

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
APRIL 25, 2002**

The Fauquier County Planning Commission held its regular meeting on Thursday, April 25, 2002, beginning at 3:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mr. Brian Davis, Mrs. Deirdre Clark, Mr. Paul McCulla, County Attorney, and Mrs. P.J. Gallagher, Clerk.

1. **APPROVAL OF MINUTES - March 28, 2003**

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to approve the minutes of March 28, 2002, as amended. The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENTS**

a. Zoning Ordinance Text Amendment to Section 9-1006 (Outdoor Recreational Lighting).

Mr. Carr reviewed the request, a copy of which is attached to and made a part of these official minutes. He indicated that Mr. Schuyler, a Lighting Consultant, would be asked to review the draft ordinance refinement and make recommendations to the Planning Commission subcommittee.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the text amendment until the May meeting for further review.

Mr. Sinclair stated that he hopes this will be the last postponement of this request.

Mr. Robison stated that he agrees with Mr. Sinclair.

The motion carried unanimously.

b. Zoning Ordinance Text Amendment to Section 3-401 to change the maximum density in the Residential (R-1) zoning district from 0.9 dwelling units per acre to 1.0.

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

On motion made by Mr. Guerra it was moved to recommend approval of the text amendment.

Mr. Robison stated that there was no second to the motion, and Mr. Guerra replied that a second is not needed.

The motion failed 1 to 4 with Mr. Sinclair, Mr. Robison, Mrs. McCarty and Mr. Stone voting against the motion, since it represented an increase in the overall density for the R-1 District.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to recommend denial of the text amendment. The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- c. Zoning Ordinance Text Amendment to Section 7-603 to bring the Zoning Ordinance into conformity with the Code of Virginia regarding tree canopy requirements.

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

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to recommend approval of the text amendment. The motion carried unanimously.

3. **SPECIAL EXCEPTIONS**

- a. **#SEA02-S-01 - Frederick W. & Barbara J. Eickhoff, and Leon H. & Patricia A. Eggers, owners, and Richard Sanders, applicant** - applicant wishes to amend the conditions of a previously approved special exception to allow for the vacation of an interparcel connection. The property contains 3.57 acres, is zoned Residential-1 (R-1), and is located off Dumfries Road (Route 605) in the Lake Whippoorwill Subdivision, Scott District. (PIN's #6995-63-3951-000 and #6995-63-5559-000)

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

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to recommend approval of the interparcel connection with the Jamison property with a recommendation that Condition #4 of the original approval be amended as follows:

Condition #4:

- a. The previously dedicated 50-foot right-of-way from the terminus of Red Oak Court to the Jamison property line shall be retained. ~~for controlled emergency access and pedestrian connection purposes.~~ Within this right-of-way, the applicant shall construct a controlled emergency access with a minimum pavement width of 14 feet, in **substantial** accordance with the applicant's engineered drawing dated April 17, 2002, **with final engineering specifications as determined by the County Engineer**. The applicant shall also install a gate or other control feature acceptable to the Office of Emergency Services that may be accessed by authorized personnel as needed. The applicant shall provide confirmation that the existing bond is adequate to construct the improvement and amend the current developer's agreement to incorporate the improvement, and post additional bonding if required within 30 days of the Board of Supervisors approval date. Such construction shall be completed within one year of the approval date of this special exception amendment.
- b. For any portion of the construction that cannot be completed to the Jamison property line without off-site easements, the applicant shall establish an Escrow account of no less than \$8,000 in the name of the County of Fauquier. These funds will be used to complete the construction work to the Jamison property line at such time as the Jamison site improvement is constructed. **The terms and**

conditions of the escrow agreement shall be decided in consultation with and at the agreement of the Director of Community Development and the County Attorney. ~~The escrow agreement may have an expiration term of three (3) years from the signature date of the agreement.~~

- c. **The applicant shall install, and the Lake Whippoorwill Homeowner's Association shall maintain, a sign erected at the common property line with the Jamison tract that notes the existence of a 50-foot right-of-way that may be improved to a full street connection at some point in the future.**

All other conditions of approval for SE97-S-05, dated June 3, 1997, shall remain in full force and effect.

The motion carried unanimously.

- b. **#SE02-S-13 and #SE02-S-14 - Semple Family Limited Partnership, owners, and AML Development Corporation, applicant** - applicant wishes to obtain special exception approval under Category 26 of the Zoning Ordinance which would allow for an age-restricted continuing care facility, and Category 20 which would allow for the use of a mass drainfield central sewage system. The property contains 120 acres, is zoned Rural Agriculture (RA), and is located on the northwest side of Route 15/29, Scott District. (PIN #6995-79-4111-000)

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

Mr. Sinclair stated that the Commission has been looking at this request for 4-5 months. He commended the applicant on being willing to make adjustments to the application, and concurred with his fellow Commissioners that Route 29 traffic is an issue. He further stated that the traffic consultants say that because of the age of the residents of the facility, they will not be using Route 29 during peak traffic hours. He stated that no school seats will be required, there will be 85% open space provided, and that the Semple farm is very attractive. He stated that the use as requested is wise, and would bring in a half million in tax revenue to the County.

Mr. Guerra stated that this request will benefit senior citizens of Fauquier County, and that the County is behind in the nation in special housing and care benefiting senior citizens. He stated that this is ideally located on Route 29, that he does not believe there will be a problem with traffic. He stated that this proposal will be tax positive and no extra benefits will be required.

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to recommend approval of the request subject to the following conditions:

General Provisions

1. 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, dated December 14, 2001, and revised April 9, 2002, as qualified by these development conditions, with the exception that accessory structures as otherwise permitted in

the underlying zoning district shall be permitted in accordance with the provisions in Article 6 of the Zoning Ordinance.

2. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development.
3. The applicant shall file a site plan within one year of approval of this special exception approval.
4. The special exception shall expire and be null and void unless a Certificate of Occupancy for the first occupied unit or building is issued within three (3) years of the date of approval for the special exception, or a Board of Supervisors extension is approved.
5. The use of the property shall be limited to the following housing components: one 40-bed assisted living facility structure, one 16-unit condominium structure, 30 individual cottage units and 20 duplex units.

Discussion: Staff is still of the opinion that an overall reduction in density should be considered by the Planning Commission to satisfy the general standards for a special exception by minimizing the potential for adverse impacts. In addition, any reduction in density will further minimize transportation impacts to the Route 29 corridor. For the Planning Commission's deliberation, the applicant's proposed density is a 40 bed assisted living facility, 32 condominium units, 50 cottages and 30 duplex units.

6. The Certificate of Occupancy for the assisted living facility shall be obtained prior to the issuance of the 8th building permit for an individual residential unit.

Discussion: Staff's original intent was to provide a mechanism to guarantee that the assisted living facility component of the community would be completed. The applicant would prefer to tie this condition to the construction of the facility. Upon further evaluation, staff recommends that the building permit stage provides the County with a more formalized assurance.

7. The assisted living facility shall be licensed by the Virginia Department of Social Services and any other appropriate Federal, State and/or local agency prior to the issuance of the Certificate of Occupancy for the facility.
8. The total area of the site developed for the continuing care facility shall be limited to 30± acres as generally depicted on the Special Exception Plat. Unless the Board of Supervisors approves an amendment to this special exception, the remaining parcel acreage (90± acres) shall be deed restricted from further development with limited exceptions through a recorded easement. Those exceptions are limited to the following uses:
 - a. Installation of utility poles, transformer, lines and facilities related to the transmission and distribution of electricity, telephone and cable;

- b. Natural gas lines, reduction station equipment and facilities related to the distribution of natural gas;
 - c. Installation of well for potable use, septic tank, drainfield and required reserve, and effluent lines for the facility, facilities for the production and or distribution of potable water for domestic use, wastewater treatment plant and related systems as otherwise permitted;
 - d. The referenced easement will include the conditions mentioned above, and shall be reviewed and approved by the County Attorney.
9. The Applicant shall obtain and, as necessary, maintain all applicable Federal, State and local permits. In addition, the Department of Community Development, on behalf of the Fauquier County Board of Supervisors, reserves the right to inspect the site at any reasonable time without prior notice to ensure that the operation of the Facility meets the conditions of this special exception.
 10. The applicant agrees that the housing shall be age-restricted in nature, in accordance with the Fair Housing Amendments Act of 1988, as amended, so that at least one occupancy of each unit is at least 55 years of age or older. In addition, the applicant agrees that no occupancy of any unit shall be under the age of 19.
 11. The applicant shall establish, as a method of guaranteeing continuing adequate maintenance for the facility, a base reserve of \$1,000 per unit sold. The funds shall be collected at closing for each unit and placed into an interest bearing account establishing this fund prior to the first occupancy permit. A minimum of 50% of the funds shall be reserved and dedicated to the maintenance of the sewage treatment facility.
 12. The special exception is granted for and runs with the land indicated in this application and is not transferable to other lands. Conditions of the permit shall be applicable to all successors and assigns of the applicant. In the event that the applicant challenges any condition of this special exception, the Board of Supervisors evidences its intent that these conditions are not severable.
 13. Prior to final site plan approval the applicant shall submit for review by the County Attorney's Office, draft covenants to be recorded and running with the lands and binding on all owners of condominiums and lands in perpetuity. Such covenants shall address at a minimum: insured conformance with age restrictions in compliance with Federal laws, guarantee of continued performance and maintenance of the sewage treatment facility, private roadways, landscaping and grounds and buildings or structures.

Emergency Services

1. The applicant has agreed to and shall make a \$50,000 cash contribution to Fauquier County for the sole purpose of assisting in the purchase of a new ambulance for the New Baltimore Volunteer Fire and Rescue Company. Such contribution shall be made prior to the issuance of the first zoning permit for any residential unit or the assisted living facility.

2. In order to allow for 24-hour emergency service access, the gatehouse shall either be manned by an employee 24 hours per day, or the applicant shall provide to the New Baltimore Fire and Rescue Squad a means of accessing the entrance gate.
3. The applicant agrees that all residential units shall be served by individual residential sprinklers for fire protection.

Environmental Conditions

1. Prior to site plan approval, the applicant must provide the County with any official wetland determinations made by the U.S. Army Corps of Engineers and recommended actions which the applicant needs to accomplish resulting from site construction. Prior to issuance of the Certificate of Occupancy for the Facility, the applicant shall demonstrate to the Department of Community Development that all Federal wetland requirements, if any, have been completed to the satisfaction of the U.S. Army Corps of Engineers.
2. Best Management Practices shall be incorporated into final stormwater management designs at the time of site plan submission.
3. The erosion and sediment plan designed at the time of site plan submission shall incorporate filtration practices due to the high mica content of many of the soils on site.
4. The applicant shall obtain a Federal Emergency Management Agency approved floodplain revision prior to approval of the site plan.

Landscape and Buffer Requirements

1. A landscape/buffering plan shall be prepared and submitted with the site plan for the facility, pursuant to Zoning Ordinance requirements for approval by the Department of Community Development. In the described plans, native species shall be the principal planting categories used for the benefit of existing and future wildlife populations. Species should include, but not be limited to, hollies, loblolly pine, red cedar, white pine, leyland cypress, willow oak, sycamore, locust, waxmyrtle, highbush blueberry, downy serviceberry, redbud, and similar types. The planting plan will be submitted as part of the site plan and shall meet the landscape and buffering requirements contained in Section 7-600 of the Zoning Ordinance. The plan shall also include:
 - a. **Perimeter Buffering:** The applicant shall identify tree stands, which are to be preserved and the method of protection and site management before and after construction. The details shall be included as part of site plan design and approval. The applicant shall plant a forested buffer serving as a visual screen as indicated on the special exception plat and otherwise required by Zoning Ordinance provisions.

b. Maintenance.

- (1) **Dead and Dying Trees and Replacements.** The applicant shall replace any trees planted along the forested buffer pursuant to 2.a that die within three (3) years of planting. If any trees shown on the approved site plan to be preserved or planted as part of the perimeter buffer become diseased or are dying, then the applicant may remove those trees. If the removed trees are part of the screening buffer as shown on the approved landscape/buffer plan, then the applicant shall replace with such number of trees as are necessary to satisfy the screening intent of the approved landscape/buffer plan. The replacement trees shall be planted as nearly as possible to the location of the removed trees. The replacement trees must be the equivalent to that shown on the approved plan.
- (2) **Protection.** The applicant shall be responsible for and employ reasonable efforts for the protection of the tops, trunks and roots of all existing trees, as well as other vegetation on the site. Protection devices shall be installed along the limits of clearing and grading, prior to any construction occurring on-site. Such protection shall be maintained until all work in the vicinity has been completed, and shall not be removed without the consent of the County Engineer.

Lighting Requirements

1. The facility lighting shall comply with the performance standards contained in Section 9-900 and 9-1000 of the Fauquier County Zoning Ordinance. All outdoor light fixtures shall be fully shielded as identified in Section 9-1006 of the Zoning Ordinance, and a fully shielded fixture must be a full cutoff luminaries with full cutoff optics.

Transportation Requirements

1. The applicant shall dedicate right-of-way in the amount of 35 feet from the existing property line along the property's entire Route 29 frontage, with an additional 50 foot reservation for a possible future service road. The applicant shall also dedicate 25 feet of right-of-way along the Route 673 frontage of the property.
2. The applicant shall design and construct all frontage improvements to serve the site as indicated on the special exception plat and determined by the Virginia Department of Transportation at the time of site plan review.

Discussion: The reference to the approved special exception plat improvements should suffice and limit the potential for future interpretation issues.

3. The applicant shall contribute \$40,000 presented to the County and placed in a Transportation Escrow Account for the signalization of the intersection of the project entrance/Baldwin Street and Route 29. Such payment shall be made prior

to the issuance of the first occupancy permit for any residential unit or the assisted living facility. Upon request from VDOT, the County shall deliver the escrowed fund to the Virginia Department of Transportation (VDOT).

4. Adequate traffic controls, as determined by VDOT, shall be established for all construction traffic and also for activities within the public right-of-way.
5. No open cutting or trenching of Route 29 shall be permitted in association with utility crossings.
6. No valves or "blow-offs" or fire hydrants shall be permitted in the public right-of-way.
7. The unpaved emergency access road depicted on the special exception plat shall be a minimum width of 15 feet, designed and constructed so as to handle emergency vehicles in both wet and dry conditions.

Private Sewage Treatment System

Prior to site plan approval for the continuing care facility, the applicant shall:

1. File an application with the Health Department for the proposed private sewage system.
2. Conduct a preliminary meeting with the Health Department to determine basic design parameters such as flows.
3. Submit a soils evaluation proposal to the Health Department and the County Soil Scientist. As part of this evaluation, the applicant shall conduct a saturated hydraulic conductivity test (K-sat) to determine a permeability rate that will be used as part of the design criteria.
4. A site visit shall be held with representatives from the Health Department and the County Soil Scientist to determine suitable areas.
5. Submit a design to dispose of sewage effluent and calculate nitrate loading, and ponding and disposal means in accordance with State and local health codes.
6. Complete any design revisions deemed necessary by the Health Department's engineer and submit the revised package to the local Health Department for the issuance of a permit.

In addition, the following general provisions shall also apply:

7. The private sewage treatment facility shall be operated by a Class III wastewater operator licensed by the Commonwealth of Virginia. Written documentation shall be provided to the Building Official in the form of an operator agreement prior to the issuance of the first occupancy permit for the facility.

8. The applicant shall provide an annual certification statement to the Zoning Administrator indicating that a Class III operator is under contract for the sewage treatment facility.
9. Either the applicant or the licensed operator shall ensure that 24-hour a day monitoring and notification systems and procedures are in place for the sewage treatment operations. The applicant shall be responsible for notifying the County and all adjacent property owners of any system malfunctions within 24 hours of the occurrence of the malfunction.
10. Monitoring reports of the sewage treatment system shall be submitted to the Health Department as required on a routine basis, with accumulated results submitted to the Zoning Administrator on an annual basis.
11. Before the issuance of the first occupancy permit, the applicant shall provide written evidence to the Building Official that the applicant has arranged for the appropriate disposal of biosolids produced on site.

Mrs. McCarty stated the following:

"I also have concerns about Suffield because of the density. The proposal moves the parcel from RA density to the density of R-1, and, while it is true that this development does not require school seats, it puts other burdens on the infrastructure and is this really tax positive? Suffield is riskier than other conventional subdivisions. Will the consideration of extension of sewer be made on the basis of drainfield failure? We have asked and been denied homeowners documents, and we need comprehensive review of homeowners management entity documents. We need to be able to assess risks and better understand the complete breakdown of ownership of the property. We need to know who will take over managing the sewage treatment if funds run out. Is there an adequate management for the condo until the HOA takes over? What are the long term maintenance agreements for the roads if the streets are not dedicated? In addition, I am not sure that the traffic trip analysis is not biased in the sense that the average age of residents in the four facilities studies were much older than that of Suffield, perhaps by 25-30 years. The people there will be 55 years old perhaps, with potentially younger spouses who could work and commute to work at peak hour traffic. In examining the material given by the applicant, we can see from other similar project examples that the administrative staff starts work at 8:30 A.M., nursing staff starts work at 7:00 A.M. and the other staff leaves at 7:00 A.M., and the kitchen staff at 6:30 A.M. They too can be assumed to impede rush hour traffic. Finally, in the assisted living building, if safety is the issue, I am told by professionals, multi-story buildings are more intrusive. I think the building is in order to avoid multi-story in order to provide enough open space. I did not get very clear answers on the levels of care, but what I do know is that they are not intended to guarantee skilled life care, meaning that you cannot age in place. The final, shortcoming is demonstrated need. The owner of an assisted living community in Manassas, Front Royal, Culpeper, Orange, Stephens City, Strasburg, Louisa, Warrenton and Marshall was asked to consider managing Suffield and declined due to a demographic study. In sum, I will not be able to vote in favor of this."

Mr. Stone stated the following:

"The applicants and their representatives have conducted themselves admirably during this review process. As a result, whatever our recommendation to the Board of Supervisors, we will be sending forward an improved product. The new locations of the proposed pumping station and the continuing care facility enhance an excellent basic concept. The proffered transportation improvements are helpful, if not fully mitigating. I would wish, however, that the applicants had given more serious consideration to staff recommendations to reduce density.

With regret and full respect for the applicants, I will vote to recommend denial of the special exception application and Comprehensive Plan change. My reasons are as follows:

- 1. Any addition to traffic on Route 29 that can be avoided should be avoided. Suffield will put additional traffic on that already troubled roadway where driving already is uncomfortable and unsafe at almost any time of day. Improvements to Route 29 are well over the horizon while residential development adds every day to the load it must carry. Just across the way the Jamison property is being readied for around 100 additional single family residences which will probably be occupied at about the same time Suffield opens. The Jamison's right to develop their property is established. Its contribution to the traffic problem must be accommodated. Suffield's proposal is not by right. Its admittedly smaller addition to the traffic problem need not be made.*
- 2. The Suffield property was excluded from the Service District by New Baltimore's Citizen Planners in 1999. Their work was incorporated into the Comprehensive Plan and adopted by the Planning Commission and the Board of Supervisors, creating a model for citizen participation in the County. The Comprehensive Plan does not have the authority of zoning ordinance but to have meaning it should be respected where possible. In this case, zoning and the plan coincide. Both should be respected and maintained.*
- 3. While the Zoning Ordinance allows special exceptions to permit continuing care facilities and residential care facilities in RA zones (implying age restricted residential communities) such exceptions are not by-right. The Suffield Farm location is not appropriate for such a community:*
 - First, because its residents will have to use Route 29;*
 - Second, because residents will have to look at Route 29;*
 - Third, because residents will have to breathe the air pollution from Route 29;*
 - Fourth, because residents will have to bear the noise from Route 29;*

- *Fifth, emergency vehicles, which can be expected to answer many calls at Suffield, will have to deal with Route 29 traffic.*

The Suffield concept is excellent. It would fit nicely at Vint Hill's Land Bay H or on the Jamison property. It is inappropriate at this proposed location.

4. *With proper management the proposed waste disposal system will work. The Planning Commission, the applicants and staff have laid out the requirements for management and can have a high degree of confidence that problems will be avoided. However, we do not live downhill from the drainfield, do not have to drink the water there, and do not have equity in those homes. Certainly those who do live there and who have invested there have some cause to be less trusting and more protective against possible failures. They bought their homes in good faith and should not have to face a new hazard, however slight. Until the County can guarantee against system or drainfield failure, it should not approve this application and no guarantee is possible.*

The temptation to approve this project will be great. It would be revenue positive and it would offer employment. How many elderly citizens of Fauquier would reside there or use its care facility is not clear, but there would be some. If it is indeed approved it should be done with the design changes and conditions already agreed and at the lower density recommended by the Community Development staff."

Mr. Robison stated that the Commission and staff have spend a lot of time on this application and that it is both a sweet and sour application. He stated that it should be at another location.

The motion of approval failed 2-3 with Mrs. McCarty, Mr. Stone and Mr. Robison voting against the motion.

On motion made by Mr. Robison and seconded by Mr. Stone it was moved to recommend denial of the request, and if the Board of Supervisors is considering it then they should consider the following items:

1. The recommendation of staff with respect to density reductions;
2. The assisted living facility should be one story and moved further from Route 29;
3. The mass drainfield should be approved prior to site plan approval.

The motion carried 3 to 2 with Mr. Sinclair and Mr. Guerra voting against the motion.

- c. **#SE02-S-16 - Roger L. Elgin, III, Trustee, owner, and Barbara Elgin, applicant** - applicant wishes to obtain special exception approval under Category 5 of the Zoning Ordinance which would allow for an outdoor education facility, and Category 9 which would allow for a tent campground. The property contains 93 acres, is zoned Rural Agriculture (RA), and is located at 2737 Landmark School Road (Route 776), Scott District. (PIN #7012-44-4382-000)

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

Mr. Robison asked about Condition #6 and the size of the bathhouse and Mrs. Elgin replied that the dimension would be 20 feet by 40 feet.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to recommend approval of the request subject to the following conditions:

1. The 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 revised April 16, 2002, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any site plan submitted pursuant to this special exception shall be in substantial conformance with the special exception plat revised April 16, 2002, and these conditions.
4. This special exception shall be granted for a period of three years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. There shall be no subdivision of the subject property without amendment to the special exception.
6. There shall be no new permanent structures constructed in association with this use without amendment to the special exception approval, with the exception of a bath house as required by the Health Department and generally depicted on the special exception plat with a maximum size of 800 square feet.
7. The proposed principal entrance to the site from Route 776 shall be upgraded to include a wider entrance (30-foot minimum) to accommodate two-way traffic at the site entrance. Such improvements shall be indicated on the site plan and constructed to VDOT standards.
8. The school and camp shall operate only between the months of June through August of each calendar year. The days of operation shall be Monday through Friday, with no weekend activities permitted. Activities, exclusive of camping, shall be limited to the hours of 8:00 A.M. through 4:00 P.M., Monday through Friday.
9. The weekly attendance for the use shall not exceed 12 students.
10. The applicant shall submit to the Zoning Administrator, on an annual basis, a summary of attendance records for the events to ensure that attendance limitations are maintained.

11. No campsite shall be closer than 100 feet from any lot line.
12. All parking must be provided on site, and shall be no closer than 100 feet from any adjacent property.
13. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of vehicle and field fires.
14. Restroom and shower/bathing facilities shall be provided in accordance with Health Department regulations. Such approval shall be evidenced prior to site plan approval.
15. All food operations shall be in accordance with Health Department regulations and written evidence of such approval shall be provided to the County prior to the issuance of the Certificate of Occupancy for the use.
16. In no event shall fireworks, hot-air balloons or helicopters be used in association with this use.
17. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
18. There shall be no outdoor music or amplified sound associated with this use.
19. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
20. Fire extinguishers meeting State and Federal standards shall be provided at all events.
21. All perimeters of the subject property shall be marked with posts and signage at 100 feet intervals, with inward facing signs indicating that campers are not permitted beyond the property boundaries.
22. Evidence of all required State and Local licenses to operate an overnight camp in the Commonwealth of Virginia shall be provided to the Zoning Administrator prior to site plan approval.
23. The applicant shall provide at least one staff member on site at all times that the camp is in operation with basic first aid training to include cardio-pulmonary resuscitation.
24. The site entrance shall be relocated approximately 150 feet southeast of the existing drive and improved per Virginia Department of Transportation requirements as specified in their April 24, 2002, letter to County staff.

The motion carried unanimously.

- d. **#SE02-CR-18 - James O. Holbrook, IV, Trustee & Others, owner, and Schiebel Technology, Inc., applicant** - applicant wishes to obtain special exception approval under Category 17 of the Zoning Ordinance which would allow for a general industrial use in a Rural Agricultural District. The property contains 320 acres, and is located on Harpers Run Road (Route 836) on the east side of Marsh Road (Route 17), Cedar Run District. (PIN's #7807-84-7951-000 and #7807-87-9049-000)

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

Mr. Stone stated the following: *"I will be moving to approve this. I just want to make it clear that I think the record shows this is a very clean industry, it is going into a rural location, and it will have the effect of protecting rural agricultural land for an unspecified period of time. There is no guarantee that the applicant will be there forever. I would like to see the applicant, at some point, consider a permanent open space deeded easement, and I will be chasing them down and talking to them about that subject sometime soon. I do think that this is the kind of industry we would like to see in Fauquier County. It fits that secluded place because of the open space and the need to do some minor testing of small aircraft. It has no pollution implications at all, and, as a result, I am going to move that we forward this application to the Board of Supervisors with a recommendation of approval."*

The motion was seconded by Mr. Robison.

Mr. Sinclair stated the following: *"I would be remiss if I did not restate for the record some of my concerns that I voiced this morning. I do not question the product, I do not question the type of industry that is being provided, but we have taken some issue with having RA zoning areas converted into residential and particularly RA that is pretty much in the midst of suburban America. There is rural countryside that we are going to infuse and an industrial use I don't understand; we have talked about it and I will support my colleague from Cedar Run in this, but I do not thoroughly understand. I will use something that Mr. Stone said a few moments ago, if I were a nearby neighbor, and I had a chopper going up next to me, and perhaps around the perimeter of my property, I would certainly wish to have an iron clad guarantee that my property would not be impacted. Mr. Chairman, for the record, I would be remiss if I did not talk to that. I am having some difficulty understanding the equity of this situation."*

Mr. Guerra stated the following: *"I cannot in any way vote in favor for this project. I think the project itself is a good one if we put it someplace else, maybe where there is a lot of land, like in Marshall or something like that. But to put an industrial project in an agricultural land, I am a little bit confused, because the same people who are pushing this now, just a few moments ago rejected a senior housing use in an RA area, which is surrounded by residences. This proposal is located on 340± acres, and the applicant states that he wants to use only one acre. Now they are talking about expanding it to 2, 3, 4 acres, not 9 people but maybe 25 employees or more. This is an RA, agricultural use. Now I understand that the same company not only is involved in helicopters, somewhat similar to what is being used in Afghanistan and elsewhere, but they are also interested in detecting land mines. Now I am told that mine detection testing is not being done here in the County, but it is done elsewhere. Where elsewhere is, I don't know. If they are going to have detectors they are going to have to test them somewhere. Are they going to test within those 340 acres? I can bet you life that they will. I am concerned"*

about this. RA should be for agriculture uses or with an industry that will help agriculture. I object strongly to the proposed application. I have had a number of people within my area, which is right on the border of Cedar Run and Lee District who question this item in the RA. If it is going to be done, let it be done in an industrial area. Right in Lee District we have an industrial area right on Route 29, which is just south of Opal. There is at least 100 acres, and that certainly should be sufficient for this project to have it there. I do not believe that this is an item that will be a benefit to Fauquier County and to the citizens around it. I don't believe, also, that the citizens in the neighboring area have been properly informed of the possibility of the potential use of this County, and, therefore, I am very much against it."

Mrs. McCarty stated the following: *"I just want to say that this is three acres, and 25 employees. We are not considering expanding it, it is in the middle of land that will continue to be farmed, it is tax positive, and the other analogies of ODEC and Suffield seem to be much more invasive. I don't understand the comparison."*

Mr. Robison stated the following: *"I would mention that I also have some concerns with this application. I do recognize the financial benefits of the County without the traffic impacts of other projects we have seen today. That is why I am willing to approve his project subject to the conditions outlined by staff with a maximum of 25 employees."*

The motion for approval subject to the following conditions carried 4 to 1, with Mr. Guerra voting against the motion.

1. The 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, dated January 28, 2002, as qualified by these development conditions, with the exception that up to two (2) additional acres of land may be utilized for the expansion of the use established by this special exception, with all other development conditions remaining in effect with said expansion.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development.
4. The applicant shall file a site plan within one year of approval of this special exception.
5. The subject parcels under this special exception shall not be subdivided without amendment to the special exception in accordance with the provisions of Article 5 of the Zoning Ordinance.
6. The limits of disturbance shall be limited to those areas indicated on the special exception plat, unless the Director determines that some modification is necessary at the time of site plan review due to final engineering requirements.

7. Best management practices shall be incorporated into stormwater management designs to the satisfaction of the County Engineer as determined at the time of site plan review.
 8. The applicant shall obtain all necessary approvals for a commercial well and septic drainfield from the Health Department prior to site plan approval. If the final drainfield system is alternative (as classified by the Commonwealth of Virginia) in nature, the applicant shall enter into an operation and maintenance agreement with a qualified party and provide evidence of such an agreement to the Building Official prior to the issuance of the Certificate of Occupancy.
 9. The applicant shall comply with all applicable zoning regulations, including but not limited to setbacks, buffer yards, tree canopy, landscaping, parking and lighting.
 10. The building façade shall be designed in a nature similar to a residential or agricultural structure to maintain the character of the area. An architectural rendering shall be submitted to the Zoning Administrator at the time of site plan submission to ensure that this condition is satisfied.
 11. A commercial entrance capable of accommodating two-way traffic shall be constructed to VDOT's satisfaction, with final design standards to be determined at time of site plan review.
 12. The hours of operation shall be 8:00 A.M. to 5:00 P.M., Monday through Friday, with emergency service operations only permitted in the evenings or on the weekends.
 13. Any test flights of the product produced on site shall be limited to the hours of operation specified in Condition #12 above, shall not occur over any property other than those included in the application, and shall be limited to a flight box area to be depicted on the final site plan. The flight box area shall not be closer than 100 feet from any adjacent property line.
 14. Test flights at a height in excess of 500 feet in elevation shall be conducted only after the applicant has provided the Federal Aviation Administration with a "Notice to Airmen" no later than the day of such testing in order to minimize potential air-related conflicts generated by this use.
 15. The number of employees on site shall not exceed 25.
 16. All lighting shall be backshielded and directed inward and downward so as to minimize off-site impacts.
 17. There shall be no retail sales associated with this use.
4. **COMPREHENSIVE PLAN AMENDMENT (#CPA02-S-04) - SEMPLE FAMILY LIMITED PARTNERSHIP, OWNER, AND AML DEVELOPMENT CORPORATION, APPLICANT** - applicant wishes to obtain a Comprehensive Plan Amendment to allow the Fauquier County Water and Sanitation Authority to extend water service to the property, which is beyond the New Baltimore Service District boundary. The property contains 120 acres, is zoned Rural Agriculture

(RA), and is located on the northwest side of Route 15/29, Scott District. (PIN #6995-79-4111-000)

Mr. Davis reviewed the request, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to recommend approval of the request. The motion failed 2 to 3 with Mrs. McCarty, Mr. Stone and Mr. Robison voting against the motion.

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to recommend denial of the request. The motion carried 3 to 2 with Mr. Sinclair and Mr. Guerra voting against the motion.

5. **PRELIMINARY PLATS**

- a. **#PP00-S-23 - Charles & Thelma Jamison, Trustees, owners/applicants** - applicants wish to subdivide 166.67 acres into one-hundred two (102) lots. The property is zoned Residential-1 (R-1), and is located off Lee Highway Route 15/29/211), Scott District. (PIN's #6995-65-2468-000 and #6995-76-6411-000)

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

Mr. Sinclair stated that the Commission and staff has been dealing with this for 15 months and that he feels comfortable that this can be moved forward.

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to approve the preliminary plat subject to the following conditions:

1. The final construction plans and record plat shall be in substantial conformance with the preliminary subdivision plat prepared by Carson Harris entitled "Jamison's Farm" dated December 15, 2000, last revised April 9, 2002, and received in the Planning Office April 10, 2002. However, the plat may be modified to meet the conditions of this preliminary plat approval or subsequent special exception approvals. Final engineering and environmental analysis shall determine the final location of the SWM/BMP ponds, active recreation areas and trail alignment.
2. This approval is for a maximum of 103 single-family residential lots.
3. Access to Route 29 shall be as generally shown in alternative 2 or 3 as on Sheet 8 of 8 on the preliminary subdivision plat dated December 15, 2000, last revised April 9, 2002, and received in the Planning Office April 10, 2002. The Virginia Department of Transportation (VDOT) and the County shall a make final determination on the Route 29 access prior to final construction plan approval.
4. The interparcel connection to the Lake Whippoorwill subdivision shall be substantially in conformance with the preliminary subdivision plat revised April 9, 2002, unless the Board of Supervisors amends that connection. If the access is amended, the final construction plans and final plat shall show that connection as

amended by the Board of Supervisors. The developer shall bond and construct these required interparcel connection improvements to the common property line with Lake Whippoorwill, as determined during the final construction plan process. The applicant/developer shall post a sign that indicates that a future connection may be made at this location at the interparcel connection terminus at the Lake Whippoorwill/Jamison's Farm common property boundary, and the homeowners' association shall maintain and ensure its continuous posting until such a connection is made. The location, sign, materials and wording of said sign shall be determined by VDOT and the County prior to final construction plan approval for this section of the development.

5. Prior to issuance of the first occupancy permit, the applicants shall be required to contribute \$40,000 into a transportation escrow account for the signalization of the Baldwin Street/Route 29 intersection.
6. Prior to issuance of the first occupancy permit, the existing highway crossover locations along the applicants' frontage of Route 29 shall be removed at the applicant's expense as determined by VDOT at the time of final construction plan review.
7. The final construction plans and final plat for each phase of the subdivision shall show the floodplain limits as approved by the Federal Emergency Management Agency (FEMA) and the County Engineer.
8. In no instance shall more than 25% of any individual residential lot be covered with floodplain. The final subdivision plat may be modified to adjust lot lines to ensure that no more than 25% of any residential lot is located within the floodplain.
9. Prior to final plat approval for any phase of the development that involves floodplain disturbance, the applicant shall obtain a special exception to permit the proposed floodplain crossing as shown on the preliminary subdivision plat and meet all conditions of SE02-S-19. No fill shall be permitted in the floodplain per Zoning Ordinance Section 4-405, Permitted Uses, without special exception approval.
10. Prior to final construction plan approval for any phase of the development that involves floodplain disturbance of a permanent nature, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction of the floodplain crossing. Bonding shall be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.
11. Prior to the issuance of any land disturbing permits for any sections of this development that impact wetlands or regulated waterways, the applicant shall submit written evidence indicating to the County Engineer that the U.S. Army Corps of Engineers and/or the Virginia Marine Resources Commission has approved any disturbance within wetland areas or other regulated waterways.

12. A minimum of 20% of the required open space shall be located outside of the floodplain, and a minimum of three (3) acres shall be so located and shall have dimensions and topography as to be open space usable for active recreation.
13. The applicant shall work with the Parks and Recreation Department to address the proposed facilities within the open space areas.
14. Prior to final record plat approval, the Parks and Recreation Department shall have the opportunity to review and comment on the homeowners' association documents as they relate to the recreational facilities.
15. The paved trail locations shall generally follow the alignment as shown on the preliminary plat prepared by Carson Harris entitled Jamison's Farm, dated December 15, 2000 last revised April 9, 2002, and received in the Planning Office April 10, 2002.
16. The applicant agrees to and shall grant Fauquier County an easement along the trail system to be constructed by the developer and maintained by the homeowners association and shown on the preliminary subdivision plat. Further, the developer shall grant Fauquier County an easement for a future trail connection to Baldwin Street (Route 673). The developer and the Fauquier County Parks and Recreation Department shall determine the exact location of this future trail easement prior to approval of the final construction plans.
17. All Stormwater Management and BMP facilities shall meet the requirements of the Northern Virginia BMP Handbook and the Virginia Erosion and Sediment Control Law.
18. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plat as required pursuant to Section 7-600 of the Zoning Ordinance.
19. All non-conventional sewage disposal systems shall have an operation, maintenance, and monitoring schedule established and approved by the Health Department and the County Soil Scientist prior to final construction plan approval. This operation, maintenance and monitoring schedule and contract shall be valid for the lifetime of the system.
20. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
21. 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 August 24, 2000.

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

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

22. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
23. The following two statements shall be placed on the same plat map.
 - a. "The County recommends that no below grade basements be constructed on soil mapping units 16B, 10B, 110A, 415B, 416B and 416C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer".
 - b. "The County recommends that before road or home construction begins in the soil mapping units 33C, 33D, 33E, 56D and 56E 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".
24. This plat shall be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.
25. This map shall be submitted to the Soil Scientist Office before final plat approval is made.
26. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
27. Pedestrian trails are to be separated from vehicle lanes. Shoulder widening to accommodate trails is not recommended.
28. 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 Subdivisions Streets	10-year
U.S. Route 29	25-year

29. It is desirable for all parallel utilities to be placed outside the street's right-of-way. However, any parallel utility placement within the highway right-of-way must be placed on the outer 3 to 5 feet of the edge of the right-of-way. Manholes shall not be located in the travel-way of the street. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
30. Trees within street rights-of-way shall not be credited towards satisfying Fauquier County's tree canopy requirements.
31. Unpaved portions of street rights-of-way shall not be credited towards open space requirements.
32. If a single entrance on Route 29 permitted, it shall be designed and constructed consisting of a right-in/right-out configuration. The following conditions shall apply to the Route 29 site entrance:
 - a. The entrance shall be located where desired sight distance can be achieved in both the Northbound and Southbound direction of Route 29.
 - b. A deceleration lane at the entrance location shall be the developer's responsibility with lengths determined prior to final construction plan approval. This shall be in addition to lane extensions associated with Route 673 (Baldwin Street) access.
 - c. Additional right-of-way in the vicinity of the entrance shall be dedicated for the purpose of entrance construction.
 - d. The entrance shall not be constructed prior to the issuance of the fifty (50) occupancy permit.
33. Turn lanes at the nearest median breaks may need to be improved to accommodate u-turn traffic movements. The exact scope of this work shall be determined during the final construction plan review and the design and construction of these improvements shall be the applicant's/developer's responsibility.
34. The applicant shall design and construct turn lane improvements at the Baldwin Street (Route 673) intersection, as required by VDOT.
35. A fifty-(50') foot strip between the Route 29 proposed right-of-way dedication (25 feet) and any rear lot line of lots 98 – 103 shall be indicated during the final construction plan design. The lot and road configuration in this section of the development may be modified to accommodate the inclusion of this 50-foot strip. This area shall remain in its natural state or be cleared for the first fifteen (15') feet from the Route 29 right-of-way dedication. Within the 15 feet immediately adjacent to the rear of lots 98-103, the developer shall construct a landscaped berm. This landscaped berm shall be in addition to the landscaping/tree canopy required by Article 7 of the Zoning Ordinance, Tree Canopy, Landscape and Buffering Requirement. The details of the landscaping for the berm shall be

approved by the County as part of the final construction plan approval and will include a mix of evergreen, deciduous, and understory flowering trees as well as a mix of shrub material. No permanent structures, including stormwater management facilities shall be permitted within the first 15 feet of this 50-foot strip. The developer may locate a subdivision sign as part of a landscape feature, as permitted by the Zoning Ordinance, beyond the first 15 feet.

Mr. Robison stated that he is concerned about safety issues and the setback along Route 29.

Mr. Sinclair stated that it is his understanding that an additional 50 foot berm has been added along Route 29.

Mr. Stone asked Mr. Robison if his major concern is the entrance on Route 29 and Mr. Robison replied yes. He also asked Mr. Robison if he would like to see this entrance eliminated.

Mr. Robison replied yes, that he would like to see the entrance eliminated and more of a buffer added between Route 29 and the lots.

The motion failed 2 to 3

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to recommend denial of the request and that the concerns about Route 29 be forwarded to the Board of Supervisors. The motion carried 3 to 2 with Mr. Sinclair and Mr. Guerra voting against the motion.

- b. **#PP02-C-04 - Academy Hill Development, LLC, owner/applicant** - applicant wishes to subdivide 87.808 acres into sixty-one (61) lots. The property is zoned Residential-1 (R-1) and is located on the south side of Academy Hill Road (Route 678) east of its intersection with Millfield Drive, Center District. (PIN's #6984-93-2775-000 and E6984-83-4176-000)

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

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone the preliminary plat, at the request of the applicant, until the May meeting for further review. The motion carried unanimously.

- c. **#PP02-CR-06 - Golden Oaks Construction, Inc., owner/applicant** - applicant wishes to obtain preliminary plat approval to create two (2) lots of 1.5461± acres and one (1) 37.8017± acre lot from an approximately 40.9 acre parcel. The property is zoned Rural Agriculture (RA), and is located on Elk Run Road (Route 634), Cedar Run District.

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

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. The final plat shall be in general conformance with the preliminary subdivision plat entitled "The Paddocks at Elk Run" dated February 8, 2002, revised April 10, 2002, and received in the Planning Office on April 10, 2002.
2. A Virginia Certified Professional Soil Scientist (CPSS) shall adjust the Type I Soil Map soil lines onto the final drainfield plat. This shall be done in the field and checked for any additional soil information to be added to the final scale plat map.
3. A signature block shall be placed on this plat for the CPSS to sign which states:

Preliminary Soil Information Provided by the Fauquier County Soil Scientist Office via a Type I Soil Map (1"=400') Dated December 11, 2000.

This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"=) and certifies that this is the Best Available Soils Information to Date for Lots 1-3.

Va. Certified Professional Soil Scientist _____ Date _____
 CPSS #3401_____

4. Interpretive information from the Type I soil report for each mapping unit shown on the above plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
5. The following three statements shall be placed on the final plat map:
 - a. The County recommends that no below grade basements be constructed on soil mapping units 10A, 13B, 16B, 50B, 313B, 413B and C, 434B and C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
 - b. The County recommends that before road or home construction begins in map units 33B and C, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cut or excavation is done.
 - c. Before a home is started the builder shall mark the drainfield area off and not disturb it during construction.

The motion carried unanimously.

- d. **#PP02-CR-07 - Vint Hill Economic Development Authority, Land Bay "G", owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 30.0 acres into one-hundred (100) lots. The property is zoned Planned Residential District (PRD), and is located on Routes 215, 602 and 652, Cedar Run District. (PIN #7925-07-5247-000)

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

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
2. 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
3. It is desirable for all parallel utilities to be placed outside the street's right-of-way. However, any parallel utility placement within the highway right-of-way must be placed on the outer 3 to 5 feet of the edge of the right-of-way with the exception of sanitary sewer placement in the parking lane. Sewer manholes shall not be located in the travelway of the street. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
4. Trees within streets right-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
5. Unpaved portions of streets right-of-way shall not be credited towards open space requirements.
6. The trails network shall be generally in conformance with the revised plan dated April 10, 2002.
7. The final plan shall be in general conformance with the revised preliminary plan dated April 10, 2002.

Mr. Guerra stated that he is going to vote against the motion because of the cul-de-sacs. He stated that this is not a traditional design and cul-de-sacs promote non-safety features and unfavorable conditions. He stated that he is against cul-de-sacs and that the applicant should use more imagination.

Mr. Stone asked the reasons for this configuration and Mr. Carr replied that it was done during the rezoning process, and approved as part of the Concept Development Plan.

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- e. **#PP02-CR-08 - Vint Hill Economic Development Authority, Land Bay "H", owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 40.0 acres into ninety-three (93) lots. The property is zoned Planned Residential District (PRD), and is located on Routes 215, 602 and 652, Cedar Run District. (PIN #7925-07-5247-000)

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

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. All road design and construction shall be in accordance with VDOT's Subdivision Street Requirements manual and VDOT's Road and Bridge Standards.
2. 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

3. It is desirable for all parallel utilities to be placed outside the streets right-of-way. However, any parallel utility placement within the highway right-of-way must be placed on the outer 3 to 5 feet of the edge of the right-of-way with the exception of sanitary sewer placement in the parking lane. Sewer manholes shall not be located in the travelway of the street. Deviation from this condition requires prior approval by VDOT and will only be considered on a case-by-case basis.
4. Trees within streets right-of-way shall not be credited towards satisfying Fauquier County's tree canopy ordinance.
5. Unpaved portions of streets right-of-way shall not be credited towards open space requirements.
6. The trail network shall be in general conformance with the revised plan dated April 10, 2002.
7. The final plan shall be in general conformance with the revised preliminary plan dated April 10, 2002.

Mr. Guerra stated that he is going to vote against the motion for the same reasons as stated earlier concerning the cul-de-sacs.

The motion carried 4 to 1 with Mr. Guerra voting against the motion.

- f. **#PP02-CR-09 - Robert A. & Marion J. Ganteaume, owner/applicant** - applicant wishes to obtain preliminary plat approval to divide approximately 16.1 acres into two (2) lots. The property is zoned Residential-1 (R-1), and is located on the northeast side of Germantown Road (Route 649), Cedar Run District. (PIN #7900-55-1980-000)

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

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. The County recommends that no below-grade basements be constructed on soil mapping units 74B, 78A and 117B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
2. Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction.
3. The County recommends that before road or home construction begins in soil mapping units 77B and 77C, 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.

The motion carried unanimously.

- g. **#PP02-CR-11 - Herbert W. Lunceford, owner, and J. Scott Godfrey, applicant** - applicant wishes to subdivide approximately 122.6 acres into two (2) lots. The property is zoned Rural Agriculture (RA), and is located on the south side of Auburn Road (route 670), Cedar Run District. (PIN #6993-76-4201-000)

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

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to approve the preliminary plat subject to the following conditions:

1. The private street shall be constructed to a minimum width of 12 feet with grass shoulders. The private street shall have a paved thirty (30) foot wide section for the first fifty (50) feet of the entrance. The entire length of the right-of-way shall be no less than 50 feet and the access to Old Auburn Road, Route 670, shall be as indicated on the special exception plat and approved by the Virginia Department of Transportation.
2. Appropriately sized ditches, as determined by the County Engineer, shall be constructed along the private street.
3. The private street shall serve no more than one new lot and the residue lot indicated on the special exception plat.

4. The applicant shall obtain the proper land disturbing permits from the County if the area to be disturbed is in excess of 10,000 square feet and/or is disturbed prior to obtaining zoning and building permits for either of the two (2) lots.
5. Prior to subdividing the property, a road maintenance agreement applicable to all users of the private street will be executed. The subdivision plat and deed shall include the private street notation referenced in Section 7-306 of the Zoning Ordinance.
6. The slope of the private road shall not exceed 12%.

The motion carried unanimously.

- h. **#PP02-CR-10 - Amos L. & Jane E. Shipe, owners/applicants** - applicants wish to obtain preliminary plat approval to divide approximately 150.5 acres into three (3) lots, with future development of an additional three (3) lots. The property is zoned Rural Agriculture (RA), and is located on the southeast side of Elk Run Road (Route 806), Cedar Run District. (PIN #7827-04-3142-000)

Mrs. Clark reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement of the preliminary plat.

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the May meeting, at the request of the applicant. The motion carried unanimously.

6. **WAIVER OF SECTION 4-11 (1)(A) OF THE SUBDIVISION ORDINANCE REQUIREMENT FOR A CENTRAL WATER SYSTEM - RIDGE PLACE SUBDIVISION - O. WILLIAM GROVES, OWNER**

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement of the waiver request.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the waiver request until the May meeting, at the request of the applicant.

7. **INITIATION OF PROPOSED STORMWATER MANAGEMENT ORDINANCE** - Initiation of proposed County Code amendments to adopt a Stormwater Management Ordinance.

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

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to advertise the ordinance for a public hearing at the May meeting. The motion carried unanimously.

8. **INITIATION OF PROPOSED SUBDIVISION ORDINANCE TEXT AMENDMENTS**

- a. Initiation of Subdivision Ordinance Text Amendment to update the Virginia Code References, numbering inconsistencies, and other clarifications.

- b. Initiation of Subdivision Ordinance Text Amendments to Section 5 - General Standards of Design, Section 6 - Street Classifications, Section 7 - Minimum Street Improvements Required, Section 8 - Special Area Requirements for Use of Street Standards, and Section 17 - Geometric Design Specifications to update the street, sidewalk and trail design, construction standards, specifications and requirements.
- c. Initiation of Subdivision Ordinance Text Amendment to Section 9 - Preliminary Plats and Section 10 - Final Plats to address the processing of construction plans, profiles, and specifications through the Technical Review Committee.
- d. Initiation of Subdivision Ordinance Text Amendments to update the Ordinance to reflect the proposed Stormwater Management Ordinance.

Mrs. Cook reviewed the requests, copies of which are attached to and made a part of these official minutes.

Mr. Robison suggested having a work session in May and a public hearing in June on these amendments.

Mr. Sinclair stated that there is already a site visit scheduled for the May meeting and asked if we have time to do this also?

Mr. Guerra stated that we have a very busy schedule for May.

Mrs. Cook stated that the May agenda is not as large as today's, April agenda. She stated that we can schedule a work session for May and, if needed, continue it until the June meeting.

Mr. Guerra asked if this will be on the regular meeting day and Mrs. Cook replied yes.

On motion made by Mr. Guerra and seconded by Mr. Sinclair it was moved to schedule the proposed text amendment for a work session in May. The motion carried unanimously.

9. **CONSIDERATION OF SBA, INC. REQUEST FOR INDEFINITE DEFERRAL OF HOUSTON APPLICATION**

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to postpone the application for ninety (90) days. The motion carried unanimously.

10. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of the April 4, 2002, Meeting**
- b. **Special Permit - Smith Cattleguard, owner, and John Cassell/Fielding Kines, applicants** - applicants are requesting special permit approval to locate a mulching operation. This operation will include the production as well as wholesale and retail sale of the product. The operation is zoned Industrial-2 (I-1) and is located on Route 28 in Midland, VA, Cedar Run District.

- c. **Special Permit - John Hearsey, Jr. and Virginia Bromley, owners** - applicants are requesting renewal of a special permit to locate a gunsmithing operation from his home. The property is zoned Residential-2 (R-2) and is located at 7449 Foxview Drive, Warrenton, VA, Marshall District.
- d. **Variance - Eric Johnson, owner, and Richard Robison, AIA, agent** - applicant is requesting a variance for a two story addition which would be 14' from the property line wherein the Zoning Ordinance requires 25'. A variance of 11' is requested. The property is zoned Rural Agriculture (RA) and Rural Conservation (RC) and is located at 6300 Beverleys Mill Road, Scott District.
- e. **Variance - Elizabeth Oliver, owner, and Shenandoah Telephone Company, contract owner** - applicant is requesting a variance to two front yard requirements to locate a 12' x 6' pre-fabricated shelter for a by-right telecommunication shelter. The structure will be located 48' from James Madison Highway (Route 17) wherein the Zoning Ordinance requires 105', therefore, a variance of 57' from Route 17 is requested. The structure will be located 31' from Cannonball Gate Road (Route 690) wherein the Zoning Ordinance requires 75', therefore, a variance of 44' is requested. The property is zoned Rural Agriculture (RA), and is located on the southwest side of Route 17 near Bethel, Center District.
- f. **Special Permit - Catlett-Calverton Ruritan Club, Inc., owner** - applicants are requesting special permit approval to locate a meeting hall for their civic club and an identification sign. The property is zoned Rural Agriculture (RA) and is located on Catlett Road Route 28), Cedar Run District.

Mr. Robison stated that careful attention needs to be given to Item 10.e. so that the shelter be designed to blend with the environment and neighboring architecture.

There being no further business the meeting was recessed at 4:27 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, April 25, 2002, at 7:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, for public hearings. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mr. Brian Davis, Ms. Holly Meade, Mr. Paul McCulla, County Attorney, and Mrs. P.J. Gallagher, Clerk.

11. **CITIZENS TIME**

No one spoke.

12. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS**

- a. 12th Addition to Marshall/Warrenton Agricultural and Forestal District
- Paul L. & Suzanne H. Ashby, requesting to add approximately 28.11 acres, located at 9495 Conde Road (PIN's #6956-47-1441-000 and #6956-37-5005-000)

- Audrey Ashby, requesting to add approximately 22.5 acres, located at 9602 Conde Road (PIN's #6956-16-5119-000, #6956-16-3342-000 and #6956-17-4243-000)
- Charles C. & Deborah A. Cornwell, requesting to add approximately 33.27 acres, located at 9423 Conde Road (PIN #6956-48-3351-000)
- b. 2nd Addition to Paris Valley Agricultural and Forestal District
 - John E. & Antoinette M. Hudson, requesting to add approximately 263.92 acres, located at 2022 Leeds Manor Road (PIN's #6023-86-4564-000 and #6023-94-6137-000)
- c. 10th Addition to The Plains Agricultural and Forestal District
 - Roberta R. Jeffries, requesting to add approximately 87 acres, located at the intersection of Route 746, Mt. Eccentric, and Route 698, O'Bannon Road (PIN #6988-27-8257-000)
 - Lourdes Peralta, President of Privilege, Inc., requesting to add approximately 62.66 acres, located at 2734 Windcrest Lane in The Plains (PIN #7001-99-1604-000)
- d. 12th Addition to Springs Valley Agricultural and Forestal District
 - Jeffrey F. King, requesting to add approximately 58.85 acres, located at 8929 North Wales Road (PIN #6972-23-8203-000)
 - Sharon Maloney, requesting to add 54.483 acres, located on the south side of Pope's Ridge Road (Route 681) (PIN #6972-34-4551-000)
- e. 6th Addition to Cobbler Mountain Agricultural and Forestal District
 - Thomas A. and Patricia Fabyanic, requesting to add approximately 28.17 acres, located on the north side of Route 635, Hume Road (PIN #6938-85-7801-000)
- f. 5th Addition to Thumb Run Agricultural and Forestal District
 - Donna L. Koski, requesting to add approximately 25.0792 acres, located at 12025 Leeds Chapel Lane (PIN #6929-42-4716-000)
- g. 9th Addition to Upperville Agricultural and Forestal District
 - Paul E. and Marion C. MacMahon, requesting to add approximately 23 acres, located on the south side of Route 50, John Mosby Highway in Upperville (PIN #6054-36-7386-000)

Ms. Meade reviewed the requests, copies of which are attached to and made a part of these official minutes.

Mr. Robison asked if all of these can be discussed during one hearing, and Mr. Carr replied yes, that all can be opened and if anyone speaks ask them to identify the district they are speaking to.

Mr. Robison opened the public hearings.

In that no one appeared to speak for or against the requests, Mr. Robison closed the public hearing.

Mr. Guerra asked if Mr. MacMahon's 23 acre parcel is contiguous to other properties in the Upperville Agricultural and Forestal District, and Ms. Meade replied yes, that it is contiguous to a working farm already in the district. Mr. Guerra also asked the size of the farm and when it was added to the district, and Ms. Meade replied that she is not sure of the size, but that it was added more than a year ago.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to recommend approval of the additions subject to the following condition:

- If any of the parcels over 25 acres are subdivided or boundary adjusted to below 25 acres, then the parcels shall be removed from the District.
- If any of the parcels under 25 acres are subdivided, boundary adjusted or sold, then the parcels shall be removed from the district.

The motion carried unanimously.

13. **SPECIAL EXCEPTIONS**

- a. **#SE02-S-19 - W. Charles & Thelma Jamison, Trustees, owner/applicants** - applicants wish to obtain special exception approval under Category 23 of the Zoning Ordinance which would allow for the construction of two (2) road crossings and other grading in a floodplain of Mill Run and an unnamed tributary to Mill Run. The property is zoned Residential-1 (R-1), contains 166.667 acres, and is located on Route 15/29 at its intersection with Baldwin Street (Route 673), Scott District. (PIN's #6995-65-2468-000 and #6995-76-6411-000)

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

Mr. Robison opened the public hearing.

Mr. Jim Carson, Carson, Harris & Associates, representing the applicant, stated that the staff has done a great job on this request and that it complies with all County ordinances.

Mr. Charles Jamison asked the Commission for their approval of this request.

Mr. Rob Williams, adjoining property owner, stated his concerns about flooding of his property due to the disturbance of Mill Run, construction of two (2) bridges, ecological concerns about disturbing Mill Run, traffic congestion, and overcrowding of schools.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Sinclair stated that he has talked with Mr. Carson and that they have done their homework. He stated there was debate between using box culverts and conspan designs.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to postpone the request until the May meeting for further review. The motion carried unanimously.

- b. *#SE02-M-20 - Randall C. & Kathleen E. Boxall, et als, owners/applicants* - applicants wish to obtain special exception approval under Category 26 of the Zoning Ordinance which would allow for a reduction in the open space requirement. The property contains 50.666 acres, and is located at the end of Tucker's Lane (Route 625), southeast of its intersection with Fiery Run Road (Route 638), Marshall District. (PIN #6012-20-7910-00)

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

Mr. Robison opened the public hearing.

Mrs. Kathleen Boxall stated that the two families have owned this property since 1998 and that they want it split in an equitable fashion. She stated that this conforms with the Comprehensive Plan and that they are asking for less density than what would be allowed by-right. She stated that the property will be deed restricted. She also stated that there are approximately 25 parcels in the area of 10-25 acres each in size.

Mr. Jeff Iverson stated that they want this to be two (2) separate parcels so that each family can have their own parcel.

Ms. Kitty Smith, Marshall District, stated that the existing subdivision was done under a previous ordinance when open space was not required. She stated that this property is near the Appalachian Trail and the Thompson Wildlife Preserve. She stated that there is an existing house on the property and the placement of the next house is very important.

Mr. Guerra asked Ms. Smith if her intention is for the Commission to deny this request?

Ms. Smith replied no, that the placement of the house is very important to protect the viewshed. She further stated that two (2) houses are better than three (3) and will protect the area better.

Mr. Guerra asked if the properties will be in different names.

Mr. Boxall replied yes, that they have a drainfield site and house location site.

Mr. James Bell, property owner of lot 21 in the adjacent subdivision, stated that there is no reason to object to two (2) lots, there will be no change in the land itself, and that he supports the request. He stated that he was the previous owner of this property.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing. He stated that there will be a site visit scheduled for the May meeting.

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to postpone the request until the May meeting for a site visit and further review. The motion carried unanimously.

14. **COMPREHENSIVE PLAN AMENDMENT (#CPA02-L-05) AND REZONING REQUEST (#RZ02-L-06) - MARGARET L. DYSON, OWNER/APPLICANT** - applicant wishes to obtain a Comprehensive Plan Amendment which would change the future designation of the subject property from Commercial to Residential. The applicant also wishes to rezone approximately 16.0455 acres from Commercial-Neighborhood (C-1) to Residential-1 (R-1). The property is located at the intersection of Courtney's Corner Road (Route 634) and Brooks Store Drive (Route 632) in the Village of Morrisville, Lee District. (PIN #7816-26-1092-000)

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

Mr. Robison opened the public hearing.

Mr. Jim Carson, Carson, Harris & Associates, stated that the staff did an excellent job on this application, that the character of the area is residential and that they will accept a deferral tonight.

Mr. Paul Dyson stated that they have met with the Highway Department, Mr. Frazier did the soil study, the land is currently zoned commercial, there is no sewer to the property, and that this will be a nice development.

Mr. Steve Duncan, Brooks Store Road, stated his concerns about water and the size of the houses.

Mr. James Shepherd, Brooks Store Road, stated his concerns about water, the number of wells, and the size of the houses.

Mrs. Sue Scheer, Cedar Run District, stated that houses, septic fields and reserve areas on less than an acre is a concern given the failing system problems in Catlett. She also expressed concern with existing wells and asked if a hydro study has been done.

Mr. Davis stated that if this property is rezoned the Zoning Ordinance requires public water or a waiver, which would require a hydro study.

Mrs. Scheer asked that the Comprehensive Plan on Villages be looked into before any rezoning is approved.

Ms. Kitty Smith, Marshall District, stated that she has a problem with the Comprehensive Plan on Villages being out of date, and that work on this should start very soon. She stated her concerns about water, roads, and that the internal roads should be reconfigured. She stated that the way this is designed now, it is not an appropriate plan for Morrisville.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

Mr. Guerra stated that there have been quite a few issues raised such as water, roads and drainfields. He stated that a site visit should be scheduled in the near future and that there are problems with sewer in this area.

Mr. Duncan stated that these lots will be served by septic systems, and that there will be no problems.

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to postpone the application until the May meeting, at the request of the applicant and for further review. The motion carried unanimously.

15. **REZONING REQUEST (#RZ02-L-07) - DONALD K. BEAVER, OWNER/APPLICANT** - applicant wishes to rezone approximately 1.1618 acres from Rural Agriculture (RA) to Commercial-Highway (C-2) for a fast food restaurant. The property is located within the Bealeton Service District, sewerred area. The property is located at the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), Lee District. (PIN #6899-16-9372-000)

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

Mr. Robison opened the public hearing.

Mr. Charles Ebbets, representing the applicant, stated that the Highway Department has denied them an entrance permit onto Route 28 and that VDOT has also sent the owner a letter asking him to vacate the land. He stated that VDOT wants this property for their overpass, but there is no money in the budget for this proposed overpass. He stated that the applicant is going to seek legal advice on what can be done.

Mr. Guerra asked the applicant if he would like to get a recommendation tonight so that this can go forward to the Board.

Mr. Ebbets stated that he is afraid if this is postponed the Highway Department will come and take the property.

Mr. Guerra stated that he is surprised to hear about this VDOT action.

Mr. Ebbets asked what is the wisest thing to do at this point, that he is not sure how much time they have. He stated that residential uses are not the best use for this property and that they will look at other options.

Mr. Guerra stated that the Board of Supervisors makes the final decision.

Mr. Stone asked in the new plan what proposed land use category this property is designated?

Mr. Davis replied that in the proposed plan it is shown as office institutional use.

Mr. Stone asked if this is a freestanding parcel, and Mr. Davis replied that this is a 1.6 acre parcel surrounded by a 6 acre parcel owned by James Camp.

Mr. Ebbets stated that they have ninety (90) days to vacate the property so he will request postponement of this request until the May meeting.

In that no one else appeared to speak for or against the request, Mr. Robison closed the public hearing.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to postpone the rezoning request until the May meeting at the request of the applicant. The motion carried unanimously.

There being no further business the meeting was adjourned at 8:00 P.M.

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