

**MINUTES OF**  
**FAUQUIER COUNTY PLANNING COMMISSION**  
**AUGUST 30, 2001**

***The Fauquier County Planning Commission held its regular meeting on Thursday, August 30, 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, Mr. Brian Davis, and Mrs. P.J. Gallagher, Clerk.***

***AMENDMENT OF AGENDA***

Mr. Sinclair, with the consent of the Commissioners, amended the agenda to add the Balloon Test Policy as Item 7.

***1. APPROVAL OF MINUTES - JULY 26, 2001, AND JULY 30, 2001***

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone the minutes of July 26, 2001, and July 30, 2001, until the September meeting for further review. The motion carried unanimously.

***2. ZONING ORDINANCE TEXT AMENDMENT - amendments to Article 8 (Signs), Section 8-201 (Definitions), Section 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. Bowen reviewed the proposed text amendment, a copy of which is attached to and made a part of these official minutes. She stated that a work session should be scheduled with Owen Bludau from the Vint Hill Economic Development Authority to discuss the proposed amendment section by section.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to postpone the text amendment until the September meeting and to schedule a work session on September 11<sup>th</sup> at 3:30 P.M. at the Vint Hill EDA Conference Room. The motion carried unanimously.

***3. SPECIAL EXCEPTION (#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)***

Mr. Davis reviewed his 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 approval of the special exception 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. The system shall be used to serve the existing residential structure only.
4. The applicant shall ensure proper maintenance of the system to the satisfaction of the Health Department and enter into a maintenance agreement with the manufacturer.
5. The applicant shall request annual testing of the system to monitor its operations by the Health Department and submit results of testing to the Zoning Administrator.

Mr. Rohrbaugh abstained from voting on the matter in that his company does business with the developer of Mr. Gulick's property.

The motion carried 4 to 0 with Mr. Rohrbaugh abstaining from voting on the matter.

4. ***PRELIMINARY PLATS***

- a. ***#PP01-CR-06 - James S. Gulick, Jr., owner/applicant*** - applicant wishes to subdivide 4.6000 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 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. Robison, it was moved to approve the preliminary plat subject to the following conditions:

1. Prior to final plat approval, the applicant shall submit final construction plans for the private road, if required, and meet all conditions of SE01-CR-18.
2. The final plat shall provide a cul-de-sac turnaround at the terminus of the 50 foot right-of-way for emergency vehicle access.
3. All Stormwater Management and BMP facilities shall meet the requirements of the Northern Virginia BMP Handbook and the Virginia Erosion and Sediment Control Law.
4. Prior to Board of Supervisors action, the preliminary subdivision plat shall be revised to delineate and label all setbacks, building restriction lines, and the required lot width along the proposed private street.
5. Prior to final plat and construction plan approval, the applicant shall submit a landscape plan as required pursuant to Section 7-600 of the Zoning Ordinance.
6. The applicant shall submit a recorded road maintenance agreement

applicable to all four (4) users of the private street with the final plat submission.

7. Prior to final plat approval, a Virginia Certified Professional Soil Scientist (CPSS) needs to adjust the preliminary soil map lines (with revisions) onto the final drainfield plat. This needs to be done in the field and checked for any additional soil information to be added to the final scale plat map.
8. Prior to final plat approval, a signature block shall be placed on the final drainfield plat for the CPSS to sign which states:

Preliminary Soils Information Provided by Philip B. Helm, CPSS (1"=100')	
This Virginia Certified Professional Soil Scientist has field reviewed and adjusted the preliminary soil information onto the final plat (1"= ) and certifies that this is the Best Available Soils Information to Date for Lots .	
Va. Certified Professional Soil Scientist  CPSS #3401-	Date

9. Prior to final plat approval, information from the County Interpretive Guide for each mapping unit shown on the final drainfield plat shall be placed on the same soil map. Also a Symbols Legend shall be placed on the plat map to identify spot symbols.
10. Prior to final plat approval, the following two statements shall be placed on the final working plat map:
  - a. "Before a home is started the builder shall mark the drainfield area off and not disturb it during construction."
  - b. "The County recommends that before road or home construction begins in map unit 64C, a site specific evaluation be conducted so that shallow to bedrock areas are identified. These areas may require blasting if deep cuts or excavation is done."

Mr. Rohrbaugh abstained from voting on the matter in that his company does business with Mr. Gulick.

The motion carried 4 to 0 with Mr. Rohrbaugh abstaining from voting on the matter.

- b. **#PP01-L-08 - State Bank of Remington, owner, and Premier at Remington, LLC, applicant** - applicant wishes to obtain preliminary plat approval to subdivide 0.213 acres, into five (5) lots. The property is zoned Townhouse (TH), and is located off Remington Road (Route 29) in the Remington Service District, Lee District. (PIN

#6877-87-5901-000)

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. Guerra and seconded by Mr. Robison, it was moved to postpone the request until the September meeting for further review.

Mr. Rohrbaugh abstained from voting on the matter in that he is on the Board of the State Bank of Remington.

The motion carried 4 to 0 with Mr. Rohrbaugh abstaining from voting on the motion.

5. ***PRELIMINARY PLAT EXTENSION - CARTER'S CROSSING*** - applicant wishes to obtain a six (6) month preliminary plat extension from November 9, 2001, to May 9, 2002.

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 Mrs. McCarty and seconded by Mr. Rohrbaugh, it was moved to grant the six (6) month extension from November 9, 2001, to May 9, 2002. The motion carried unanimously.

6. ***PROPOSED ZONING ORDINANCE TEXT AMENDMENTS AND SUBDIVISION ORDINANCE AMENDMENT***

- a. Amendment to Sections 2-406.5D, 3-400.14 and 5-2600 of the Fauquier County Zoning Ordinance to Require Special Exception Approval for Reduction in the Required Open Space for Parcels of 30 Acres or Greater in the Rural Agriculture (RA) and Rural Conservation (RC) Zoning Districts.
- b. Amendment to Section 3-400.1 (Use Standards, Footnotes) to Allow One Family Transfer Lot for a Parcel of Less than Ten Acres in Rural Agricultural or Rural Conservation Districts.
- c. Amendment to Sections 10-6, 10-7 and 10-9 of the Subdivision Ordinance Regarding the Approving Authority Review and Approval of Final Plats.

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to advertise all three (3) text amendments for public hearing at the September meeting. The motion carried unanimously.

7. ***BALLOON TEST POLICY***

Mr. Davis reviewed the proposed policy, a copy of which is attached to and made a part of these official minutes.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty it was moved to accept the new policy. The motion carried 4 to 1 with Mr. Guerra voting against the motion.

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

- a. ***Review of Minutes of July 5, 2001, and August 2, 2001, Meetings***
- b. ***Special Permit (#47764) - Leroy E. and Lynne C. Dice, owners*** - applicants are requesting special permit approval for a therapeutic massage/professional office from their home. Applicants are also requesting approval for an identification sign up to two (2) square feet. The subject property is identified as PIN #7914-95-0380-000, containing 12.044 acres, located at 4118 Ringwood Road (Route 669), and is zoned Residential-1 (R-1), Cedar Run District.
- c. ***Special Permit (#47856) - Miriam R. Glaetli, Trustee, owner, and C. L. and Wilbur Ritchie, lessee*** - applicants are requesting special permit approval to hold a temporary event sponsored by the Cedar Lee Community Center for the Performing Arts. The temporary event will be a fundraiser held on an annual basis to pick your own pumpkins, and haunted tours of a corn maze. The subject property is identified as PIN #7807-59-722-000, containing 130.50 acres, located on Marsh Road (route 17), and is zoned Rural Agriculture (RA), Cedar Run District.
- d. ***Special Permit (#47885) - Oak Grove Meadows, LLC, owner, and Rick Witscher, applicant*** - applicant is requesting special permit approval to locate a cottage industry (organic bakery) in an existing structure. The subject property is identified as PIN #6073-41-3252-000, containing 515.8315 acres, located at 7434 Oak Grove Road off of Atoka Road (Route 713), zoned Rural Agriculture (RA), Scott District.

The Commission made no comments.

There being no further business, the meeting was recessed at 3:15 P.M.

***The Fauquier County Planning Commission reconvened its regular meeting on Thursday, August 30, 2001, at 7:00 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. Carolyn Bowen, Mr. Brian Davis, Mr. Cameron Weimar, Mr. Richard Calderon, and Mrs. P.J. Gallagher, Clerk.***

#### ***AMENDMENT OF AGENDA***

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to amend the agenda to add 13.f., #SE01-L-11, Betty Scoggins, owner, and Nextel Communications, Inc., applicant. The motion carried unanimously.

#### 9. ***CITIZENS TIME***

No one spoke.

10. ***CATLETT, CALVERTON, MIDLAND CITIZEN PLANNING COMMITTEE*** - transmittal of the Proposed Village Service District Plans to the Planning Commission for scheduling of a public hearing and work sessions. The Committee will provide a short briefing and respond to questions.

Mr. Carr briefly outlined the proposed plan, a copy of which is attached to and made a part of these official minutes. He then introduced Mr. Doug Trumbo to the Planning Commission.

Mr. Trumbo, Chairman, Catlett, Calverton, Midland Citizen Planning Committee, stated that this plan was a tremendous meeting of ideas. He stated that the Committee wants some commercial and industrial uses and that sewage is a critical problem. He stated that the current traffic numbers on Routes 28, 603 and 616 are shocking, and there have been a lot of things to be considered in doing this plan. The plan considered those impacts with detailed recommendations. He stated that fiberoptic lines and gas lines exist in the area with potential for future high-tech park, and that he will be available for a work session with the Commission, along with Committee members.

Mr. Guerra asked the consensus on widening of Route 28.

Mr. Trumbo stated that long-term plans are to widen to 4 lanes where the road exists, and the short term is to add traffic lights and turn lanes. He stated that there is a dangerous traffic situation now due to Route 28 traffic volumes and access of school buses to H. M. Pearson Elementary School.

Mr. Carr stated that the Committee had a traffic study done and that the dollars are not there for 4-laning of Route 28 over a 20 year period according to VDOT. Therefore, the recommended intersectional improvements become key.

Mr. Guerra stated that the short term plans are a wise decision. He asked if it is planned to go where it is or over to the Pocahontas Trail.

Mr. Trumbo stated that expanding east of the railroad track is dead due to environmental constraints.

Mr. Carr stated that improvements to existing road network and VRE recommendations are included with the plan.

Mr. Sinclair asked if there are any visual pictures available, and was told that they will be available at the public hearing.

Mr. Guerra asked if the plan had VRE railway stops?

Mr. Trumbo stated that these locations should have been part of the plan, but the land has not been reserved for it. However, he stated that they have lowered the density, and the road network looks nice and should work well.

Mr. Guerra asked Mr. Trumbo to define quality of life.

Mr. Trumbo replied that the changes will increase the quality of life within their neighborhoods and the communities want to keep more green space. However, sewer service within Catlett and Calverton will improve conditions and allow families and their children to enjoy their yards and open areas in a more healthy and safe environment.

Mr. Sinclair stated that he was on the New Baltimore Citizens Group, and commended the Catlett, Calverton and Midland group for the good job they have done. He also commended them for preserving the historical heritage of the area. He further stated that the public hearing will be scheduled for the October meeting.

Mr. Trumbo introduced other Committee members that were present at the meeting.

Mr. Rohrbaugh stated that he believes in the process, that this is a good plan, and that

something needs to be done about the failing drainfields in this area.

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to schedule the plan for a public hearing at the October meeting.

Mr. Robison stated that he concurs with the comments that have been made.

The motion carried unanimously.

11. **ZONING ORDINANCE TEXT AMENDMENT** - amend 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.

Mrs. Bowen reviewed her staff memorandum, 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 if a nonprofit organization asks to use the field is the money going to go to the County or where is the money going?

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

Mr. Sinclair stated that he and Mrs. McCarty will meet with Larry Miller from the Parks and Recreation Department and staff to discuss this proposed text amendment.

Mrs. Bowen stated that she has talked with Larry Miller and he has asked for the meeting to be after September 18<sup>th</sup> in that their Board meets on that day.

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

12. **SUBDIVISION ORDINANCE TEXT 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 his staff memorandum, 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. Robison and seconded by Mr. Guerra, it was moved to recommend approval of the text amendment. The motion carried unanimously.

13. **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 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)

Mr. Davis reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that the Commission visited the site earlier in the day.

Mr. Sinclair stated that this hearing is continued from last month.

Mr. Sinclair reopened the public hearing.

Mr. Jim Carson, engineer representing the applicant, stated that there will be minor disturbance in the stream area and asked that the Commission move this forward to the Board of Supervisors. He stated that there should be something from the U. S. Army Corp of Engineers prior to the Board meeting.

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

Mr. Guerra stated that this application was filed two (2) years ago for the disturbance of the floodplain. He stated that since nothing has been received from the U. S. Army Corp of Engineers, this application should be postponed until the information is received. He asked about the placement of the tot lot as discussed before and stated that he sees that it has not been brought from Phase 2 to Phase 1.

Mr. Sinclair stated that this application is for the floodplain crossing.

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

- b. **#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)

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

Mr. Sinclair stated that this hearing is a continuation from last month.

Mr. Sinclair reopened the public hearing.

Mr. Mark Bergoff, attorney representing the applicants, stated that they are asking for a thirty (30) day postponement in order to revise the plan. He stated that this will be submitted by September 12<sup>th</sup> at the latest.



Mr. Guerra asked if the area is wooded and Mr. Bergoff stated that their leased area is wooded and the silo will be located within the trees.

Mr. Sinclair stated that it is very important for the applicants to have their information submitted by September 12<sup>th</sup>.

Mrs. McCarty asked if this will be a silo with a barn or a new structure, and Mr. Bergoff replied that it will be the silo only.

Ms. Carrie Miller, Scott District, stated that she just learned about this application. She stated that she lives ½ mile east of this property and that she will be able to see the silo from her home. She further stated that she is not in favor of this location and that it needs to be located in a commercial setting. She also stated that she has lighting concerns. She stated that once these towers come, you cannot get rid of them.

Ms. Kim Onsberry, Scott District, stated that she is not in favor of this request. She stated that this is a historic and beautiful area of the County and wants to see the views kept as they are.

Mr. Earl Douple, Scott District, asked if there has been another balloon test scheduled and was told by Mr. Sinclair that the community will be made aware of anything that happens with this request.

Mr. Douple further stated that this site is 5,000 feet from a State owned natural area, 5,000 feet from a historic battlefield, 5,000 feet from Route 55 and 1 mile from Beverley's Mill.

Mr. Chuck Medvitz, Scott District, stated that the issue is how much is the County willing to invest and suggested that the plan be relooked at.

Ms. Kitty Smith, Marshall District, asked that this hearing be kept open until next month. She stated that if new material is submitted the citizens have a right to see it.

Ms. Nancy Love, Scott District, stated that she lives in a home that was constructed in 1789. She stated that she is confused by the process, that she did not know that lights were a consideration, that no new balloon test has been scheduled and that no pictures have been submitted to show what this silo will look like.

Mr. Sinclair stated that the community will be notified of any balloon test.

Mr. Guerra stated that towers are not usually lighted until they reach 200 feet.

Mr. Sinclair stated that there are some exceptions to lighting.

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

Mr. Sinclair stated that the Commission is giving Voice Stream until September 12<sup>th</sup> to submit any new materials. He also stated that the public hearing will be left open.

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to

postpone the application, at the request of the applicant, until the September meeting and to keep the public hearing open.

Mr. Rohrbaugh stated that he is not sure what a stealth silo will look like and that it will probably look out of place, especially in the winter.

Mr. Sinclair stated that he agrees with Mr. Rohrbaugh. He stated that he has never seen a silo 150-175 feet high. He stated that this needs to be made into something realistic.

Mrs. McCarty stated that she sympathizes with the citizens that have come out tonight. She stated that this is hallowed land and we have a charge to protect it.

The motion carried unanimously.

- c. **#SE01-S-18 - David M. Baker, Jr., & Others, owners, and Hilleary Bogley, applicant** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for an experimental wastewater system. The property contains 3.12 acres, is zoned Village (V), and is located on Old Maidstone Road (Route 849), Scott District. (PIN #6062-60-3098-000)

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

Mr. Robison asked about the special exception plat and was told by Mr. Davis that the site is located 157 feet off the property line with 300 feet of frontage which will put this facility in the center of the property.

Mr. Sinclair stated concerns about the particular pump with regards to noise, and stated that it should be moved away from the adjacent property owner.

Mr. Robison stated that he is pleased to see the revisions to the conditions as discussed during the work session.

Mr. Sinclair opened the public hearing.

Ms. Hilleary Bogley, applicant, stated that this will serve one new home. She stated that the pump is at the bottom of the tank which is underground and covered with a cement lid. She stated that this will be located 150+ feet from the adjacent property owner and the only one that will hear it is her.

Mr. Sinclair stated that he was told that this is very loud and Ms. Bogley stated that it is a humming sound similar to a fan.

Mrs. Gloria Beahm, realtor representing the owners, asked that the Commission recommend approval of this request.

Ms. Kitty Smith, Marshall District, stated that this is a fairly large lot with village zoning. She stated that this will not stop any future subdivision of the lot. She stated that there are noise concerns and that the County does have a noise ordinance.

Ms. Bogley stated that the property cannot be subdivided and that she has no intention to do so.

Mr. Sinclair stated that the lot could be deed restricted from further division.

Mr. Davis stated that this can be a condition of approval in that any new lots need to be certified by the Health Department and they stated that the lot does not perk.

Mr. Carr stated that the applicant can submit a letter prior to the Board meeting that this lot will not be further divided.

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

Mr. Sinclair asked the applicant if they will put something in writing that they will not further divide the property and Ms. Bogley replied yes. He further stated that it can be made a condition of approval that Ms. Bogley submit this letter.

Mr. Davis stated that the Board meeting is on September 17<sup>th</sup> and the letter is needed by September 6<sup>th</sup>.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, 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. The system shall be used to serve the existing residential structure only.
4. The applicant shall ensure proper maintenance of the system to the satisfaction of the Health Department and enter into a maintenance agreement with the manufacturer.
5. The applicant shall request testing of the system to monitor its operations by the Health Department and submit results of testing to the Zoning Administrator on a quarterly basis.
6. The applicant shall submit a letter, prior to the Board of Supervisors hearing, stated that there will be no further division of the property.

The motion carried unanimously.

- d. **#SE01-L-19 - R. Carl & Carolyn G. Faller, owners/applicants** - applicants wish to obtain special exception approval under Category 9 of the Zoning Ordinance which would allow for outdoor recreation such as garden weddings, receptions, picnics, etc. The property contains 3.9902 acres, is zoned Rural Agriculture (RA), and is located on the southeast side of Courtney's Corner Road (Route 637), Lee District. (PIN #7806-31-1634-000)

Mr. Weimar 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. Carl Faller, applicant, asked that the Commission recommend approval of the request and that they agree with the conditions.

Mr. John Williams, Lee District, stated that this is a residential area and that there are noise concerns. He also asked if the value of their homes will go down?

Mrs. Pam Williams, Lee District, stated that Route 637 is a narrow road with no shoulders. She stated that drag stripping goes on along this road. She stated her concerns about alcohol use, noise and trash. She stated that this is a 100% residential area and that it should be moved to Route 17 where commercial uses are located. She stated that they want to keep the neighborhood quiet and peaceful.

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

Mr. Guerra stated that the Commission spent considerable time on this application during their work session earlier in the day. He stated that there are 19 conditions that should suit the County and the neighborhood. He further stated that he is familiar with the area and with the Fallers, and that they are respected in the County.

On motion made by Mr. Guerra 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 site plan submitted pursuant to this special exception shall be in substantial conformance with the special exception plat dated July 19, 2001, and these conditions.
4. This special exception shall be granted for a period of three (3) 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. No events or activities shall occur before 9:00 A.M. and all events must conclude no later than 10:00 P.M. Sunday events shall not be scheduled prior to 12:30 P.M. so as not to interfere with local church services.
6. There shall be no more than 100 attendees on site at any one time, and no event shall last more than three (3) consecutive days.
7. No structure associated with the use shall be closer than 100 feet to any adjacent lot line.

8. All parking must be provided on site, and shall be no closer than 50 feet from any adjacent property.
9. The site shall be served by a single point of access from Route 637. A standard two-way commercial entrance in accordance with VDOT's Minimum Standards of Entrances to State Highways is to be provided by the owner/applicant. All signs, either on-site or directional, shall be located outside the rights-of-way for public roads.
10. The applicant shall provide adequate security, emergency traffic control, sanitation and refreshment services. At least 30 days prior to major events, the applicant shall provide written proof to the Zoning Administrator that the following agencies have been consulted and that any necessary approvals/permits have been obtained: Fauquier County Sheriff's Office, Virginia Department of Transportation, Fauquier County Emergency Services and the Fauquier County Health Department.
11. The applicant shall comply with all applicable water, sewage treatment, and food preparation standards, as determined by the Health Department.
12. 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.
13. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
14. In no event shall fireworks, hot-air balloons or helicopters be used for any Class C events.
15. The applicant shall require its employees and all invitees to strictly comply with State burning laws and copies of such laws shall be posted on site.
16. During events with music or sound the maximum permitted sound pressure noise levels shall not exceed sixty (6) decibels at the property lien.
17. All lighting shall be in conformance with the Fauquier County Zoning Ordinance and positioned downward, inward and shielded to eliminate glare from all adjacent properties.
18. Fire extinguishers meeting State and Federal standards shall be provided at all events.
19. No permanent structure shall be constructed without an amendment to this special exception approval.

Mr. Rohrbaugh stated that there will be a three (3) year time limit and if there problems with the conditions not being adhered to that the Commission wants to hear from the neighbors. He stated that the applicant can be pulled sooner than the three (3) years if there are problems.

Mr. Robison stated that he agrees with Mr. Rohrbaugh. He stated that the conditions benefit everyone.

The motion carried unanimously.

- e. **#SER01-M-01 - Uta Emberger, owner/applicant** - applicant wishes to obtain special exception renewal under Category 9 of the Zoning Ordinance which would allow for a continuance of the operation of a resort (bed and breakfast) and restaurant. The property contains 50.08 acres, is zoned Rural Agriculture (RA), and is located on the south side of John S. Mosby Highway (Route 50), Marshall District. (PIN #6044-67-3399-000)

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. Emberger asked that the Commission consider a five (5) year limit on this application and further stated that she will comply with the lighting condition.

Ms. Annette Culler-Penney, resident of Upperville, stated that the 1763 Inn is a great asset to Fauquier County, and that it is a marvelous place to visit. She stated that this facility brings people to the area and asked that the Commission approve it for the five (5) year limit.

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

Mrs. McCarty stated that she has visited the site and it is an asset to the County.

On motion made by Mrs. McCarty 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. This permit shall supersede previously granted permits for a resort.
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. Any subdivision or addition of structures shall require an amendment to this special exception.
3. This special exception use shall be in substantial conformance with the special exception plat dated February 9, 1998, and prepared by James H. Harris and Associates, and these conditions.
4. This special exception shall be granted for a period of five (5) 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 21 guestrooms on site, as indicated on the above-referenced special exception plat.

6. No more than one (1) principle residence is permitted.
7. The two (2) apartment units on site shall be limited to one bedroom, one person occupancy.
8. The seating capacity of the restaurant shall not exceed 50 patrons.
9. The property shall be fenced or clearly marked to prevent trespassing.
10. The total number of guests on site at any one time shall not exceed 120 unless a permit is granted for a temporary use in accordance with Section 3-308.3 of the Zoning Ordinance.
11. The applicant shall maintain at all times occupancy permits for all dwelling and guest units, Health Department approvals, and proof that State fire codes are met.
12. The applicant shall submit to the Health Department the results of quarterly water testing as required by the State for bed and breakfast and full food service restaurants.
13. The applicant shall provide for the shielding of the lighting located at the property entrance along Route 50 to mitigate off-site impacts.

The motion carried unanimously.

- f. **#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)

Mr. Davis reviewed the application, a copy of which is attached to and made a part of these official minutes. He stated that the applicant's representative had indicated they would request an indefinite postponement.

Mr. Robison stated that the letter received is asking for a 30 day postponement.

Mr. Sinclair reopened the public hearing.

Mr. Chuck Medvitz, Scott District, asked the Commission to deny this request.

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

Mr. Guerra stated that this has been lingering on for too long. He stated that there will be a recommendation made at the next meeting and that it will be denied if no new information is submitted.

Mr. Rohrbaugh stated that the idea of holding open public hearings is new and that in

the past all public hearings were closed.

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to postpone action on the special exception until the September meeting at the request of the applicant. The public hearing was closed and the motion carried unanimously.

14. ***COMPREHENSIVE PLAN AMENDMENT (#CPA01-C-02) AND REZONING REQUEST (#RZ01-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 (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)

Mr. Davis reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that the applicants have requested indefinite deferral until the Warrenton Service District Committee makes a recommendation.

Mr. Rohrbaugh asked when the Warrenton Service District was down-planned and asked if this application was submitted because of that.

Mr. Davis replied that the down-planning was done prior to the filing of this application.

Mr. Sinclair opened the public hearing.

Mrs. Laura Hudson, Scott District, and member of Fauquier Swim Club, stated that she is opposed to this request and that it is not consistent with the area. She also stated that there is no sewer in the area.

Mrs. Barbara Pezza, resident of Millwood Subdivision, Center District, stated that she is opposed to this request and that it should be denied.

Mr. Chuck Medvitz, Scott District, stated that he is opposed to this request.

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

Mr. Robison stated that this application has gone on for several months and that he has heard that the Town of Warrenton is not going to provide sewer service. He stated that he is a member of the Warrenton Service District Committee and so far the direction of the Committee is not to change this property.

On motion made by Mr. Robison and seconded by Mrs. McCarty, it was moved to recommend denial of the request. The motion carried unanimously.

15. ***COMPREHENSIVE PLAN AMENDMENT (#CPA01-S-03) - PIEDMONT EQUINE***

***PRACTICE, LC, OWNER/APPLICANT*** - applicant wishes to obtain a Comprehensive Plan Amendment to allow "Remediation" access to The Plains-Marshall sewer district. The property contains 4.003 acres, is zoned Rural Agriculture (RA), and is located on Zulla Road (Route 709), Scott District. (PIN #6070-60-7640-000)



Mr. Calderon 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.

Dr. John Noland asked that the Commission recommend approval of this request and that they be allowed to go forward with their construction plans.

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

Mr. Sinclair stated that Charles Shepherd and John Largent from the Health Department both confirmed that this property has a failed sewer system. He stated that this application could be combined with the application for the schools, but would prefer this go ahead in that it is a health problem.

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the request. The motion carried unanimously.

16. ***REZONING REQUESTS***

- a. ***#RZ01-C-05 - Ronald T. Borta & Leslie A. Davis-Borta, owners/applicants*** - applicants wish to rezone 16.00 acres from Residential-1 (R-1) to Rural Agriculture (RA). The property is located on the east side of James Madison Highway (Route 17), Center District. (PIN #6985-04-8432-000)

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. Ronald Borta asked that the Commission approve his request.

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

Mr. Robison stated that Mr. Borta is a client of his, therefore, he is abstaining from vote on the application. He asked Mrs. McCarty to make the motion.

On motion made by Mrs. McCarty and seconded by Mr. Sinclair, it was moved to recommend approval of the request in that it is shown as Rural Agriculture in the Comprehensive Plan and is not in the Service District. The motion carried 4 to 0 with Mr. Robison abstaining from vote on the application.

- b. ***#RZ01-CR-06 - Ann B. & Elizabeth B. Puryear, owners, and Lynndey M. Reid, applicant*** - applicant wishes to rezone approximately 3.00 acres of a 7 acre parcel from Rural Agriculture (RA) to Residential-1 (R-1) for the purpose of creating one new residential lot. The property is located on the south side of Elk Run Road (Route 806), Cedar Run District. (PIN #7817-83-9479-000)

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.

Mrs. Puryear stated that the Health Department has approved the perk.

Ms. Reid stated that the Soil Scientist was on the property two weeks ago, and was told by Mr. Davis that was the County Soil Scientist, not the Health Department. She further stated that her family lives in the area and that they will use the existing driveway.

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

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to postpone the request until the September meeting, pending approval of the drainfield by the Health Department and for Mr. Rohrbaugh to make a site visit.

Mr. Guerra stated that this could be approved pending Health Department approval.

The original 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.