

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
OCTOBER 24, 2002**

*The Fauquier County Planning Commission held its regular meeting on Thursday, October 24, 2002, beginning at 3:00 P.M. in the 4<sup>th</sup> Floor Conference Room of The Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Bob Sinclair and Mr. Jim Stone. Also present at the meeting were Mr. Rick Carr, Mr. Robert Counts, Mrs. Elizabeth Cook, Ms. Deirdre Clark, and Ms. Beckie Williams, Administrative Secretary.*

1. **APPROVAL OF MINUTES – September 26, 2002**

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to approve the minutes of September 26, 2002 as amended. The motion carried unanimously.

2. **SUBDIVISION ORDINANCE WAIVER**

- **Waiver of Section 3-2 (A) (6) of the Subdivision Ordinance requirement for maximum private street length, JBC Developers, Inc., applicant - Marshall District. (PIN # 6962-87-3376-000, 6962-97-3212-000, and 6962-76-6988-000) (Postponed August 29, 2002, until October 24, 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 Mrs. McCarty and seconded by Mr. Robison, it was moved to deny this request. Mrs. McCarty stated she agreed with the staff and there were other uses for this property.

The motion carried unanimously.

3. **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 #6984-93-2775-000 and #6984-83-4176-000) (Postponed July 25, 2002, until October 24, 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. Robison and seconded by Mr. Stone, it was moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

- b. **#PP02-S-12 - Llewellyn J. Evans, Jr., owner and Airlie Estates, LLC, applicant - Airlie Estates** - applicant wishes to obtain preliminary plat approval to subdivide approximately 47.56 acres into twenty-four (24) lots. The property is zoned Residential -1 (R-1), and is located on the northeast side of Airlie Road (Route 605), Scott District. (PIN's #6995-15-0169-000 and 6995-15-2925-000) (Postponed September 26, 2002, until October 24, 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. Sinclair and seconded by Mr. Robison, it was moved to postpone action for 60 days, 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. 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 September 26, 2002, until October 24, 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 action for 30 days, at the request of the applicant.

The motion carried unanimously.

- d. **#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 September 26, 2002, until October 24, 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. Sinclair, it was moved to approve the request subject to the conditions.

The motion carried unanimously.

- e. **#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 68.4 acres into seventy-six (76) 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 September 26, 2002, until October 24, 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. Robison, it was moved to approve the request.

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 September 26, 2002, until October 24, 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. Robison, it was moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

- g. **#PP02-CR-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) (Postponed September 26, 2002, until October 24, 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. Stone and seconded by Mrs. McCarty, it was moved to approve the request.

The motion carried unanimously.

- h. **#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 until the February Planning Commission meeting.

The motion carried unanimously.

- i. **#PP03-L-07 – D.C. Diamond Corporation, owner/applicant – Remington Business Park** – applicant wishes to obtain preliminary plat approval to subdivide approximately 65.72 acres into twelve (12) lots. The property is zoned Industrial – 1 (I-1), and is located on Lucky Hill Road, Lee District. (PIN #6888-37-4051-000)

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. Guerra and seconded by Mr. Robison, it was moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

- j. **#PP03-S-08 – R.E. Faylor Contracting, Inc., owner/applicant – Gray’s Mill Village** – applicant wishes to obtain preliminary plat approval to subdivide approximately 6.7 acres into five (5) lots. The property is zoned Residential – 1 (R-1), and is located on the east side of Gray’s Mill Road, Scott District. (PIN #6995-94-7313-000)

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. Sinclair and seconded by Mrs. McCarty, it was moved to deny the request. The applicant waived the reading of the reasons for this denial, a copy of which is attached to and made part of these official minutes.

The motion carried unanimously.

- k. **#PP03-CR-02 – J.Randolph Parks, Trustee, owner, and Mike Stumpo, applicant – Sycamore Springs** – applicant wishes to obtain preliminary plat approval to subdivide approximately 16.8 acres into six (6) lots. The property is zoned Rural Residential – 2 (RR-2), and is located on the east side of Routes 15/29/17, Cedar Run District. (PIN #6982-46-7184-000)

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 Mrs. McCarty, it was moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

- l. **#PP03-M-06 – Progress Homes, LLC, owner/applicant – Ada Mews Phase 2 Lot 3** – applicant wishes to obtain preliminary plat approval to subdivide approximately 2.6 acres into two (2) lots. The property is zoned Village (V), and is located on the south side of Elihu Hill Road, Marshall District. (PIN #6948-98-8664-000, former)

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 action for 30 days, at the request of the applicant.

The motion carried unanimously.

4. **COMPREHENSIVE PLAN AMENDMENTS**

- **#CPA03-S-02 - Beights Development Corporation, owner/applicant** - applicant wishes to obtain a Comprehensive Plan Amendment to change the Comprehensive Plan land use designation from Low Density Residential to Industrial. The property contains 3.2981 acres, is zoned R-1 (Residential), 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)

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

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to postpone action until the November meeting. This will allow the Commission to have a site visit to the property.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

The Planning Commission made the following comments on the special permit of R. Carl Faller (Owner) and Gregory M. Yates (Contract Owner):

Serf Guerra had no concerns with the application and he thought it was important to provide affordable housing for the younger families in the Bealeton area.

Jim Stone indicated that he was very concerned with the location of the apartments with Route 17 and the project shoehorned apartments into a very small complex area that is better suited for commercial and industrial uses rather than residential. Richard Robison and Ann McCarty concurred.

***The Fauquier County Planning Commission reconvened its Public Hearing on Thursday, October 24, 2002, beginning at 7:00 P.M. in the Auditorium of Warrenton Middle School, 244 Waterloo 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. Robert Counts and Ms. Beckie Williams, Administrative Secretary.***

6. **THE PLEDGE OF ALLEGIANCE**

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

7. **CITIZENS TIME**

No one spoke.

8. **COMPREHENSIVE PLAN AMENDMENTS**

- **Amendment to New Baltimore Service District – Sewer Service Area** - Comprehensive Plan Amendment, requested by 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.

Mrs. Cook reviewed the staff memorandum, 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 Comprehensive Plan 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.

9. **SPECIAL EXCEPTIONS**

- a. **#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 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 September 26, 2002, until October 24, 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.

Mr. Robison opened the public hearing.

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

On motion made by Mr. Sinclair and seconded by Mr. Stone, it was moved to postpone action until the December 19 Planning Commission meeting, at the request of the applicant.

The motion carried unanimously.

- b. **#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) (Postponed until October 24, 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.

Mr. Robison opened the public hearing.

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

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone action until the December 19<sup>th</sup> Planning Commission meeting, at the request of the applicant.

The motion carried unanimously.

- c. **#SE03-CR-06 – Dennis W. Gordon, owner/applicant** – applicant wishes to obtain special exception approval under Category 26 of the Zoning Ordinance, which would allow for a decrease in the non-common open space requirement. The property contains approximately 131.75 acres and is located on the south side of Cromwell Road west of its intersection with Brent Town Road (Rt. 612), Cedar Run District. (PIN #7848-61-9095-000)

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

Mr. Robison opened the public hearing.

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



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

The motion carried unanimously.

- d. *#SE03-M-07 & #SE03-M-08 – James N. & Marilyn S. Shackelford, owner/applicant – Dog-Gone Delightful Day Spa* – applicant wishes to obtain special exception approval under Category 2 of the Zoning Ordinance, which would allow for a residential business and Category 13, which would allow for commercial business and personal services. The property contains 25.096 acres and is located on the southwest side of Cliff Mills Road (Route 681) on Redlin Lane, Marshall District. (PIN #6945-52-2882-000)

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

Mr. Robison opened the public hearing.

Marilyn Shackelford, applicant, stated that she has a receipt for the filter system that is recommended and accepted by the Health Department. She stated that this is the farthest thing from a commercial kennel; she considers her business a “bed and breakfast.”

Mr. Sinclair stated that he loves dogs and loves the name.

Bob Lofton, Marshall District, would like the Commission to take the noise factor into consideration. Mr. Lofton stated that when the Grasso’s owned and operated the previous kennel, a lot of noise was created. He stated that when the Grasso’s stopped leasing the area was pleasurable.

Mrs. McCarty asked Mr. Lofton about how many dogs did the Grasso’s kennel have at one time. Mr. Lofton stated 6 or more Jack Russells among others.

Donald Miller, Marshall District, bought an adjacent property a while back, in hopes to live there when he and his wife retire. His wife visited the property during the time that the Grasso’s had a kennel and never came back because of the barking. Mr. Miller stated that when the property wasn’t being used as a kennel, he and his wife considered building again. He stated if the dogs were kept inside, he would be o.k. with this request.

Patrick Kerns, Marshall District, stated that the dogs are nuisance. Mr. Kerns stated that it has been nice without the sounds. He said he wouldn’t have a problem with this request if the noise were taken care of.

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

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to postpone the request for 30 days to allow the Commission to have a site visit.

The motion carried unanimously.

10. **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 application has been modified from the original proposal of 90 residential units to 225 residential units. The property is located on the east side of Marsh Road (Route 17) near its intersection with Independence Avenue (Private Street) and Old Marsh Road (Route 837), in the Bealeton Service District, Phase I - Sewered, Lee District. (a portion of PIN #6899-29-5691-000)

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

Mr. Robison opened the public hearing.

Bill Linsicome gave a presentation outlining the proposed development.

James Flanigan, Lee District, stated that he has known Mr. Tharpe for 2 years and Mr. Tharpe cares about the history of this county and the citizens. Mr. Flanigan stated that Mr. Tharpe is a great friend who looks out for any development. Mr. Flanigan thanked the Commission for listening and asked them to please consider this request.

Beverly Comb, Lee District, stated that she has been a Fauquier County resident for 29 years and has lived in Southern Fauquier for 3 years. She stated she would really like to see something to improve the quality of the area. Ms. Comb stated that a common space was needed in the Bealeton area because there are not many options in this area. She stated that she knows the transportation issue is a big problem but she can see that it will be addressed. Ms. Comb stated she trusted the Planning Commission and the Board of Supervisors to do what is best for the area.

Dell Ennis, Midland, thanked the Commission for the opportunity to address them. Mr. Ennis stated that he started out as a foe to this project,

but is now a friend because he understands Bealeton needs expansion. He asked the Commission to consider Mr. Tharpe on that basis and he stated that he supports him 100%.

Jim VanLuven, Lee District, spoke in opposition against this request. He cares about his community. Mr. VanLuven stated that he was surprised that they were now talking about 90 houses instead of 200. Mr. Van Luven stated one of his concerns was the housing development being against Liberty. He feels there should be a minimum buffer of at least 75 feet. Mr. VanLuven would like to see the transportation issues resolved, the number of homes limited, a 75 foot buffer, and realistic proffers.

Mara Seaforest, Cedar Run, stated that she asked Mr. Strickland what he was planning on the entry-level purchase price being. Mr. Strickland stated \$240,000. She stated that she does not consider this affordable housing. She asked the Commission to think of this when they are thinking of the teachers.

Chuck Medvitz, Scott District, stated that there are a lot of open issues with this request. He said that a new Service District plan has not yet been incorporated into the Comprehensive Plan. Mr. Medvitz asked if this development is going to be in a service district. He stated that Mr. Tharpe is an asset to this community but the development has to stand out on its own merits. Mr. Medvitz stated that transportation issues are a real problem throughout the county. He recommended that the Commission forward this application to the Board of Supervisors as a denial and the applicant should work with staff to make it acceptable.

Karen Mosteller, Lee District, stated her concerns with the increase in traffic if this development is approved. She also stated that this could be a place where the high school kids would loiter and commit crimes. Mrs. Mosteller stated that this should be a gated community and being this close to a high school is not a good place for the development.

Richard Mosteller, Lee District, stated his concerns for transportation and for the water. He asked where is all the water going to come from. He asked if he was going to have to drill a new well because they found their water.

Evelyn Olinger stated she was confused, she thought she would be arguing about 225 houses but now they are back to 90 houses. She stated that Mr. VanLuven covered every point she wanted to make. Ms. Olinger asked the Commission to tell her what the criteria is for rezoning RA property when we are trying to preserve it.

Mr. Robison advised Ms. Olinger to meet with staff.

Richard Shaw, Lee District, stated that he lives adjacent to Mr. Tharpe. Mr. Shaw stated that prior to moving to this area they lived in an over congested area in Fairfax, when they moved here they were delighted but now they are getting more and more like Fairfax. Mr. Shaw stated that nothing has been said about a sewage treatment facility, street maintenance and repair and waste removal.

Kathy Wilson, Center District, concurs with Mr. Medvitz. She stated that there are too many unresolved issues.

Ruth White, Lee District, asked what is the access. She stated that it is hard to address issues when it is unclear what is proposed. Ms. White is concerned about the EMS volunteers and schools. She stated that it's not just the Tharpe property but all of the building is too much, too fast.

John Meadows read a letter from Hunter L. and Melissa R. Chambers, adjacent property owners, who could not attend the public hearing. A copy of the letter is attached to and made part of these official minutes.

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

Mr. Guerra stated he was notified by an interested citizen that Mr. VanLuven, Mr. Meadows and Ms. Olinger were all adjacent owners.

Mr. Guerra said, "Great Marsh is the most professional application that has come before me in my seven years on this Commission – no cul de sacs nor cookie cutting residences. There is no question in my mind that a considerable amount of energy, money and progressive thought for a well-planned community was expended for the future benefit of Lee District and the county. Likewise, this Commission spent considerable time and energy, as well as patience. Communication via our local newspapers was extensive, but unfortunately lacking accuracy leading to misinformation and preconceived concepts. At the request of the applicant, I move to approve Option A (90 units) to the Board of Supervisors subject to: 1) VDOT written analysis of traffic impact already supplied (12/14/01) for Option A only. 2) Revised proffer stated adhering to new guidelines."

On motion made by Mr. Guerra, he moved to approve this request. The vote failed 1 - 4.

Mr. Stone stated that he appreciates the position taken by some of the speakers that this should not be forwarded to the Board of Supervisors, but rather be kept before the Planning Commission for further review. He stated that the Commission has been dealing with this request for many

months now. Mr. Stone said there are many, many loose ends in this project, but he does not see in the near future these loose ends being tied up. He stated that transportation issues are a major concern to him.

On motion made by Mr. Stone and seconded by Mrs. McCarty it was moved to deny this request.

Mr. Sinclair stated that this project is not ready to be forwarded to the Board of Supervisors. He said that he remains confused about a lot of issues, for example transportation. He stated that he does not see these issues fully addressed. Mr. Sinclair stated that this project reminds him a lot of the Waterfield proposal. The Planning Commission had not completed their review but the applicant indicated they wished the proposal to go forward, therefore, the Commission voted for a denial. He stated that in his view, this request is not ready to go before the Board of Supervisors; therefore, he could not support the projects as it stands until the outstanding issues are resolved. Mr. Sinclair stated he supported Mr. Stone's motion to deny this request.

Mr. Robison stated he agrees with the comments from Mr. Sinclair, Mr. Stone, staff, and a lot of the speakers. He stated that when he heard the application has gone back to 90 units he was expecting a postponement, however, the applicant requested this request be forwarded one way or the other. Mr. Robison read a few comments made from VDOT and the School Board. He stated that with the numerous amounts of unresolved issues he will also support Mr. Stone's request to deny this request.

Mrs. McCarty stated she wanted to address Ms. Olinger's question about what is the criteria for a rezoning because it is an intense and critical interest to the Commission because it is their job, and it is what they are being denied from doing tonight because they are moving the request with a denial instead of working on the unresolved issues.

Mr. Guerra stated, "Today, we had an opportunity to plan for the future of this area. Would it not have been better to approve a well planned community rather than to let this vast acreage to lie dormant until such time, in this decade or the next, to the potential of over-building by two or three magnitudes?" Mr. Guerra stated that he is in favor of the applicant but he will support his fellow Commissioners in denial.

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) (Postponed September 26, 2002, until October 24, 2002, for further review.)

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.

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

On motion made by Mrs. McCarty and seconded by Mr. Stone, it was moved to postpone action for an additional 30 days for further review, at the applicant's request.

Mrs. McCarty stated that this motion was against her best judgment because staff did not receive any additional information and Mr. Gilliam failed to attend the meeting.

Mr. Sinclair stated that 710 North, 55 East/West, and 17 North are gateways into a historic community. This application flies in the face of what the community planning group is preparing in relative to the number of gateway into this community. Mr. Sinclair stated that if this vote was up to him alone he would make a motion for denial because it has little value to what is proposed to this historic community, but he will support the motion.

Mr. Robison agrees with Mr. Sinclair and Mrs. McCarty and is disappointed that the applicant failed to show up to answer any questions.

The motion carried unanimously.

- c. **#RZ03-L-02 – William F. and Lewis N. Springer and Delorise Gordon, owners, and Robert N. Springer, applicant – Fox Meadows** – applicant wishes to rezone approximately 90 acres from Rural Agricultural (RA) to Residential – 4 (R-4). The property is located on the northwest side of Route 28 south of Oak Shade Road (Route 661), Lee District. (PIN's #6889-54-9393-000, 6889-74-0648-000, and 6889-75-2303-000)

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.

Robert Springer, applicant, stated that he has met with staff, the Lee District Board of Supervisor and the Planning Commissioner to put this plan together. He stated that all of their suggestions have been reflected on this plan, but he needs more time to work with staff.

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

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request for 30 days, at the applicant's request.

The motion carried unanimously.

- d. **#RZ03-L-03 D.C. Diamond Corporation owner/applicant – Southcoate Village Phases 3 & 4** – applicant wishes to amend two (2) proffer conditions (RZ94-L-03). The property is located on the northwest side of Catlett Road (Route 28) at Southcoate Village Drive, Lee District. (PIN's #6889-32-6994-000 and #6889-52-7940-000, former)

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

Mr. Robison opened the public hearing.

Julie Newman, Lee District, stated her concerns on how this is going to affect her. She stated she is confused, she came here about a road and now there are houses everywhere. Ms. Newman thanked the commission for their time.

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

Mr. Guerra stated he shared Ms. Newman concerns. He stated he would like to deny this request, but the applicant did ask for a postponement. He would reluctantly make a motion for a postponement.

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

The motion carried unanimously.

- e. **#RZ03-C-04 – Margaret A. Hufnagel & Others, owners, and Landmark Property Development, LLC, applicant – Raymond Farm** – applicant wishes to rezone approximately 64.0 acres from Residential – 1 (R-1) to Planned Residential Development (PRD). The property is located on the

southeast quadrant of Routes 15/29 and Dumfries Road, Center District.  
(PIN #6995-21-1875-000)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes. Mr. Count stated this request was erroneously put on the public hearing.

Mr. Robison opened the public hearing.

John Thilman, representing the applicant, gave a brief presentation outlining the proposed development.

Fred Hufnagel, executor of the estate, stated that this property held a lot of emotion. He stated he has been approached by everyone to purchase this property, but not until he met Mr. Thilman was there never a plan that had any creativity. Mr. Hufnagel stated that he is looking for a plan that would keep his mother's memory and this plan is a good plan. He asked the Commission to please approve the request.

Roger Miller, Center District, is an adjacent property owner. Mr. Miller handed out a sheet outlining some adjacent owner's concerns, a copy of which is attached to and made part of these official minutes. Mr. Miller briefly reviewed these concerns.

Scott Van Orman, Center District, stated his concern regarding the 100 foot buffer behind his property. He asked what is going to happen to this. According to documents left at his house, the application was proposing 64 one-acre lots and the property consists of 64 acres. He also stated his concerns regarding the water. With 64 new homes, how is this going to affect his home?

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

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

The motion carried unanimously.

- f. **#RZ02-L-08 - Helen F. Helm, owner, and Richard M. Barb, LLC, applicant** - applicant wishes to rezone approximately 139.5 acres from Residential-1 (R-1) to Residential-2 (R-2). The property is located off James Madison Highway (Routes 15/29) and Business Routes 15/29 in the Remington Service District, Lee District. (PIN's #6888-13-8870-000 and #6888-15-4359-000) (Postponed until October 24, 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.

Mr. Robison opened the public hearing.

Richard Barb, applicant, requested a 30 day extension to work with VDOT and staff.

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

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

The motion carried unanimously.

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

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