

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
SEPTEMBER 26, 2002**

*The Fauquier County Planning Commission held its regular meeting on Thursday, September 26, 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. Carolyn Bowen, Mrs. Elizabeth Cook, Ms. Deirdre Clark, and Ms. Beckie Williams, Administrative Secretary.*

Special Note: The recording equipment failed and there are no taped records for the September 26, 2002 regular meeting and public hearing proceedings. Results are based on Administrative Secretary and staff notes.

1. **APPROVAL OF MINUTES – AUGUST 29, 2002**

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to approve the minutes of August 29, 2002 as amended.

The motion carried unanimously.

2. **SPECIAL EXCEPTIONS**

- **#SE02-C-34 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of a road over a floodplain to serve a portion of a proposed residential development and fill in the floodplain associated with development of pedestrian trails, bridges, utilities, lots, and stormwater management facilities. The property contains ± 147 acres, is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 15/29 and the north side of Academy Road (Route 678), Center District. (PIN's #6984-85-3809-000, #6984-96-1546-000 and #6984-98-0388-000) (Postponed, August 29, 2002, until September 26, 2002, at the request of the applicant.)

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone action until the end of the 3:00 meeting.

The motion carried unanimously.

3. **COMPREHENSIVE PLAN AMENDMENTS**

- Initiate Comprehensive Plan Amendment, at the request of the Board of Supervisors, to remove a portion of a 29.20 acre tract of land being identified as a portion of PIN 7915-31-0883-000 from the New Baltimore Sewer Service

District Area and reconfirming that PIN 7914-39-5958-000, 7914-39-7816-000, 7915-31-2397-000, 7915-31-6181-000, and 7915-40-0327-000 are not within the New Baltimore Sewer Service District Area.

Mr. Carr reviewed his staff report, a copy of which is attached and made a part of these official minutes. He stated that staff recommends scheduling this item for the October 26<sup>th</sup> Public Hearing.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to schedule this for the October 26<sup>th</sup> Public Hearing.

The motion carried unanimously.

4. **PRELIMINARY PLATS**

- a. **#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. The property is zoned Residential-1 (R-1), and is located on the southeast side of Routes 15/29, Lee District. (PIN #6888-32-5186-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

Ms. Clark reviewed her staff memorandum, a copy of which is attached to and made part of these official minutes. She stated that there were still some outstanding issues and the applicant requests a 30-day postponement.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the request for an additional 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- b. **#PP02-M-15 - Arlington Builders, Inc., owner/applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 2.0 acres into two (2) lots. The property is zoned Village Residential (V), and is located on the northwest side of Springs Road (Route 802), Marshall District. (PIN #6962-45-4428-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

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

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to postpone the request for 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- c. **#PP02-L-16 - Melvin E. Bailey, Jr. & Rocky D. Bailey, owners, and Robert H. Rogers, III, applicant - Riverton Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 65.5 acres into seventy-five

(75) lots. The property is zoned Residential-2 (R-2), and is located on the northwest side of Lucky Hill Road (Route 655), Lee District. (PIN #6887-37-4241-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

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

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to postpone the request for 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- d. **#PP02-C-20 - Carlton Moorefield, owner, and Premier Homebuilders, Inc., applicant - Cedar Mill Subdivision** - applicant wishes to obtain preliminary plat approval to subdivide approximately 31.92 acres into nineteen (19) lots. The property is zoned Residential-1 (R-1), and is located on Frytown Road, Center District. (PIN's #6994-36-3798-000, #6994-37-3260-000 and #6994-36-5406-000) (Postponed August 29, 2002, until September 26, 2002, for further review.)

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

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to postpone the request for 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- e. **#PP02-C-23 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain preliminary plat approval to subdivide approximately 151 acres into 161 lots. The property is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 29 and the north side of Academy Road, Center District. (PIN's #6984-85-3804-000, #6984-96-1546-000 and #6984-78-0388-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to postpone action until the end of the 3:00 meeting.

The motion carried unanimously.

- f. **#PP02-L-18 - Cranes Corner, L.L.C., owner and Jack Hazel/Steve Vento, applicants** - applicants wish to obtain a preliminary plat approval to subdivide approximately 16.2 acres into three (3) lots. The property is zoned Commercial-2 (C-2), and is located on the east side of Marsh Road (Route 17) at its intersection with Village Center Drive, Lee District. (PIN #6899-24-9836-000) (Postponed August 29, 2002, until September 26, 2002.)

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

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request for 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- g. **#PP02-L-19-L. Thomas Greene, owner/applicant – Greene Subdivision, Section 2** – applicant wishes to obtain preliminary plat approval to subdivide approximately 105.01 acres into four (4) lots. The property is zoned Rural Agricultural (RA) and is located on the south side of Germantown Road (Route 649) at its intersection with Balls Mill Road (Route 663), Cedar Run District. (PIN #6990-57-9877-000)

Ms. 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 postpone the request for 30 days until the October meeting, at the request of the applicant.

The motion carried unanimously.

- h. **#PP03-CR-03-Vint Hill Economic Development Authority, owner and Owen W. Bludau, applicant – Land Bay S** - applicant wishes to obtain preliminary plat approval to subdivide approximately 307.4 acres into two (2) lots. The property is zoned Planned Commercial Industrial Development (PCID) and is located on the east side of Shepherdstown Road (Route 793), south of its intersection with Lake Brittle Road (Route 825), Cedar Run District. (PIN #7915-86-0838-000)

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

On motion made by Mr. Stone and seconded by Mr. Robison, it was moved to approve the request.

The motion carried unanimously.

- i. **#PP03-C-05 – Marliece Williams, David W. Sanasack, owners and STBI – Warrenton, LLC, applicant – Warrenton Hunt** – applicant wishes to obtain preliminary plat approval to subdivide approximately 153 acres into 85 single-family residential lots. The property is zoned Residential-1 (R-1) and is located on the north side of Duhollow Road (Route 672) at its intersection with Frytown Road (Route 674), Center District. (PIN # 6994-02-8294-000, #6994-13-8021-000 and #6984-92-6454-000)

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

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone action for 90 days, at the request of the applicant.

The motion carried unanimously.

5. **INITIATION OF PROPOSED SUBDIVISION AND ZONING ORDINANCE TEXT AMENDMENTS**

- a. Initiation of Subdivision Ordinance Text Amendment to update the Virginia Code References, numbering inconsistencies, and other clarifications. (Postponed July 25, 2002, until September 26, 2002, for further review.)
- 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. (Postponed July 25, 2002, until September 26, 2002, for further review.)
- c. Initiation of Subdivision Ordinance Text Amendments to Section 9 - Preliminary Plats and Section 10 - Final Plats to address the processing of constructions plans, profiles, and specifications through the Technical Review Committee. (Postponed July 25, 2002, until September 26, 2002, for further review.)

Mrs. Cook recommended postponement of Items 5 a through 5 c for 60 days.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to postpone action for 60 days, at the request of staff.

The motion carried unanimously.

- d. Initiation of Reformatted Zoning Ordinance.

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

The Commission discussed scheduling public information meetings.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to receive a general briefing at the October Commission meeting, to schedule public information meetings in November and January, and to have the public hearing in February of 2003.

The motion carried unanimously.

6. **SUBDIVISION ORDINANCE AMENDMENTS**

- **Waiver of Section 4-11(1)(A) of the Subdivision Ordinance requirement for a central water system – Ridge Place Subdivision - O. William Groves, owner** (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

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

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to postpone action indefinitely.

The motion carried unanimously.

7. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of the August 1, 2002 & September 5, 2002 Meetings**
- b. **Special Permit #49890 DESYD LC, owner & Nicholas Sweeney, lessee** - applicants are requesting a special permit to locate an indoor technical school cheerleading/ tumbling training center) on the site. The subject property is identified as PIN #6983-88-6090, containing approximately 2.097 acres, located at 6418 Old Meetze Road, Cedar Run Magisterial District, Warrenton, Virginia. This request was postponed at the August meeting for further information.
- c. **Special Permit #50230 Heart's Delight Baptist Church, owner**- applicants are requesting a special permit for an addition to an existing place of worship. The subject property is identified as PIN #7849-93-5280, containing approximately 1.0 acre, located at 11229 Brent Town Road, Cedar Run Magisterial District, Catlett, Virginia. (Approval was given by the BZA in December, 2000 but has expired since site plan approval was not obtained).
- d. **Special Permit #50241 John E. & Tonya M. Lapham, owner & Melissa Dawn & David Lee Whittington, contract owner** – applicants are requesting a special permit to locate a taxidermy shop on the property. The subject property is identified as PIN #6944-95-0751-000, containing approximately 5.13 acres, located at 10022 Wesley Chapel Road, Marshall Magisterial District, Marshall, Virginia.
- e. **Special Permit #50265 Joyce M & Patrick D Nutz, owner & Erin Nutz, applicant** - applicants are requesting a special permit to operate a repair service (upholstery, draperies & home decoration services) from the existing single family dwelling on the property. The property is identified as PIN #6985-91-1325, containing approximately .878 acre, located at 7290 Hunton Street, Center Magisterial District, Warrenton, Virginia.
- f. **Variance # 50268 David A. Robertson, owner** - applicant is requesting a variance to the side yard setback requirement to locate an attached garage on his property in the Lakeway Subdivision. The proposed structure would be located 11 feet 1 inch from the side property line wherein the Zoning Ordinance requires 15 feet. The applicant cites the exceptional narrowness of the lot, location of the existing dwelling, drainfield, reserve drainfield and well as reasons the structure cannot be located elsewhere on the property. A variance of 3 feet 11 inches is requested. The subject property is identified as PIN #7905-83-6804, containing approximately 0.729 acres, located at 5062 Dogwood Drive, Scott Magisterial District, Warrenton, Virginia.

Mr. Robison asked if there were any comments to forward to the Board of Zoning Appeals.

No comments were stated.

Mr. Robison stated there would be a short recess before reviewing Agenda Items 2 & 4E.

Mr. Robison called the meeting back to order at 3:40 P.M.

***Continuation of deferred agenda items:***

2. **SPECIAL EXCEPTIONS**

**#SE02-C-34 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of a road over a floodplain to serve a portion of a proposed residential development and fill in the floodplain associated with development of pedestrian trails, bridges, utilities, lots, and stormwater management facilities. The property contains ± 147 acres, is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 15/29 and the north side of Academy Road (Route 678), Center District. (PIN's #6984-85-3809-000, #6984-96-1546-000 and #6984-98-0388-000) (Postponed, August 29, 2002, until September 26, 2002, at the request of the applicant.)

Mrs. Cook recommended that this request be moved to the 7:00 P.M. meeting to allow additional time to work with the applicant on development conditions.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to add this request as Agenda Item 9.4.

The motion carried unanimously.

- 4e. **#PP02-C-23 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain preliminary plat approval to subdivide approximately 151 acres into 161 lots. The property is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 29 and the north side of Academy Road, Center District. (PIN's #6984-85-3804-000, #6984-96-1546-000 and #6984-78-0388-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

Mrs. Cook recommended that this request be moved to the 7:00 P.M. agenda to allow time to work with the applicant on development conditions.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to add this request as Agenda Item 9.5.

The motion carried unanimously.

Mr. Robison announced that, due to the weather, the site visit to proposed Great Marsh Development has been cancelled.

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to postpone the site visit.

Mr. Guerra stated that the weather has improved, and he would like to conduct the site visit and see the entrance.

Mr. Stone stated the property is an entirely flat field and he did not see a reason to go down there.

Mr. Guerra reiterated his desire to visit the site.

Mr. Sinclair stated that he too saw no reason to go.

The motion carried 4 – 1 with Mr. Guerra in opposition.

There being no further business, the meeting was adjourned.

***The Fauquier County Planning Commission reconvened its regular meeting on Thursday, September 26, 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 Mrs. Elizabeth Cook, Mr. Richard Calderon, Mrs. Carolyn Bowen and Ms. Beckie Williams, Administrative Secretary.***

8. **THE PLEDGE OF ALLEGIANCE**

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

9. **CITIZENS TIME**

No one spoke.

- 9.4 **#SE02-C-34 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for the construction of a road over a floodplain to serve a portion of a proposed residential development and fill in the floodplain associated with development of pedestrian trails, bridges, utilities, lots, and stormwater management facilities. The property contains ± 147 acres, is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 15/29 and the north side of Academy Road (Route 678), Center District. (PIN's #6984-85-3809-000, #6984-96-1546-000 and #6984-98-0388-000) (Postponed, August 29, 2002, until September 26, 2002, at the request of the applicant.)

Mrs. Cook reviewed her staff report and handed out the new Special Exception Conditions, a copy of which is attached to and made part of these official minutes.

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



The motion carried unanimously.

- 9.5 **#PP02-C-23 - Leland Road Investments, LLC, owner, and Stan Settle/Pulte Homes, applicant - White's Mill** - applicant wishes to obtain preliminary plat approval to subdivide approximately 151 acres into 161 lots. The property is zoned Residential-4 (R-4) and Residential-1 (R-1), and is located on the south side of Route 29 and the north side of Academy Road, Center District. (PIN's #6984-85-3804-000, #6984-96-1546-000 and #6984-78-0388-000) (Postponed August 29, 2002, until September 26, 2002, at the request of the applicant.)

Mrs. Cook reviewed her staff report and handed out the new proposed Preliminary Plat conditions, a copy of which is attached to and made part of these official minutes.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to approve this request as amended.

The motion carried unanimously.

10. **ZONING ORDINANCE TEXT AMENDMENTS**

- a. Amend Section 3-306 7. and 4-706 by deleting Continuing Care Facilities as a Special Exception use in the Village zoning district, and add the use with special exception and site plan approval in the R-2, R-3, R-4, Planned Development Mixed Use, Townhouse and Garden Apartment zoning districts.

Amend Section 5-606, Additional Standards for Continuing Care Facilities, including but not limited to requiring the facility in a Service District where public sewer and water utilities are available and changing the maximum acreage required for the facility.

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

Mr. Robison opened the public hearing.

Kitty Smith, Marshall District, spoke in favor of these Zoning Ordinance Text Amendments. She stated that everyone recognizes that Continuing Care Facilities should be in a Service District.

Mr. Robison, with no further speakers, closed the public hearing.

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to approve the request.

The motion carried unanimously.

- b. Amend Section 13-111 3. Required Notice for Public Hearings - require applicants to post their properties for all public hearings and change the *Code of Virginia* section for public hearings from 15.1-431 to 15.2-2206.

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

Mrs. Bowen stated that if approved, staff would like this effective January 1<sup>st</sup>, 2003.

Mr. Robison opened the public hearing.

In that no one spoke for or against the proposed Zoning Ordinance Text Amendment, Mr. Robison closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Stone, it was moved to approve the request.

The motion carried unanimously.

- c. Amend Section 3-311 5., Public and Quasi-Public Uses, to allow museums in R-1, R-2, R-3 and R-4 zoning districts with special permit and site plan approval and amend Section 5-1107, Additional Standards for Museums, by adding standards relating to road standards, retail sales, screening and landscaping and requiring the use to be an existing historic structure.

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

Mr. Robison opened the public hearing.

In that no one spoke for or against the Zoning Ordinance Text Amendment, Mr. Robison closed the public hearing.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to approve the request.

The motion carried unanimously.

## 11. **COMPREHENSIVE PLAN AMENDMENTS**

- a. **Bealeton, Opal, and Remington Amendment to the Comprehensive Plan** – the Board of Supervisors' appointed Citizen Planning Committee prepared an amendment to Chapters Six (Service Districts), Nine (Public Facilities & Utilities) and Ten (Transportation) of the Comprehensive Plan. This proposal for Bealeton, Opal and Remington is now subject to Planning Commission public hearing, review and recommended refinements for Board of Supervisors' consideration. (Postponed August 29, 2002, until September 26, 2002)

Mr. Carr announced that this request was advertised in error. The public hearing was closed on August 29<sup>th</sup>, but he recommends that the Planning Commission allow for public comment if anyone wants to speak.

Mr. Carr referenced a handout, which summarized the Planning Commission's recommended changes to the proposed plan, a copy of which is attached to and made part of these official minutes.

There were no speakers.

On motion made by Mr. Stone and seconded by Mrs. McCarty, it was moved to recommend approval.

Mr. Robison thanked all volunteers and staff for the many, many hours that were put into this plan. He stated that he has very minor problems with the plan, but is 95% agreeable with it. Mr. Robison stated that he would be asking staff to forward this request on his written comments to the Board of Supervisors, which are forwarded as part of these minutes.

Mr. Sinclair thanked and commended the citizens and the staff.

Mrs. McCarty thanked everyone again. She stated that she was a fan of citizen planning and thought this was a good plan.

Mr. Stone stated that everyone did an excellent job. He especially wanted to thank everyone for being on call and participating with the Commission even after the plan was submitted. Mr. Stone thanked the citizens again and commended them on a job well done.

Mr. Guerra said, "First, let me commend the two dozen citizens who volunteered the time and energy to serve on the citizens committee for Lee District. As the planning commissioner, I am grateful for their interest and willingness for their contribution to propose a better life standard for the community.

The Board of Supervisors requested that I share my experience and knowledge of community planning with the Committee; however, I soon realized that my talents were disregarded by the Lee District Supervisor. Therefore, I was subjected to the role of an interested observer of this lengthy process. The following is what I share with you now:

Why was VDOT not invited to participate regarding the transportation issues? I understand that the consultant hired was paid in excess of \$50,000 for reliable advice that VDOT could have offered at no cost. Also, many of the issues presented would not have been contrary. More importantly, a continuity of previous boards information and studies would have benefited the Committee to favor safety over aesthetics. The restoration of the 28/17 interchange should allow safety to prevail over aesthetics!

Proponents not in accord would have us believe that an eight lane route 17 with over 50,000 vehicles per day; speeding in excess of 65 m/hr thru the intersection of route 28 would benefit the "pedestrian friendly center" for Bealeton. What citizen would dare cross from the east side to the west side dodging vehicular monsters? Where are the fly-overs? Where are the tunnels? Route 17 traffic will continue to interfere with the amalgam of Bealeton for many years to come.

For the short run, however, band-aids can be provided. A reduction in the present speed to 35 mph from one mile south of Rte 28 to one mile north...provided, of course, the county polity enforces.

The proposed by-pass south of the rail line, passing thru rte 17, over the flood plain, connecting with rte 29 south of Opal is misconceived, impractical and will not fly.

The “taking” of the Dotson property just east of Liberty High is quixotic. School officials claim expansion beyond the 1500 students would be unsafe, unmanageable and counter productive to “way of life”. Moving Cedar Lee Middle to be contiguous to Liberty and Grace elementary would be chaotic.

An “information” letter mailed to approximately two thousand citizens surrounding the 17/28 interchange mentioned eleven items, which VDOT officials refuted as fabricated, false, untrue and misleading. Who are we to believe?

A staff planner, on two occasions, assured the public that no “down-zoning” would be affected by proposed “Citizen plan”. How, then, can a property owner whose lot is “halved” be able to fully use his property rights to the fullest?

The Citizen committee is a good idea – to entertain and evaluate a projection of future needs – provided a statistical sample of the inhabitants is used and that the group actively promotes ideas without the influence of staff or consultants to reach a predestined goal. There is no doubt, in my mind, that substantial micro-management prevailed. Historically, consultants are hired to attest and satisfy the predetermined goal of the management.

Why was the largest landowner denied membership in the Citizen Committee...unless and provided that the Lee District Commissioner resigns?

Mr. Zeiger was instrumental in contributing monies to provide sewer to the Opal area, which helped commercialization. Now, the Citizens Committee excludes him from participation. Where is the integrity of our governing body?

Is this a bad plan?—No!- Nor is it a good plan. The plan fails to address and incorporate many ideas presented by previous Boards and countless citizenry input.”

Mr. Stone stated that it needed to be reflected as part of the record that staff certainly had not misguided the citizen committee. He said that we should all be looking forward to this plan being adopted.

The motion carried 3 – 2 with Mr. Guerra and Mr. Robison in opposition.

- b. ***#CPA03-S-02 - Beights Development Corporation, owner/applicant*** - applicant wishes to obtain a Comprehensive Plan Amendment to change the land use designation from Low Density Residential to Industrial. The property contains 3.2981 acres, is zoned R-1 (Residential-1), and is located on the southeast side of Routes 15/29 east of its intersection with Telephone Road in the New Baltimore

Service District, Scott District. (PIN #7906-21-3527-000) (Postponed August 29, 2002, until September 26, 2002)

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

Mr. Robison opened the public hearing.

Chuck Medvitz, Scott District, stated that he opposes this request. He stated that granting this request will be hazardous to the community and as time goes by it will get harder and harder to get out onto Rt. 29. Mr. Medvitz stated that it is very crucial for the Planning Commission to look into traffic issues and how it will affect the community in the future.

Mr. Robison, with no further speakers, closed the public hearing.

Mr. Sinclair stated that it was very clear at the work session that there were still some unresolved issues and now it is even clearer. He requested to defer this for another 30 days and asked staff to get Mr. Beights back in to meet with him and staff. Mr. Sinclair also wants to make sure Mr. Beights' representative is present at the next work session.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to defer action for an additional 30 days.

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS**

- a. **#SE02-S-21, #SE02-S-22, and #SE02-S-23 - Llewellyn J. Evans, Jr., owner, and Airlie Estates, applicant** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance, which would allow for crossing of a floodplain; Category 29 which would allow for a waiver of the public street requirements; and Category 31, which would allow for a waiver of the public/central water requirement. The property contains 47.56 acres, is zoned Residential-1 (R-1), and is located on Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and #6995-15-2925-000) (Postponed July 25, 2002, until September 26, 2002, at the request of the applicant.)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made part of these official minutes. She stated that staff is recommending approval of the special exception request under Category 23, crossing of a floodplain, but is recommending deferral of all other applications.

Mr. Robison asked the applicant if he was willing to change the name of the project.

The applicant stated he was.

Mr. Robison opened the public hearing.

In that no one spoke for or against the Special Exception, Mr. Robison closed the public hearing.

Mr. Sinclair thanked Mr. Evans for being willing to work with the Commission and staff on this project. He stated that the name change was very wise.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to forward the Special Exception to the Board of Supervisors for crossing the floodplain and deferring all other applications.

The motion carried unanimously.

- b. **#SE03-C-04 and SE03-C-05 – Marliece Williams and David W. Sanasack, owners, and STBI-Warrenton, LLC, applicant - Warrenton Hunt** – applicant wishes to obtain special exception approval under Category 30, which would allow for a waiver of the public/central sewer requirement and Category 31, which would allow for a waiver of the public/central water requirement. The property contains approximately 153 acres, is zoned Residential – 1 (R-1), and is located on the north side Meetze Road (Route 643), the north side of Duhollow Road (Route 672) and the west side of Frytown Road (Route 674), Center District. (PINs #6984-92-6454-000, 6994-02-8294-000, and 6994-13-8021-000)

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

Mr. Robison opened the public hearing.

John Foote, representative for applicant, stated that he was aware that there is a petition from the residents of Frytown. He asked the neighbors to please take the time to speak with him and the applicant during the break. The applicant wants to meet with the community, present their project, and listen to their areas of concern in more detail. The applicant has requested a 90-day postponement.

Ms. Cox, Center District, stated that if this special exception goes through, she would like the development to pay for all of the testing of the wells, before during and after construction, so they could catch contamination before it starts.

Sonya Addison, Frytown, stated that water has always been a problem for that area. She has a petition with 45 names to deny the Special Exception. She said, due to the drought, the wells are all ready dry and granting this request will cause the development to draw off of the current water. Ms. Addison stated that the State Health Department tests clearly state that the soil and water are contaminated. Ms. Addison stated that increasing the density would increase traffic, thus affecting safety. Ms. Addison asked what is going to happen to them if their wells go dry? If the special exception is approved, she asked, who is going to tell the residents about the contamination of the soil and water?

Ursilene Anderson, Center District, stated that the residents of Frytown met last Monday and they are strongly opposed to the special exception. Ms. Anderson stated that she was in favor of development, as long as it is well-planned development. She stated that the water and sewer should be the responsibility of

the Town. The residents have real concerns about their water. Frytown has bad water and the Town of Warrenton should support this development.

Lauren Van Roan, Cedar Run District, representing the Warrenton Hunt. Ms. Van Roan opposes the name. The Warrenton Hunt has been in existence for 100 years. In addition, there are 911 issues with duplicate names.

Tom Harris, Center District, P.E.C., stated that there was a lack of information regarding this request. He said that this request should be denied, not postponed. Mr. Harris stated that the residents would suffer ill health. The developer should be required to connect to public water and sewer or not develop the property now.

Clay Voight, Center District, stated that he is a new resident to the area and his water is contaminated with trace elements and the subject property is located between his and the dumpsite.

Millie Carter, Center District, stated she was definitely against this request. The dumpster sits across from her. She said about 4 to 5 weeks ago their water was tested and her water was fine but her neighbor's was contaminated.

Kitty Smith, Marshall District, stated that the County has ordinances that if you are building more than 25 houses; you need to be on public water and sewer. She said that a subdivision of this size in a Service District should not be put on wells. Ms. Smith stated that the Town of Warrenton stuck to their guns during the time when the Gold Cup Subdivision was trying to get approved and we should to, even if it takes 2 – 3 years. She doesn't care how long it takes.

Mr. Chichester, Duhollow Road, stated that he lived across from the subject property and that their neighbors could not drink their water. The development should be connected to public water.

Sharon Martin, Center District, stated that the Fauquier County Health Department is against this development. She asked, if this development cannot be connected to the Town, why is this request even being considered? She does not want bad things to happen to her well.

Ruth Voight, Center District, stated that this request should be denied for many reasons, including water. The water is slightly contaminated and this development will make it worse. In addition, this development will destroy the beauty of the area. Ms. Voight asked, "When are we going to start putting this on the Town?"

There were no further speakers.

Mr. Robison stated that it is apparent that there are many concerns and he shares these concerns. He said that it does not look favorably on the application, but is willing to grant the applicant a postponement and the public hearing will be left open.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone action for an additional 90 days, at the request of the applicant, and leave the public hearing open.

The motion carried unanimously.

13. **REZONING REQUESTS**

- a. **#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 (Private Street), in the Bealeton Service District, Phase I - Sewered, Lee District. (PIN #6899-29-5691-000) (Postponed on May 30, 2002 until July 25, 2002 for further review. Applicant requested additional postponement until September 26, 2002.)

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

Mrs. Cook stated that the revisions changed the application drastically. Due to this change, staff recommends the Commission close the public hearing and schedule a new hearing on the revised application for the October Commission meeting.

Mr. Robison opened the public hearing.

Bill Linsicome thanked everyone for their effort and gave a presentation outlining the changes made to the application.

Beverly Cohn, Lee District, stated that she has lived there for 28 years and this plan shows an improvement in the quality of life. She said this development will add to the diversity of Southern Fauquier and is a great enhancement. Mrs. Cohen stated she is anxious to see it.

James Flanningan, Lee District, stated that he moved here because of growth and poor planning in Price William County. When he saw that these proposed houses were affordable, he felt it was urgent to come and speak. Mr. Flanningan believes this development will be an asset and will give kids somewhere to go after school and during the summer. He commended the developer and the Commission.

David Getz, Marshall District, stated that this was a well thought out plan. He said this would be an addition to the Bealeton area. Mr. Getz stated that Mr. Tharpe is a man of integrity.

Dell Ennis, Midland, stated that he is in support of Mr. Tharpe's project. He wanted to recognize Jim Strickland for his great work and is glad that he is associated with the project. Mr. Ennis stated this project is recession proof.



Jim Van Luven, Lee District, co-chairman of Lee District Planning Group. He stated that he was not aware the development would go up to 225 units. The Committee wants to stick to low density for this area – 90 units not 225. The 25 acres of Commercial – Institutional uses were to be related to the development of the college. The Committee would like residents to use Bealeton Town Center, where they can walk. He is still concerned about the commercial traffic and Old Marsh Road is a concern. It is a shame that the 5-acre multi-purpose site was lost. He stated that the 2 acres for public safety should be for any public use. The price for the 2 acres seems steep. May be the internal development traffic should be routed to Route 28 rather than Old Marsh Road.

Mara Seaforest, Cedar Run District, stated that in 1993 the Tharpe property was not in the Service District. She stated that this development is attractive; however, it remains a subdivision for commuters. Ms. Seaforest said the developer is not proffering building or staffing of the Fauquier Public Safety. She stated that the alarm is hazardous to the school when the alarm sounds. Ms. Seaforest stated that traffic is going to be a serious issue. The homeowners of these 225 houses will be going to work just as school is beginning.

Kitty Smith, Marshall District, stated that she likes the interconnected streets and she commends Mr. Tharpe for the design of the community and the reduction of commercial uses. She suggested that the Commission ask for uses that are not wanted to be proffered out.

Mr. Robison, with no further speakers closed the public hearing.

Mr. Carr recommended that the public hearing be closed and the Planning Commission direct staff to re-advertise the altered plan. He indicated that the adjoining property owners needed to receive notice that the proposed rezoning application has changed in terms of total number of dwelling units, transportation access, architectural design standards, and requested modifications to the Zoning Ordinance requirements.

Mr. Robison stated that he is impressed with the design, it is creative. He is concerned with the increased units and traffic impacts to schools.

Mr. Guerra stated that this project is the first one he has seen in his time on the Commission done by professional planners.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to close the public hearing, and re-advertise the amended application for a new hearing.

The motion carried unanimously.

- b. **#RZ03-M-01 – Carlin W. and Harold E. Mills, owners, and J. William Gilliam, applicant – JWG LLC** – applicant wishes to rezone 1.78 acres from Residential – 4 (R-4) to Commercial-Highway (C-2). The property is located at the southeast quadrant of the intersection of Winchester Road (Business Route 17) and Route 622, Marshall District. (PIN# 6969-87-8431-000)

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

Bill Gilliam, applicant, stated that this property is just off of I-66 and adjacent properties consist of Amoco, McDonalds, and an Industrial Park. He said the Comprehensive Plan shows this property in a C-2 Zoning District. Mr. Gilliam stated that putting houses on this land would be an error. He said that Carters Crossing has no frontage on Route 17 but it has access on Route 55. If it does have access, they do not know where it will occur. Mr. Gilliam stated he is not opposed to a Traffic Analysis but he would rather rezone it now. VDOT stated the property should only have one access on Route 17 and he is willing to reduce the accesses to one.

Jack Whiting, Marshall District, is a member of the Citizen Committee. He commended Mr. Carr and staff. Mr. Whiting stated that the planning group thinks the property should stay the same. The I-66 access from Route 17 is a dangerous situation. VDOT may need to expand with a clover leaf toward Mr. Gilliam's property. He asked why change the existing Residential zoning when the Comprehensive Plan is in the process of changing. Mr. Whiting asked the Commission to please deny this request.

Holder Trumbo, Marshall District, stated the overall tone of the development is coming out of an era when we put highway commercial at every intersection. Rte. 55 and Rte. 17 are an extension of Main Street Marshall and he would like to see a continuation of mixed uses.

Kitty Smith, Marshall District, stated that during the Marshall Service District Plan Update review there has been a lot of discussion about this very area. Ms. Smith stated she did not want to see this gateway entrance become a strip of commercial highway uses. She said that keeping this parcel as residential would keep a nicer feel to this entrance to Marshall. Ms. Smith stated that during a rezoning request it is the burden of the applicant to show that this zoning is wrong, the applicant has not, he has only shown why commercial zoning would work.

Meredith Whiting, Marshall District, echoed her agreement with all the other opposition. She stated that the Commission should refrain from establishing any other retail from I-66 to Route 55 for safety.

George Thompson, Marshall District, owns residences just across from the subject property. Mr. Thompson stated that Carters Crossing does front on Route 17. He said there are enough gas stations in Marshall to accommodate the need. The Committee is trying to have a historic lovely approach to Marshall.

There were no other speakers.

Mrs. McCarty stated that this application is devastating for Marshall. She said that this is the very central point with the Marshall Citizen plan. The Committee is looking for medium density residential to tie the shopping areas to Main Street. Mrs. McCarty stated that she would like to postpone the application and request

that the applicant provide a Transportation Analysis including a Level of Service Analysis, architectural renderings trail linkages, Type I Soil Map, Stormwater Analysis, a detailed study of water usages, letters from WSA and Marshall Waterworks and trail connections to Carters Crossing.

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to postpone the application for an additional 30 days and to keep the hearing open.

Mr. Sinclair stated that Marshall is a poster child for history. He said this application is a true contradiction to making Winchester Road a “true gateway.” Mr. Sinclair stated that he did not like the idea another strip mall and more commercial ventures. He would prefer this area to be green space, but the Marshall Citizen Planning Committee says medium density residential. Mr. Sinclair stated that he would support Mrs. McCarty in her motion but he has serious problems with the application.

The motion carried unanimously.

14. ***Board of Supervisors Proffer Policy*** – present the Proffer Policy Analysis Report and the proposed amendment for the Board of Supervisor’s policy regarding Guidelines for Proffers. (Adopted August 7, 1990.)

Mr. Carr reviewed the staff report, a copy of which is attached to and made part of these official minutes and included the Proffer Policy Analysis Report and proposed Proffer Policy for Board of Supervisors public hearing and action.

Mr. Robison opened the public hearing.

Kitty Smith, Marshall District spoke in favor of the new Proffer Policy. She stated that there were 2 issues with this. One is the deduction for “by rights”, Stafford does not, so we should not. The other dealt with a typographical error.

Mr. Robison, with no further speakers, closed the public hearing.

On motion made by Mr. Robison and seconded by Mr. Sinclair it was moved to approve this request.

The motion carried unanimously.

There being no further business, the meeting adjourned at 9:50 p.m.