

*MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION*

JANUARY 25, 2001

The Fauquier County Planning Commission held its regular meeting on Thursday, January 25, 2001, 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. Bob Sinclair, Chairman; Mr. Richard Robison, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mrs. Carolyn Bowen, and Mrs. P.J. Gallagher, Clerk.

1. ***ELECTION OF OFFICERS***

a. Chairman

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to nominate Mr. Sinclair as Chairman. The nomination carried unanimously.

b. Vice Chairman

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to nominate Mr. Robison as Vice Chairman. The nomination carried unanimously.

c. Secretary

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to nominate Mr. Guerra as Secretary. The motion carried unanimously.

Mr. Sinclair welcomed Mrs. Ann McCarty to the Planning Commission.

2. ***COMMITTEE ASSIGNMENTS***

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone Committee Assignments until the February meeting. The motion carried unanimously.

3. ***ADOPTION OF BYLAWS***

Mr. Guerra stated that he would like to have a time set to adjourn meeting added to the bylaws, and suggested 10:30 P.M. as the time to adjourn.

Mr. Sinclair stated that this can be discussed at the next work session.

Mr. Carr stated that a meeting rarely goes until 10:30. He stated that we need to talk about how to advertise this and to curtail some general comments.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone Adoption of the Bylaws until the February meeting for further discussion. The motion carried unanimously.

4. ***APPROVAL OF MINUTES - DECEMBER 21, 2000***

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to approve the minutes of December 21, 2000. The motion carried unanimously.

5. ***CAPITAL IMPROVEMENTS PLAN FY2002-2006*** - in accordance with Section 15.2-2239 of the Code of Virginia, the Planning Commission has under consideration a proposed Fauquier County Capital Improvements Plan (CIP) for Fiscal Years 2002-2007. 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 five fiscal years. Prior to forwarding this plan to the Board of Supervisors, the Commission held a public hearing to receive comments on the plan.

Mr. Carr stated that there are several questions that need to be resolved concerning the School Board, Catlett/Calverton treatment system funds and the Library. He further stated that a work session has been scheduled for February 6th at 4:00 P.M. in the 4th Floor Conference Room.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to continue the Capital Improvements Plan until February 6th at 4:00 P.M. in the 4th Floor Conference Room. The motion carried unanimously.

6. ***PRELIMINARY PLAT (#PP00-S-21) - JEFFREY D. & MARY E. LIPPINCOTT, OWNERS/***

APPLICANTS - applicants wish to obtain preliminary plat approval to subdivide 9.8789 acres into two (2) lots. The property is zoned Residential-1 (R-1), and is located off Broad Run Church Road (Route 600) and Riley Road (Route 676), Scott District. (PIN #7916-10-0531-000)

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

Mr. Sinclair stated that this was discussed at the work session earlier in the day. He further stated that this item is to be continued until the 7:00 meeting to be discussed with the rezoning request on this property.

Mr. Burke stated that this can be postponed until immediately after discussion of the rezoning request and that the 7:00 agenda can be amended to add this item.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone this request until the 7:00 meeting to be discussed immediately after the rezoning request on this property. The motion carried unanimously.

7. ***PRELIMINARY PLAT EXTENSION - GREEN MEADOWS SUBDIVISION*** - applicants are requesting a retroactive extension from June 29, 2000, to January 29, 2001.

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

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to grant the retroactive extension. The motion carried unanimously.

8. **BOARD OF ZONING APPEALS AGENDA**

- a. **Special Permit (#46703) - Kenneth E. Peltzer & Associates, owner** - applicant is requesting special permit approval to construct a place of worship. The property is identified as PIN #6993-09-3520-000, containing approximately 8.12 acres, zoned Village, and is located at the intersection of Meetze Road (Route 643) and Wince Lane, Center District.
- b. **Special Permit (#46689) - Hunter F. and Jeanette H. Payne, owners, and Grace Independent Bible Church, contract owners** - applicant is requesting special permit approval to construct a place of worship on property identified as PIN #6969-14-5354-000, containing 14.315 acres. A portion of the adjoining property identified as PIN #6969-14-9214-000, containing 7.805 acres, includes a 100' ingress/egress easement for the proposed place of worship. The subject properties are zoned Rural Agricultural, and are located on Free State Road (Route 721), Marshall District.
- c. **Variance (#46754) - Dale L. and Joann K. Ballangee, owners** - applicants are requesting a variance of 25 feet from the side and rear property lines for a proposed two-car garage, wherein the Zoning Ordinance requires 50 feet from a side and rear property line in a Rural Conservation Zoning District. The subject property is identified as PIN #6030-38-6264-000, containing 2.463 acres, zoned Residential-1 and Rural Conservation, and is located at 3712 Sage Road (Route 724), Marshall District.

The Commission made no comments.

There being no further business, the meeting was recessed at 3:20 P.M.

The Fauquier County Planning Commission reconvened its meeting on Thursday, January 25, 2001, at 7:00 P.M. in the Meeting Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, for public hearings. Those members present were Mr. Bob Sinclair, Chairman; Mr. Richard Robison, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, Mrs. Carolyn Bowen, and Mrs. P.J. Gallagher, Clerk.

On motion made by Mr. Sinclair and seconded by Mr. Guerra it was moved to amend the agenda to add Item #6 after Item #12 in order to discuss the preliminary plat with the rezoning request. The motion carried unanimously.

Mr. Sinclair thanked Mr. Robison for the work he has done over the past year as Chairman of the Commission.

9. **CITIZENS TIME**

No one spoke.

10. **ZONING ORDINANCE TEXT AMENDMENTS**

- a. Article 5, Special Permits and Special Exceptions - Amend Road Standard

Requirements

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

Mr. Sinclair opened the public hearing.

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

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

- b. Article 3-315.B, Wholesaling and Processing - Auto Auctions (Outdoor), and Article 5-1504, Additional Standards for Auto Auctions (Outdoor)

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

Mr. Sinclair stated that this request will be readvertised for a public hearing at the February meeting, but asked for public comments.

Mr. Sinclair opened the public hearing.

Mr. Jerry Jennings, Lee District, stated that he has submitted a site plan and has had difficulties with it and that he does not see a reason for buffers. He stated that these businesses will generate revenue and that they should not be hidden by a 100 foot buffer.

Mr. Chester Stribling, Lee District, stated that this amendment is anti-business and anti-economic growth. He stated that the only thing being built in this County now is houses, that the County is not business friendly.

In that no one else appeared to speak for or against the text amendment, Mr. Sinclair closed the public hearing.

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

- c. Article 3-320.5, Electrical Generating Plants and Facilities - delete as special exception uses in the Rural Agriculture (RA) zone.

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

Mr. Sinclair opened the public hearing.

Ms. Kitty Smith, Marshall District, asked where is there a good place in Fauquier County to locate power plants. She stated that our options should not be cut-off and that even with this amendment, an applicant could come in and ask that property be rezoned to I-2, and if

granted this would set a precedent that we do not want. She stated that with special exception approval we have set no precedent and further stated that we have never had anything as big as the Virginia Power plant in this County.

Mr. Guerra asked Ms. Smith if she is saying to kill this amendment and she replied that the current ordinance gives more flexibility.

Mr. Sam Auben, Marshall District, stated that he agrees with Ms. Smith, that this amendment removes our prerogatives as citizens in Fauquier County.

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

Mr. Rohrbaugh stated that he agrees with Ms. Smith. He stated that there are power lines and gas lines existing in Remington and not in the service districts. He stated that land use is an excellent tool to preserve agricultural land and that this amendment would close the door on these facilities.

Mr. Guerra also stated that he agrees with Ms. Smith.

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

11. ***OPEN SPACE REDUCTION (#OSR00-M-01) - ASPEN DALE LIMITED PARTNERSHIP,***

OWNER, AND JAMES R. GREEN, JR., APPLICANT - applicant wishes to obtain a reduction in the open space requirement under Section 2-406.5.D of the Zoning Ordinance in order to divide the property into four (4) lots. The property is zoned Rural Agriculture (RA), contains 36.24 acres, and is located on John Marshall Highway (Route 55), Marshall District. (PIN #6031-14-7251-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She further stated that Mr. Green is the sole owner of this property, but for notification and legal advertise purposes we have to go by the current County tax records, which shows Aspen Dale Limited Partnership as the owner.

Mr. Sinclair opened the public hearing.

Mr. Jim Green, Marshall District, thanked staff for their help while he was on the Commission and welcomed Ann McCarty to the Commission. He stated that on this property he plans to build only 2 houses which would look better than 4 houses. He stated that in a letter from Amy Pritchard she stated that lot 2 has no road frontage and he stated that lot 2 can be refigured to have road frontage on Route 55. He stated that a letter from John Marshall Soil and Water Conservation District states concerns about crossing Goose Creek and he stated that he has only crossed the creek twice and that was in order to grade the property for a perk test, that he has not started to build any homes or a new road. He further stated that Goose Creek will be preserved and bridged, and that drainfield locations have been approved by the Health Department. He referenced letters from citizens, copies of which are attached to and made part of these official minutes. He stated that he has not sold any of the lots, but that interest has been expressed. He stated that he sent a letter to 30

people within a one mile radius of this property and that he has received comments from 20 in favor of the request, that he has received no negative response. he further stated that he will give land to the Virginia Department of Transportation (VDOT) for Route 724, that it will be better for the community with 2-3 homes instead of 4 and that this will give back to the community of Markham.

Mr. Robison asked Mr. Green if he has looked into the cost to build a bridge to lot 2 and Mr. Green replied yes. Mr. Robison further asked if this bridge will be a small or large structure and Mr. Green replied that it will be a 10 foot structure. He also asked Mr. Green how high the bridge will have to be to get above the flood levels and Mr. Green replied no higher than the existing bridges on the road.

Mr. Rohrbaugh asked who will own the community lot and Mr. Green replied that he will unless the Parks and Recreation Department purchases it.

Ms. Kitty Smith, Marshall District, stated that she is not totally opposed to this request and stated that this is a very sensitive piece of property. She stated that the community lot is a good idea. She stated that she does not support more than 2 lots out of the floodplain.

The following citizens spoke in opposition to the request:

- Joe Walker, Marshall District,
- Freddy Williams, Marshall District, and
- Kelly Walker, Marshall District.

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

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

12. **REZONING REQUEST (#RZ00-S-03) - JEFFREY D. & MARY E. LIPPINCOTT, OWNERS/ APPLICANTS** - applicants wish to rezone 4.0 acres of 9.8789 acres from Residential-1 (R-1) to Commercial-1 (C-1) to accommodate a post office. The property is located off Broad Run Church Road (Route 600) and Riley Road (route 676), Scott District. (PIN #7916-10-0531-000)

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

Mr. Sinclair opened the public hearing.

Mr. John Foote, attorney representing the applicants, stated that this is a unique application. He stated that through the proffers this will be limited to a post office. He stated that he does not know how to calculate the proportionate cost for the roundabout. He stated that the roads in this area work very well today and will in the future. He stated that the traffic impact will be very-very small and that all of the right-of-way will be given to VDOT. He stated that at

this time the roundabout request is unnecessary. He stated that this will be an attractive use for this property.

Mr. Sanford Aubin, Marshall District, stated that a roundabout would not be an asset to the area and that strong consideration should be given to building this.

Ms. Lori Brenner, Scott District, stated her concerns about lighting, height of the building and type of building.

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

Mr. Sinclair stated that he worked on the New Baltimore Citizens Group Plan and that they worked to develop and attract things that would be a benefit to the community (e.g., library, post office), and that this proposal serves the purpose of the New Baltimore group.

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the request subject to the proffers submitted by the applicant with the outstanding conditions as noted by Staff to still be addressed. The motion carried unanimously.

13. ***PRELIMINARY PLAT (#PP00-S-21) - JEFFREY D. & MARY E. LIPPINCOTT, OWNERS/ APPLICANTS*** - applicants wish to obtain preliminary plat approval to subdivide 9.8789 acres into two (2) lots. The property is zoned Residential-1 (R-1), and is located off Broad Run Church Road (Route 600) and Riley Road (Route 676), Scott District. (PIN #7916-10-0531-000)

Mrs. Cook presented revised condition to the Commission.

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

- a. The following two statements need to be noted on the final drainfield plat to be placed in the Community Development Office:
 - 1) "The County recommends that no below grade basements be constructed on soil mapping units 78A and 79A due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer."
 - 2) "Before a home is started, the builder needs to mark the drainfield area off and not disturb it during construction."
- b. The applicant's Virginia Certified Professional Soil Scientist (CPSS), needs to adjust the preliminary soil map and lines onto the final drainfield plat. This needs to be done in the field and checked for any additional soils information to be added to the final scale plat map.
- c. A signature block shall be placed on this plat for the CPSS to sign, which states: "Preliminary Soils Information Provided by Phillip B. Helm, CPSS, via a Preliminary Soils Report (1"=100') Dated 6/24/99. This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil

information onto the final plat (1"=60') and certifies that this is the Best Available Soils Information to Date for Parcels 1 and 2. Va. Certified Professional Soil Scientist CPSS #3401- Date."

d. Interpretive information from the County Interpretive Guide for each mapping unit shown on the plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat may to identify spot symbols.

e. This plat will be filed in the front office of Community Development and used exclusively for obtaining soils information for this proposed subdivision.

f. The final drainfield plat shall be submitted to the County Soil Scientist's Office before final plat approval.

g. BMP's and stormwater management requirements for the Occoquan Watershed shall be addressed on the final construction plans.

h. The applicant agrees to make a right-of-way dedication of 30 feet from the centerline of both Riley Road and Broad Run Church Road in conjunction with the final subdivision plat.

i. The applicant shall work with the Parks and Recreation Department to address its requirements to construct a pedestrian trail/path.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 8:10 P.M.

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