

MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION

APRIL 26, 2001

The Fauquier County Planning Commission held its regular meeting on Thursday, April 26, 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, Ms. Holly Meade, and Mrs. P.J. Gallagher, Clerk.

1. APPROVAL OF MINUTES - MARCH 27, 2001, AND MARCH 29, 2001

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to postpone the minutes of March 27, 2001, and March 29, 2001, for further review. The motion carried unanimously.

2. PRELIMINARY PLATS

- a. **#PP01-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, #6899-32-8789-00, #6899-32-6874-000, #6899-43-2092-000, #6899-43-7426-000, #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.

Mr. Guerra stated that this preliminary plat was discussed very thoroughly at the work session earlier in the day. He stated that it was acknowledged by several experts (3 architects and 4 contractors) that he has talked to that patio homes would definitely not impact the school system. He stated that by their definition patio homes are more of a nester-type home, where specifically one of the architects stated that about 50% are less than 0-1 school age children and another 33% are from 1-2. He further stated that from that analysis at least 35% of nester homes would be less than one child versus 2-bedroom apartments which would definitely impact the school system.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to deny the preliminary plat. 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.

Mr. Robison asked if the number of lots had been reduced, and Mrs. Cook replied that the original plat was for eleven (11) lots.

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

1. The applicant shall label the stormwater management pond shown in Phase I on the preliminary plat.
2. BMP's and stormwater management requirements for the Occoquan Watershed shall be addressed on the final construction plans.
3. The applicant shall provide the County Soil Scientist the County Soil Survey Maps overlaid onto the proposed phases of the Vint Hill development prior to submission of the final plat for this phase.
4. Upon the connection of the Vint Hill Parkway/Route 215 intersection to the traffic circle, access to Kennedy Road from Vint Hill Parkway shall be terminated, unless there is an approved amendment to the Concept Development Plan. In addition, there shall be no direct access from Parcel K, Phase I to Phase II, which would permit a shortcut from Vint Hill Parkway to Kennedy Road.
5. If VDOT requests, updated traffic information, which may include a traffic impact analysis, shall be provided for review and approval for each site plan associated with Parcel K, Phase I.
6. The site access points on Route 652 shall utilize VDOT Standard Two-Way Commercial Entrances.
7. The final construction plans shall demonstrate that the entrance locations indicated have adequate sight distance.

The motion carried unanimously.

- c. **#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 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 May meeting.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the preliminary plat until the May meeting, at the request of the applicant. The motion carried 4-0 with Mr. Rohrbaugh abstaining.

- d. **#PP01-M-05 - Earl C. Hawkins, Jr. & Mary L. McDaniel, owners/applicants** - applicants wish to subdivide 20.783 acres into three (3) lots. The property is zoned Rural Agriculture (RA), and is located off Crest Hill Road (Route 647), Marshall District. (PIN #6959-21-1972-000)

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

Mrs. McCarty stated that the soils are highly erodible.

On motion made by Mrs. McCarty and seconded by Mr. Guerra, it was moved to postpone the preliminary plat for a Type I Soils Report and to look further into the lot layout and driveways.

Mr. Sinclair stated that he does have concerns about the soils on the property.

The motion carried unanimously.

3. ***SUBDIVISION ORDINANCE WAIVER - KRZYSZTOF AND KATHY SZOT, OWNERS/ APPLICANTS*** - applicants request waiver of Section 3-2(A)(6) of the Subdivision Ordinance which requires that an administrative subdivision be within 5,000 feet of a State road. The property is zoned Rural Agriculture (RA), contains 10.004 acres, and is located on Riverside Farm Road (Private Road), Marshall District. (PIN #6944-00-4167-000)

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 waiver.

Mr. Sinclair stated that he has talked to the County Attorney about this, and that the applicant is caught between a rock and a hard spot.

The motion carried unanimously.

4. ***SUBDIVISION ORDINANCE TEXT AMENDMENT - HABU DEVELOPMENT, LLC, OWNER*** - applicant wishes to amend Section 5-10 of the Subdivision Ordinance to allow alleys in a residential subdivision.

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. Sinclair and seconded by Mr. Rohrbaugh, it was moved to postpone the request until the May meeting for further review. The motion carried unanimously.

5. ***SPECIAL EXCEPTIONS***

- a. ***#SEA01-L-01 - Bealeton Landmarks, LLC, owner/applicant*** - applicant has filed a special exception amendment application under Category 1 of the Zoning Ordinance which would allow for a revision of the 24 planned patio homes to 24 two-bedroom apartment units. The property is zoned R-4 Cluster, contains 101.4 acres, and is located on 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, #6899-32-8789-00, #6899-32-6874-000, #6899-43-2092-000, #6899-43-7426-000, #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.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to recommend denial of the special exception amendment in that it is not conducive to the County and would impact the school system. The motion carried unanimously.

Mr. Guerra asked that his reasons for denial be forwarded to the Board of Supervisors.

- b. **#SE01-M-02 - Dark Horse Capital, Inc., owner/applicant** - applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would allow for a waiver of the required State road frontage or construction of a road to State standards to serve new lots. The property is zoned Village (V), contains 76,664 sq. ft., and is located on Springs Road (Route 802), Marshall District. (PIN #6962-22-0761-000)

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

Mrs. McCarty stated that the Commission visited the site and the turnaround is crucial.

On motion made by Mrs. McCarty and seconded by Mr. Guerra, it was moved to recommend approval of the special exception subject to the following conditions:

1. This special exception approval shall be for a waiver of the requirement for a public street for Fauquier White Sulphur Springs, Lot 8. Any additional lots created shall require special exception approval.
2. A turnaround shall be provided for emergency vehicles. The necessary right-of-way shall be provided for the turnaround.
3. This special exception approval allows only eight (8) lots on this section of Springs Drive.

The motion carried unanimously.

- c. **#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' lattice tower. The property is zoned Rural Agriculture (RA), contains 2.0 acres, and is located on Lovers Lane (Route 744), Marshall District. (PIN #6983-60-1777-000)

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

Mrs. McCarty stated that she would like to see Dettra Communications work with the FCC to help citizens with their television reception problems.

Mr. Robin Gulick, Attorney representing Dettra Communications, asked that there be a condition that the applicant not have to file an amended special exception every time he wishes to add antennas on the existing tower. He stated that Carolyn Bowen has found someone in the FCC to communicate with citizens concerning television

reception, and that he will send a letter to the Board of Supervisors stating that Mr. Dettra will do whatever is needed to help the neighbors with their television reception.

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to recommend approval of the request subject to the following conditions:

1. Space on the top of the tower shall be reserved for Fauquier County Sheriff's Department and Emergency Services.
2. The special exception is limited to the existing tower.
3. A structural analysis, performed by a qualified engineering firm, shall be completed to verify structural integrity of the tower and presented to the Office of Zoning prior to site plan approval.
4. Radio Frequency energy exposure measurements shall be made after the antenna array is installed and appropriate enclosure fencing and warning/hazard signage shall be installed on the enclosure fence. No general advertising signs shall be installed on the fence.
5. A mixture of evergreen and hardwood trees shall be shown on the site plan amendment to be located along the east and south sides of the property to create a vegetative buffer.

Mr. Sinclair asked if the letter concerning television interference should be made a condition of approval, and Mrs. McCarty stated no.

Mr. Kevin Burke, Deputy County Attorney, stated that the Board of Supervisors can be notified by staff that the applicant is trying to assist in television interference.

The motion carried unanimously.

6. ***SPECIAL EXCEPTION (#SE00-L-17) AND COMPREHENSIVE PLAN AMENDMENT (#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. Carr reviewed his staff report, a copy of which is attached to and made a part of these official minutes. He stated that the Commission made a site visit to the Virginia Power site and the ODEC site earlier in the day, and that the applicant submitted additional information on Monday, Tuesday and today.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone action on the requests until the May meeting and that a work session be scheduled for May 24th from 4:00-6:00 P.M. in the 4th Floor Conference Room. The motion carried unanimously.

7. ***WITHDRAWAL OF SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT***

➤ L. Thomas Green PIN #6990-57-9877-000

112.27 acres

Ms. Meade reviewed her staff report, 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. Sinclair, it was moved to recommend approval of the withdrawal request. The motion carried unanimously.

8. ***BOARD OF ZONING APPEALS AGENDA***

- a. ***Review of Minutes of April 5, 2001, Meeting***
- b. ***Variance (#47052) - Dettra Communications, Inc., owner*** - continued from the April hearing. Applicant is requesting a variance of 10± feet for two existing antennas 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.
- c. ***Special Permit (#47062) - Roger Steele Clearing and Excavation Company, Inc., owner*** - continued from April hearing. 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) in New Baltimore, zoned Commercial-2 (C-2), Scott District.
- d. ***Variance (#47061) - Michael P. Wells, owner*** - applicant is requesting a variance of 10.5 feet to the rear property line for the addition of a porch to the existing nonconforming dwelling. They are also requesting a variance of 10 feet to the side property line for a proposed structure to replace two existing nonconforming storage buildings. The subject property is identified as PIN #6034-89-3834-000 containing .397 acre, located at 662 Federal Street (Route 759) in Paris, zoned Village (V), Marshall District.
- e. ***Special Permit (#47182) - John J. Hearsey, Jr. and Virginia Sue Bromley, owners*** - applicants are requesting special permit approval to operate a gunsmithing business as a residential business on property identified as PIN #6974-89-0819-000 containing 2.634 acres, located at 7449 Foxview Drive off of Bear Wallow Road (Route 690), zoned Residential-2 (R-2), Marshall District.
- f. ***Special Permit (#47235) - Piedmont Investment, LC, owner*** - applicants are requesting special permit approval to locate a business office of more than 5,000 sq. ft. on property identified as PIN #6969-78-8974-000, containing .697 acre, located at 4174-A Old Stockyard Road (Route 1001), zoned Commercial-1 (C-1), Marshall District.
- g. ***Special Permit (#47240) - Remington United Methodist Church, Trustees, owner, and Fauquier Community Child Care, applicant*** - applicants are requesting special permit approval to locate a teen camp for seven weeks during the months of June through August. The subject property is identified as PIN #6887-09-7783-000

containing 1.488 acres, located at West Bowen Street (Route 1203) in Remington, zoned Residential-4 (R-4), Lee District.

- h. **Variance (#47264) - Robert D. Holmes, owner** - applicant is requesting a variance for an attached garage/storage building that is proposed to be located 18 feet from the side property line, wherein the Zoning Ordinance requires 25 feet. The subject property is identified as PIN #6994-59-5825-000, and Residential-1 (R-1), Center District.

The Commission made no comments.

There being no further business, the meeting was recessed at 3:35 P.M.

The Fauquier County Planning Commission Meeting was reconvened on Thursday, April 26, 2001, beginning at 7:00 P.M. for public hearings in the Auditorium of Marshall Middle 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. Brian Davis, Mrs. Carolyn Bowen, Mr. Doug Morgan, Ms. Holly Meade and Mrs. P.J. Gallagher, Clerk.

9. **CITIZENS TIME**

No one spoke.

10. **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.

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. Rohrbaugh, it was moved to recommend approval of the text amendment. The motion carried unanimously.

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

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.

Mr. Jack Lamonica, Chairman Architectural Review Board, stated that they are opposed to the proposed amendment. He presented information, a copy of which is attached to and made a part of these official minutes.

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

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to recommend approval of the text amendment as amended.

Mr. Rohrbaugh asked if the proposed change will address his concerns, and Mr. Lamonica replied no, that they are opposed to any change.

The motion carried 4 to 1 with Mr. Rohrbaugh voting against the motion.

11. ***PRELIMINARY BICYCLE/PEDESTRIAN FACILITY ASSESSMENT PLAN*** - the draft assessment is designed to be used for planning and construction grants, review of land development applications, and VDOT roadway design and associated projects.

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

Mr. Sinclair opened the public hearing.

Mrs. Jolly DeGive, Marshall District, stated that this is a good idea, and that a lot of bicyclist come to Fauquier County.

In that no one else 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 plan. The motion carried unanimously.

12. ***AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS***

- a. 11th Addition to Springs Valley Agricultural and Forestal District

➤ James W. & Maureen P. Wilcox PIN #6973-67-7649-000
42.43 acres

➤ Yakir M. & Claire F. Lubowsky, owners PIN #6972-24-1478-000
61.274 acres

- b. 17th Addition to Middleburg/Marshall Agricultural and Forestal District

➤ CLS Holdings Limited PIN #6051-88-9952-000
172.798 acres

- c. 9th Addition to The Plains Agricultural and Forestal District

➤ Jeffrey M. & Elizabeth B. Keffer PIN #6989-89-2068-000

30.386 acres

- d. 19th Addition to Southern Fauquier Agricultural and Forestal District
- Kenneth L. & Natalie J. Ortberg PIN #6993-30-1389-000
8.572 acres
- e. 11th Addition to Marshall/Warrenton Agricultural and Forestal District
- Thomas Lodahl & Kay Reditt PIN #6975-37-7440-000
18.123 acres
PIN #6975-38-8139-000
14.938 acres
PIN #6975-48-3062-000
10.678 acres
 - Susan F.V. & Lorne T. Sonley, owners, and PIN #6975-36-1821-000
Thomas Lodahl & Kay Reditt, contract owners 10.00 acres

Ms. Meade reviewed her staff reports, a copy of which are attached to and made a part of these official minutes.

Mr. Sinclair opened the public hearings.

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

On motion made by Mr. Guerra it was moved to recommend approval of the James W. & Maureen P. Wilcox addition to the Springs Valley Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to recommend approval of the Yakir M. & Claire F. Lubowsky addition to the Springs Valley Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to recommend approval of the CLS Holdings Limited addition to the Middleburg/Marshall Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the Jeffrey M. & Elizabeth B. Keffer addition to The Plains Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to recommend approval of the Kenneth L. & Natalie Ortberg addition to the Southern Fauquier Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to recommend approval of the Thomas Lodahl & Kay Reditt addition to the Marshall/

Warrenton Agricultural and Forestal District. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the Susan F.V. & Lorne T. Sonley, owners, and Thomas Lodahl & Kay Reditt, contract owners, addition to the Marshall/Warrenton Agricultural and Forestal District. The motion carried unanimously.

13. ***OPEN SPACE REDUCTION (#OSR00-M-01) - JAMES R. GREEN, JR.*** - applicant is asking for Planning Commission reconsideration of its denial on February 28, 2001, to allow a reduction in the open space requirement in order to divide the property into four (4) lots. The property is zoned Rural Agricultural (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.

Mr. Sinclair opened the public hearing.

Mr. Jim Green stated that the larger lot will be used for a park for the community, Lot A will contain 1-2 acres and one house, Lot B will contain 8 acres and one house, and Lot C will contain 18-21 acres which is 58% open space. He stated that the number of houses will be reduced from 4 to 3 and that most of the people in Markham support this. He further stated that the creek will not be dammed, the park will be fenced and gated. He stated that the people of Markham support this, the local churches support it and the Parks & Recreation Department supports it and that it would be the fair thing for the Commission to support this. He stated that the Commission recently approved an open space reduction request on the Winsor property, which is just down the road from this property.

The following people spoke in favor of the request:

- Major Warner, Warrenton,
- Major Warner, Sr., resident of Markham,
- Richard Turner, resident of Markham,
- David Graham, Jr., resident of Markham,
- Carol Graham, Glendale Farm, Leeds Manor Road,
- Harriett Green, Markham Methodist Church,
- Alec Green, resident of Markham,
- Henry Green, resident of Markham, and

- Jackie Bradford, resident of Markham

The following citizens spoke in opposition to the request:

- David DeGive, Marshall District,
- Kathleen King, Scott District, and
- Lawrence Coneen, adjoining property owner.

Mr. Jim Green stated that in the past he has supported the 85/15 rule and stated that this process should be modified when warranted.

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

Mrs. Ann McCarty stated that the land proposed for the park is 100% floodplain. She stated that the Winsor property which Mr. Green is comparing this to is quite different, it does not have the creek, the floodplain, and was deed restricted. She further stated that there have been no changes to this request since the Commission considered it the last time.

On motion made by Mrs. McCarty and seconded by Mr. Robison, it was moved to deny the request for the above-stated reasons.

Mr. Robison stated that this is a difficult decision and that he has mixed feelings.

Mr. Sinclair stated that he does support the motion.

The motion carried unanimously.

14. ***REZONING REQUEST (#RZ01-C-02) - GATEWAY WARRENTON-LAND, LLC, OWNER/APPLICANT*** - applicant wishes to rezone 10.6 acres from Residential-1 (R-1) to Garden Apartment (GA) for the purpose of constructing 132 apartment units. The property is located on the southwest side of Lee Highway (Route 15/29/211), Center District. (PIN #6994-09-2430-000)

Mr. Carr stated that this application has been postponed, and that the public hearing will be opened if anyone is here and wants to speak. He further stated that it will be readvertised for a public hearing at the May meeting.

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. Robison and seconded by Mr. Guerra it was moved to postpone the public hearing on the rezoning, at the request of the applicant. The motion carried unanimously.

15. ***SPECIAL EXCEPTIONS***

- a. **#SE01-CR-01 - Calvin L. Ritchie, owner/applicant** - applicant wishes to obtain special exception approval under Category 9, Class C Spectator and Non-Spectator Field Events, of the Zoning Ordinance. The property is located on Lake Ritchie Road, Cedar Run District. (PIN #7807-78-3793-000)

Mr. Morgan reviewed his 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.

Mr. Robison suggested that in revised Condition #11 that the words mini outdoor amplification be taken out.

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

- b. **#SE01-CR-07 - Brian P. & Tanya L. Wilson, owners/applicants** - applicants wish to obtain special exception approval under Category 9 of the Zoning Ordinance which would allow for horse shows. The property contains 33 acres, is zoned Rural Agriculture (RA), and is located on the southeast side of Bristersburg Road (Route 616), Cedar Run District. (PIN #7921-22-0684-000)

Mr. Davis reviewed his 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. Rohrbaugh and seconded by Mr. Guerra, it was moved to recommend approval of the request subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the special exception plat dated March 16, 2001, and these conditions.
4. This special exception shall be granted for a period of three years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.

5. There shall be no more than one (1) spectator event held on the subject property within any 30 day period.
6. No spectator event shall occur before 9:00 A.M. and all events must conclude no later than 6:00 P.M.
7. There shall be no more than 80 attendees on site at any one time.
8. There shall be no outside lighting associated with this use.
9. All parking must be provided on site, and shall be no closer than 100 feet from any adjacent property.
10. No outdoor riding ring shall be closer than 100 feet from any lot line.
11. Any outdoor speakers must be directed inward and internal to the subject property and not directed towards adjacent properties. There shall be no use of any outdoor loudspeakers prior to 9:00 A.M. nor after 6:00 P.M. The decibel level of sound from any outdoor amplification shall not exceed 60db at any property line.
12. The subject property and the surrounding area, within 100 feet, shall be policed by the owner/applicant for trash/litter removal after each spectator event.
13. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
14. Adequate security, emergency, traffic control and refreshment services shall be provided in accordance with applicable State and local regulations and requirements.
15. Restroom facilities shall be provided in accordance with Health Department regulations.

The motion carried unanimously.

- c. **#SE01-C-08 - Kenneth E. Peltzer & Associates, Inc., owner/applicant** - applicant wishes to obtain special exception approval under Category 31 of the Zoning Ordinance which would allow for a waiver of the requirement for public/central water for a subdivision with a total of seven (7) lots. The property contains 8.12 acres, is zoned Village (V), and is located on the northeast side of Meetze Road (Route 643), Center District. (PIN #6993-09-3520-000)

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

Mr. Sinclair opened the public hearing.

Ms. Linda Martin, representing the applicant, noted that VDOT is located on one side of this property and there are homes on the other side. She stated that the property is zoned Village not Residential and that Town of Warrenton water extension is not possible. She stated that this property has been on the market since 1994 and only

one offer has been made to buy the property for residential use. She stated that they would like to have Condition #4 deleted from the proposed conditions. She stated that there will be a well dug and it will be tested fully prior to residential use. She also stated that the parcel has one well on it now and it has tested favorably. She stated that one well on Wince Lane is still being tested, but there are no other problems. She presented a petition to the Commission from owners on Wince Lane in favor of this request.

Mr. Hurley Short, Pastor, stated that he wishes to buy the property to build his personal residence.

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

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the request subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the special exception plat dated March 12, 2001, and these conditions.
4. Prior to the time of submission of the final subdivision plat, the applicant shall conduct testing of both new wells (on proposed lots #6 and #7) and obtain written verification from the Health Department that the wells meet drinking water standards. Further, the applicant shall also submit a written statement from the Office of Emergency Services that the five existing lots in the Wince Subdivision show no evidence of contamination from the Frytown site. Results of said testing shall be noted on the subdivision plat and made available to any perspective purchaser.

The motion carried unanimously.

- d. ***#SE01-CR-09 - Fauquier County (Warrenton-Fauquier Airport), owners/applicants*** - applicant wishes to obtain special exception approval under Category 9 of the Zoning Ordinance which would allow for annual outdoor recreation special events. The property contains 357 acres, and is located on the west side of Midland Road (Route 610), Cedar Run District. (PIN #7809-87-2948-000)

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

Mr. Chuck Medvitz, Scott District, and Airport Committee, stated that this will bring the property into compliance with County ordinances.

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

Mr. Rohrbaugh stated that he was on the Warrenton-Fauquier Airport Committee for 8 years and that he has attended this event.

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to recommend approval of the request subject to the following conditions:

1. The special exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This special exception is granted only for the purpose(s), structure(s) and/or uses indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This special exception is subject to the provisions of Article 12 of the Fauquier County Zoning Ordinance, Site Plans, as may be determined by the Fauquier County Department of Community Development. Any plan submitted pursuant to this special exception shall be in conformance with the special exception plat dated March 14, 2001, and these conditions.
4. This special exception shall be granted for a period of three years from the date of approval and must be renewed by the Board of Supervisors in accordance with the provisions of Section 5-013 of the Zoning Ordinance.
5. There shall be no more than three (3) spectator events held on the subject property within any calendar year period.
6. No spectator event shall occur before 9:00 A.M. and all events must conclude no later than 8:00 P.M. Sunday events shall not be scheduled prior to 12:30 P.M. so as not to interfere with local church services.
7. There shall be no more than 200 attendees on site at any one time, and no event shall last more than three (3) consecutive days.
8. No structure associated with the use shall be closer than 100 feet to any adjacent lot line.
9. All parking must be provided on site, and shall be no closer than 100 feet from any adjacent property.
10. The Airport Committee shall provide adequate security, emergency traffic control, sanitation and refreshment services. At least 30 days prior to the event, the Airport Committee shall provide written proof to the Zoning Administrator that the following agencies have been consulted: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services and the Fauquier County Health Department.
11. Any retail use associated with this use shall be either accessory to the use or conducted by and for the benefit of a non-profit, tax exempt organization. The applicant shall provide the name, address and contact person for each entity conducting retail sales at the event to the Zoning Administrator at least

30 days prior to the event.

12. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.

The motion carried unanimously.

- e. ***#SE01-M-04 - Heather K. Taylor, Co-Trustee, and First Union Bank, Co-Trustee, owners, and APC Realty & Equipment Company, LLC, applicants*** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 95' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 199.0 acres, and is located on Fiery Run Road (Route 726), Marshall District. (PIN #6010-88-9930-000)

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

Mr. Sinclair opened the public hearing.

Mr. Brian Buniva, Attorney representing Sprint PCS, stated that there are 35 proposed antenna locations in Fauquier County and currently there is co-location on three. He stated that there are 11 more designated for co-location. He stated that 32 of these proposed towers are by-right and 3 will require special exception approval. He stated that they feel this is the best site they have seen in that it has the best screening and will not be visible. He stated that they will do a balloon test at all three sites. He also stated that the road leading to this proposed tower will be approximately 2 miles.

Mr. Dustin Weiman, Radio Frequency Engineer, stated that they will lose coverage to the east if the tower is reduced to 80 feet in height.

Mr. Davis stated that the County Consultant has supported the Taylor tower application.

Ms. Heather Taylor stated that this tower will not be visible from the surrounding area.

The following people spoke in favor of the request:

- Paul Bennett, First Union Bank,
- Ed Pommer, Moss Hollow,
- Bill Leachman, co-owner of property, and
- Diana Mains, adjacent property owner

The following people spoke in opposition of the request:

- Steve Calvert, Marshall District,

- Donald Marro, Marshall District,
- Bob Kane, Marshall District,
- Richard Blakely, Marshall District,
- Nancy McCarroll, Marshall District,
- David DeGive, Marshall District,
- Ann Mash, Markham,
- Cindy Henry, Markham,
- Laura Kitchen, Marshall District,
- Ron Kobe, Marshall District,
- Lynn Phillips, Marshall District,
- Tom Peterson, adjacent property owner,
- Deborah Yahn, Marshall District,
- Marilyn Blakely, Marshall District, and
- Chris Arby.

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. Rohrbaugh, it was moved to postpone the request until the May meeting for further review and a balloon test.

Mr. Sinclair asked that the notifications be checked for the balloon test.

Mr. Robison suggested that anyone wanting to be notified of the balloon test give us their name and address.

The motion carried unanimously.

- f. **#SE01-M-05 - Charles M. Flint, owner, and APC Realty & Equipment Company, LLC, applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 120' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 19.8 acres, and is located on Dead End Road (Route 754), Marshall District. (PIN #6041-40-6912-000)

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

Mr. Sinclair opened the public hearing.

Mr. Brian Buniva, Attorney representing Sprint PCS, stated that an 80 foot tower would not provide proper coverage in this area. He stated that the tower will be seen above the tree tops, but it is the minimum height to get the required coverage.

Mr. John Martin, Markham, asked that this be postponed in order to have a balloon test and for notification of residents of the test.

Mr. Dustin Weimer stated that this tower will also provide coverage on Route 17 North, at the proposed height.

The following people spoke in opposition to the request:

- Kathy Gilbert-Silva, Marshall District,
- Chuck Medvitz, Scott District,
- Larry Silva, Marshall District,
- Glen Lefantasie, Marshall District,
- Meredith Whiting, Marshall District,
- Dennis Frounds, Marshall District,
- Peter Schwartz, Marshall District,
- Ted Melpolder, Marshall District, and
- Jack Whiting, 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. Rohrbaugh, it was moved to postpone the request until the May meeting for further review and a balloon test and to notify property owners of the balloon test. The motion carried unanimously.

- g. **#SE01-L-06 - Cynthia E. Tibbs, owner, and APC Realty & Equipment Company, LLC, applicants** - applicants wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 140' monopole with telecommunications antenna and equipment. The property is zoned Rural Agriculture (RA), contains 25.0 acres, and is located on Sumerduck Road (Route 651), Lee District. (PIN #7825-00-2509-000)

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

Mr. Sinclair opened the public hearing.

Mr. Brian Buniva, Attorney representing Sprint PCS, stated that this application was first filed in 1999 and put on hold. He stated that this proposed tower will not be seen from Sumerduck Road, Hawthorne Road or Ash Drive, but it can be seen from

Mrs. Tibbs property.

Mr. Dustin Weimer stated that an 80 foot tower would not allow the proper coverage needed for this area.

The following citizens spoke in opposition to the request:

- William Arthur, Lee District,
- Chuck Medvitz, Scott District,
- Kishin Belani, adjoining property owner; and
- Steve Calvert, Marshall District.

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

Mr. Guerra asked why this would not work at 80 feet?

Mr. Weimer stated that the reason it does not work is the tree tops in that area are above 70-75 feet. He stated that when you drop down to 80 feet you are barely above the tree lines. He stated that for a signal to go out to the horizon, which means Route 17 and Sumerduck Road, you have to go through an awful lot of foliage in the area, and the foliage can affect the signal tremendously. Mr. Weimer indicated that on the coverage map, that at 80 feet you are shooting through a lot more trees than you are at 140 feet and so the coverage for that site already is diminished, to the effect that it does not complete the coverage objective in that area.

Mr. Guerra asked Mr. Weimer if he is speaking from a scientific fact that foliage does cause interference and Mr. Weimer replied yes, very much so.

Mr. Rohrbaugh stated that this is PCS and stated that that is a little different.

Mr. Weimer stated that PCS is affected more by foliage than cellular frequencies.

Mr. Guerra stated that in places like Fairfax where there are no trees, you can have any kind of an antenna, put up one block away from each other, and cellular phones do work, and asked Mr. Weimer if that is correct, and Mr. Weimer replied yes, that this is correct.

Mr. Guerra stated that there must be some distance which is optimal for interaction without interference and asked Mr. Weimer to explain this.

Mr. Weimer stated that without going into a long discussion, potentially it is determined by the optimal site distance between locations. It has to do with the terrain, and in a lot of cases is a prohibitor of cell site coverage. Foliage plays a role in this application and other applications that Sprint has submitted, and it also depends on the height of the tower and the height of the ground elevation. He stated that for an 80 foot site, Sprint is only going to get maybe one-quarter to one-half mile worth of coverage out of the site, where at 140 feet it may be 1½ mile. With some of these other sites that are better or higher elevations, even a little bit more coverage out of them because they are higher above the general topography of the area.

Mr. Guerra stated that a lot of these people who have talked tonight are saying that their way of life or quality of life is not to see this. Vision is important, not the technicality of the communication. Mr. Guerra asked Mr. Weimer if he is going to erect an 80 foot tower, would you say that in order to do what is required by-right that instead of having one 150-200 foot every 4-5 miles, it is possible that you have an 80 foot, maybe, every $\frac{1}{2}$ to $\frac{3}{4}$ mile.

Mr. Weimer stated that this ended up making Sprint's coverage objective not optimal. The other issue is that Sprint cannot find landowners every half mile. The 80 foot tower makes Sprint have quite a number of more towers in the general area. In some cases, there is no way around having to have higher height in order to meet the coverage objective.

Mr. Guerra asked why Mr. Weimer finds it so difficult for people to understand the absorption of the leaves and interruption of the microwave?

Mr. Weimer replied that he cannot really speak to that. He stated that he just tried to explain/educate the way the radio signals propagate through the air, through trees. The only way he can do that is to explain his position and explain why and how the signals work.

Mr. Guerra stated that "this is the kind of thing that has been puzzling him for the last 4-4 $\frac{1}{2}$ years since he has been on the Commission, not only on the 900 but on the system that the Sheriff has been trying to put in. It just does not make since in a County with heavy foliage. We know this is true because Orange County, which is similar to us, has gone through the same thing. I don't necessarily want to go back there. You say that this is a significant fact that people cannot expect it. I am not an expert on this, I just like to feel that I am an observer of scientific development. If all of us here were right now in a 747 and the pilot said hey folks, we have a $\frac{1}{4}$ mile runway, how many of you are going to stay with me, how many would? It is a scientific fact that there is no way that a 747 can take off on $\frac{1}{4}$ mile, yet it is so difficult for some of these people to understand that foliage interrupts it. Do we need cellular phones? The people that I have talked to say no, we don't, but yet if you go out in the street you see almost everybody with a cell phone that is attached to their ear. I just became a member of the cellular class, but I keep it in the car for my wife in the event there is an accident. If I have to I can also wait 10-15 minutes to make a telephone call, but that is my decision. I understand that many of these people that have come today I can sympathize with. I too, if this were in my backyard, would be a nimby, but at the same token, I/we as Commissioners have to decide not only what is good for the people surrounding, but also what is good for the County. I want to assure that the leaves do interrupt the communication in Fauquier County as well as in Orange County. I have several more items that I want addressed, but there is no real hurry in approving this as earlier in the evening I was going to suggest to the Commission, In view of the late hour I would like to postpone this so that we can get some more information. I just wonder how much I am going to get. This meeting is quite a distance from Sumerduck, but we have 3 people here and congratulations for coming, but in my experience Lee District, unfortunately, does not respond to some, as this district in Marshall does."

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to postpone the request until the May meeting for further information.

Mr. Robison asked about having a balloon test.

Mr. Guerra stated that we can have this, but it is my understanding that our consultant said that there was a balloon test done, and Mr. Davis replied that there was one done at this site.

Mr. Rohrbaugh stated that he would like to have the balloon test.

Mr. Guerra amended his motion to include a balloon test and Mr. Rohrbaugh amended his second. The motion carried unanimously.

There being no further business, the meeting was adjourned at 10:20 P.M.

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