

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
NOVEMBER 29, 2001**

The Fauquier County Planning Commission held its regular meeting on Thursday, November 29, 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, Mr. Brian Davis, Mrs. Carolyn Bowen and Mrs. P.J. Gallagher, Clerk.

1. **APPROVAL OF MINUTES - OCTOBER 25, 2001**

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of October 25, 2001, as amended. The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENTS**

- a. 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 her staff memorandum, a copy of which is attached to and made a part of these official minutes. She stated that several items were left out of the proposed amendments, therefore, it needs to be revised.

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

- b. 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.

On motion made by Mr. Guerra and seconded by Mrs. McCarty, it was moved to recommend approval of the text amendment.

Mr. Sinclair stated that Larry Miller, Director of Parks and Recreation Department, had asked about having some wording clarified, and was told by Mr. Miller that this has been done.

Mr. Robison stated that he has some concerns with this text amendment and some of them have been addressed. He stated that he will vote to approve this and see how it works.

Mr. Rohrbaugh also stated that he has concerns, but will vote in favor and see how it works.

The motion carried unanimously.

3. **CATLETT, CALVERTON, MIDLAND VILLAGE SERVICE DISTRICT PLANS** - amendment to the Fauquier County Comprehensive Plan regarding future land uses, public facilities and transportation for the three service district communities. The proposed plan amendment was prepared by the Catlett, Calverton and Midland Citizen Planning Committee.

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that Mr. Rohrbaugh would like to look at this one final time to see if there are any final revisions that need to be made.

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

Mr. Sinclair asked that the Commission give any remarks to Mr. Rohrbaugh.

4. **SPECIAL EXCEPTION (#SE02-M-06) - WAYNE L., JR. & VICKI L. HOUSTON, OWNERS, AND SBA PROPERTIES, INC., APPLICANT** - applicant wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 120' fully camouflaged telecommunications silo facility with a 1,891 sq. ft. compound. The applicant is also seeking a Comprehensive Plan Determination in accordance with Section 15.2-2232 of the Code of Virginia. The property contains 5.00 acres, is zoned Rural Agriculture (RA), and is located north of I-66 on Grove Lane (Route F-185), Marshall District. (PIN #6050-32-8796-000)

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 Mrs. McCarty and seconded by Mr. Guerra, it was moved to postpone action until the December meeting, as requested by the applicant, for further review, and asked that the applicant submit any additional information to staff by December 5th. The motion carried unanimously.

5. **BROOKSIDE/BROOKFIELD FARM APPLICATIONS**

- a. **Special Exceptions (#SE01-S-14, #SE01-S-15 and #SE01-S-16) - Brookside Communities, LLC, and Brookside Development, LLC, owners/applicants** - applicants wish to obtain special exception approval for the following: 1) a reduction in open space for a cluster subdivision under Category 26 of the Zoning Ordinance; 2) use and crossing of a floodplain under Category 23 of the Zoning Ordinance; 3) installation of public utility stations for sewer, gas and electricity under Category 20 of the Zoning Ordinance. The properties contain 954 acres, are zoned Residential-1 (R-1) and Planned Residential Development (PRD), and are located on Riley Road (Route 676) in the New Baltimore

Service District, Scott District. (PIN's #7905-75-6107-000, #7905-63-8907-000, #7905-82-5007-000, #7905-93-5747-000, #7915-06-7362-000, #7915-16-2290-000, #7915-35-2459-000, #7915-34-4195-000, #7915-22-4253-000, #7915-22-0001-000, #7915-11-7109-000, #7915-20-4957-000, #7915-20-3117-000, #7914-29-7852-000, #7905-54-1314-000, #7905-53-4817-000 and #7914-39-3654-000)

- b. **Proffer Revision (#PR01-S-02) - Brookside Communities, LLC, and Brookside Development, LLC, owners/applicants** - applicants have filed an application to amend the existing proffered conditions on Brookfield Farm, formerly known as Waterfield. The property is located on Riley Road (Route 676) in the New Baltimore Service District, Scott District. (PIN's #7905-93-5747-000, #7915-06-7362-000, #7915-16-2290-000, #7915-35-2459-000 and #7915-34-4195-000)
- c. **Comprehensive Plan Amendment (#CPA00-S-05) - R. G. Holdings, LP, owner, and Brookside Development, LLC, applicant** - applicant wishes to obtain a Comprehensive Plan Amendment to adjust the sewer service area in the New Baltimore Service District to allow for more flexibility in Land Use Planning and Public Facilities location. The property is located in the New Baltimore Service District, WSA sewer and water, Phase I, and non-sewered WSA public water availability. (PIN's #7905-64-6000-000, #7905-82-5007-000, #7915-20-9660-000, and #7915-31-0883-000)
- d. **#PP01-S-08 - Brookside Communities, LLC, and Brookside Development, LLC, owners/applicants** - applicants wish to obtain preliminary plat approval to subdivide 954.86 acres into nine-hundred seventy-five (975) lots. The property is zoned Residential-1 (R-1) and Planned Residential Development (PRD), and is located on Riley Road (Route 676), Scott District. (PIN's #7905-75-6107-000, #7905-63-8907-000, #7905-54-1314-000, #7905-53-4817-000, #7905-82-5007-000, #7905-93-5747-000, #7915-06-7362-000, #7915-16-2290-000, #7915-35-2459-000, #7915-34-4195-000, #7915-22-4253-000, #7915-22-0001-000, #7915-11-7109-000, #7915-20-4957-000, #7915-20-3117-000, #7914-29-7852-000 and #7914-39-3654-000)

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that there has been a work session with the transportation consultant. He also stated that no new information has been submitted by the applicant.

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh, it was moved to postpone all the requests until the December meeting for further review. The motion carried unanimously.

6. **PRELIMINARY PLATS**

- a. **#PP01-M--5 - 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 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. Guerra, 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 and meet all conditions of #SE00-M-22.
2. The final record plat shall be in substantial conformance with the Preliminary Plat prepared by James G. Butler, Jr. & Associates, P.C., entitled Paynewood Estates, dated March 15, 2001, and revised through November 12, 2001, and received in the Department of Community Development on November 14, 2001.
3. The 0.4 acres indicated on the west side of Paynewood Court shall be boundary adjusted to the parcel identified as PIN 6959-12-8131-000 and as the M.C. Pearson property. This proposed boundary line adjustment shall be recorded prior to approval of the final record plat for this preliminary subdivision.
4. The applicant shall submit a recorded road maintenance agreement applicable to all three (3) users of the private street with the final plat submission. No additional parcels shall be granted access to the private street.
5. None of the proposed three (3) lots shall be accessed from Fox Hunt Lane and only Lot 1 shall have access to Achilles Lane.
6. The proposed road shall be designed by a licensed professional engineer or a registered land surveyor with a 3-B designation.

The motion carried unanimously.

- 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 memorandum, a copy of which is attached to and made a part of these official minutes.

Mr. Guerra stated that this comes the closest to affordable housing in Lee District.

On motion made by Mr. Guerra and seconded by Mr. Sinclair, it was moved to approve the preliminary plat. The motion carried unanimously.

- c. **#PP02-C-01 - Warrenton North, LLC, owner, and Thomas J. Ross, applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 22.28 acres of a 47.200 acre parcel into eighteen (18) lots. The property is zoned Residential-1 (R-1), and is located on Blackwell Road (Route 672), Center District. (PIN #6985-61-4023-000)

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

Mr. Robison stated that this was looked at during the last meeting and postponed to give the applicant more time. He stated that the applicant has submitted no new information and that water and sewer is not available to this site.

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

Mr. Tom Ross, attorney representing the applicant, asked for postponement of the request. He stated that water is on site and that they will work out the concerns and issues raised by the Commission.

Mr. Rohrbaugh stated that he does not know that he can support this at this time, but the applicant has asked for postponement, so he could not support the motion.

Mr. Guerra stated that he agrees with Mr. Rohrbaugh and that every opportunity should be given to the applicant.

Mr. Sinclair stated that he agreed also, that he could not support the motion.

Mr. Robison rescinded his motion and Mrs. McCarty rescinded her second.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the application until the December meeting at the request of the applicant. The motion carried unanimously.

- d. **#PP02-S-02 - D. Gregory Norris, Jr. & Others, Trustee, owners, and Al Seeley-Prospect Development, applicant** - applicant wishes to obtain preliminary plat approval to subdivide approximately 9.5389 acres into six (6) lots. The property is zoned Residential-1 (R-1), and is located on Old Bust Head Road (Route 694), in the New Baltimore Service District, Scott District. (PIN #6996-86-8312-000)

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

7. **PROPOSED COMPREHENSIVE PLAN AMENDMENT** - amendment to the New Baltimore Service District for a Street Interconnection with Old Alexandria Turnpike (Route 693).

Mr. Carr reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that this should be advertised for public hearing at the January meeting.

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

8. **BOARD OF ZONING APPEALS AGENDA**

- a. **Review of Minutes of the November 2, 2001, Meeting**
- b. **Variance (#48249) - William J. & Marie G. Comstock** - applicants have applied for a variance to construct a studio/storage building on an existing foundation of a barn that burned in 2000. The structure would be 19.5 feet off of the side property line wherein the Zoning Ordinance requires 25 feet. The property is located at 7279 Moss Lane, Warrenton, VA, Scott District.

The Commission made no comments.

There being no further business, the meeting was recessed at 3:29 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, November 29, 2001, beginning 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. Elizabeth Cook, Mr. Brian Davis, Mr. Cameron Weimar, Mrs. Carolyn Bowen, and Mrs. P.J. Gallagher, Clerk.

9. **CITIZENS TIME**

No one spoke.

10. **ZONING ORDINANCE TEXT AMENDMENT** - amend Section 2-406.3 to specify the time line for recordation of a deed of non-common open space for subdivisions in the Rural Agriculture (RA) and Rural Conservation (RC) zoning districts.

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

Mr. Sinclair opened the public hearing.

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

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

11. **SPECIAL EXCEPTIONS**

- a. **#SEA02-S-01 - Frederick W. & Barbara J. Eickhoff and Leon H. & Patricia A. Eggers, owners, and Richard Sanders, applicant** - applicant wishes to amend the conditions of a previously approved special exception to allow for the vacation of an interparcel connection. The property contains 3.57 acres, is zoned Residential-1 (R-1), and is located off Dumfries Road (Route 605) in Lake Whippoorwill Subdivision, Scott District. (PIN's #6995-63-3951-000 and #6995-63-5559-000)

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. John Foote, attorney representing the applicant, stated that there was a substantial amount of discussion about this when the original special exception was approved. He stated that there are two points of access to this property. He stated that this was approved showing a cul-de-sac. He further stated that the neighbors have asked that the access be removed in that it would become a cut-through access to the Jamison property and out to Route 29. Mr. Foote further stated that the existing conditions requires construction to the property line. He stated that Mr. Jamison wants this interparcel connector to remain for emergency access. He stated that Mr. Sanders will construct his part as soon as possible in that the development will be completed very soon. He stated that the portion of the road built and dedicated belongs to Fauquier County not to VDOT. He stated that emergency access only, may be acceptable to the applicant.

Mrs. Eickhoff, Scott District, stated that she sent a letter on February 4th asking for no connection at all. She stated that there is a 40 foot drop on both sides of the proposed road. He further stated that within 18 yards of this are approximately 14 children. She also stated her concerns about safety and stated that the Jamison property has access through Misty Run Subdivision.

Mr. Brad Eggers, Scott District, stated that this easement should be vacated, and that there would be no benefit to use this for emergency access. He stated that this property can be accessed from Route 29, Route 605 and also Gray's Mill Road. He stated that this would be a cut-through from Route 605 to Route 29. He further stated that Mr. Jamison has more than adequate access to his property and that it would be unsafe to have this easement remain.

Mr. Ron Foudery, Scott District, stated there would be no value or benefit to the right-of-way and that it would be used as a cut-through.

Mr. Bill McGilvery, Scott District, President of the Homeowners Association, stated that he favors the vacation of this easement. He stated that there are a ton of children in this neighborhood and that this would be extremely dangerous, and devastating to the community. He stated that he is 100% in favor of this amendment. He referenced 60 letters from property owners that were sent in February to the Planning Office.

Mr. Ron Barren, Scott District, stated that he was the first homeowner in Lake Whippoorwill and that this easement did not exist on Red Oak Court when he bought his house, and that he is in favor of this request.

Ms. Michelle McBranch, Scott District, stated that there are no sidewalks in Lake Whippoorwill and that this cut-through would be extremely dangerous.

Mr. Dan Wood, Scott District, stated that this easement should be vacated and that he does not want to live near a cut-through, and that their property values will drop if this is

constructed. He stated that he is satisfied with the emergency services that exists in Fauquier County.

Mrs. Susan Karageorges, Scott District, stated that additional traffic will destroy the essence of the neighborhood and that she supports the request.

Mr. Carrico, Scott District, stated that he is in favor of this request, that Red Oak Court should stay as a cul-de-sac. He stated that currently this neighborhood is a safe place for children.

Mrs. Denise Schefer, Scott District, stated that she supports this request, that there is no need to have a cut-through or emergency access.

Mr. Charles Jamison, Scott District, stated that he is opposed to this request. He stated that he will gate the property if it becomes a cut-through and that the Commission should act very cautiously and speak to the County Engineer and County Attorney before making a decision on this request.

Mr. Chuck Medvitz, Scott District, stated that traffic calming is a problem throughout New Baltimore. He stated that a road network off Route 29 is needed and that it would be wrong to vacate this easement. He stated that this is a small part of a very large problem.

Ms. Kitty Smith, Marshall District, stated that this problem applies to many subdivisions in the County and that it is an issue with fire and rescue. She stated that this should be considered very carefully and that she understands the concerns about children. She further stated that it would be a mistake for Mr. Jamison to develop his property with only one access on Route 29.

Mrs. Thelma Jamison, Scott District, stated that they want to do a good development, and that they had no objections to Lake Whippoorwill. She asked the residents of Lake Whippoorwill what makes them think this will be a cut-through and stated that they should not be so self-centered and selfish. She stated that their property floods and they need to have another way to get in and out of their property.

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

Mr. Sinclair stated that there have been a lot of comments/issues raised and that we need to look at engineering and legal issues.

On motion made by Mr. Sinclair and seconded by Mrs. McCarty, it was moved to postpone the request until the December meeting for further review.

Mr. Rohrbaugh asked if when lots were purchased in Lake Whippoorwill if the owners knew about this easement and if it showed on plats, and was told by a property owner that they did not know about this.

Mr. Davis stated that this was approved in 1997, but was not recorded and platted until 2000.

Mr. Rohrbaugh stated that he has seen the Jamison property during flooding and that the fields looked like rivers.

Mr. Jamison stated that the property flooded in 1972 and again in August of this year.

Mr. Medvitz stated that it is not uncommon to see flooding on this property.

Mr. Jamison stated that the flooding was greater in August of this year than it was in 1972 during the hurricane and he feels that emergency access is necessary.

Mr. Rohrbaugh asked if this is bonded and was told by Mr. Davis that it was most likely bonded as part of the subdivision process.

Mr. Foote replied that it is not bonded because it is not constructed, it is owned fee-simple by the County.

The motion carried unanimously.

- b. **#SEA02-M-02 - Dennis W. Singhas, owner/applicant** - applicant wishes to obtain a special exception amendment which would allow for an extension of the originally approved time limit in which to file a site plan. No other modifications from the original approval are proposed. The property is zoned Village (V) and Village Commercial (VC), contains 1.22 acres and is located on John S. Mosby Highway (Route 50), Marshall District. (PIN #6054-76-4012-000)

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. Jordan Bentley, representing Valley Drilling Corporation, asked that this request be approved.

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 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 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.

4. The applicant shall file a site plan within six (6) months of approval of this special exception amendment.
5. The applicant shall obtain all necessary approvals from the Virginia Department of Transportation and the Health Department prior to site plan approval.
6. The applicant shall comply with all applicable zoning regulations, including but not limited to setbacks, buffer yards, tree canopy, landscaping, parking and lighting.
7. The existing shop building shall be demolished upon completion of the new structure and the resultant debris shall be removed from the site in a timely manner. Landscaping shall be provided on the former building site in accordance with the provisions of Article 7 of the Zoning Ordinance.
8. A commercial entrance constructed to VDOT's satisfaction shall be provided at the Route 50 access.
9. The hours of operation shall be 7:00 A.M. to 5:00 P.M., Monday through Friday, with emergency service operations only permitted on the weekends.
10. The number of employees on site shall not exceed 33.

Mr. Sinclair stated that Valley Drilling has been a valued part of the community and a good neighbor.

The motion carried unanimously.

- c. **#SER02-M-02 (Renewal) - Charles W. & Jacqueline M. Leopold, owners, and Susan Leopold, applicant** - applicant wishes to obtain special exception renewal under Category 5 of the Zoning Ordinance which would allow for a ten (10) year approval of the existing conditions and the additional use of school buses to allow for a larger diversity of students. The property is zoned Rural Agriculture (RA), contains 113 acres, and is located on the northwest side of Fiery Run Road (Route 726), Marshall District.

Mr. Weimar reviewed his staff report, a copy of which is attached to and made a part of these official minutes. He stated that the applicant has retracted the request for school bus travel.

Mr. Sinclair asked if the applicant has taken this out, do we look at the original submission or like this?

Mr. Kevin Burke, Deputy County Attorney, stated that this can be taken into account.

Mr. Guerra asked if the request was for any type school bus, and Mr. Weimar replied that it was to allow a standard school bus. Mr. Guerra further stated that there are curves on this road that cannot be managed by a school bus, and Mr. Weimar replied that this has been noted by VDOT and the School Board.

Mr. Sinclair opened the public hearing.

Dan Holmes, representing Susan Leopold, stated that the Leopold family roots are in Fauquier County, and that this property is in a conservation easement. He stated that Mrs. McCarty has visited the site. He further stated that this property is a buffer to the Appalachian Trail Corridor, that this is a quality program, and that they do not operate in the winter. He stated that the use of school buses may cause a safety problem, therefore, they have asked that this be taken out of their request. He stated that they have received no complaints from neighbors, and that they would rather do yearly reports not quarterly.

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. Sinclair, it was moved to recommend approval of the request subject to the following revised 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 shall be granted for a period of five 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.
4. A maximum of six (6) vans per day may visit the site. The vans shall not exceed fifteen (15) passenger size. No more than one hundred (100) people shall occupy the site at any given time.
5. The facility may be operated from April through November.
6. Permanent structures are restricted to the existing buildings on the site and one new building not to exceed 5,000 square feet.
7. 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.
8. The applicant shall submit to the Zoning Administrator, on a quarterly basis, a summary of attendance records for the events to ensure that attendance limitations are maintained.
9. The applicant shall comply with all applicable water and sewage treatment standards as determined by the Health Department.
10. All parking must be provided on site, and shall be no closer than 100 feet from any adjacent property.

11. All grass areas used for parking shall be mowed and maintained as to minimize the risk of vehicle and field fires.
12. In no event shall fireworks, hot-air balloons or helicopters be used for any Class C events.
13. 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.
14. During events with music or sound the maximum permitted sound pressure noise levels shall not exceed sixty (60) decibels at the property line.
15. 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.

Mr. Robison stated that Attachment #4 shows something labeled campsite and was told by Mr. Carr that this is not a part of this application, that RA zoning requires special exception approval for campgrounds and that if the applicant wishes to do this they would have to file a special exception amendment.

The motion carried unanimously.

- d. **#SE02-M-08 - Learning Tree, LLC, owner/applicant** - applicant wishes to obtain special exception approval under Category 5 of the Zoning Ordinance which would allow for an indoor/outdoor technical school on a portion of the property using existing structures. The property is zoned Rural Agriculture (RA), contains 555.86 acres, and is located at 4121 Carrington Road, Marshall District. (PIN #6939-47-9679-000)

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

Mr. John Foote, attorney representing the applicant, spoke in favor of the application. He stated that there is no fee charged at this facility, and that there will be approximately 50 students of middle school age on site at one time doing training programs. He stated 25 of the students will be doing indoor classroom instruction and 25 students outside doing activities on the farm. He stated that the total acreage of the farm is 1,300 acres. He stated that access will be from Carrington Farm Road which already carries school buses. He stated that Mooreland Road can also be used to get to this site. He stated that the entrance to the site will be widened and that this is a benign use of this property and a very small amount of traffic will be generated. He stated that this is an educational/unique experience for the children and that the impact on Fauquier County will be minimal. He stated that the applicants also want to conduct a six (6) week program during the summer for children and teachers.

Mrs. Susan Meyer, Center District, stated that she is a teacher and that she has been on field trips to this facility and that it gives students an opportunity to learn about natural and cultural history in Northern Fauquier County, with hands on experience. She stated that Mr. Collins considers children the greatest natural resource.

Mrs. Denise Lord, 8th grade teacher in Marshall, stated that she is in favor of this request, that it is a great program. She stated that 6th graders do an archeological dig, and 8th graders learn several skills.

Ms. Effie Fox, Fauquier Outdoor Lab Director, stated that she is very familiar with Learning Tree and that this is a compliment to school educational programs, that it is an enrichment to students.

Mrs. Nancy Golightly, Marshall District, stated that she has no objections to this request, as the closest property owner, that it is a fantastic opportunity to do something for the people of the County.

Mr. Buddy Lord, Center District, stated that he works part-time for Mr. Collins, and that Mr. Collins is very concerned about the kids of Fauquier County. He stated that Mr. Collins has donated several presentation carts to schools.

Ms. Kitty Smith, Marshall District, stated that this is a great opportunity for the county and for students of Fauquier County. She stated that kids learn about the natural history of the county with hands on experience and that she supports this request.

Mr. Michael Denning, Marshall District, stated that this is a wonderful idea. He stated that he does have concerns about traffic in that there is a blind hill on Carrington Road and the road is very narrow. He stated that a large number of cars would be very dangerous and cause traffic problems, but this can be dealt with in the conditions.

Mr. Robin Anderson, Marshall District, stated that this should not go forward in that a technical school is not consistent with RA and RC zoning, and that he fears this will turn into a campus. He stated that he has traffic impact concerns, and fire and rescue concerns.

Ms. Peggy Keys, Marshall District, stated that she has sent a letter to staff, a copy of which has been made a part of the file. She asked that this be deferred today and that she would like to work with the Commission on conditions. She stated that the conditions need to be thorough and complete and that she is opposed to use of the facility on weekends. She stated that Carrington Road is a very narrow road. She stated that using this for school programs is workable, but use in the summer causes her great concern.

Mr. Bob Keys, Marshall District, stated his concerns about traffic impacts.

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

Mrs. McCarty stated that she is going to abstain from voting on this matter in that her son-in-law works for Learning Tree Farm.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to postpone the request until the December meeting in order to review new information received.

Mr. Sinclair asked about the new information, and Mr. Davis replied that it was received this morning and has not been reviewed.

Mr. Rohrbaugh asked how many houses would be allowed on this parcel, and Mr. Davis replied there is the potential for 17 with one on the 85% open space parcel.

Mr. Sinclair stated that he has worked with children for 35 years and for the last 4-5 years he has gone to this facility on school field trips. He stated that this is a positive youth program. He stated that the Commission needs to digest the most recent information that was submitted and the remarks made during the hearing.

Mr. Guerra stated that he has met Dave and Mary Collins and that he has worked with them on three projects, and that Mr. Collins has the means to work with people. He also stated that Mr. Collins has put half of million dollars in opposition of the 800 mgh County's system and that he has a sincere attitude of getting to know people. He further stated that he was willing to move this forward today, that this does not interfere with the neighbors and that he would definitely like to see this approved.

Mr. Rohrbaugh stated that he agrees with Mr. Guerra. He stated that this is invaluable to the citizens of Fauquier County, that it gives children hands on experience and that he supports it 110%.

Mr. Robison stated his concerns about the issues raised by citizens and that he agrees with his fellow Commissioners.

The motion carried 3-1-1 with Mrs. McCarty abstaining from vote and Mr. Guerra voting against the motion.

12. **REZONING REQUEST (#RZ02-S-04) - MLD ASSOCIATES, LLC, OWNER/APPLICANT** - applicant wishes to rezone 3.110 acres from Rural Agriculture (RA) to Residential-1 (R-1) to create one additional building lot. The property is located on the west side of Beverleys Mill Road (Route 600), Scott District. (PIN #7907-72-0122-000)

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

Mr. Sinclair opened the public hearing.

Mr. Michael Downs, manager of MLD Associates, stated that he wishes to build a house on this property and that this will increase the tax base of the County.

Ms. Kathleen King, Scott District, stated that this is a low area and will not perk. She stated that she bought her property because it was zoned RA and was surrounded by RA zoning. She stated that this should be left as RA zoning, with only one house site not two, that if rezoned, will adversely affect her property, and asked that the Commission not approve this request.

Mr. Bill Weber, Scott District, stated that this property used to be a swamp until two ponds were constructed, and that the applicant will not be able to get drainfield sites on this property.

Mr. Chuck Medvitz, Scott District, stated that he hates the planning bubble and that this property should stay zoned RA. He stated his concerns about more traffic on Route 600 and that some of the existing driveways on Route 600 are blind entrances.

Ms. Kitty Smith, Marshall District, stated that she intends to mention to the Board of Supervisors again that they need to look at the settlement part of the Comprehensive Plan. She stated that the burden of proof is on the applicant and that she has not heard a compelling reason to approve this request. She further stated that the Commission should consider this very carefully.

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

On motion made by Mr. Sinclair and seconded by Mr. Guerra, it was moved to recommend approval of the request subject to the rezoning plat dated October 18, 2001.

Mr. Guerra stated that this property is 3.1 acres not 30 or 300, and asked what can be grown on 3.1 acres and be profitable.

Mr. Davis stated that the Health Department has not indicated any problems with the application.

Mr. Rohrbaugh asked if there is a second perk and Mr. Downs replied yes.

Mr. Guerra stated that if there is a problem the Health Department will come up with an alternative.

The motion carried unanimously.

There being no further business the meeting was adjourned at 9:15 P.M.

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