

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION**

**MARCH 29, 2001**

***The Fauquier County Planning Commission held its regular meeting on Thursday, March 29, 2001, 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. ***APPROVAL OF MINUTES*** - February 28, 2001

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to approve the minutes of February 28, 2001. The motion carried unanimously.

2. ***PRELIMINARY PLATS***

- a. ***#PPA01-L-01 - Bealeton Landmarks, LLC, owner/applicant*** - applicant wishes to amend an approved preliminary plat to replace 24 planned patio homes with 24 two-bedroom apartment units. The property is zoned R-4 Cluster, C-1 and GA; contains 101.4 acres, and is located off Marsh Road (Route 17), Lee District. (PIN's #6899-34-4286-000, #6899-33-2589-000, #6899-33-4760-000, #6899-33-6881-000, #6899-33-9142-000, #6899-54-6556-000, #6899-44-4581-000, and #6899-33-8433-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has request postponement in order for this to be discussed with the pending special exception application.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone the preliminary plat until the April meeting, at the request of the applicant, for further review. The motion carried unanimously.

- b. ***#PP00-CR-24 - Vint Hill Farms Economic Development Authority, owner/applicant***  
applicant wishes to obtain preliminary plat approval to subdivide 28.15 acres into eleven (11) lots. The property is zoned Rural Agriculture (RA), and is located off Vint Hill Road (route 215), Rogues Road (route 602), and Kennedy Road (Route 652), Cedar Run District. (PIN's #7915-88-6141-000 and #7915-75-9953-000)

Mrs. Cook reviewed her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement until the April meeting.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the April meeting, at the request of the applicant, for further review. The motion carried unanimously.

- c. ***#PP01-M-01 - Edgar N. Cassady and Mae K. Pearson, owners/applicants*** - applicants wish to subdivide 2.3514 acres into two (2) lots. The property is zoned

Village (V), and is located on Leeds Manor Road (Route 688), Marshall District. (PIN #6928-55-4949-000)

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

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

1. The applicant shall submit stormwater management plans to the County Engineer's Office for review and approval and post appropriate bonding prior to submission of final subdivision application.
2. The applicant shall dedicate right-of-way along Route 688 with the final plat.

The motion carried unanimously.

- d. **#PP01-L-03 - State Bank of Remington, owner/applicant** - applicant wishes to subdivide 100.0960 acres into one-hundred (100) lots. The property is zoned PRD, and is located off Catlett Road (Route 28) and Marsh Road (Route 17), Lee District. (PIN's #6899-47-6674-000 and #6899-46-4144-000)

Mrs. Cook reviewed her staff report, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has responded to issues raised in the staff report and feels that they can be worked out prior to the next meeting.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the April meeting for further review.

Mr. Rohrbaugh abstained from voting on this application in that he serves on the Board of the State Bank of Remington.

The motion carried 4-0-1 with Mr. Rohrbaugh abstaining from voting.

- e. **#PP01-CR-04 - Robert E. & Frances F. Faylor, owners, and Larry Wood, applicant** - applicant wishes to subdivide 123.987 acres into two (2) lots. The property is zoned Rural Agriculture (RA), and is located off Shenandoah Path (Route 607), Cedar Run District. (PIN #7930-15-3815-000)

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

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

1. The applicant shall clean the existing pipe of all sediment from both ends of the culvert or approximately 5 feet, or install a new culvert pipe in accordance with VDOT standards, and shall submit approval from VDOT that this cleaning has been approved with the final plat application.
2. The applicant shall submit a recorded road maintenance agreement applicable to all three (3) users of the roadway with the final plat application.

3. The preliminary plat shall be modified to provide a cul-de-sac turnaround at the terminus of the 50 foot right-of-way for emergency vehicle access.
4. The new lot shall have the required street frontage along the 50 foot right-of-way.

The motion carried unanimously.

### 3. ***PROPOSED ZONING ORDINANCE TEXT AMENDMENTS***

- a. Amend Section 7-301, Private Streets of the Zoning Ordinance to allow private streets in residential zones for administrative and family transfer subdivisions.

Mr. Carr reviewed the proposed text amendment and stated that he Commission needs to vote advertise this for a public hearing at the April 26, 2001, meeting.

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh, it was moved to advertise the text amendment for a public hearing at the April meeting. The motion carried unanimously.

- b. Amend Sections 15-302 and 14-303 of the Zoning Ordinance relating to the authority, establishment and membership of the Architectural Review Board.

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

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to advertise the text amendment for a public hearing at the April meeting. The motion carried unanimously.

### 4. ***BOARD OF ZONING APPEALS AGENDA***

- a. Review of Minutes of March 2, 2001, Meeting
- b. ***Special Permit (#47077) - Main Street Limited Partnership, owner*** - applicants are requesting an extension of one year for special permit #45626 for an automobile sales, rental and service business. The subject properties are identified as PIN #6969-89-6085-000, #6969-88-1625-000 and #6969-89-2054-000, containing approximately 8.69 acres, located on Old Stockyard Road (Route 1001), and John Marshall Highway (Route 55), zoned Commercial-3 (C-3), Marshall District.
- c. ***Variance (#47051) - Margaret N. Sanders, owner*** - applicant is requesting a variance for an existing barn located 65.5 feet from the property line, wherein the Zoning Ordinance requires 100 feet. The subject property is identified as PIN #6022-66-9552-000, contains approximately 10.4 acres, and is located at 11636 Audubon Trail (Private) off of Apple Manor Road (Private) off of Leeds Manor Road (Route 688), zoned Rural Conservation (RC), Marshall District.
- d. ***Variance (#47052) - Dettra Communications, Inc., owner*** - applicant is requesting a variance of 10± feet for an existing antenna on a 300 foot tower. The subject property is identified as PIN #6983-60-1777-000 containing approximately 2.00 acres, located at 6546 Lover's Lane (Route 744), zoned Rural Agriculture (RA), Marshall District.

- e. **Special Permit (#47062) - Roger Steele Clearing and Excavation Company, Inc., owner** - applicant is requesting special permit approval to locate a contractor's office and shop on property identified as PIN #7906-42-8883-000 containing approximately 1.9042 acres, located at 5193 Lee Highway (Route 15/29/211) in New Baltimore, zoned Residential-1 (R-1) and Commercial-2 (C-2), Scott District.
- f. **Special Permit (#47067) - Curtis R. and Sheila A. Hansen, owners** - applicants are requesting special permit approval to locate automobile sales, rental and service on property identified as PIN #6054-75-1855-000 containing approximately 0.169 acre, located at 9183 John Mosby Highway (Route 50) in Upperville, zoned Commercial Village (CV), Marshall District.
- g. **Special Permit (#47068) - Piedmont Equine Practice, LLC, owner** - applicant is requesting special permit approval to amend conditions of a previously approved special permit #45630. The subject property is identified as PIN #6070-60-7640-000 containing approximately 4 acres, located at 4122 Zulla Road (Route 709), zoned Rural Agriculture (RA), Scott District.

The Commission made no comments.

### **RECONSIDERATION OF JAMES R. GREEN, JR., OPEN SPACE REDUCTION**

Mr. Robison stated that he has had a request from James Green to speak to the Commission about reconsideration of his open space reduction request.

Mr. Jim Green stated that after this was denied he learned that he could make an appeal to the Board of Supervisors and to the Courts, if needed. He asked the Commission to reconsider their terribly bad and sad decision for people of the County and of the Commission. He stated that this damaged the Commission and it is a fairness issue. He further stated that the Winsor property, 1 mile from his site, was approved by the Commission on Tuesday for a reduction in the open space.

Mr. Sinclair asked if there are any different issues or adjustments that have been made to this request.

Mr. Green stated that he will submit additional information to compare this and the Winsor property. He stated that the one person that was opposed to his request was completely misled. He further stated that someone outside the 1 mile radius has offered to buy the property and turn it into a park.

Mr. Sinclair asked if there is any substantive different information.

Mrs. McCarty stated that the Winsor's agreed to deed restrict both of their lots, which Mr. Green has not done.

Mr. Guerra stated that the Winsor request was for two (2) less houses.

Mr. Green stated that he will deed restrict the lots and has reduced the number of lots from 4 to 3.

Mr. Rohrbaugh asked if another public hearing is needed or if this can be discussed during the afternoon public meeting.

Mr. Kevin Burke, Deputy County Attorney, stated that if this is more impactful a new public hearing will be needed, but a public hearing could be done if the Commission desires to do so.

Mr. Rohrbaugh stated that he feels another public hearing is a good idea.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to advertise the request for a public hearing at the April meeting. The motion carried unanimously.

Mr. Robison asked if this is reconsidered, does it put a hold on forwarding it to the Board of Supervisors and was told by Mr. Sinclair that this does not go to the Board.

Mr. Carr stated that this will have to be readvertised, notices sent out, and the property posted, and that Mr. Green needs to submit additional information prior to the hearing date.

Mr. Green thanked the Commission for their reconsideration of his request.

#### ***ADDITIONAL INFORMATION***

Mr. Guerra stated that the Commission receives loads of paperwork after the meeting has been scheduled, and that he is tired of getting information the day before or on the meeting day, and that this could be something that is important and the Commission does not have time to review it. He stated that we need to have a cut-off date, such as Friday at noon the week before the meeting.

Mr. Carr stated that this can be done unless there is a deferral.

On motion made by Mr. Guerra and seconded by Mr. Robison it was moved to have a cut-off date of Friday at noon the week before the meeting to receive additional information. The motion carried unanimously.

There being no further business the meeting was recessed at 3:30 P.M.

***The Fauquier County Planning Commission reconvened its regular meeting on Thursday, March 29, 2001, at 7:00 P.M. for public hearings, in the Auditorium of Liberty High School. 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, Mr. Kevin Burke, Deputy County Attorney; and Mrs. P.J. Gallagher, Clerk.***

#### 5. ***CITIZENS TIME***

Mrs. Mary Root, Remington, spoke concerning the History of Southern Fauquier and referenced the Code of Virginia. She stated that there is substantial pollution added to the County because of the power plants and Trinity Plastics, and indicated opposition to the proposed ODEC facility.

#### 6. ***SPECIAL EXCEPTIONS/COMPREHENSIVE PLAN AMENDMENTS***

- a. ***#SEA01-M-02 - Dettra Communications, Inc., owner, and Nextel Communications, Inc., applicant*** - applicant wishes to amend an existing special exception under Category 20 of the Zoning Ordinance to allow panel antennas on an existing 300 foot lattice tower. The property is zoned Rural Agriculture (RA), contains 2.0 acres, and is located on Lovers Lane (Route 644), Marshall District. (PIN #6983-60-1777-000)

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. Merle Fallon, Attorney representing Nextel Communications, stated that they wish to add an antenna array to an existing tower that is a broadcast tower. He stated that the County's telecommunication plan promotes co-location. He stated that they have reviewed the conditions and support them fully.

Mr. Robin Gulick, Attorney representing Dettra Communications, stated that he agrees with what Mr. Fallon stated. He further stated that television interference comes from the radio frequency not the tower itself.

Mr. John Dettra stated that there is a Christian broadcasting station on the antenna and that the television interference comes from the AM frequency, that there will be no interference from this request.

The following citizens spoke in opposition to the request:

- Eloise Trainum, Marshall District,
- John Whiting, Marshall District,
- Wayne Harn, Lee District, and
- Jacqueline Murray, 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. Robison, it was moved to postpone the request until the April meeting.

Mr. Rohrbaugh stated that he has concerns about the radio station interfering with television reception. He asked if there is anything other than a filter that can be done to prevent interference.

Mr. Dettra stated that he owns the radio station, the tower was put up in 1991 and the broadcast station was sold in 1996 to a Christian broadcaster. He stated that there is no interference from 800 mgh. He also said that the FCC has a complaint Commission.

Mr. Rohrbaugh asked Mr. Dettra if he owns the tower and he replied yes.

Mr. Rohrbaugh asked if we can find out where to go with the problems of interference and what can be done.

Mr. Dettra stated that he does not know what can be accomplished in thirty (30) days.

The motion carried unanimously.

- b. **#SE01-M-03 - Warren Sanford, Jr., owner, and Christopher E. Christian, applicant** - applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would allow a waiver of the public street requirement in residential zones. The property is zoned Residential-1 (R-1), contains 2.3 acres, and is located on Mount Nebo Church Road (Route 740), Marshall District. (PIN #6968-

09-7910-000)

Mr. Sinclair stated that this application has been withdrawn, therefore, no action is required.

- c. **#SE00-L-17 and #CPA00-L-03 - Marsh Run Generation Cooperative, LLC, AKA Old Dominion Corporation, owner/applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction and operation of an electric generation plant. Applicant also wishes to amend Chapter 6, Service Districts, of the Comprehensive Plan to add text and revise the land use map of the Remington Service District to incorporate an electric utility and extension of a line from the water treatment plant. The property is zoned Rural Agriculture (RA), contains 60 acres, and is located on Old Grassdale Road (Route 782), Lee District. (PIN #6897-26-4438-000)

Mr. Sinclair stated that this is a public hearing not a debate and that the ODEC people will be available after the meeting to any questions from citizens. He stated that they will allow the applicant 10 minutes to speak and citizens 3 minutes to speak and asked that they try not to repeat comments.

Mr. Carr reviewed his staff report, a copy of which is attached to and made a part of these official minutes. He stated that staff is recommending postponement and a site visit by the Commission.

Mr. Sinclair opened the public hearing.

Mr. Ken Alexander, representing ODEC, stated that this will be dedicated to 804,200 Virginia residents and 21,000 Fauquier County residents. He stated that the facility only operated on the hottest and coldest days of the year. He stated that this is a combustion turbine in the middle of 252 acres. He also stated that this will cause no significant impact on the air quality of the County.

The following citizens spoke in favor of the request:

- Jack Bartenstein, resident of Fauquier County,
- Morgan Ott, III, Lee District,
- Chester Stribling, Lee District
- Hildrom Fisher, Cedar Run District
- Doug Faylor, Lee District,
- J. T. Tomkins, Lee District, and
- Neil Selby, 11986 Lucky Hill Road.

The following citizens spoke in opposition to the request:

- Kitty Smith, Marshall District,

- John King, resident of Midland,
- Tom Harris, Center District,
- Myra Seaforest, Midland,
- Dan Holmes, Marshall District,
- Jim Stone, Cedar Run District,
- Brandon and Emma Wilson, Center District,
- Maxwell Bowen, Lee District,
- David Buckwalter, Lee District,
- Ken Smith, Lee District,
- Virginia Dorkey, Lee District,
- Meredith Whiting, Marshall District,
- Peter Schwartz, Marshall District,
- Rick Dorkey, Lee District,
- Julian Scheer, Cedar Run District, and
- Inex Huber, Lee District.

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

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

There being no further business the meeting was adjourned at 8:55 P.M.

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