

MINUTES OF

FAUQUIER COUNTY PLANNING COMMISSION***FEBRUARY 24, 2000***

The Fauquier County Planning Commission held its regular meeting on Thursday, February 24, 2000, 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. Richard Robison, Chairman; Mr. Bob Sinclair, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mr. Jim Green. Also present at the meeting were Mr. Rick Carr, Mr. Randy Hodgson, Mrs. Carolyn Bowen, Mr. Lou Mosurak and Mrs. Denise Harris.

ADOPTION OF AGENDA

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh, it was moved to adopt the agenda with the following additions:

- Preliminary Plat Extension for Kettle Ridge Subdivision, and
 - Zoning Ordinance Text Amendment to Article 3 for the Residential District, Townhouse (TH), Use Limitations and Footnotes

The motion carried unanimously.

1. ***APPROVAL OF MINUTES – JANUARY 27, 2000***

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh, it was moved to approve the minutes of January 27, 2000, as corrected. The motion carried unanimously.

2. ***SPECIAL EXCEPTIONS***

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a. ***#SE99-CR-46 – MELVIN SCOTT AND CAROLYN L. CHAMBERS, OWNERS,***
AND

DONALD R. THARPE, APPLICANT – LIBERTY STATION AT BEALETON – applicant wishes to obtain special exception approval under Category 11 of the Zoning Ordinance to allow for parking facilities (public/private). The property is zoned Rural Agriculture (RA), contains 64.5190 acres, and is located on Bealeton Road (Route 805) approximately 1 mile east of Marsh Road (Route 17), Cedar Run District. (PIN #6899-85-6796-000)

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Mr. Hodgson stated that the applicant has requested that the special exception request be postponed for sixty (60) days.

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to postpone the special exception for sixty (60) days, at the request of the applicant. The motion carried unanimously.

b. **#SE99-M-47 – SALAHI FAMILY LIMITED PARTNERSHIP/OASIS WINERY,**

OWNER/APPLICANT – applicant has filed an application for special exception renewal under Category 5-916, Spectator and Non-Spectator Field Events and Activities (Class C). The property is zoned Rural Agriculture (RA), contains 108.1851 acres, and is located on Hume Road (Route 635), Marshall District. (PIN #6998-88-4344-000 and #6998-87-0439-000)

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Mrs. Harris reviewed her staff memorandum and the revised conditions, copies of which are attached to and made a part of these official minutes.

Mr. Sinclair stated that he feels more comfortable with non-amplified music and that outside music should not be amplified. He further stated that neighbors had concerns with sound of music and that this should take care of their concerns.

Mr. Robison stated that he agrees with Mr. Sinclair.

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

General

1. Under this special exception, the Class C uses for this property shall be limited to

the following: arts and crafts shows; family reunions; wedding receptions and similar receptions; picnics, barbecues, and other similar activities such as wine tasting dinners and

wine tasting lunches, corporate retreats, education seminars, and community-related arts, cultural, and educational activities.

2. When conducting a Class C event, except luncheons, dinners, and receptions with

fewer than 150 persons, the property and winery shall not be open to the general public for an open house. All persons present at the winery and on the property during a Class C event, other than the employees and contractors, shall count toward the maximum limits set forth in these conditions for such events.

3. Only structures and facilities at the winery and on the property existing on the

special exception plat, the stone patio and deck, and the grass area adjacent to the pond may be used for the permitted Class C events.

Wine Tasting Lunches and Dinners

4. Prearranged wine tasting lunches (weddings not included) up to 150 cumulative

attendees shall be allowed between the hours of 11:00 A.M.-3:00 P.M.

5. An average of 12 per month prearranged wine tasting dinners (weddings not

included) up to 150 cumulative attendees shall be allowed between the hours of 6:00 P.M.-10:00 P.M. A wine tasting dinner held on New Year's Eve may exceed these time limits.

Class C Events (Other Than Wine Tasting Lunches and Dinners)

6. Up to 12 events (including all identified weddings) per year with up to 300

cumulative attendees permitted on the property between the hours of 10:00 A.M.-10:00 P.M. shall be permitted. Advanced ticket sales shall be required, no tickets shall be sold on the site the day of the event.

7. Four events scheduled for one distinct day, between the hours of 10:00 A.M.-

5:00 P.M., up to 600 cumulative attendees permitted on the property shall be allowed on Memorial Day, Fourth of July, Labor Day, and Octoberfest weekends. Advanced ticket sales shall be required; no tickets shall be sold on site the day of the event.

8. The winery shall keep records of attendance at all Class C events and shall make

such records available to the Zoning Administrator upon request.

Music

9. All music (amplified or non-amplified) must be played within an enclosed, sound

attenuated, permanent structure (this does not include a tent) with closed windows and doors, except as stipulated below in Conditions 10, 11, and 12. This enclosed structure shall be either the existing winery building or the existing open frame shed renovated with walls. The existing winery building may be expanded as far as the existing concrete patio but shall not be expanded to include the new deck or paved areas identified on the special exception plat.

10. The four one-day Class C events described in Condition 7 above may have

outdoor, non-amplified music, between the hours of 10:00 A.M.-5:00 P.M. with sound at all property lines not to exceed 60 dB.

11. Outdoor wedding ceremonies permitted in Condition 6 may have traditional,

non-amplified wedding music, with sound levels that shall not exceed 60 dB at all property lines.

12. Wine tasting lunches and wine tasting dinners permitted in Conditions 4

and 5

may have outdoor, non-amplified music on the existing patio and deck area with sound levels that shall not exceed 60 dB at all property lines.

Notice

13. For all Class C events, the winery shall provide the Zoning Administrator with

notice no less than 30 days in advance. Notice shall include the date, time, type of event, and copies of all required permits from the Sheriff's Office, VDOT, Emergency Services Office, and the Health Department.

14. For all Class C events in Conditions 6 and 7, the winery shall provide all

neighbors requesting notice within a three-mile radius. The neighbors are responsible for informing the winery on an annual basis their desire to be notified and provide an address for notification.

Miscellaneous

15. There shall be no fireworks displays.

16. There shall be no helicopter or other aircraft rides permitted in connection to

Class C events.

17. Hot air balloon rides are permitted only on the four distinct Class C events

associated with Memorial Day, Fourth of July, Labor Day, and Oktoberfest.

18. Fire extinguishers meeting State and Federal standards shall be maintained at

all buildings and facilities at the winery and on the property used for Class C events.

19. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of fires, and the grass height in the parking area shall not exceed that as approved by the Director of Emergency Services.

20. The winery shall employ sufficient persons to facilitate the parking of vehicles, to keep track of the number of attendance, and to control those in attendance.

21. All on-site parking, entrances, and physical improvements shall comply with the County's site plan regulations. Entrances shall comply with VDOT requirements.

22. All lighting shall comply with the County's lighting ordinance. Parking illumination shall be limited to ground lighting.

23. The winery shall conform at all times to the Health Department regulations regarding sewage facilities, food service, hand washing facilities and wells.

24. An approved site plan is required within one year of this special exception approval and before any Class C events commence.

25. The winery shall add no additional facilities or expand existing facilities beyond

those identified in the special exception plat, except those described in Condition 9, for use in Class C events without obtaining a new or amended special exception.

Term

26. The special exception shall be limited as permitted by Section 5-008 of the

Fauquier County Zoning Ordinance to a period of one (1) year from the date of approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for 2 annual extensions, a total of three (3) years. Thereafter, the special exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance. The Zoning Administrator shall notify the Board of Supervisors at least thirty (30) days prior to renewing the special exception.

The motion carried unanimously.

3. **REZONING REQUEST (#RZ99-M-09) – HENRY CLAY LANE, JR., OWNER, AND MERCO**

REALTY CORPORATION, APPLICANT – applicant wishes to rezone 9.183 acres from R-4 to Commercial Highway (C-2) in order to accommodate retail outlets. The property is located on the northeast side of Winchester Road (Route 17), Marshall District. (PIN #6969-98-3167-000)

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Mrs. Harris stated that the applicant has asked the request be postponed for thirty (30) days in order to complete the Traffic Impact Analysis.

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

4. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATIONS AND SPECIAL**

EXCEPTIONS

- a. **#CPD99-L-03 AND #SE99-L-30 – CHANTILLY FARMERS SUPPLY**

COMPANY,

INC., OWNER, AND AMERICAN TOWER CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-L-30 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow the construction of a 190' monopole type communications tower and related equipment. The property is zoned Commercial-2 (C-2), contains 1.5 acres, and is located on James Madison Highway (U.S. Routes 15/17/29) between Routes 651 and 687, Lee District. (PIN #6981-16-7415-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

b. **#CPD99-CR-04 AND #SE99-CR-31 – MYLOUS M. MARSENGILL, OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-31 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 27.4 acres, and is located on Dumfries Road (Route 606), Cedar Run District. (PIN #7932-48-5817-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

c. **#CPD99-M-05 AND #SE99-M-32 – PHILIP L. WHITESIDE, OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT – applicant has requested

County determination as to whether the location of a telecommunications facility associated with #SE99-M-32 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 46.63 acres, and is located on Old Waterloo Road (Route 678), Marshall District. (PIN #6974-06-7342-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

d. **#CPD99-L-06 AND #SE99-L-33 – LELA FALLER, OWNER, AND AMERICAN**

TOWER CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunication facility associated with #SE99-L-33 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 8.57 acres, and is located on Weaversville Road (Route 662), Lee District. (PIN #6980-40-6265-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

e. **#CPD99-CR-07 AND #SE99-CR-34 – GF DEVELOPMENT, LLC, OWNER, AND**

AMERICAN TOWER CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-34 is in accord with the Code of Virginia, Section 15.2-

2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 136.82 acres, and is located on Rogues Road (Route 602), Cedar Run District. (PIN #7901-70-0869-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

f. **#CPD99-CR-08 AND #SE99-CR-35 – WILLIE H. AND KATHERINE M.**

WASHINGTON, OWNERS, AND AMERICAN TOWER CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-35 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' monopole type communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 8.58 acres, and is located on Ritchie Road (Route 644), Cedar Run District. (PIN #7808-21-7316-000)

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Mr. Robison stated that the applicant has requested postponement until the March meeting.

On motion made by Mr. Guerra and seconded by Mr. Sinclair and Mr. Green, it was moved to postpone the application, at the request of the applicant, until the March meeting for further review. The motion carried unanimously.

5. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATION (#CPD99-L-09) –**

HOWARD L. & JANE M. GROVE, OWNERS, AND NATIONAL COMMUNICATION TOWERS, APPLICANT – applicants have requested site location approval in accord with the Code of Virginia, Section 15.2-2232 regarding the location of a telecommunications facility. The property is located on the west side of Shipp's Store Road (Route 637) and Marsh Road (Route 17), Lee District. (PIN #7806-78-9041-000)

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

6. **PRELIMINARY PLATS**

a. **#PP99-S-15 – LOUIE & SHIRLEY WALKER, OWNERS/APPLICANTS** – applicants

wish to obtain preliminary plat approval to subdivide 7.09 acres into six (6) lots. The property is zoned R-1 and is located off the south side of Lee Highway (Routes 15/29), between Baldwin Street (Route 673) and Pendleton Lane, Scott District. (PIN #6995-98-3229-000 and #6995-98-1794-000)

Mr. Hodgson stated that the applicant has requested postponement until the March meeting.

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

b. **#PP99-C-25 – PATRICIA ANN & DR. ELOY ARENDS, OWNERS, AND JEFFREY**

D. LIPPINCOTT/ISLANDS, LLC, APPLICANTS – WHISPERWOOD, PHASE II – applicant wishes to obtain preliminary plat approval for Whisperwood, Phase II, 9 lots on 10.00 acres. The property is zoned R-1, and is located on Atlee Road (Route 674) in the Warrenton Service District, Center District. (PIN #6994-48-3480-000)

Mr. Hodgson reviewed his 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. Rohrbaugh, it was moved to approve the preliminary plat subject to the following conditions:

- The following conditions should be placed upon the final drainfield plat:

1. The County recommends that no below grade basements be constructed on soil

mapping units 15A, 15B, 16A, 16B, 17B, 17C, 415B, 415C, 416B, 416C, 417B and 417C due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer. No homes should be built on mapping units 10A and 110A due to wetness and possible flooding.

2. Before a home is started the builder needs to mark off the drainfield area s that

are proposed for Phase I on the preliminary plan.

3. The County recommends that before road or home construction begins in soil

mapping units 33C, 33D, 140B, 140C, 140D, 240C, 240D, 240E and 350B 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.

The motion carried unanimously.

c. **PRELIMINARY PLAT EXTENSION – KETTLE RIDGE SUBDIVISION**

Mr. Hodgson stated that the applicant has requested a six (6) month extension for the Kettle Ridge Subdivision

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to grant the six (6) month extension from January 25, 2000, until July 25, 2000. The motion carried unanimously.

7. **PROPOSED ZONING ORDINANCE AMENDMENTS**

- a. Amendments to Sections 5-009.5 and 5-009.7, Special Permits and Special Exceptions,

Application for Special Permit or Special Exception; Section 13-304.3, Appeals, Decision on Appeals; and Section 13-402.4, Variances, Authorization to Revise Current Language to Extend the Statutory Time to Ninety (90) Days for the Board of Zoning Appeals to Make a Decision on an Appeal and a Variance.

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

- b. Zoning Ordinance Text Amendments to Article 12, Site Plans, Section 12-400, Major

Site Plan Submission and Preparation Procedure, Sections 12-703.5 and 12-703.6, Review and Approval, to Delete Section 12-403, to Revise the Timeline for Site Plan Approval to Five (5) Years in Section 12-703.5, and to Delete Section 12-703.6 and Add a New Section Referring to Site Plan Amendment Requirements.

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

- c. Zoning Ordinance Text Amendment to Article 3 for the Residential District, Townhouse

(TH), Use Limitations and Footnotes to permit cluster development for single family detached, subject to the standards and as permitted in the R-4 District.

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

8. **BOARD OF ZONING APPEALS AGENDA**

a. **APPROVAL OF THE FEBRUARY 10, 2000, MINUTES**

b. **APPEAL (#45132) – SALAHI FAMILY LIMITED PARTNERSHIP/THE OASIS**

WINERY/DIRGHAM AND CORINE SALAHI, OWNERS – owners have filed an appeal to certain determinations made by the Zoning Administrator in a letter dated December 8, 1999. The owners are appealing decisions regarding qualifying a wine tasting dinner held on December 17, 1999, as a Class C Event, and specifically, subject to the thirty day notice provision and the limit on the hours of operation. The subject property is identified as PIN #5998-87-0439-000 and PIN #5998-88-4344-000, located at 14141 Hume Road (State Route 635) near Hume, Virginia, containing approximately 99.72 acres and is zoned Rural Agriculture (RA), Marshall District.

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c. **VARIANCE (#45251) – CHARLES E. BUSER, OWNER** – applicant has requested

a variance of seventeen (17) feet to the side yard setback requirement for a proposed detached garage, wherein the Zoning Ordinance requires twenty-five (25) feet. The subject property is identified as PIN #6982-22-9341-000 containing .75 acre, and is located at 9227 James Madison Highway (State Route 15/29) and is zoned Rural Agriculture (RA), Marshall District.

d. **VARIANCE (#45258) – MICHAEL E. AND KRISTINE A. WOODFIN, OWNERS** –

applicants have requested a variance of 10.5 feet to the side yard setback requirement for a proposed attached garage, wherein the Zoning Ordinance requires twenty-five (25) feet. The subject property is identified as PIN #6994-69-4641-000 containing 1.45 acres, and is located at 7373 Crown Lane (State Route 1434) and is zoned R-1 (Residential), Center District.

e. **VARIANCE (#45267) – THERESA J. DOUGLAS, PREVIOUS OWNER, AND JOHN**

E. AND NORMA A. BROCK, OWNERS – applicant has requested a variance of .7 feet to the side yard setback requirement for an existing deck, wherein the Zoning Ordinance requires twenty-five (25) feet. The Zoning Ordinance does permit an extension of six (6) feet into yard areas if the deck is unroofed and completely unenclosed with the exception of an open work railing and the floor or the deck is no higher than the entrance to the dwelling. The subject property is identified as PIN #6971-63-7088-000 containing 1.046 acres, and is located at 7708 Castlebury Court (State Route 1613) and is zoned Rural Agriculture (RA), Lee District.

The Commission made no comments.

RESOLUTION OF APPRECIATION – HARRY ATHERTON

On motion made by Mr. Sinclair and seconded by Mr. Robison it was moved to accept the Resolution of Appreciation for Harry Atherton, a copy of which is attached to and made a part of these official minutes. The motion carried unanimously.

MASTER SITING PLAN

Mr. Carr stated that a public hearing will be scheduled for the March meeting and that a work session for the telecommunications industry will be held prior to that meeting (e.g., the week prior to the Planning Commission regular meeting).

Mr. Robison asked that providers be invited to the work session and that their questions be put in writing.

REFORMATTED ZONING ORDINANCE

A work session was scheduled for March 9, 2000, from 4:00 P.M. to 6:00 P.M. in the Warren Green Building.

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

The Fauquier County Planning reconvened its meeting on Thursday, February 24, 2000, 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. Richard Robison, Chairman; Mr. Bob Sinclair, Vice Chairman; Mr. Serf Guerra, Secretary; Mr. Mark Rohrbaugh and Mr. Jim Green. Also present at the meeting were Mr. Rick Carr, Mr. Randy Hodgson, Mr. Lou Mosurak, Mrs. Denise Harris and Mrs. Carolyn Bowen.

9. **CITIZENS TIME**

No one spoke.

10. **ZONING ORDINANCE TEXT AMENDMENTS**

a. **TEXT AMENDMENT TO THE ZONING ORDINANCE FOR THE ADDITION OF**

THE RESIDENTIAL R-3 ZONING DISTRICT (3 DWELLING UNITS/ACRE – this amendment creates a new R-3 Residential Zoning District, implementing recommendations contained within the New Baltimore Service District Plan. The proposal amends: Article 2, Part 4, 2-406 (Open Space Requirements); Article 3, Part 1, 3-100 (Districts); Article 3, Part 2, 3-200 (Purpose and Intent); Article 3, Part 3, 3-300 (Uses); Article 5, Part 5, 5-503.3 (Additional Standards for Pre-School/Day Care Center/

Nursery School); Article 7, Part 6, 7-603.1b (Tree Canopy Requirements, Site Planning); and Article 11, 11-102.3 (Transmission Towers).

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

Mr. Robison opened the public hearing.

Mr. Chuck Medvitz, New Baltimore Citizens Planning Committee, spoke in favor of the proposed amendment and stated that it would have a high value to the New Baltimore Service District.

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

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

b. **TEXT AMENDMENT TO THE ZONING ORDINANCE FOR THE ADDITION OF**

THE MIXED USE (MU) ZONING DISTRICT – this amendment creates a new Zoning District allowing residential and neighborhood scaled commercial development, based on recommendations contained within the New Baltimore Service District Plan. The proposal amends: Article 3, Part 1, 3-300 (Districts); Article 3, Part 2, 3-200 (Purpose and Intent); Article 3, Part 3, 3-300 (Uses); Article 7, Part 6, 7-603 (Tree Canopy Requirements); and Article 11, 11-102.3 (Transmission Towers)

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

Mr. Robison opened the public hearing.

Mr. Chuck Medvitz, New Baltimore Citizens Planning Committee, spoke in favor of the proposed amendments.

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

On motion made by Mr. Guerra it was moved to recommend approval of the text amendment.

Mr. Carr recommended action be postponed to make sure all aspects of the proposed ordinance, from a legal and zoning perspective, have been refined and are consistent.

Mr. Guerra stated if this is postponed another public hearing will be needed and Mr. Carr responded that the refinements, if any, would be house keeping in nature and not require further public hearing.

Mr. Rohrbaugh stated that this appears to be a miniature PRD.

Mr. Carr replied that this district proposal is smaller scale than the typical PRD, that it is linking single family with neighborhood shopping conveniences.

Mr. Sinclair stated that this should be postponed in order to allow more time for refinement.

Mr. Guerra's motion failed for lack of a second.

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

c. **ZONING ORDINANCE TEXT AMENDMENT RELATING TO SEWAGE**

TREATMENT FACILITIES – this amendment is proposed to update the special exception process concerning the use of alternative sewage treatment facilities. The proposal amends: Article 3, Part 3-300 (Uses); 3-320.7 (Public Utilities, Category 20); Article 5, Part 20, 5-2002.5 (Public Utilities, Standards); and Article 15-300, Part 3 (Definitions).

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

Mr. Robison opened the public hearing.

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

Mr. Rohrbaugh stated that more time is needed on this proposed amendment, that the Catlett Rescue Squad is looking for an alternative, and that this proposed amendment should be something that will help the whole community, instead of package treatment systems which serve on the property that it is placed on.

Mr. Green stated that he agrees with Mr. Rohrbaugh.

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

11. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATIONS AND SPECIAL EXCEPTIONS**

a. **#CPD99-S-02 AND #SE99-S-29 – L. J. EVANS, OWNER, AND AMERICAN TOWER**

CORPORATION, APPLICANT – applicant has requested County determination as to whether the location of a telecommunications facility associated with #SE99-S-29 is in accord with the Code of Virginia, Section 15.2-2232. Applicant also wishes to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for the construction of a 190' communications tower and related equipment. The property is zoned Rural Agriculture (RA), contains 252.272 acres, and is located on the north side of Lee Highway (Route 15/29), Scott District. (PIN #6995-37-7015-000 and PIN #6995-38-2245-000)

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Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes. He stated that the residents of Warrenton Lakes and Chestnut Turn have asked for a balloon test.

Mr. Robison stated that he would also like to see the balloon test.

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney representing American Tower Corporation, stated that they will do the balloon test and also photo simulations. He stated that the FAA has given approval for the full tower height of 190' and that that there will be no impacts to the airstrip at Airlie. He stated that a tower is needed in this location and that it will tie together New Baltimore and Warrenton. He further asked that the request be postponed until the March meeting in order to have the balloon test and do the photo simulations.

The following citizens spoke in opposition to the request:

- Scott Seegers, Catlett, Virginia,
- Chuck Medvitz, Scott District,
- Mary Morran, Center District,
- Kitty Smith, Marshall District, and
- Barbara Severin, Scott District.

Mr. Merle Fallon presented testimony from American Tower Corporation from the February meeting, a copy of which is attached to and made a part of these official minutes.

Ms. Kitty Smith stated that she is opposed to Mr. Fallon making the testimony part of the record in that some of the people at the meeting tonight may not have been there last month.

Mr. Robison stated that he agrees with Ms. Smith and asked Mr. Kevin Burke, Assistant County Attorney about this.

Mr. Burke replied stated that he does not see any harm in making this a part of the record and also stated that American Tower Corporation will make a presentation at the Board of Supervisors public hearing.

Mr. Guerra stated that he sees no problem with this being made a part of the record.

Mr. Sinclair asked that we get the names and addresses of people who would like to receive a copy of this testimony and that it will be mailed to them.

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

public hearing.

Mr. Sinclair stated that there are visual impact issues and that this should be postponed, at the request of the applicant, until the balloon test and photo simulations are completed and further stated that people will be contacted when this is done.

Mr. Carr stated that he will get in touch with Mrs. Morran, Chuck Medvitz, and Scott Seegers.

Mr. Robison asked if this will need to be readvertised for another public hearing and Mr. Carr replied no.

Mr. Fallon stated that doing the balloon test will depend on the weather and that the balloon will be left up for awhile.

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

Mr. Robison stated that the Commissioners addresses and phone numbers are public.

b. **#CPD00-CR-01 AND #SE99-CR-42 – CATLETT VOLUNTEER FIRE COMPANY,**

OWNER, AND CROWN CASTLE ATLANTIC, LLC, AND BELL ATLANTIC MOBILE SYSTEMS, INC., APPLICANTS – applicants have requested County determination as to whether the location of a telecommunications facility associated with #SE99-CR-42 is in accord with the Code of Virginia, Section 15.2-2232. Applicants also wish to obtain special exception approval under Category 20 of the Zoning Ordinance which would allow for a

telecommunications facility. The property is zoned Commercial-1 (C-1), contains 9.98± acres, and is located on Catlett Road (Route 28) at Gaskins Lane (Route 696), adjacent to the Southern Railway Line, Cedar Run District. (PIN #7922-93-4822-000)

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

Mr. Robison opened the public hearing.

Mr. Jim Downey, attorney representing Bell Atlantic Mobile Systems, stated that the staff report is very thorough, they will agreed to either a monopole or lattice tower, that there is a gap in coverage in this area, and that this will enhance emergency response. He further stated that there will be minimal visual impacts and no impact on air traffic.

Mr. Butch Flippo, Catlett Volunteer Fire Company, stated that this will provide an increase in public safety and that this will provide income to the fire company in that the applicants will be leasing the property.

The following citizens spoke in opposition to the request:

- Scott Seegers, Catlett, Virginia, and
- Chuck Medvitz, Scott District.

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

Mr. Rohrbaugh stated that the consultant recommended this site to work with the E-911 system. He further stated that coverage is needed on Route 28.

On motion made by Mr. Rohrbaugh, it was moved to recommend approval of the request.

Mr. Guerra stated that he agreed with Mr. Rohrbaugh, but also stated that maybe this should be postponed until the next meeting for further review.

Mr. Rohrbaugh withdrew his motion.

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

Mr. Guerra asked the relative cost of a 190' tower vs. an 80' tower.

Mr. Dave Waddsworth, Crown Castle Atlantic, stated that a 190' tower will cost approximately 30-50% more than an 80' tower. He stated that the radio equipment will cost approximately one million dollars. He stated that he provider requires different platforms and equipment.

Mr. Robison asked if each provider will use the same building, and Mr. Waddsworth replied no.

12. **SPECIAL EXCEPTIONS**

a. **#SE00-CR-01 – ROBERT J. & KRISTAL B. BREEDEN,
OWNERS/APPLICANTS –**

applicants wish to obtain special exception approval under Category 21 of the Zoning Ordinance which would allow for the reinstatement of the special exception granted on December 5, 1995, for a private airstrip. The property is zoned Rural Agriculture (RA), contains 55 acres, and is located on Heddings Road (Route 794), Cedar Run District. (PIN #7940-85-4660-000)

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

Mr. Robison opened the public hearing.

Mr. Breeden stated that he has received no complaints from neighbors and that he agrees to the proposed conditions.

Mr. Rohrbaugh asked if the FAA approval will need to be renewed and Mr. Breeden replied no.

Mr. Guerra stated that the condition is for 20 flights/month and asked what has been done in the past.

Mr. Breeden stated that he is not sure at this time on the number, but would like to have the limit removed from the conditions or leave as 20; either is acceptable.

Mr. Guerra asked where this figure came from and Mr. Mosurak stated that the applicant's statement of justification asks for the limit to be removed or 20-25/month.

The following citizens spoke in favor of the application:

- Scott Seegers, Catlett, Virginia,
- Eddie Whitman, Cedar Run District,
- Chuck Tippitt,
- Tom Silversiepe, Center District, and
- Ken Stuby, Catlett, Virginia

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

Mr. Robison stated that there should be a limited on the number of flights.

Mr. Rohrbaugh stated that 25-30 would be good and further stated that he had contact with an irate neighbor in 1995 concerning this airstrip.

Mr. Guerra asked if no other airstrips are limited, then why is this one?

Mr. Breeden stated that in 1995 when this was originally approved he asked for 4 flights in and out per week.

Mr. Sinclair stated that if no other airstrips are limited to the number of flights then this condition should be removed.

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

1. Operations shall be conducted from the west after departure and prior to approval.
2. This special exception is granted for a period of ten (10) years from the date of approval.
3. The hours of operation shall be limited to the period beginning 30 minutes prior to sunrise and ending 30 minutes after sunset.

4. As a “Personal Use Airstrip”, use of the airstrip shall be limited to the applicants,

Robert and Kristal Breeden, who shall be the only pilots of the aircraft. The airstrip shall not be open to the public or guests.
5. Used for daylight operations only, the airstrip shall not be lighted.
6. Operation of the airstrip shall be in accordance with the conditional approvals of

the Federal Aviation Administration, the Marine Corps Air Facility at Quantico, and the Virginia Department of Aviation.
7. Approval is for the airstrip and air traffic patterns as shown on the plat identified

as the “Burns Division Plat, Lot 1”, prepared by Leonard Survey, Inc., and dated September 14, 1995. Any changes to the immediate airstrip area and/or take-off landing maneuvers would require a new review and approval.

The motion carried unanimously.

b. **#SE00-M-02 – OAKWOOD ASSOCIATED LIMITED PARTNERSHIP/BAHMAN**

AND SUE SADR, OWNERS, AND T. J. FANNON, APPLICANT – applicant wishes to obtain special exception approval under Category 9 of the Zoning Ordinance which would allow use of the first floor of the manor house and gardens in close proximity to the manor house for weddings and receptions. The property is zoned Rural Agriculture (RA), contains 67.14 acres, and is located off of Old Waterloo Road (Route 678) on Oakwood Drive, Marshall District. (PIN #6964-88-4151-000)

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

Mr. Robison opened the public hearing.

Mr. Bahman Sadr stated that they have received no complaints from neighbors.

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

Mr. Green asked the number of weddings held per year at the site and Mrs. Sadr replied 12/year. He further stated that he has received no negative complaints.

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

1. The hours of operation shall be from 10:00 A.M. to midnight.
2. The number of events shall be limited to six (6) per month.
3. All necessary Health Department permits and other permits required shall be secured.
4. The property owners/applicants will notify any potential buyers of the other parcels under their ownership of the special exception.
5. The special exception shall be in effect for three (3) years from the date of approval.
6. The number of guests shall be limited to 300 per event.

The motion carried unanimously.

13. **COMPREHENSIVE PLAN AMENDMENT (#CPD99-08) – AMERICAN TOWER**

CORPORATION, APPLICANT – applicant wishes to amend the Comprehensive Plan, Chapter 9, Public Facilities and Utilities text, and to add a telecommunication site location map to show existing and proposed telecommunications facilities.

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

Mr. Robison opened the public hearing.

Mr. Merle Fallon, attorney, representing American Tower Corporation, asked that the Commission act on this request tonight.

Mr. Chuck Medvitz spoke in opposition to the request.

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

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to recommend denial of the request. 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, for one year, in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia.