

MINUTES OF

FAUQUIER COUNTY PLANNING COMMISSION***MARCH 30, 2000***

The Fauquier County Planning Commission held its regular meeting on Thursday, March 30, 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, and Mrs. Denise Harris.

1. **PPROVAL OF MINUTES – FEBRUARY 24, 2000**

On motion made by Mr. Sinclair and seconded by Mr. Robison, it was moved to approve the minutes of February 24, 2000, as modified. The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENTS**

a. **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, 3-100 (Districts); Article 3, Part 2, 3-200 (Purpose and Intent); Article 3, Part 3, 3-300 (Uses); Article 4 (Overlay Districts), Article 7, Part 7-603 (Tree Canopy Requirements); and Article 11, 11-102.3 (Transmission Towers).

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

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

b. **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).

Mr. Carr reviewed the 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. Green, it was moved to recommend

approval of the text amendment. 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)

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

Mr. Jim Carson, representing the applicant, presented the Commission with revised proffers, a copy of which are attached to and made a part of these official minutes.

Mr. Guerra asked if staff concurs with the revised proffers.

Mr. Carr replied that the proffers are consistent with what was discussed at the work session earlier in the day and they are also subject to further review by staff and the County Attorney.

Mr. Green stated that this was discussed thoroughly at the work session and that the proffers appear to be in line with what was discussed.

On motion made by Mr. Green and seconded by Mr. Guerra, it was moved to recommend approval of the rezoning request subject to the revised proffers, with further review by staff.

Mr. Sinclair stated that there is a commercial boon happening in Marshall and Fauquier County and stated that he concurs with the motion.

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 5.1 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)

Mr. Hodgson reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that he has received a letter from the applicants representative asking that the requests for Chantilly Farmers Supply Company, Philip L. Whiteside, Lela Faller, GF Development and William H. and Katherine M. Washington be postponed until the April meeting. He letter also asked that the Mylous Marsengill and L. J. Evans requests be acted on at this meeting.

Mr. Merle Fallon, attorney representing the applicants, asked that the Marsengill requested be postponed until action is made on the Catlett Volunteer Fire Department request.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the Chantilly Farmers Supply Company request until the April meeting, at the request of the applicant. 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 605), Cedar Run District. (PIN #7932-48-5817-000)

On motion made by Mr. Rohrbaugh and seconded by Mr. Sinclair it was moved to postpone the request until after action is made on the Catlett Volunteer Fire Department request. 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)

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the Philip L. Whiteside request until the April meeting, at the request of the applicant. 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 telecommunications 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)

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the request of Lela Faller until the April meeting, at the request of the applicant. 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.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the request of GF Development, LLC, until the April meeting, at the request of the applicant. 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)

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the request of GF Development, LLC, until the April

meeting, at the request of the applicant. The motion carried unanimously.

g. **#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 #6995-38-2245-000)

Mr. Hodgson stated that this has been recommended by the Consultant for approval and that the balloon test was held on Monday.

Mr. Sinclair stated that the balloon test was poorly done. What to be done and eventually done were two different things. He asked that staff draft guidelines on balloon tests. He did stated that this location has the least visual impact.

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

Finding

The Fauquier County Planning Commission has received the Comprehensive Plan Conformance Determination (#CPD99-S-02), L. J. Evans, owner, and American Tower corporation, applicant, and has made the determination that the applicants request is in conformance with the County's adopted Comprehensive Plan and that the Fauquier County Planning Commission recommends that the applicant's request for a Special Exception (#SE99-S-29) be approved subject to the following conditions.

Conditions

1. The use shall comply with all FAA requirements at all times.
2. The tower shall be lighted only to meet FAA requirements with no additional

lighting permitted.
3. The height of the tower shall not exceed 180'.
4. The tower structure of this special exception telecommunication facility request

shall be of a monopole type construction.

5. The tower shall be painted appropriately so as to minimize visual impact as

permitted by FAA regulations.

6. A landscaping plan will be submitted with the site plan.

7. Prior to the issuance of a zoning permit, one (1) telecommunications provider

shall have an executed lease with the applicant. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accommodated.

8. The applicant shall provide to the County public service agencies, at no cost to

the locality, one acceptable site on the tower and necessary space in the equipment room.

9. Annual Report. The owner of each antenna or tower shall submit a report to the

Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.

10. Antenna and Tower Removal. Any antenna or tower shall be disassembled and

removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers, fence footers, underground cables and landowner's approval. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Mr. Robison stated that this is near Center District and that Mr. Winkleman was present at the balloon test. He stated that there may be some visual impact to Center District but it would not be visible from Warrenton Lakes. He stated that he favors the recommendation and also asked that staff work on guidelines for balloon tests.

The motion carried unanimously.

h. **#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 796), adjacent to the Southern Railway Line, Cedar Run District. (PIN #7922-93-4822-000)

Mr. Rohrbaugh stated that this is a necessary location in that it will also be used by the Fire Company and that currently there are voids in this area. He stated that the Consultant recommended approval of this location.

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

Finding

The Fauquier County Planning Commission has received the Comprehensive Plan Conformance Determination (#CPD99-CR-01), Catlett Volunteer Fire Company, owner, and Crown Castle Atlantic, LLC, and Bell Atlantic Mobile Systems, Inc., applicants, and has made the determination that the applicants request is in conformance with the County's adopted Comprehensive Plan and that the Fauquier County Planning Commission recommends that the applicant's request for a Special Exception (#SE99-CR-42) be approved subject to the following conditions.

Conditions

1. The use shall comply with all FAA requirements at all times.
2. The tower shall be lighted only to meet FAA requirements with no additional lighting permitted.
3. The height of the tower shall not exceed 180'.
4. The tower structure of this special exception telecommunication facility request shall be of a monopole type construction.
5. The tower shall be painted appropriately so as to minimize visual impact as permitted by FAA regulations.
6. A landscaping plan will be submitted with the site plan.
7. Prior to the issuance of a zoning permit, one (1) telecommunications provider shall have an executed lease with the applicant. The applicant shall provide written documentation to the Fauquier County Zoning Administrator in the event that any future co-location cannot be accommodated.
8. The applicant shall provide to the County public service agencies, at

no cost to

the locality, one acceptable site on the tower and necessary space in the equipment room.

9. Annual Report. The owner of each antenna or tower shall submit a report to the

Zoning Administrator once a year, no later than July 1. The report shall state the current user status of the tower.

10. Antenna and Tower Removal. Any antenna or tower shall be disassembled and

removed from the site within ninety (90) days of the discontinuance of the use of the tower for wireless

telecommunications purposes. Removal includes the removal of the antennas, telecommunication towers,

fence footers, underground cables and landowner's approval. If there are two (2) or more users of a single

tower, then this provision shall not become effective until all users cease using the tower.

Mr. Rohrbaugh stated that this tower will not require strobe lighting, that the lighting will be bright red at night and medium density white during the day per FAA requirements.

Mr. Robison stated that he recognizes the need for this tower but stated that there is a water tower in the area at 170 ft. and that it should be used first.

Mr. Green asked the height of the tower and was told by Mr. Robison 180 feet.

Mr. Hodgson stated that it varies with the area and the location of an airport.

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

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 605), Cedar Run District. (PIN #7932-48-5817-000)

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to recommend denial of the Comprehensive Plan Amendment due to the following findings:

1. The proposed use is not consistent with the comprehensive plan, in

that the

proposed use does not adequately utilize existing towers in a manner which minimizes and mitigates the negative impacts of telecommunications facilities on adjoining property owners and the County.

2. The selected location is inconsistent with the requirements of the Comprehensive

Plan in that it impair the value of adjacent land and buildings to a greater degree than potential alternative sites and existing sites.

3. The proposed use would negatively impact the scenic, historical and cultural

resources of the surrounding property and the general area.

4. The selected sites are not in areas and at tower heights where they will be most

compatible with surrounding land uses as required by the plan.

5. The applicant has failed to demonstrate that the location proposed has resulted

from a systematic review of all options from the hierarchy of county location preferences and has failed to justify the option selected.

On motion made by Mr. Rohrbaugh and seconded by Mr. Guerra, it was moved to recommend denial of the special exception request due to the following findings:

1. That the provisions of the Zoning Ordinance for a special exception are not met

in this application, the Commission finding that the proposed facility will negatively impact the public health, safety and welfare of residents of Fauquier County and adjoining property owners.

2. The proposed use will hinder and discourage the appropriate development and

use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Sections 5-006, 11-101 and 11-102 of the Zoning Ordinance.

3. That the proposed use would be incompatible with existing or planned

development in the general area and the Comprehensive Plan.

4. That the proposed use fails to comply with and is not in conformity with the

applicable standards of Article 5 and Article 11 of the Zoning Ordinance and all other applicable requirements of the Zoning Ordinance.

5. That the property which is the subject of this special exception request has

available to it other existing reasonable permitted, special exception and special permit uses.

6. That the applicant failed to demonstrate that telecommunications carriers require

the proposed location to provide service and could not be served by

other structures.

7. That other existing and potential locations are suitable to serve the telecommunications industry in the area which would have significantly lower impact on the use and development of surrounding properties and the general area, including an approved structure owned by Crown Castle.
 8. That the proposed use would negatively impact the scenic, historical and cultural resources of the surrounding property and the general area.
 9. The applicant has failed to evaluate existing structures within a two mile radius of the proposed facility as required by Section 11-102(2)(c)(4) of the Zoning Ordinance
- 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)

Mr. Hodgson reviewed his staff memorandum, a copy of which is attached to and made a part of these official minutes. He stated that the Commission recommended denial of a special exception on this property last year and that the Board of Supervisors has asked for the Comprehensive Plan Conformance Determination. He also stated that the Commission visited the site at their last meeting.

Mr. Guerra stated that this was recommended for denial ten (10) months ago, there are few homes in the area, the site is 1000+ feet from Route 17, and that there is a hole in the area and the tower is needed.

On motion made by Mr. Guerra and seconded by Mr. Green, it was moved to find the applicant’s request in conformance with the County Comprehensive Plan subject to the following condition:

- If National Communication Towers does not have substantial, or at least one (1) user within six (6) months that the Board of Supervisors approval will be null and void.

Mr. Rohrbaugh stated that we need to listen to the recommendations of the Consultant. He stated that the Consultant did not recommend this site in that there are powerlines through the property. He stated that there are existing electrical towers in the area at 168 feet, 140 feet and 128 feet and that these towers could be used. He stated that he cannot support the motion.

Mr. Sinclair stated that the applicants work with the Consultant and that we are not locked

into everything he says. He stated that he agrees with Mr. Guerra. He further stated that the applicant wants to build a 190 foot tower to provide co-location on one tower. He stated that they would still need special exception approval to go higher on the existing poles.

Mr. Guerra stated that it could be hazardous to put antennas on existing electrical towers and that service is needed in this area. He stated that if we agreed with everything the Consultant says we would not be needed. He stated that we need to use our intelligence to determine what is good for the County.

Mr. Robison agreed with Mr. Rohrbaugh in that the existing towers should be utilized. He stated that he is not in favor of the motion.

The motion carried 3 to 2 with Mr. Robison and Mr. Rohrbaugh voting against the motion.

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 April meeting.

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

b. **#PP00-L-02 – JIMMY L. HALL, OWNER/APPLICANT** – applicant wishes to obtain

preliminary plat approval to subdivide 54.3297 acres into two (2) lots. The property is zoned Rural Agriculture (RA), and is located off of Botha Road (Route 661), Lee District. (PIN #6960-88-4695-000)

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 two (2) lots would have to front on a Type I street unless the special exception is approved later tonight.

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

c. **#PP00-S-03 – KENTSTONE, LTD., OWNER/APPLICANT** – applicant wishes to obtain

preliminary plat approval to subdivide 107.5 acres into four (4) lots. The

property is zoned Rural Conservation (RC), and is located on O'Bannon Road (Route 698), Scott District. (PIN #6987-28-1255-000)

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

Mr. Sinclair stated that there is no VDOT letter, but we could condition this on approval by VDOT.

On motion made by Mr. Sinclair and seconded by Mr. Rohrbaugh it was moved to approve the preliminary plat subject to approval from the Virginia Department of Transportation (VDOT). The motion carried 4 to 0 (Mr. Guerra left to take care of family business).

d. **#PP00-CR-01 – NORMAN WOODWARD, OWNER/APPLICANT** – applicant wishes

to subdivide 293 acres into six (6) lots. The property is zoned Rural Agriculture (RA), and is located off of Bristersburg Road (Route 616), Cedar Run District. (PIN #7846-17-6765-000)

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. Rohrbaugh and seconded by Mr. Sinclair, it was moved to approve the preliminary plat subject to the following conditions:

1. The following statements be placed on the final drainfield plat:
 - The County recommends that no below grade basements be constructed on soil mapping units 15B and 13A due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
 - Before a home is started the builder needs to mark the drainfield area off and not disturb it during construction.
2. The preliminary plan be approved by the Virginia Department of Transportation.

The motion carried unanimously.

7. **THUMB RUN AGRICULTURAL AND FORESTAL DISTRICT RENEWAL**

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

Owner	PIN	District	Orig. Date	Exp. Date	Acreage
Thomas, Ronald S. & Madeleine Gibbs	6929-50-6711	Thumb Run	1st 09/21/93	7/7/00	50.00
Thomas, Madeleine Gibbs Tee	6929-21-7542	Thumb Run	1st 09/21/93	7/7/00	149.72
Granger, Richard L. & Diana L.	6929-24-2370	Thumb Run	3rd 05/20/97	7/7/00	50.00
Moore, Brian R. & Karen Z.	6929-15-5015	Thumb Run	1st 09/21/93	7/7/00	25.00
Lipsey, Suzanne Heintz Lipsey Tee.	6929-34-3165	Thumb Run	2nd 06/20/95	7/7/00	50.21
Lordi, Lorraine	6929-22-6622	Thumb Run	3rd 05/20/97	7/7/00	25.64
Lordi, Lorraine, Trustee	6929-32-4667	Thumb Run	3rd 05/20/97	7/7/00	25.51
Owner	PIN	District	Orig. Date	Exp. Date	Acreage
Masi, Jeffrey R. & Colley, Elaine K.	6928-97-2936	Thumb Run	CD 07/07/92	7/7/00	50.75
Masi, Jeffrey R. & Colley, Elaine K.	6928-89-9471	Thumb Run	CD 07/07/92	7/7/00	51.00
Masi, Jeffrey R. & Colley, Elaine K.	6928-99-7749	Thumb Run	CD 07/07/92	7/7/00	50.04
Masi, Jeffrey R. & Colley, Elaine K.	6929-71-9833	Thumb Run	CD 07/07/92	7/7/00	75.88
Masi, Jeffrey R. & Colley, Elaine K.	6929-91-3586	Thumb Run	CD 07/07/92	7/7/00	60.01
Masi, Jeffrey R. & Colley, Elaine K.	6939-01-8429	Thumb Run	CD 07/07/92	7/7/00	52.28
Massey, Dennis W. & Daryl M.	6929-52-2350	Thumb Run	2nd 06/20/95	7/7/00	25.22
TOTAL			14 parcels		741.26

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

8. **MOTION TO INITIATE AN OUT OF TURN COMPREHENSIVE PLAN AMENDMENT** – a

motion to initiate an out of turn Comprehensive Plan Amendment application under Section 13-202 of the Fauquier County Zoning Ordinance for Tower Developers, Inc., owner/applicant, to allow for construction of a new post office in the Village of Linden, Marshall District. (PIN #6001-34-7648-000 and #6001-34-9732-000)

Mrs. Harris stated that post offices hire outside companies and developers to build post

offices and that a Comprehensive Plan amendment and Rezoning Request are needed for this property. She stated that the Commission needs to advertise this for a public hearing at their next meeting.

Mr. Green stated that lots of growth has come to Linden over the past several years and 90% of the users of the Linden Post Office live in Warren County but get their mail in Fauquier. He stated that there is no parking at the current facility, causing a dangerous traffic situation.

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

9. **BOARD OF ZONING APPEALS AGENDA**

a. **VARIANCE (#45251) – CHARLES E. BUSER, OWNER** – the 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, contains .75 acre, is located at 9227 James Madison Highway (Route 15/29), and is zoned Rural Agriculture (RA), Marshall District.

b. **SPECIAL PERMIT AND VARIANCE (#45338) – JOY LEE POWELL, OWNER**
–

applicant wishes to enlarge existing nonconforming structure located in the Village of Upperville, and also wishes a variance to the side yard requirement to allow the addition to be constructed five (5) feet from a side yard, wherein the Zoning Ordinance requires 0 or 12 feet. The subject property is identified as PIN #6054-75-9895-000, contains .63 acre, is located at 9146 John S. Mosby Highway (Route 50), and is zoned Village Commercial (VC) and Village (V), Scott District.

c. **SPECIAL PERMIT (#45396) – MID-ATLANTIC COCA-COLA BOTTLING**

COMPANY, OWNERS, AND BEECH ROAD LIMITED PARTNERSHIP, CONTRACT OWNERS – applicants wish to locate a contractor's storage yard (heating and air) and a sheet metal shop. The subject property is identified as PIN #7906-72-3974-000, contains 5.61 acres, is located at 5083 Lee Highway (Route 15/29/211), and is zoned Commercial-2 (C-2), Scott District.

d. **SPECIAL PERMIT (#45427) – WARRENTON CONGREGATION OF JEHOVAS**

WITNESSES, TRUSTEES, CONTRACT OWNERS, AND EFFIE WADE,

OWNER –

applicants wish to construct a new place of worship, and demolish the existing church. The place of worship will contain residential quarters for a minister. The subject properties are identified as PIN #6995-23-4746-000, PIN #6995-23-5970-000 and PIN #6995-24-6078-000, contains approximately 3.24 acres, are located on Airlie Road (Route 605), and are zoned Residential-1 (R-1), Scott District.

The Commission made no comments.

There being no further business the meeting recessed at 4:00 P.M.

The Fauquier County Planning Commission reconvened its regular meeting on Thursday, March 30, 2000, at 7:00 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, Mr. Lou Mosurak and Mrs. Carolyn Bowen.

10. **CITIZENS TIME**

No one spoke.

11. **AGRICULTURAL AND FORESTAL DISTRICT ADDITIONS**a. Thumb Run Agricultural & Forestal District – 4th Addition

- W. Allen Taft & Susan F. Taft PIN #6929-53-1552-000 51.23 acres

Mrs. Bowen 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.

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

On motion made by Mr. Guerra and seconded by Mr. Sinclair it was moved to recommend approval of the additions subject to the following:

- Review of the natural features of this parcel indicates that there are significant resources which are worthy of protection and would enhance the District.
- The parcel meets the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.

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

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh it was moved to recommend approval of the additions subject to the following:

- Review of the natural features of these parcels indicates that there are significant resources which are worthy of protection and would enhance the District
- The parcels meet the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.
- The parcels meet the County requirements for inclusion into the District since they consist of forest preservation.
- If either parcel is sold in the future, then the parcels will be removed from the District.

The motion carried unanimously.

- William J. & Patricia Green PIN #6946-46-8674-000 18.48 acres

Mrs. Bowen 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.

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

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

- Review of the natural features of these parcels indicates that there are significant resources which are worthy of protection and would enhance the District
- The parcels meet the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.
- The parcel meets the County requirements for inclusion into the District since it consists of a working farm owned by the applicant and rented to another farmer.
- If the parcel is sold in the future, then the parcel will be removed from

the District.

The motion carried unanimously.

- Robin D. & Elizabeth B. Roberts PIN #6946-33-8729-000 57.76 acres

Mrs. Bowen 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.

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

On motion made by Mr. Guerra and seconded by Mr. Rohrbaugh it was moved to recommend approval of the addition subject to the following:

- Review of the natural features of these parcels indicates that there are significant resources which are worthy of protection and would enhance the District
- The parcels meet the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.
- The parcel meets the County requirements for inclusion into the District since it consists of a working farm owned by the applicants and rented to other farmers.

The motion carried unanimously.

c. Middleburg/Marshall Agricultural & Forestal District – 16th Addition

- George L. Ohrstrom & Alice PIN #7012-59-1312-000 84.73 acres
 Dupont Mills PIN #7012-29-2355-000
 103.06 acres

Mrs. Bowen 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.

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

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

acres

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

On motion made by Mr. Rohrbaugh and seconded by Mr. Green it was moved to recommend approval of the additions subject to the following:

- Review of the natural features of these parcels indicates that there are significant resources which are worthy of protection and would enhance the District
- The parcels meet the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.
- The parcels meet the County requirements for inclusion into the District since they are within a recorded Virginia Outdoors Foundation open space easement and they consist of a working farm owned by the applicant and operated by a farm manager.
- If any parcel is sold in the future, then all parcels will be removed from the District.

e. Southern Fauquier Agricultural & Forestal District – 18th Addition

- Ray E. & Martha A. Graham PIN #7940-70-8202-000 25.04 acres

Mrs. Bowen 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. Dominic Paravano spoke in opposition to the request in that taxes are increased everytime these are approved.

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 and seconded by Mr. Rohrbaugh, it was moved to recommend approval of the addition subject to the following:

- Review of the natural features of these parcels indicates that there are significant resources which are worthy of protection and would enhance the District
- The parcels meet the criteria for evaluating the factors for inclusion into the District as required by Section 15.2-4306 of the Code of Virginia.

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.

Mrs. Bowen 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.

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

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

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

Site Plan Submission and Preparation Procedure, Section 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.

Mrs. Bowen 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.

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

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

c. Zoning Ordinance Text Amendment to Article 5, Part 1 (Category 1, Residential Uses),

5-105.1, Standards for an Administrative Permit for a Family Apartment; to increase the allowed gross floor area permitted in family dwelling units to twelve hundred (1200) square feet, currently limited to eight hundred (800) square feet.

Mrs. Bowen 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.

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

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

- d. Amend Section 7-102.28, Permitted Accessory Uses, to permit the on-site consumption

of wine as an accessory use for wine produced by that winery.

Mrs. Bowen 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.

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

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

- e. Zoning Ordinance Text Amendment to Article 3, Section 3-400, footnote 15. and the

addition of footnote 16. regarding use regulations for the R-4 and TH zoning districts to allow single family detached, cluster provisions with a minimum lot width of 50 feet and a minimum lot size of 5,000 square feet.

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

Mr. Robison closed the public hearing.

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

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

13. **AMENDMENT TO THE COMPREHENSIVE PLAN, CHAPTER 9, PUBLIC FACILITIES &**

UTILITIES, FOR TELECOMMUNICATIONS – this proposed amendment presents the Plan for Commercial Wireless Technology Facilities, which includes a review of wireless

technologies, an inventory of existing structures, topographic analyses, recommended hierarchy of facilities and services, recommended performance standards and aesthetics.

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

Mr. George Condyles, Atlantic Tower Corporation, gave a brief description of his company and the proposed plan.

Mr. Robison opened the public hearing.

The following spoke in favor of the proposed plan:

- Mr. Jim Downey, Attorney representing Bell Atlantic Mobile, Inc.

The following spoke in opposition to the proposed plan:

- Mr. Harry Walls, County resident,
- Margaret Wise, Marshall District,
- Rich Schumacher, Marshall District,
- Alice Faulkner, Marshall District,
- Jim Stone, Cedar Run District,
- Jolly DeGive, Marshall District,
- Ann McCarty, Marshall District
- Thomas Bedall, Marshall District,
- Kay Hayes, Marshall District,
- Charles Steele, Marshall District,
- Michael Paige, Marshall District,
- Brenda Moorman, Marshall District,
- Katherine Hartz, Fauquier/Rappahannock County Border,
- Michael Starn, Cedar Run District,
- Jim Strong, Marshall District,

- Frederick Graham, Marshall District,
- Kitty Smith, Marshall District, and
- Ingrid Hinckley, Marshall District.

The following summarizes examples of the issues consistently raised with the Draft Plan:

- Would result in higher threshold heights in the ordinance by allowing 140' tall towers, rather than 120' tower heights;
- Appearance that the proposal recommended immediate tower development in the Proposed Permitted Commercial Tower Development Areas (PCTDA);
- Recommendations the PCTDA be replaced;
- Conflict of the Plan with Sky Meadows State Park;
- Questioning of the need for similar service in rural areas as along key county roadways(i.e., Rt. 29, I-66);
- Need for any plan to be sensitive of archeological/historic resources;
- Public perception that the plan would result in tower construction along the mountain ridgeline;
- Public perception that the plan would result in an increased number of towers at higher heights;
- Need to remove contradictory policies regarding height and technology; and
- Concerns that the plan, as written, could result in modifications to and a weakening of the existing Telecommunications Ordinance.

No one else appeared to speak for or against the request; therefore, Mr. Robison closed the public hearing.

Mr. Robison stated that some legitimate concerns have been raised and that this should be postponed until the April meeting.

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the request until the April meeting for further review.

Mr. Sinclair stated that comments in writing are also welcome.

Mr. Green stated that this is his 21st year with Fauquier County Government and asked why we need 100% coverage.

The motion carried unanimously.

14. **SPECIAL EXCEPTIONS**

a. **#SE00-CR-03 – DOMINION CUSTOM HOMES, INC., OWNER, AND DOUGLAS**

CURRY, APPLICANT – applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would waive the public street requirements in residential zones. The property contains 2.250 acres, is zoned Residential-1 (R-1), and is located on Green Road (Route 674), Cedar Run District. (PIN #6991-38-3325-000)

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.

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

Mr. Rohrbaugh asked if this property is close to the landfill, and Mr. Curry replied yes.

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. An appropriately sized driveway culvert will need to be installed.
2. The driveway should be constructed to a minimum width of 12 feet with grass shoulders.
3. Resultant development shall be in substantial conformance with the special exception plat.

The motion carried unanimously.

b. **#SE00-C-06 – PATRICIA ANN & DR. ELOY ARENDS, OWNERS, AND JEFFREY**

D. LIPPINCOTT/WHISPERWOOD, LLC, APPLICANT – applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would waive the public street requirements in residential zones. The property is zoned Residential-1 (R-1), contains 48.0866 acres, and is located at the intersection of Frytown Road (Route 674) and Millwood Drive, 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.

Mr. Robison opened the public hearing.

Mr. Jim Carson, engineer representing the applicant, stated that the lots approved in Phase II were approved with public or private streets. He stated that these streets will serve only 2 lots each. He stated that the floodplain on the property is not designated by HUD.

Mr. Jeff Lippincott stated that he was not aware of neighborhood opposition. He stated that the subdivision is a by-right use in the Warrenton Service District and that he has previously obtained preliminary plat approval for these lots. He stated that the question is whether the roads will be public or private. He further stated that the development will be controlled by covenants and will not degrade the area.

The following spoke in opposition to the request:

- Dominic Paravano, developer of subdivision on Ashley Drive,
- Joel Maynard, resident of Ashley Meadows Subdivision,
- Joan Hellandsjo, resident on Ashley Drive,
- Roger Miller, resident on Ashley Drive,
- Larry Parks, resident in Millwood Subdivision,
- Jim Behrens, Center District, and
- Jim Nichols, resident on Green Park Lane.

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

Mr. Robison stated that there have been some concerns raised and that he will meet with the applicant and neighbors.

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

c. **#SE00-L-07 – JIMMY L. HALL, OWNER/APPLICANT** – applicant wishes to obtain

special exception approval under Category 28 of the Zoning Ordinance which would waive the requirement for Type I private streets in the RA and RC zones. The property contains 54.3 acres, is zoned Rural Agriculture (RA), and is located on Botha Road (Route 661), Lee District. (PIN #6960-88-4695-000)

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

Mr. Guerra stated that the letter from the North Wales Association is not signed, and the HOA corrected that and replaced it with the signed letter.

Mr. Jimmy Hall stated that it will require tree removal and dirt removal if this has to be a State road and that it will disturb the neighborhood. He further stated that he has been working on this since 1995.

The following spoke in opposition to the request:

- Paul Blackmer, North Wales Estates,
- Ron LaDrew, North Wales Estates,
- David Van Luven, and
- Kevin Brock, resident on Minder Lane.

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

There being no further business the meeting was adjourned at 9:50 P.M.

A tape recording of the meeting is on file in the Department of Community Development for one year.