

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
MAY 30, 2002**

*The Fauquier County Planning Commission held its regular meeting on Thursday, May 30, 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, Mrs. Deirdre Clark, Mr. Doug Morgan, Mr. Kevin Burke, Deputy County Attorney, and Mrs. P.J. Gallagher, Clerk.*

1. **APPROVAL OF MINUTES - APRIL 25, 2002**

On motion made by Mr. Stone and seconded by Mr. Sinclair, it was moved to approve the minutes of April 25, 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. Morgan reviewed the 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. Stone, it was moved to postpone the text amendment until the June meeting for further review.

Mr. Sinclair stated that this text amendment has taken on a life of its own. He stated that he concurs with the postponement, but stated that this needs to be addressed in June.

Mr. Guerra stated that he agrees with Mr. Sinclair. He stated that he thought this proposal had been buried and asked what is left to be resolved.

Mr. Stone stated that there is a lot more to be resolved, and stated that he would get together with staff over the next week to discuss the proposed refinements.

Mr. Guerra asked that Mr. Stone fax him his comments.

The motion carried unanimously.

b. Zoning Ordinance Text Amendment to Section 3-404 to change the measurement of the required front yard from the centerline of a right-of-way to the front property line.

Mr. Morgan reviewed the 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 Mrs. McCarty, it was moved to postpone the text amendment until the June meeting for further review. The motion carried unanimously.

3. **SPECIAL EXCEPTIONS**

- a. **#SE02-S-19 - W. Charles & Thelma Jamison, Trustees, owners/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 166.67 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)

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. Sinclair and seconded by Mr. Guerra, it was moved to recommend approval of the special exception 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 special exception plat approved with the application, as qualified by these development conditions.
3. With respect to the floodplain conditions, any final subdivision plat submitted pursuant to this special exception shall be in general conformance with the special exception plat dated March 12, 2002.
4. There shall be no significant increase in flood levels or velocity of floodwaters off-site as a result of this floodplain crossing, as determined to the satisfaction of the County Engineer prior to construction plan approval for any phase of development that required a floodplain crossing.
5. Prior to construction plan approval for any phase of the development that involves a floodplain disturbance of a temporary or 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 will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.
6. The final plat for each phase of the subdivision shall show the revised floodplain limits. In no instance shall more than 25% of any individual residential lot be covered with floodplain.
7. The final design of the floodplain crossings shall be as indicated in the special exception application, with final design standards, waterway openings, and specifications approved by the County Engineer. The floodplain crossings shall be designed to incorporate "countersinking technologies" acceptable to VDOT and the County at each crossing location. The countersunk culvert design shall incorporate a single box culvert that spans, at a minimum, the bed and banks of

the existing stream channel. A multi-cell culvert design is permissible; however, the additional cells must be outside the limits of the natural bed and banks and set at an elevation consistent with the existing overbank regions. A minimum "countersinking" of one-foot (1') shall be provided below the existing stream culvert.

8. Any land disturbed within the floodplain shall be stabilized with either temporary or permanent seed in accordance with Virginia Erosion and Sediment Control Regulations.
9. Prior to the issuance of any land disturbing permits for this project, the applicant shall submit written evidence indicating to the County Engineer that the US Army Corps of Engineers and/or Virginia Marine Resources Commission has approved any disturbance within wetland areas or other regulated waterways.

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. Included with this request is a request to modify Section 3-2(A)(6) of the Subdivision Ordinance to permit a private street over 5,000 feet in length. The property contains 50.666 acres, and is located at the end of Tucker's Lane (Route 725), southeast of its intersection with Fiery Run Road (Route 638), Marshall District. (PIN #6012-20-7910-000)

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

Mrs. McCarty stated that the conditions address the sensitivity of the land, and there are sufficient buffers along the property lines.

On motion made by Mrs. McCarty and seconded by Mr. Guerra, it was moved to recommend approval of the special exception 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 approved with the application, as qualified by these development conditions.
3. The 50-acre parcel shall be divided into no more than two parcels of approximately 28 acres and 22 acres in size. Both parcels shall be placed in a deed-restricted open space easement that prevents any further subdivision. Such deed language shall be presented with the subdivision plat of the property for County review and approval.
4. Any new structure, primary or accessory, including but not limited to residences, barns, sheds, drainfields, and wells built or the expansion of existing structures on either parcel, as otherwise permitted in the underlying zoning district, shall be no closer than 300 feet from the common property line with the properties

identified as Commonwealth of Virginia Commission of Game and Inland Fisheries PIN 6012-23-4492, 6012-33-5604, and 6012-42-9246 as shown on the plat dated 3/13/02 entitled "Subdivision Plat of the Land of Randall C. Boxall and Kathleen Boxall" received in the Planning Office March 15, 2002. However, a driveway may be located to provide access to a future residence from the proposed 50-foot ingress/egress easement. Setbacks from all other property lines shall be as required by the Zoning Ordinance. This 300-foot building/structure setback shall be maintained as a state of nature easement.

5. Any new structure, primary or accessory, including but not limited to residences, barns, sheds, drainfields, and wells built or the expansion of existing structure on either parcel, as otherwise permitted in the underlying zoning district, shall be no closer than 500 feet from the common property line with the properties identified as United States of America, Washington, DC 20240 PIN 6011-39-2528 and 6011-39-9457 as shown on the plat dated 3/13/02 entitled "Subdivision Plat of the Land of Randall C. Boxall and Kathleen Boxall" received in the Planning Office March 15, 2002. Setbacks from all other property lines shall be as required by the Zoning Ordinance. However, an expansion, not to exceed a footprint size of 700 square feet or two (2) stories in height may be added to the existing residence on Lot 1. This expansion shall be permitted only on the northwest side of the residence. This 500-foot building/structure setback shall be maintained as a state of nature easement.
6. Approval of this special exception includes a modification of the maximum length of a private street pursuant to Section 3-2 (a)(6) of the Subdivision Ordinance.
7. The existing shed on Lot 1 shall be removed from the state of nature easements noted above.

The motion carried unanimously.

4. **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)

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 a 30-day deferral.

Mr. Stone stated that there are still a lot of items that need to be discussed concerning this request.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the Comprehensive Plan amendment and Rezoning Request until the June meeting, at the request of the applicant. The motion carried unanimously.

5. **REZONING REQUEST (#RZ02-L-07) - DONALD K. BEAVER, OWNER/APPLICANT** - applicant wishes to rezone approximately 1.618 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)

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 presented information to the Commission and staff earlier in the day, and neither the Commission nor staff have had time to review it.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to recommend denial of the request in that there is not sufficient time to postpone the request and there are still items that have not been addressed by the applicant. The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#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 #6984-83-4176-000)

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 asked for a 30 day deferral.

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

- b. **#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 memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested a 30-day deferral.

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

- c. **#PP02-S-13 - Lillie E. Smith Estate, owner, and Robert H. Rogers, III, applicant - Smithridge Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 16.7 acres into fourteen (14) lots. Accompanying this request is a request for a waiver of Section 5-8 of the Subdivision Ordinance to allow a proposed cul-de-sac to be greater in length than the prescribed 700 feet. The property is zoned Residential-1 (R-1), and is located on the southeast side of Business Route 15/29, Lee District. (PIN #6888-32-5186-000)

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 a 30-day deferral.

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

- d. **#PP02-L-14 - Berta F. Lunau (Biritos), owner, and Kenneth & Catherine Dodson, applicants** - applicants wish to obtain preliminary plat approval to subdivide 64.8 acres into two (2) lots. The property is zoned Rural Agriculture (RA), and is located on the east side of Lee's Mill Road (Route 651), Lee District. (PIN #6869-48-2575-000)

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. Guerra and seconded by Mrs. McCarty, it was moved to approve the preliminary plat subject to the following conditions:

1. The applicant shall submit a recorded road maintenance agreement applicable to all three (3) users of the roadway with the final plat application.
2. Prior to final plat and construction plan approval, the applicant shall submit a detailed landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.
3. The final plat shall be in general conformance with the preliminary subdivision plat entitled "Preliminary Subdivision Plat on The Property of Berta F. Biritos", dated May 3, 2002, and received in the Planning Office on May 8, 2002.
4. Prior to construction, the drainfield area shall be marked to prevent its disturbance during construction.

The motion carried unanimously.

- e. **#PP02-S-17 - Robert R. Oliver, Trustee and Others, and Doug Nyce, contract owner** - applicant wishes to obtain preliminary plat approval to subdivide approximately 89.3 acres into fifty-seven (57) lots. The property is zoned Residential-1 (R-1), and is located on the southeast side of Old Busthead Road (Route 694), Scott District. (PIN #6996-74-7410-000)

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. Sinclair and seconded by Mr. Robison, it was moved to postpone the request until the June meeting, and that the applicant arrange for a meeting with staff to discuss issues raised in the staff report. The motion carried unanimously.

7. **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 request in that they are possibly looking at a redesign of the subdivision.

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

8. **INITIATION OF PROPOSED SUBDIVISION ORDINANCE AND ZONING 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 Amendments 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.

Mr. Carr reviewed Items 8.a-d above and asked they be postponed in order to schedule a work session.

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to postpone the above requests until the June meeting for further review. The motion carried unanimously.

- e. Initiation of Subdivision Ordinance Text Amendment to Section 3-2(A)2, regarding Administrative Subdivisions, in order to reduce the number of administrative cuts from three to one, along with the remaining residue lot.
- f. Initiation of Zoning Ordinance Text Amendment to add Number 29 to Section 6-102 (Permitted Accessory Uses) to allow limited fundraising activities on properties located in the Rural Agriculture (RA) and Rural Conservation (RC) zoning district.
- g. Initiation of Zoning Ordinance Text Amendment to Section 3-306.7 to delete Continuing Care Facilities from the Rural Agriculture (RA) and Rural Residential-2 (RR-2) districts.

Mr. Carr reviewed the Items 8.e-g, referenced above, and stated that the Commission needs to schedule them for a public hearing.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to advertise the above three items for a public hearing at the June meeting. The motion carried unanimously.

9. **BOARD OF ZONING APPEALS AGENDA**

- a. **Wendell & Beverly Ennis, owners** - applicant wishes to locate a 15,000 square foot structure to house retail sales/offices on a parcel zoned Commercial-1. The subject property is identified as PIN #6899-24-3818-000, containing approximately 1.315 acres, located on Route 17, Lee Magisterial District, Bealeton, Virginia.
- b. **Harland & Jane Gregg, owners** - applicants are requesting a variance to the front setback requirements to allow for an addition to the existing dwelling. The subject property is identified ad PIN #6944-09-3387-000, containing approximately 2.165 acres, located at 7428 Leeds Manor Road, Marshall Magisterial District, Marshall, Virginia.
- c. **Calvin L. Ritchie, owner, and Andy L. Wilfong, contract owner** - applicant is requesting approval to locate a custom meat processing facility on the portion of the property zoned Industrial-1. Applicant also requests special permit approval to conduct retail sales in conjunction with the principal use. The subject property is identified as PIN #7808-52-4186-000, containing approximately 96.24 acres, located on Ritchie Road (SR 644), Cedar Run Magisterial District, Bealeton, Virginia.
- d. **Alan R. & Gail L. C. Anderson, owners** - applicants are requesting special permit approval to locate a professional office of three (3) or less employees in her home to provide acupressure services for allergy elimination treatments. The applicant will be the only person associated with the practice. The subject property is identified as PIN #6997-50-6877-000, containing approximately 10.0 acres, located at 6150 Snow Mountain Road, Scott Magisterial District, Broad Run, Virginia.
- e. **Heidi DeConde, owner, and Tony Horkan, contract owner** - applicants are requesting special permit approval to amend the conditions of a special permit issued October 3, 1991, for an indoor technical school (martial arts studio). The applicant/contract owner wishes to amend the conditions of the special permit by expanding the school to both floors of the structure, expand the maximum class size from 30 to 50 and expand the hours of operation to 9:00 A.M. to 9:00 P.M. and permit classes to be held Monday and Saturday. The subject property is identified as PIN #6054-75-7688-000, containing approximately 0.052 acres, located at 9151 John S. Mosby Highway, Marshall Magisterial District, Upperville, Virginia.
- f. **William E. & Pamela S. Brandenburg, owners, and Gary Slattery, contract owners** - applicants are requesting special permit approval to locate a small contracting business for a small landscaping company. The applicant will have a greenhouse of approximately 1,500 square feet and grow stock (shrubbery, trees) on the site. The subject property is identified as PIN #6958-34-8871-000, containing approximately 5.189 acres, located at 9362 Ada Road, Marshall Magisterial District, Marshall, Virginia.
- g. **Rebecca Marie Hindrichs, owner, and James Hricko, architect** - applicants are requesting a variance from the front yard requirement for an addition to an existing nonconforming structure, to be located 13 feet from the centerline of Poplar Row Street. The subject property is identified as PIN #6064-05-1029-000, containing approximately



0.162 acres, located a 9030 John S. Mosby Highway, Marshall Magisterial District, Upperville, Virginia.

- h. **Laurie J. Enright, owner** - applicant is requesting to amend variance #29172 granted by the Board of Zoning Appeals, August 4, 1988. The BZA granted a variance of 22 feet for the location of a stable 78 feet from a property line. The BZA placed a condition that only two (2) horses could be housed, and be confined, to the rear of the entrance. The applicant wishes to have a goat in addition to the two horses. The subject property is identified as PIN #7905-17-7868-000, containing approximately 2.60 acres, located at 6735 Bridle Path, Scott Magisterial District, Warrenton, Virginia.
- i. **L. Henry & Madge M. Eicher, owners, and Kip's Erosion Control, lessee** - applicants are requesting special permit approval for a contractor's office with associated equipment storage for an erosion control service. The subject property is identified as PIN #6981-30-0824-000, containing approximately 3.95 acres, located at 10041 James Madison Highway, Lee Magisterial District, Warrenton, Virginia.
- j. **David A. Robertson, owner** - applicant is requesting a variance to the side yard requirements of the Zoning Ordinance to construct a garage 12 feet from the side property line. The subject property is identified as PIN #7905-83-6804-000, containing approximately 0.729 acres, located at 5062 Dogwood Drive, Scott Magisterial District, Warrenton, Virginia.
- k. **Mount Olive Baptist Church Trustees, owner, and Raymond Brown, Trustee** - applicant is requesting special permit approval to construct additions to an existing place of worship. The subject property is identified as PIN #6061-69-4395-000, containing approximately 5.00 acres, located at 2932 Atoka Road, Marshall Magisterial District, Rectortown, Virginia.

Mr. Guerra stated his concerns about item c. He stated that this needs to be looked at very-very carefully, and that the neighborhood also needs to be considered carefully.

Mr. Carr stated that all activity is to be done internally and that he will forward the comments to the Board of Zoning Appeals.

Mr. Doug Morgan, Zoning Office, stated that the use will be contained internally, will be screened from view and there will be no outside facilities.

Mr. Guerra stated that he lives less than a mile from this property.

Mr. McCarty stated that item e. will be an asset to the community, but there may be severe parking problems.

Mr. Morgan replied that the parking problems will be taken care of during the site plan process.

### **WORK SESSIONS**

Mr. Carr stated that the proposed Subdivision Ordinance amendments will be discussed during a work session on June 27<sup>th</sup> after the 3:00 meeting.

There being no further business, the meeting was recessed at 3:45 P.M.

*The Fauquier County Planning Commission reconvened its regular meeting on Thursday, May 30, 2002, beginning at 7:00 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. Cameron Weimar, Mrs. Deirdre Clark, Mr. Christer Carshult, Mrs. Jennifer Kilanski, Mr. Kevin Burke and Mrs. P.J. Gallagher, Clerk.*

10. **CITIZENS TIME**

a. Bealeton, Opal, and Remington Citizen Planning Committee

Mr. John Meadows, Co-Chairman of Bealeton, Opal, and Remington Citizen Planning Committee, presented the plan to the Commission.

Mr. Jim VanLuven, Co-Chairman of Bealeton, Opal, and Remington Citizen Planning Committee, thanked staff for their support, especially Richard Calderon.

b. General Public

Kathleen King, Scott District, stated concerns about stormwater runoff over the last week. She stated that the natural world is something that we impact; we can abuse nature. She stated that there may never be a way to fix what we are doing.

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

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

Mr. Robison opened the public hearing.

Mrs. Kathleen King, Scott District, presented her comments to the Commission, a copy of which are attached to and made a part of these official minutes. (See Attachment A)

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

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone the proposed ordinance until the June meeting for further review. The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SEA02-M-05 - Fresta Valley Christian School, owner/applicant** - applicant wishes to obtain a special exception amendment under Category 5 of the Zoning Ordinance which would allow for the construction of one additional classroom to the existing private school. The property contain 19.91 acres, is zoned Rural Agriculture (RA), and is located at 6428 Wilson Road (Route 736), Marshall District. (PIN #6956-25-6041-000)

Mr. Weimar 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. Tom Ross, attorney representing the applicants, stated that staff has adequately defined what they wish to do and stated that they will work with neighbors and staff.

Ms. Mimi Moore, Marshall District, stated her concerns about traffic, health and safety, number of students, staff and number of buildings. She also stated that water and sewage standards needs to be imposed.

Mr. Michael Denney, attorney representing the Feeley's, stated that he delivered a letter to staff, a copy of which is attached to and made a part of these official minutes. (See Attachment B.) He stated that they will look at the conditions very carefully to make sure that all their concerns (size of school, hours of operation, traffic, lighting) will be addressed.

Mr. Sal Serota, Wilson Road, stated that it is difficult to get out of his driveway in the mornings and afternoons due primarily to school traffic. He also asked that there be no additional students allowed and no increase in water usage.

Mrs. Susan Feeley, Wilson Road, stated that noise is unbelievable and that noise measures have not been implemented. She also stated concerns about lighting and traffic. She further stated that no light fixture should be taller than the building it is behind, and that the hours of operation be limited. She stated that they have the right to enjoy their privacy.

Mr. James Feeley, Wilson Road, stated that they like to enjoy the quiet of the afternoon but cannot because of the noise from the children. He stated that there is traffic on the road throughout the day going to and from the school and asked that there be no more noise and traffic.

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

Mr. Ross asked for postponement of the request in order to work on comments made.

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

- b. ***#SE02-CR-24 - Smith-Midland Corporation, owner/applicant*** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance which would allow for the construction of a new acid etching operation process water treatment system and the closure of the existing facility within a floodplain. The property contains 12.5 acres, is zoned Industrial-2 (I-2), and is located at 5127 Catlett Road (Route 28), Cedar Run District. (PIN #7900-75-6202-000)

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

Mr. Robison opened the public hearing.

Mr. Wes Taylor, Smith-Midland Corporation, stated that this will have positive affects on neighbors and the area and strongly urged that the Commission move this forward.

Ms. Kitty Smith, Marshall District, stated that this should be considered very carefully, in that this is their most serious application so far. She asked that the public hearing be left open.

Mr. Robison asked how Mr. Stone feels about keeping the hearing open and Mr. Stone stated that this is a reasonable request. Mr. Robison further stated that the hearing will be left open until the June meeting.

Mr. Stone stated that he has spoken with Wes Taylor and that they are under time constraints and a court order. He stated that they need to know if the property is in the floodplain or not.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to postpone the request and leave the public hearing open. The motion carried unanimously.

- c. **#SE02-L-25 - Berta F. Lunau (Biritos), owner, and Kenneth & Catherine Dodson, applicants** - applicants wish to obtain special exception approval under Category 29 of the Zoning Ordinance which would allow for the waiver of the public street requirement in residential zones. The property contains 64.8 acres, is zoned Rural Agriculture (RA), and is located on the east side of Lee's Mill Road (Route 651), Lee District. (PIN #6869-48-2575-000)

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

Ms. Berta Biritos asked that the Commission consider this request favorably. She stated that the Dodson's existing home is becoming unlivable because of overhead power lines.

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. 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 special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of the Fauquier County Subdivision Ordinance, as may be determined by the Fauquier County Department of Community Development. Any plat submitted pursuant to this

special exception shall be in conformance with the preliminary subdivision plat dated May 3, 2002, and these conditions.

4. The private street shall be constructed to a minimum width of 12 feet with grass shoulders. The right-of-way shall be no less than 50 feet and the access to Route 651 shall be as indicated on the preliminary subdivision plat and approved by the Virginia Department of Transportation.
5. Appropriately sized ditches along the private street shall be constructed.
6. The private street shall serve no more than the three (3) lots described in the applicant's statement of justification. These include the proposed lot and two (2) existing lots currently served by the private street.
7. 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.
8. Prior to subdividing the property, a road maintenance agreement applicable to all users of the private street will be executed. The subdivision plat shall include the private street notation referenced in Section 7-306 of the Zoning Ordinance.
9. The slope of the private road shall not exceed 12%.

The motion carried unanimously.

- d. **#SE02-CR-26 - Gary T. and Debra A. Wood, owners/applicants** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for an experimental wastewater system. The property contains 10 acres and is located at 9720 Elk Run Road (Route 806), Cedar Run District. (PIN #7931-34-6547-000)

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

Mr. Robison opened the public hearing.

Mr. Gary Wood, presented a letter to the Commission, a copy of which is attached to and made a part of these official minutes. He stated that he has found a Health Department permit dated 1975. He further stated that they wish to make the existing house into a guest house and build a new house.

Mrs. Eldridge, adjoining property owner, stated her concerns about bacteria escaping from the system. She also asked about maybe having this type system on their property.

Mr. Robison suggested that Mrs. Eldridge talk to staff about a similar system on their property and about their bacteria concerns.

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

Mr. Wood asked why the Commission is considering tabling his application.

Mr. Stone stated that there are concerns for the County as a whole, and that there should be some type of restriction on use of experimental systems in rural areas. He stated that the availability and use of such systems may open up density that is not welcomed in rural areas.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to postpone the request for further review.

Mr. Wood stated that this system has been accepted by the Health Department.

Mr. Stone replied that this is an experimental system in this County.

Mr. Guerra stated that the Commission talked about postponing this request earlier in the day during the work sessions.

Mrs. Cook stated that the conditions are proposed by staff and that the main question is, based on the Rural Chapters of the Comprehensive Plan, should experimental systems be allowed in rural areas for new structures. She stated that this is a land use issue, and that other applications of this type have been approved in the villages not in rural areas.

Mr. Guerra asked if the feeling is that this will set a precedent in rural areas and Mr. Stone replied yes. Mr. Guerra asked Mr. Wood if he is living on the property.

Mr. Wood replied that he is living on the property, and that he has special permit approval to have his business there. He stated that he does plan to do this system, but that he does have the right to tie into the existing drainfield.

Mr. Guerra stated that he feels this could be approved subject to conditions and the concerns being addressed.

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

- e. **#SE02-L-27 - D.C. Diamond Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance which would allow for grading and construction of a road in the floodplain. The property contains 85.84 acres, is zoned Rural Agriculture (RA), and is located on the southwest side of Catlett Road (Route 28), Lee District. (PIN #6889-31-7311-000)

Mrs. Cook 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 until the June meeting.

Mr. Guerra asked about tot lots.

Mr. Robison opened the public hearing.

Mrs. Kathleen King, Scott District, stated that this is a perfect example of what she was talking about during Citizens Time. She asked that the hearing be held open in order to get more information about where the floodplain is.

Ms. Julie Newman, Lee District, stated that she did not know she lived in the floodplain until she tried to refinance her home. She stated that she cannot get flood insurance now, and that she does not want to live next to this proposed road and have more water drain onto them.

Mr. Robison asked if there is any problem with leaving the hearing open, and Mr. Guerra replied that he will leave it open.

Mr. Guerra suggested the request be postponed until such time as staff has a plan as to where the floodplain is located and positioning of the tot lots, however long it takes.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request and leave the public hearing open until the June meeting, at the request of the applicant, and if no site plan or location of tot lots is received, it will be postponed for an additional 30 days. The motion carried unanimously.

13. **REZONING REQUEST (#RZ02-L-05) - DONALD R. THARPE, TRUSTEE, OWNER/APPLICANT** - applicant wishes to rezone 83 acres of an 85 acre parcel from Rural Agriculture (RA) to Planned Development Mixed Use (PDMU) to allow for a mixture of commercial and residential uses. The property is located on the east side of Marsh Road (Route 17) near its intersection with Independence Avenue, a private street, in the Bealeton Service District, Phase I - Sewered, Lee District. (PIN #6899-29-5691-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She stated that the Commission will make a site visit and hold a work session on July 9<sup>th</sup> at 8:30 A.M.

Mr. Robison opened the public hearing.

Mr. William Lincicome, High Grove Partners, stated that they agree to the 60 day postponement. He stated that this plan is consistent with the Comprehensive Plan and that they have been working on this for four years.

Mr. Don Tharpe stated that in 1999, 25 acres of this property was rezoned from Residential-2 (R-2) to Commercial. He stated that two days ago their letter of intent from the School Board was withdrawn and the property now appears to be landlocked. He also stated that VDOT will not provide access off Route 17 and that now they do need access from Independence Avenue. He also stated that this project will provide \$52 million in positive tax revenue.

Mr. Robison asked if originally the School Board would provide access for the 25 acres and Mr. Tharpe replied that they were to provide access for the entire 85 acres.

Mrs. Patricia Geotz, Marshall District, stated that services are lacking in this area, that Mr. Tharpe is a man of good character and that he cares deeply for Fauquier County.

Mr. Steve Hamilton, Lee District, stated that he is in favor of this request and that this type use is needed.

Mrs. Evelyn Olinger, Lee District, stated that Mr. Tharpe is a fine person and would not do anything to harm southern Fauquier. She stated that there is a 17-acre commercial parcel on Route 17 that has been sold for commercial uses and that there are residential lots in the area

waiting to be developed. She further stated that she cannot see the School Board allowing Independence Avenue being used for any development.

Ms. Dee Shannon, Liberty Road, stated that this does not make any sense. She asked who will fill 40,000 square feet of commercial property. She further stated that she wants to see Fauquier County stay the way it is and not look like Prince William or Loudoun counties.

Ms. Myra Seaforest, Lee District, stated that she is against this proposal, and stated her concerns about its proximity to an already stressed intersection. She further stated that there is a grocery store and convenience stores in Bealeton.

Ms. Kitty Smith, Marshall District, stated that the access issue needs to be worked out, there are no draft proffers, traffic problems, and there is no proffer to the public school system which is needed.

Mrs. Ruth White, Lee District, stated her concerns about increased traffic volume. She further stated that Independence Avenue is already overcrowded because of school traffic. She stated there are six gas stations in the area, 9 fast food restaurants and a shopping center. She stated that we have an obligation to the businesses that are already there. She also stated that there is a 7-11 and Exxon Station in Opal that have gone out of business.

Mr. Dave Dietzen, Lee District, stated that he is against the request. He stated that the schools in the area are already overstressed and that more homes are not needed. He stated that this is too much for this area and asked that the Commission deny the request.

Mrs. Kim Dietzen, Lee District, stated that the Commission needs to make the site visit when school is in session. She stated that Route 28 cannot handle any more traffic.

Mrs. Kathleen King, Scott District, stated that the applicant is asking for the Comprehensive Plan to be abandoned and that we need to stop being nice to individuals because they are nice.

Mr. Robison asked about keeping the public hearing open and Mr. Guerra stated that he will agreed to that.

Mr. Robison stated that the proffers are very weak and that a great deal more work is needed.

Mr. Guerra stated that the applicant has requested a 60 day postponement and that on July 9<sup>th</sup> there will be a work session and site visit. He stated that he has been on the Commission for 7 years and this is only the second project that has been done by professionals. He stated that a lot of the work was done back in 1989 and most of it has been abandoned. He stated that this is a fine project, good planning, and good design. He stated that the property accessibility is a big problem that needs to be resolved.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request until the July meeting, at the request of the applicant, and to keep the public hearing open. The motion carried unanimously.

Mr. Carr stated that the Commission will be notified when we know the location of the work session.



There being no further business, the meeting was adjourned at 8:45 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.