and the area between her house and Melrose is particularly bad. She added that the community should not suffer just so the owner of the castle can sell it.

Ms. Wendy Breeden, neighbor, questioned whether or not this use of the castle is permissible at all considering it is being listed in the Ordinance under “outdoor uses.” She stated that if there is a need for an event warning sign than the road is probably too dangerous for this type of traffic. She also said that this type of sign would be unsightly.

Mr. Jud Fischel, neighbor, apologized to the North’s if any of his neighbors had been rude or made threats towards them. He stated he disagreed with what the North’s wanted to do, but that they are good people. He said just because the applicant has an economic goal in mind does not mean he has a right to Special Exception approval. He reminded the Commissioners that their job was to decide if this application was compatible with the zoning of the area and he felt it clearly is not. He stated it is possible that the property is not selling because it is overpriced. He noted his concern that a drunk driver may run through a fence on Spring Hill Farm causing harm to the horses. He stated that having a police officer at the events would not alleviate concerns about safety. He questioned what would keep the applicant from returning to the Commission to ask to increase the number of allowable events per year or people per event. He stated that he was offended that Mr. Dillen was trying to scare them by stating that something worse could be done with the property. He said that he thought if Mr. Dillen could have done something else with the property, he would have already done so. He stated that the Commission owed it to the community to deny this application for safety reasons.

Mr. Greg Huddleston, neighbor, stated the proposed use of Melrose Castle would be a threat to the safety of the community and an inconvenience as well. He added that it would be difficult to regulate the number of events held at the castle per year.

Ms. Andrea Tuck, who lives in the closest house to the castle - approximately 100 feet from the proposed parking lot, stated that since she works at night and sleeps in the day, these events will disrupt her lifestyle. She added that Casanova should remain a small community. She stated if Mr. and Mrs. North would like to live in the castle, they would be welcome.

Ms. Carol Goshorn, an employee at Spring Hill Farm, stated her concern about safety on Rogues Road. She said she is worried about alcohol consumption, drunk driving, and the potential harm that could come to the horses.

Ms. Shannon Aukena, neighbor, stated that she agrees with all of the previous comments in opposition to the application. She added that she

enjoys the beauty of the area and that this business would be wrong for the community.

Ms. Mary Roessel, neighbor, stated she has her real estate license and from what she has learned, if you cannot sell a house it is usually because of either the price or the location. She said the Dillen's need to cut their losses and lower the price on the property.

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

Mr. Stone stated this was the second application for a commercial use on this property, that he knew of and this application had much more appeal than the previous one. He said while on the December site visit to Melrose, he found Rogues Road to be very dangerous. It is a scenic byway and would likely be unsafe at any speed. He added the type and amount of traffic that would come with allowing special events at the castle would adversely affect the road. He said the application was not compatible with the agricultural and equestrian uses in the area. He also stated that he looked at the wording of the Ordinance under which this Special Exception was filed and agreed with some of the members of the community that the Ordinance may need to be reworded.

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

Mr. Sinclair concurred with Mr. Stone's comments about the safety issues on Rogues Road. He stated that he would be very uncomfortable meeting a drunk driver on that road. He added that the castle would be a great place to host special events if only it was located somewhere else.

Mr. Meadows stated simply that this application was a great idea just in the wrong place.

Mr. Robison stated that this application was sweet and sour making it difficult to decide on. He said that there have been other less attractive applications that have been approved but that the location and the road were just not right for this use.

The motion carried unanimously.

- d. **#SPEX04-MA-014 – Fauquier Habitat for Humanity, owner/applicant** – applicant wishes to obtain Special Exception approval under Category 20 which would permit an individual sewer treatment facility with discharge to a stream. The property contains 2.5 acres and is located at 8542

Turnbull Road, Marshall District. (PIN #6962-27-9169-000 and #6962-27-6098-000)

Mrs. Meade 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. Jack Flikeid, Director of the Fauquier Chapter of Habitat for Humanity, stated that he has been working with the Yates family for over a year. He said the family lives in poverty, hauling water to their home, and they do not complain. He said Habitat for Humanity wanted to provide affordable housing for the family and alleviate a sewage problem they are having. He said the proposed sand filtration and chlorination/dechlorination system will remove 99.9% of the impurities in the sewage that will be discharged in the stream. He added that two community churches supported the application as well.

Mr. Sami Sharikas stated that he would like to see this application approved as it would greatly improve this family's living condition. He said it is difficult to find affordable lots and this would be a good solution.

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

Mr. Meadows stated that he likes to help people. He began to make a motion, and realizing that it was not his district, he withdrew the motion.

Mrs. McCarty stated it was a good idea to remedy a bad septic system. She added that Mr. Flikeid does good work.

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

Mr. Sinclair stated that Habitat for Humanity demonstrates good deeds to mankind. He added that he admires what Habitat for Humanity does and if there were more entities like this our fellow man may not have to worry about lugging water to his home.

The motion carried unanimously.

12. **REZONING**

- **#REZN04-SC-003 – Leocade Leighton, applicant** – applicant wishes to downzone approximately 1.0 acres from Residential-2 (R-2) to

Residential-1 (R-1). The property is located at 7044 Riley Road in the New Baltimore Service District, Scott District. (PIN #7905-86-6547-000)

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.

Mrs. Leocade Leighton stated this downzoning is an essential part of an overall package to subdivide the property. She said her house and property do not meet the density requirements of today. She stated the first step in this process was to move from R-1 to R-2 and that the second step was to accomplish the subdivision and restore the boundaries. She said this was the final step in the package – downzoning the property back to R-1 to meet the characteristics of the rest of the area which is also zoned R-1. She stated she wants to be able to fulfill her original proffer.

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

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

The motion carried unanimously.

Mr. Robison thanked staff and the Commissioners for a wonderful year.

Mr. Sinclair stated, “It’s been a great ride!” He introduced Mr. Robert Holder Trumbo, the new addition to the Planning Commission, and then presented Mr. Trumbo with his Planning Commission book.

Mr. Trumbo stated he would try to do honor to Mr. Sinclair’s seat.

Mr. Stone said farewell to Mr. Sinclair and welcomed Mr. Trumbo.

Mr. Sinclair stated that great strength and bonding comes through adversity.

Mr. Meadows stated that he looked up to Mr. Sinclair and appreciated his guidance.

There being no further business, the meeting adjourned at 8:54 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.