

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
NOVEMBER 21, 2002**

The Fauquier County Planning Commission held its regular meeting on Thursday, November 21, 2002, beginning at 3:00 P.M. in the 4th Floor Conference Room of The Fauquier County Courthouse, 40 Culpeper Street, Warrenton, Virginia. Those members present were Mr. Richard Robison, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. 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, Mrs. Carolyn Bowen, and Ms. Beckie Williams, Administrative Secretary.

1. **APPROVAL OF MINUTES – October 24, 2002**

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to postpone the approval of the October minutes until the December 19th Planning Commission meeting.

The motion carried unanimously.

2. **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 October 24, 2002, until November 21, 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. Sinclair, it was moved to postpone action for 60 days, per the applicant's request.

The motion carried unanimously.

- b. **#PP02-L-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 October 24, 2002, until November 21, 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, per the applicant's request.

The motion carried unanimously.

- c. **#PP02-L-18 - Cranes Corner, L.L.C., owner and Jack Hazel/Steve Vento, applicants** - applicants wish to obtain 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 October 24, 2002, until November 21, 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. Sinclair, it was moved to approve this request with the revised conditions presented by staff.

The motion carried unanimously.

- d. **#PP03-L-01 - James W. Ott, owner and Wayne K Shover, applicant - Ott's Landing** - applicant wishes to obtain preliminary plat approval to subdivide approximately 7.46 acres of a +/- 31 acre parcel into twenty-two (22) lots. The property is zoned Residential-4 (R-4), and is bounded on the west by James Madison Highway (US 15/29) and on the east by Duey Street, Lee District. (part of PIN #6878-80-7704-000)

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

Mr. Guerra stated that he would like to see a better design of this project.

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

The motion carried unanimously.

- e. **#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, south of its intersection with Beach Road, Cedar Run District. (PIN #6982-46-7184-000) (Postponed October 24, 2002, until November 21, 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 postpone action for 30 days, per the applicant's request.

The motion carried unanimously.

- f. **#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, in the village of Ada, Marshall District. (PIN #6948-98-8664-000, former) (Postponed October 24, 2002, until November 21, 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 action for 60 days, per the applicant's request.

The motion carried unanimously.

- g. **#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 the east side of Lucky Hill Road, south of its intersection with James Madison Street (Route 15/29 Business), Lee District. (PIN #6888-37-4051-000) (Postponed October 24, 2002, until November 21, 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 90 days, at the applicant's request.

The motion carried unanimously.

- h. **#PP03-C-09 – Auburn Hill, LLC, owner/applicant – The Hills at Old Auburn** – applicant wishes to obtain preliminary plat approval to subdivide approximately 151.5783 acres into six (6) lots. The property is zoned Rural Agriculture (RA), and is located on the west side of Lunsford Road (Route 674), at its intersection with Old Auburn Road (Route 670), Center District. (PIN #6993-35-8981-000)

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

The motion carried unanimously.

- i. **#PP03-L-10 – Douglas E. Darling, owner/applicant – Wexford Village** – applicant wishes to subdivide approximately 24.5166 acres into seventy-four (74) lots. The property is zoned Residential-4 and Residential-2 (R-4/R-2) and is located in the southeast quadrant of the intersection of Routes 28 and 17, Lee District. (PIN's #6899-05-9336-000, 6899-25-0237-000, 6899-24-0759-000 and 6899-05-5345-000)

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

Mr. Stone asked, from a procedural point of view whether it be better to have the preliminary plan go forward at the same time as the special exceptions. He stated that if the applicant could work out some of the outstanding issues, the special exceptions could be withdrawn. If that is the case, the preliminary plat request could be postponed for 90 days.

Mr. Guerra stated that he didn't think the Commission needed to prolong these issues any longer, and it is reasonable to deny this request for the reasons cited in the staff report.

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

The motion carried unanimously.

Mr. Carr recommended to the Commission that they postpone action on the preliminary plat.

Mr. Guerra stated that the Commission has already discussed this several times. He stated that he does not see that the applicant has worked with the staff or with him regarding this application. Therefore, he still recommends denial of the preliminary plat.

Mr. Carr stated that if the Commission chooses to deny this request, they must state specific elements of the application that do not meet the code requirements. Mr. Carr stated that other options would be to defer action for 90 days or deny this request at the public hearing.

Mr. Guerra affirmed that this is one project that really deserves a denial.

Mr. Guerra agreed that, if there is a reasonable amount of time prior to the public hearing for staff to prepare reasons for denial based on the ordinance requirements and then take appropriate action.

- j. **#PP03-M-13 – Judith C. Ellis, owner and Mike Stumpo, applicant – Woodmont Forest** – applicant wishes to subdivide approximately 20.33 acres of a +/- 29.736 acre parcel, into twenty (20) lots. The property is zoned Village and Rural Agriculture (V/RA) and is located at 9259 Springs Road, in the village of Turnbull, Marshall District. (part of PIN #6962-67-5339-000)

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

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

The motion carried unanimously.

3. **INITIATION OF PROPOSED SUBDIVISION ORDINANCE TEXT AMENDMENT** - Initiation of an amendment to Section 2-39(3)(A)(1) of the Subdivision Ordinance to include in the definition of “immediate family members” spouses, siblings, aunts, uncles, nieces, and nephews.

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

Mr. Guerra stated that he was not opposing this request, but he did want to state that it would be better for these transfers to be handled by a Special Exception.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to schedule the public hearing for December 19, 2002.

The motion carried unanimously.

4. **SPECIAL EXCEPTIONS**

#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) (Postponed October 24, 2002, until November 21, 2002, in order to allow a site visit by the Planning Commission.)

Mr. Counts reviewed his 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 applicant's request.

The motion carried unanimously.

5. **REZONING REQUESTS**

a. **#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) to permit development of approximately 209 lots. The property is located east of James Madison Highway (Routes 15/29) and west of Business Routes 15/29 in the Remington Service District, Lee District. (PIN's #6888-13-8870-000 and #6888-15-4359-000) (Postponed October 24, 2002, until November 21, 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 Mr. Robison, it was moved to postpone action for 30 days, at the request of the applicant.

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 future extension of Route 622, Marshall District.

(PIN# 6969-87-8431-000) (Postponed October 24, 2002, until November 21, 2002, at applicants request to allow for further review.)

Mr. Counts reviewed his 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 deny the applicant's request, for reasons cited in the staff report.

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) to permit development of approximately 197 lots. 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) (Postponed October 24, 2002, until November 21, 2002, at the applicant's request.)

Mr. Counts reviewed his 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 but to extend the deferral for 60 days if the applicant chooses to do so.

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) (Postponed October 24, 2002, until November 21, 2002, at the applicant's request.)

Mr. Counts reviewed his 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 deny this request, for reasons stated in the staff report.

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) to permit the development of 64 lots. The property is located on the southeast quadrant of Routes 15/29 and Dumfries Road, Center District. (PIN #6995-21-1875-000) (Postponed October 24, 2002, until November 21, 2002, at the applicant’s request.)

Mr. Counts reviewed his staff memorandum, a copy of which is attached to and made part of these official minutes. The key comment was that the applicant determined modification requests regarding specified Zoning Ordinance requirements needed to be included as part of the application. That has resulted in the need for postponement, and an additional public hearing in January of 2003.

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

The motion carried unanimously.

6. **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) (Postponed October 24, 2002, until November 21, 2002)

Mr. Carr reviewed Mr. Calderon’s 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. Stone, it was moved to postpone action for 60 days, at the request of the applicant.

The motion carried unanimously.

7. **ZONING ORDINANCE WAIVER**

Waiver of Section 7-302.1.B, Limitation on a private street connecting directly to a state maintained street – Ray A. and JoAnn W. Peterson, applicants – Scott District. (PIN #7907-32-7163-000)

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. Stone, it was moved to approve the request.

The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

Special Permit #50651 Mary C. Decarlo, owner, and Decarlo

Enterprises, Inc, lessee - Applicants are requesting special permit approval to store propane fuel on 25 acres of 132.01 acres, identified as PIN #6898-18-1549, located at 11271 Remington Road, Lee Magisterial District, Bealeton, Virginia. The property is zoned Industrial 2.

Mr. Robison stated that he was told this is a storage facility that will house over 10.6 million gallons of fuel.

Mrs. Bowen briefly outlined the proposed outline, and stated that staff is seeking more information than the applicant provided.

Mrs. McCarty asked how much fuel are they housing now.

Mrs. Bowen indicated that the site plan shows there are two 30,000-gallon propane tanks existing.

Mrs. Bowen stated that Philip Myer of Emergency Services has been requested to assist with the review of this application. She also added that Gene Lofdahl, a member of the Board of Zoning Appeals, previously worked with Atlantic Research and has a great deal of background in this area.

Mrs. Bowen also indicated that the storage tanks are partially underground.

Mr. Guerra asked if the Zoning Office has sought the help of PEC. She responded that they have not.

Mr. Sinclair expressed his concerns with this application. Mrs. Bowen understood his concern, and advised everyone that the Zoning Office is in the process of seeking additional information regarding this project proposal.

Mr. Stone stressed his main concern is how close this property is to any residential dwelling. Mrs. Bowen stated the nearest dwelling is approximately 535 feet.

Mr. Guerra suggested that the BZA research similar sites to see how close they are to other residential areas.

Mrs. Bowen affirmed that she is certain the BZA will give the application a lot of scrutiny and, if they do not receive additional information soon, it will be deferred.

Mr. Robison recommended that the BZA proceed very cautiously, and, if they were to consider approval they should provide a condition to increase the barrier around the facility to prevent trucks from entering the facility.

9. **PRESENTATION BRIEFING** – Ms. Mimi Moore, Citizens of Fauquier presented a report on the Preliminary work completed on Villages and Settlements.

Mr. Carr stated that the staff was enthusiastic to receive help; it saved the staff approximately 2 years.

The Fauquier County Planning Commission reconvened its Public Hearing on Thursday, November 21, 2002, beginning at 7:08 P.M. in The Barn at Lord Fairfax Community College, 6480 College 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, Mr. Robert Counts and Ms. Beckie Williams, Administrative Secretary.

10. **THE PLEDGE OF ALLEGIANCE**

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

- 2i. **#PP03-L-10 – Douglas E. Darling, owner/applicant – Wexford Village** – applicant wishes to subdivide approximately 24.5166 acres into seventy-four (74) lots. The property is zoned Residential-4 and Residential-2 (R-4/R-2) and is located in the southeast quadrant of the intersection of Routes 28 and 17, Lee District. (PIN's #6899-05-9336-000, 6899-25-0237-000, 6899-24-0759-000 and 6899-05-5345-000)

Mr. Robison stated that this application was before the Commission during the regular meeting; however, the Commission may have a motion to reconsider.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to reconsider the previous action.

The motion carried unanimously.

Mr. Carr stated that the Commission may want postpone any further action until after the hearing of the Special Exception.

Mr. Guerra declared he would like to do it all at one time. The reasons cited for the denial are very lengthy, and he would like to waive the reading of these. A copy 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 deny the Preliminary Plan subject to the cited reasons.

The motion carried unanimously.

11. **CITIZENS TIME**

No one spoke.

12. **CAPITAL IMPROVEMENTS PLAN FY2004-2008**

In accordance with Section 15.2-2239 of the Code of Virginia, the Planning Commission is reviewing the proposed Fauquier County Capital Improvements Plan (CIP) for Fiscal Years 2004-2008. The CIP is the County's statement of intent regarding programming of its public facilities, such as schools, libraries, parks and recreation facilities, over the next six fiscal years. Prior to forwarding this plan to the Board of Supervisors, the Commission will hold a public hearing to receive citizen comments on the plan.

Mr. Carr stated that the Planning Commission is in receipt of the proposed Capital Improvements Plan for 2004 – 2008 from the Citizens Advisory Committee. Staff has no additional comments, and recommends that Paul Blackmer, Chairman of the Citizens Advisory Committee, provide his summary presentation for the public hearing.

Mr. Robison opened the public hearing.

Paul Blackmer, Chairman of the Citizens Advisory Committee, gave a brief presentation of the Capital Improvements Plan.

In that no one spoke for or against the proposed CIP for FY 2004-2008, Mr. Robison closed the public hearing.

Mr. Robison stated that there will be a work session, Thursday, December 12, 2002 at 6:00 P.M. in the 4th Floor School Board Meeting Room.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone action on this request for 30 days.

13. **SIGNAGE DESIGN PACKAGE**

Vint Hill Economic Development Authority, owner – applicant has submitted its proposed *Signage Design Package* for approval under Section 8-1600 of the Fauquier County Zoning Ordinance. The property is located between Route 215, 793, 652, and 602 in the Cedar Run Magisterial District. (former PIN's 7915-88-6141-000 and 7915-75-9953-000)

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

Mr. Robison opened the public hearing.

Mr. Owen Bludau, Center District, represents the Vint Hill Economic Development Authority, Inc. Mr. Bludau quoted Section 6, Chapter 4, of the Fauquier County Zoning Ordinance, as it relates to PCID zoning. Mr. Bludau indicated that the Vint Hill EDA has architectural and landscape design standards for three property owner associations that will approve the construction and renovation on Vint Hill prior to Fauquier County issuing its permits. He further stated that the design standards are part of the governing covenants that have been approved by the county and recorded. Mr. Bludau offered that Signage Design Package that is proposed would be added to the architectural and landscape design standards. He said the objectives of this package are four-fold, one is to standardize all commercial, industrial, retail and street signage, two is to control the overall definition that signage usually displays when the design is left to the individual property owners, three is to provide more and well designed directional signs for visitors, and four is to give the park more of a business, rather than residential appearance.

Dr. Kitty Smith, Marshall District, stated she was not excited about the sign design package, but it is done. She stated that this proposed package does not indicate how many signs or where they are going to be. Dr. Smith said the applicant will have to come back in as various sections are built out and receive approval from the Commission and the Board of Supervisors.

Mr. Robison closed the public hearing.

Mr. Stone vouched that Dr. Smith's points are well taken. He indicated that it is quite clear that we do not know the number of signs or where they will be placed, on the other hand the Signage Design Package is an excellent piece of work. Mr. Stone stated that this concept is on its way to approval, but before that happens, the Commission would like to see an example of where the signs will be on one Land Bay and how they will look on the ground. Mr. Stone stated that the County needs to have assurance that they will be able to maintain the signs should Vint Hill cease to exist.

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.

Mr. Guerra asked Mr. Stone if there were any particular items with which he was not satisfied.

Mr. Stone affirmed that this is a good piece of work, but he does want to see how the layout will be on the ground.

Mr. Robison stated he agreed with Dr. Smith. He said the applicant has presented a nice package of design standards, but the application is too vague. Mr. Robison declared that he is not comfortable with a generic application.

Mr. Robison asked Mrs. Bowen if she had anything to add.

Mrs. Bowen said the Zoning Office will work with the applicant to try to get something done about the location and number of signs they are proposing.

Mr. Stone stated for the benefit of those who did not attend the work session that the applicant will still have to go to the Zoning Office for specific approvals and permits, as the area develops. Once the overall sign package is approved, he stated that this package is the failsafe for any future application.

Mrs. Bowen stated that with a Planned Unit Development, everyone will know what type of signs are permitted and the Associations have to approve the signs before the County does.

Mr. Sinclair agreed with Mr. Stone, in that this is the failsafe ingredient. He stated that he concurs with his colleagues that, this is an attractive package and it is something that they can build upon.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

- a. **#SE03-C-11 – George C. & Helen F. Elmore, owner, and Bechtel Telecommunications – A T & T Wireless Service, Inc., applicant** – applicant wishes to obtain special exception approval under Category 20, which would allow for the construction of a 110 foot monopole, antennas, and related equipment. The property contains 55.5 acres and is located at the end of Elmore's Lane, south of Rogues Road (Route 602), Center District. (PIN #7904-15-6717-000)

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.

Mr. Terry Cooke, representing A T & T Wireless Services, briefly outlined the proposed application. Mr. Cooke stated that the County consultant has recommended approval pending additional information, which is being provided. Mr. Cooke stated they provided this information with the Consultants report and that all requests for information have been addressed. Mr. Cooke stated the applicant has registered with the FAA but because of the location and moderate height this tower does not require FAA lighting.

Mrs. McCarty expressed her concerns for the position of the balloon testing, she did not feel the test was accurate.

The Commission and the applicants briefly discussed use of and other existing towers within the vicinity, the proposed application, and future applications for commercial wireless facilities. The applicant plans to submit in Fauquier and Prince William Counties.

Mr. Merle Fallon, represents the landowner of Mount Sterling Farms, 185 acres, immediately in the view shed of this property. The property owner strongly supports this tower and would like it if the Commission would approve this.

Mr. Merle Fallon, representing himself, stated he drives Dumfries Road at least twice a day. This road contains a vast dead zone. Mr. Fallon stated from a safety standpoint, the Commission needs to get these sites approved. He said that cellular phones are the best 911 device and this area is a high growth area.

Dr. Kitty Smith, Marshall District, stated that she has not heard anything that tells her anything that meets the requirements of the Fauquier County Zoning Ordinance. She asked if it needs to be 110 feet? She stated she has not heard the applicant explain their reasoning behind the 110 feet. Dr. Smith stated she hopes the Commission looks hard at this application.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone action for 30 days, at the request of the applicant. The public hearing will be left open.

The motion carried unanimously.

- b. **#SE03-L-13 and #SE03-L-14 – Douglas E. Darling, owner/applicant – Wexford Village** – applicant wishes to obtain special exception approval under Category 27, which would allow for a decrease in the common open

space requirement and Category 29, which would allow for a waiver of the public street requirement in a residential zone. The property contains, 24.5166 acres and is located near the intersection of Routes 28 and 17, Lee District. (PIN's 6899-05-9336-000, 6899-25-0237-000, 6899-24-0759-000 and 6899-05-5345-000)

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.

Dr. Kitty Smith, Marshall District, spoke against this request. She stated that she cannot support either one of these special exception requests and Mr. Counts has given numerous reasons. Dr. Smith especially is concerned with why the County should allow a cluster subdivision to contain less open space for recreation. She asked the Commission to please recommend denial.

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

Mr. Guerra affirmed that both special exceptions were discussed at length during the work session.

On motion made by Mr. Guerra and seconded by Mr. Stone, it was moved to deny this request for the reasons cited in the staff report..

The motion carried unanimously.

- c. **#SE03-S-15 – Cecil T. Campbell, Trustee & Others, owners, and Ravinder Varma, applicant – New Baltimore Shell Center** – applicant wishes to obtain special exception approval under Category 23, which would allow for the crossing of a floodplain. The property contains approximately 2.36 acres and is located on the south side of Routes 29/211/15, Scott District. (PIN #7906-83-6405-000)

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.

An Engineer with Plan Source, Inc, representing Mr. Varma concurred with Mr. Counts report and was very appreciative of the staff recommendation. He would like to explain the amount of impact that is proposed and hopefully will prove that it is minimal. He briefly outlined the proposed application. He stated that the plan that is before the

Commission has an error, it shows Route 29 having only 2 lanes, but it should show 3 lanes. He further stated that it is the opinion of the engineers that with 3 lanes there is no danger presented with this application.

Barbara Severin, Scott District, stated that she did not realize this application was going before the Planning Commission quite so soon. She stated that knowing what the land looks like, she is surprised the County Soil Scientist and the County Engineer say this application is not a problem. She asked the Commission to please give consideration to the fact that this area is very wet and other properties in this area have had a lot of problems. Ms. Severin stated that the Commission also needs to consider the access to this property. She stated that it a challenge to drive on Route 29 because of the number of existing accesses. She asked the Commission to please look very carefully at this application.

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

Mr. Sinclair stressed that it has been a challenge to bring VDOT and the applicant together at the same time. He stated he will make a motion to defer this request, in order to meet with VDOT and the applicant.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone action for 30 days, for further review.

The motion carried unanimously.

- d. **#SE03-S-16 – Washington Gas Light Company, owner/applicant** – applicant wishes to obtain special exception approval under Category 20, which would allow for the replacement of an existing 120 foot transmission tower with a new 177 foot tower on Bull Run Mountain. The property, the majority of which is in Prince William County, is described as Lot 1, Section 9 Bull Run Mountain Subdivision. The small portion of property where the tower will be located is in Fauquier County, but has not been assigned a PIN.

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.

Jim Walker, representing Washington Gas, stated that this tower is required for the enhancement and expansion of the gas company's electronic communication system and to ensure the ability of Washington Gas to maintain a safe and reliable system. Mr. Walker remarked that he

understands that no one likes to see towers; however, he would like to make several points, one being the tower will be camouflaged and that this tower is being built for the sole use of Washington Gas. He stated that although their proposal does not meet the setback requirements, he wants to point out this site is surrounded by trees, and the only dwellings are located in Prince William County. In closing, Mr. Walker would like ask for a recommendation of approval from the Planning Commission, contingent upon the following items, a satisfactory FAA report and a successful waiver of the setback requirements from the Zoning Office.

Mrs. McCarty asked the applicant if all adjacent owners were notified.

Mr. Walker stated they notified the one property owner in Fauquier County, the others were located in Prince William County.

Dr. Kitty Smith, Marshall District, spoke in opposition of the request. She stated that she understood why the applicant was here. Dr. Smith stated she spoke to the applicant and she gathers from them that the real reason they want to increase the size of this tower is so they can communicate with their facility in Frederick, Maryland. She stated that this tower is all ready over 100 feet, and they should explore other options. Dr. Smith stated that Bull Run is another treasure and we shouldn't add any additional towers to this area.

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

Mr. Sinclair commended the applicant and engineer; however, the application has failed to show the need or the zoning compliance that is needed for an approval.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to deny this application.

Mr. Sinclair read the resolution of denial, a copy of which is attached to and made part of these official minutes.

Mr. Guerra reminded the Commission of a couple of observations, one being that this is the first time that our consultant has agreed to a proposed tower, second is that we are approaching a very critical period in life. Mr. Guerra insisted that we need this communication and sooner or later in this decade we will realize we need such towers for safety and security reasons.

Mr. Guerra declared he was not in favor of the denial.

Mr. Stone stated he was in favor of the vote, and that Mr. Sinclair has covered the primary reasons. He stated that when you go and look at the site, that this area is pretty trashed and you will notice the balloon is flying well above the other towers. Mr. Stone stated that there are affordable options other than increasing the size of the existing tower. He stated that this was an easy call for the consultant, but he believes the Commission needs to defend the ordinance.

Mrs. McCarty agreed with need to defend the ordinance. She stated that it is unreasonable to have a tower this height to reach other Washington Gas Light Company towers 40 or more miles away.

Mr. Sinclair remarked that he hopes the applicant will look upon this as a challenge to investigate the possibility of an alternate method.

Mr. Robison stated that the ARB reviewed this application, though the recommendation was favorable, it was not by a unanimous vote. He revealed that the area of Bull Run contains a lot of historic areas and other options do exist. The applicant did express to the ARB that they did have other options, one is to raise facilities in other jurisdictions another is the use of satellite dishes.

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

15. **REZONINGS**

#RZ03-CR-05 and #RZ03-CR-06 – Vint Hill Economic Development Authority, owner and Owen Bludau, applicant – Vint Hill – applicant wishes to rezone approximately 30.0 acres, which was previously proffered for a school site, to PCID for Commercial / Industrial uses. The property is located on Kennedy Road (Route 652), Cedar Run District. (PIN's #7915-77-2128-000, 7915-77-4735-000 and 7915-77-2958-000)

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.

Mr. Owen Bludau, Center District, represents the Vint Hill Economic Development Authority. Mr. Bludau stated that the property was proffered as a school site; which is no longer needed. He is asking the Commission to rezone this property back from PRD to PCID, with no net change in non-residential square footage resulting in Vint Hill.

Mr. Merle Fallon, representing Brookside Communities, LLC, stated that this arrangement started when Vint Hill was originally rezoned. He said that Vint Hill

had the option of providing another site offsite. That was done through Brookside which was approved by the school system and the Board of Supervisors. Mr. Fallon stated that this request should be moved forward.

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

Mr. Stone remarked that this is a “no brainer.”

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

The motion carried unanimously.

There being no further business, the meeting adjourned at 8:59 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.