

MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION

JULY 26, 2001

The Fauquier County Planning Commission held its regular meeting on Thursday, July 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; and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, and Mrs. P.J. Gallagher, Clerk.

1. ***APPROVAL OF MINUTES - JUNE 28, 2001***

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to approve the minutes of June 28, 2001, as amended. The motion carried 4 to 0.

2. ***ZONING ORDINANCE TEXT AMENDMENT*** - amendments to Article 8 (Signs), Section 8-201 (Definitions), Sections 8-1400 and 1401 (Deleting Reference to Planned Communities), Section 8-1600 with regards to signs in the Planned Development Mixed Use (PDMU), Planned Residential Development (PRD) and Planned Commercial and Industrial Development (PCID) of the Fauquier County Zoning Ordinance, renumber current Section 8-1600 to 8-1700 and current 8-1700 to 8-1800.

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

Mr. Sinclair stated that a work session was held earlier in the day. He stated that the Commission made some suggestions and staff has asked that this be postponed until the August meeting in order to work on the suggestions of the Commission.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to postpone the request until the August meeting for further review. The motion carried 4-0.

3. ***SPECIAL EXCEPTION (#SE01-CR-10) - SMITH-MIDLAND CORPORATION, OWNER/APPLICANT*** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance which would allow existing floodplain fill to remain as a parking lot. The property is zoned Industrial-2 (I-2), contains 12.8229 acres, and is located on Catlett Road (Route 28), Cedar Run District. (PIN #7900-75-6202-000)

Mrs. Cook reviewed the 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. Robison, it was moved to recommend denial of the request. The motion carried 4 to 0.

4. ***PRELIMINARY PLATS***

- a. ***#PP00-S-23 - Charles & Thelma Jamison, Trustees, owner/applicants*** - applicants wish to subdivide 166.67 acres into one-hundred two (102) lots. The property is zoned Residential-1 (R-1), and is located off Lee Highway (Route 15/29/211), Scott District. (PIN's #6995-65-2468-000 and #6995-76-6411-000)

Mrs. Cook reviewed the 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 further notice in order to complete the traffic study.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the preliminary plat, at the request of the applicant, until further notice. The motion carried 4 to 0.

- b. **#PP01-CR-06 - James S. Gulick, Jr., owner/applicant** - applicant wishes to subdivide 4.600 acres into three (3) lots. The property is zoned Village (V), and is located on Old Rogues Road (Route 602), Cedar Run District. (PIN #7902-64-3361-000)

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

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone the request until the August meeting. The motion carried 4 to 0.

5. ***PROPOSED ZONING ORDINANCE TEXT AMENDMENTS***

- a. Proposed Zoning Ordinance Text Amendment Regarding Installation of Dry Hydrants for Fire Protection in New Rural Subdivisions with Ponds.

Mr. Carr reviewed the 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. Robison, it was moved to advertise the text amendment for a public hearing at the September meeting. The motion carried 4 to 0.

- b. Proposed Zoning Ordinance Text Amendment to Section 6-102 to Add Subsection 28 to Permit Fundraising by Local Non-Profit and Governmental Entities as an Accessory Use to Governmental Athletic Recreation Uses Under Section 3-311.18.

Mr. Carr reviewed the 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. Robison, it was moved to advertise the text amendment for a public hearing at the August meeting. The motion carried 4 to 0.

6. ***PROPOSED SUBDIVISION ORDINANCE AMENDMENT*** - Prohibit the Approval of Subdivisions with Identical or Such Similar Names as to be Confusing with the Names of Other Subdivisions, Towns or Unincorporated Areas of the County.

Mr. Carr reviewed the 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. Robison, it was moved to advertise the text amendment for a public hearing at the August meeting. The motion carried 4 to 0.

7. ***BOARD OF ZONING APPEALS AGENDA***

- a. ***Review of Minutes of July 5, 2001, Meeting***
- b. ***Special Permit (#47699) - Michael E. Horst and Lesbia Kay Groves Horst, owners*** - applicants are requesting special permit approval to operate a gunsmithing business from their home, with no inventory. The subject property is identified as PIN #6889-40-6372-000, containing approximately 1.20 acres, located at 7065 Catlett Road (Route 28), zoned Rural Agriculture, Lee District.
- c. ***Special Permit (#47722) - Atoka Preservation Society, Inc., owner, and Brian and Clare Ferrell, lessee*** - applicants are requesting special permit approval to locate a preschool for twenty-two (22) children. Applicants are also requesting special permit approval for a professional office of six (6) or less employees. The subject property is identified as PIN #6073-89-9285-000, containing approximately 1.644 acres, located at 7274 Rectors Lane (Route 713), zoned Village, Scott District.
- d. ***Variance (#47759) - Richard J. Bayliff, owner*** - applicant is requesting a variance to a side yard requirement to construct a detached garage 10 feet from a side property line, wherein the Zoning Ordinance requires 15 feet. The subject property is identified as PIN #7904-69-6334-000, containing approximately 30,139 square feet, located at 5129 Rock Springs Road (Route 1301), zoned Residential-1 Substandard, Scott District.

The Commission made no comments.

There being no further business the meeting was recessed at 3:12 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, July 26, 2001, beginning at 7:00 P.M. for public hearings 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 and Mrs. Ann McCarty. Also present at the meeting were Mr. Rick Carr, Mrs. Elizabeth Cook, and Mrs. P.J. Gallagher, Clerk.

8. ***CITIZENS TIME***

Mr. Guerra thanked all people who have offered their concerns during his wife's illness.

Mr. Sinclair introduced a young Scout working on his merit badge and Patrick Gallagher a Political Science student at Virginia Tech.

9. ***SPECIAL EXCEPTIONS***

- a. ***#SE00-L-12 - D. C. Diamond Corporation, owner/applicant*** - applicant wishes to obtain special exception approval under Category 23 of the Zoning Ordinance to allow for a floodplain crossing. The property contains 122.25 acres, is zoned Residential-2 (R-2) Cluster, and is located on Catlett Road (Route 28), Lee District. (PIN #6889-52-7940-000)

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

Mr. Sinclair stated that the applicant has asked for postponement for a thirty (30) day period and that the public hearing remain open.

Mr. Sinclair opened the public hearing.

In that no one appeared to speak for or against the request, Mr. Sinclair stated that the public hearing will remain open until the August meeting.

Mrs. Cook suggested that the Commission make a site visit to the property on the morning of their next regular meeting.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the request and hold the public hearing open until the August meeting and for a site visit. The motion carried 4 to 0.

- b. **#SE01-L-11 - Betty L. Scoggins, owner, and Nextel Communications, Inc., applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 150 foot monopole with an equipment shelter. The applicant also wishes to obtain Comprehensive Plan Compliance for the proposed tower, in accordance with Section 15.2-2232 of the State Code. The property is zoned Rural Agriculture (RA), contains 53.81 acres, and is located on Rock Run Road (Route 615) and Warrenton Road (Route 17), Lee District. (PIN #7824-27-9750-000)

Mrs. Cook reviewed the staff report, a copy of which is attached to and made a part of these official minutes. She stated that the applicant has requested postponement and that the public hearing remain open until the August meeting.

Mr. Robison stated that a tower over 120 feet has to go to the Architectural Review Board (ARB) for an opinion on appropriateness. He stated that this has been to the ARB and that two (2) motions made on this and both failed.

Mr. Sinclair opened the public hearing.

Mr. Merle Fallon, attorney representing Nextel, stated that the existing Sprint tower might work for Nextel, but may be a little too far north. He stated that the applicant has requested postponement for 30-60 days. He encouraged staff to modify the Balloon Text requirements. He further stated that this has gone to the Architectural Review Board and they deadlocked on their votes and if they do not act within a certain time it is deemed approval.

Mrs. Betty Scoggins, owner, asked that the Commission give this application favorable consideration. She stated that it is an excellent location along Route 17 and that it is needed close to the park. She also stated that the view of the tower will be obstructed by trees.

The following citizens spoke in opposition to the request:

- Chuck Medvitz, Scott District,
- Les Kovas, Lee District,
- Kim Abel, Lee District,
- Carol Engo, Lee District, and

➤ Julie Martin, Marshall District.

In that no one else appeared to speak for or against the request, Mr. Sinclair stated that the public hearing will remain open until the August meeting.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the application, at the request of the applicant, and hold the public hearing open until the August meeting for further review. The motion carried 4 to 0.

- c. **#SE01-S-17 - Genevieve L. Nagy, owner, and Voice Stream Wireless Corporation, applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 120 foot stealth monopole tower for telecommunication purposes. The applicant also wishes to obtain Comprehensive Plan Compliance for the proposed tower, in accord with Section 15.2-2232 of the State Code. The property contains 104.1 acres, is zoned Rural Agriculture (RA), and is located on Brookland Drive (private street) east of Georgetown Road (route 674), Scott District. (PIN #7908-31-7607-000)

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

Mr. Sinclair stated that the applicant has requested postponement and that the public hearing will remain open until the August meeting.

Mr. Sinclair opened the public hearing.

Ms. Michelle Rosati, attorney representing Voice Stream Wireless, stated that this will be an internal antenna structure 120 feet tall and that it will not look like the tower in New Baltimore. She stated that it will look like a stick painted brown to look like a tree and will be approximately 2 to 3 feet wide.

Mr. Sinclair suggested that since there are so many citizens at the meeting that Ms. Rosati might want to make herself available outside in the hallway to answer questions after the meeting.

Ms. Rosati stated that the property is very well treed and that they are currently looking into lowering the height of the tower to be sensitive to the area and the neighbors. She stated that there is still a lot of work needed on this application.

Mrs. McCarty stated that the balloon test was done at 75 feet from the proposed tower site and suggested that another one be done.

Ms. Rosati stated that they will do another balloon test after they find out if the height can be lowered or not.

The following citizen spoke in favor of the request:

➤ Julie Martin, Marshall District.

The following citizens spoke in opposition of the request:

➤ Nick Kotz, Scott District,

- John Pierce, Mary Washington College,
- Neil Heineycamp, Arlington County Outdoors Association,
- Nancy Love, Scott District,
- Glen Miller, Scott District,
- Chuck Medvitz, Scott District,
- Jenna Hazel, Scott District,
- Mary Beverly Kotz, Pond Mountain,
- Terry Treet, Scott District,
- Douglas Larson, Center District, and Vice President of Piedmont Environmental Council,
- Greg Brown, Scott District,
- Eileen Groom, Scott District,
- Michael Keifer, Scott District,
- Earl Douple, Scott District
- Lewis Edwards, Scott District,
- Kathleen Higgens, Scott District, and
- Francis Krivivich, Scott District.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to hold the public hearing open until the August meeting at the request of the applicants. The motion carried 4 to 0.

Mr. Guerra asked if we are setting a precedence by keeping the public hearing open.

Mr. Kevin Burke, Deputy County Attorney, stated that a public hearing can be left open in order for the applicant to present revised information and for citizens to respond.

- d. **#SE01-CR-18 - James S. Gulick, Jr., owner/applicant** - applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would allow for a waiver of the public street requirement in residential zones. The property contains 4.6 acres, is zoned Village (V), and is located on the east side of Rogues Road (Route 602) near Casanova, Cedar Run District. (PIN #7902-64-3361-000)

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

Mr. Sinclair opened the public hearing.

Mr. James Gulick stated that the easement can only go in one place because of sight distance. He asked that the Commission consider this request favorably.

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 postpone the request until the August meeting due to the absence of the Cedar Run District Commissioner. The motion carried 4 to 0.

10. ***COMPREHENSIVE PLAN AMENDMENT (#CPA01-C-02) AND REZONING REQUEST (#4Z01-C-02) - GATEWAY WARRENTON LAND, LLC, OWNER, AND WILLIAM N. PARK, APPLICANT*** - applicant wishes to change the land use designation of a 10 acre parcel from low density residential to high density residential. The property is located in the Warrenton Service District, Phase II. The applicant also wishes to rezone 10.6543 acres from Residential-1 (R-1) to Garden Apartment (GA). The property is located on the southeast side of Route 29 between the Comfort Inn and the Fauquier Swim Club, Center District. (PIN #6994-09-2430-000)

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

Mr. Sinclair opened the public hearing.

The following citizens spoke in favor of the request:

- Don Khory, Marshall District, and
- Steve Potochek, Marshall District.

The stated that affordable housing is needed in the County, and that this is an appropriate location.

Mr. Guerra commended Mr. Khory for his work with the Affordable Housing Committee.

Mr. Carr stated that the applicant has requested deferral and that the public hearing will remain open.

The following citizens spoke in opposition to the request:

- Barbara Pezza, Center District,
- Kitty Smith, Marshall District, and
- Chuck Medvitz, Scott District.

Their concerns were traffic, improper use of the property, and that there is no water and sewer to the property.

Mr. Carr stated that this public hearing will be kept open and that the application will be

readvertised at the appropriate time when the applicant has their material ready.

Mr. Robison asked if there was a time requested in the letter of postponement and Mrs. Cook replied August 30th.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to hold the public hearing open until the August meeting at the request of the applicant for further information. 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.