

MINUTES OF FAUQUIER COUNTY PLANNING COMMISSION***MAY 25, 2000***

The Fauquier County Planning Commission held its regular meeting on Thursday, May 25, 2000, 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, Mrs. Carolyn Bowen, and Mrs. P.J. Gallagher, Clerk.

1. APPROVAL OF MINUTES - MARCH 30, 2000, AND APRIL 24, 2000

On motion made by Mr. Robison and seconded by Mr. Guerra, it was moved to approve the minutes of March 30, 2000, as corrected. The motion carried unanimously.

On motion made by Mr. Robison and seconded by Mr. Guerra it was moved to approve the minutes of April 24, 2000, as corrected. The motion carried 4 to 0 with Mr. Rohrbaugh abstaining from vote in that he was not present at the meeting.

2. 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. Robison stated that the applicant has requested postponement until the June meeting.

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

b. #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)

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

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

c. **#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).

Mr. Robison stated that the applicant has requested postponement until the June 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 June meeting. The motion carried unanimously.

d. **#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).

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

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

e. **#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).

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

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

3. **PRELIMINARY PLATS**

- a. **#PP99-S-15 - Louie & Shirley Walker, owners, applicants** - applicants wish to obtain

special exception 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 June meeting.

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

- b. **#PP00-C-05 - William R. Benner, Co-Executor, owner/applicant** - applicant wishes to

obtain preliminary plat approval to subdivide 170.83 acres into five (5) lots. The property is zoned R-1, and is located on Frytown Road (Route 674), Center District. (PIN #6994-15-4573-000)

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. Sinclair, it was moved to postpone the application until the June meeting for further review. The motion carried unanimously.

- c. **#PP00-M-06 - Joseph L. Ruffo, owner, and Karl A. Kakadelis, applicant** - applicant wishes to obtain preliminary plat approval to subdivide 10.944 acres into two (2) lots. The property is zoned Rural Conservation (RC) and Rural Agriculture (RA), and is located off of Cannonball Gate Road (Route 690), Marshall District. (PIN #6976-53-6660-000)

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

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

- d. **#PP00-M-07 - George R. Thompson, Jr., Trustee, owner, and George R. Thompson, Jr., Trustee, applicant** - applicant wishes to obtain preliminary plat approval to

subdivide 71.053 acres into one hundred seventy-two (172) lots. The property is zoned Townhouse (TH) and R-4, and is located off of Winchester Road (Route 17), Marshall District. (PIN #6969-56-8976-000, #6969-77-8743-000, #6969-86-4698-000, #6969-76-1960-000)The preliminary plat was postponed by the applicant prior to the meeting, therefore, no action was taken.

e. ***#PP00-L-08 - Bealeton Landmarks, LLC, owner/applicant*** - applicant wishes to amend previously approved preliminary plat in order to rearrange the approved 128 townhouses to permit approximately 106 within the land bay currently specified for townhouses and approximately 22 minimum 30 foot wide lots for attached dwellings across Station Drive Extended. In addition, the existing layout of the detached single family lots will be adjusted to accommodate the rearrangement of the attached units and the community swimming pool. The property contains 42.62 acres, is zoned R-4 and R-1, and is located off of Station Drive, Lee District. (PIN #6899-34-4286-000, #6899-33-2589-000, #6899-33-4760-000, #6899-33-6881-000, #6899-33-9142-000, #6899-32-8789-000, #6899-32-6874-000, #6899-43-2092-000, #6899-43-7426-000, #6899-54-6556-000 and #6899-44-4581-000)

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

On motion made by Mr. Guerra and seconded by Mr. Green, it was moved to postpone the preliminary plat until the June meeting for further review. The motion carried unanimously.

f. ***#PP00-L-09 - Fauquier Habitat/Fauquier Housing, owners/applicants*** - applicants

wish to obtain preliminary plat approval to subdivide 24.00 acres into eighteen (18) lots. The property is zoned Village, and is located off of Botha Road (Route 661), Lee District. (PIN #6970-06-7152-000)

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

On motion made by Mr. Guerra and seconded by Mr. Robison it was moved to approve the preliminary plat subject to Virginia Department of Transportation review.

Mr. Robison stated that he is concerned that the site is near a curve in the road.

The motion carried unanimously.

4. ***MOTION TO INITIATE AN OUT OF TURN COMPREHENSIVE PLAN AMENDMENT*** -

Warrenton Training Center has applied for a Comprehensive Plan amendment under Section 13-202 of the Fauquier County Zoning Ordinance. A motion by the Planning Commission to allow the application to go to public hearing in June is needed.

On motion made by Mr. Robison and seconded by Mr. Sinclair, it was moved to advertise the Comprehensive Plan Amendment for a public hearing at the June meeting. The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

a. **Special Permit (#45503) - Aspen Properties, LLC, owners, and Richard and Kathleen**

Fitzsimmons, contract owners - applicants are requesting special permit approval to continue operating a Residential Care Facility on leased 6.73 acres of 21.8 acres. Applicants are requesting to increase the number of residents to twenty (20). The subject property is identified as PIN #7828-40-2249-000, is located at 3493 Midland Road (Route 610), and is zoned Rural Agriculture, Cedar Run District.

b. **Special Permit and Variance (#45630) - Fauquier Junior Fair, Inc., owner, and**

Piedmont Equine Practice, Inc., contract owners - applicants are requesting special permit approval to locate a veterinary clinic, a variance to construct a barn seven (7) feet from a side property line, wherein the Zoning Ordinance requires one-hundred (100) feet. The subject property is identified as PIN #6070-60-7640-000, located at 4122 Zulla Road (Route 709), contains 4.00 acres, is zoned Rural Agriculture, Scott District.

c. **Special Permit (#45723) - Talbot L. and Walta H. Warren, owners** - applicants wish to use an existing one-bedroom cottage as a Bed and Breakfast. The subject property is identified as PIN #6035-80-3442-000, located on Federal Street (Route 759) in Paris, contains 1.48 acres, and is zoned Village, Marshall District.

The Commission made no comments.

There being no further business, the meeting was recessed at 3:25 P.M.

The Fauquier County Planning Commission reconvened its meeting on Thursday, May 25, 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. Serf Guerra. Also present at the meeting were Mr. Rick Carr, Mr. Randy Hodgson, Mr. Lou Mosurak and Mrs. Carolyn Bowen.

6. **CITIZENS TIME**

Barbara Severin spoke concerning the lighting ordinance and thanked the Commission for pursuing it.

7. **ZONING ORDINANCE TEXT AMENDMENT RELATING TO PONDS** - this amendment would revise current language in Section 6-102.24 by including additional requirements, eliminating design approval by the John Marshall Soil and Water Conservation District, and requiring ponds of more than one (1) acre in water volume to be designed and inspected by a licensed engineer and consistent with the current Virginia Natural Resources Conservation Service (NRCS) Standards and Specifications for ponds.

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

Mr. Guerra asked if the minimum pond threshold is now 2 acres rather than 1 acre, and Mrs.

Unkefer replied that it is advertised and shown as 1 acre, but it can be amended by the Planning Commission.

Mr. Robison opened the public hearing.

Mr. Gray Coyner, JMSWCD, spoke in favor of the of the proposed amendment and presented examples of improvements. He also indicated that the District has had to stop inspecting ponds, wince they no longer have personnel trained in dam design.

Mr. Rohrbaugh asked when the staff member who designed ponds was with the JMSWCD, and how much time did he actually spend? He also asked if they spent more in the design process, or did they also go out and do site visits and inspections?

Mr. Coyner replied that generally when they did the design, it was associated with other developments and individual water trough, a pond, fencing around a pond, so there was a constant inspection during the layout and construction phases. In addition, with the BMP money, there is a requirement that the landowner maintain it for 10 years to make sure no trees are growing in the dam area. Maintenance follow-up inspections were a must.

Mr. Rohrbaugh asked if the content of the dam is clay type soils?

Mr. Coyner replied that there are NRCS standards/recommendations that set forth construction material and specifications and the method of construction.

Mr. Rohrbaugh also asked if they should look at the watershed that it is feeding into the pond. Mr. Coyer stated that the overflow and emergency waterways are designed according to the watershed.

Mr. Guerra asked if it is the size of the pond that requires regulation and then asked what size pond does not have to go through the proposed process.

Mr. Coyner stated that he believes ponds 1 acre foot or greater need to go through the design and inspection process. In the southern end of the County that size pond may not be as potentially damaging as it would be in the northern end of the County. Note that dam safety regulations of the Commonwealth apply to dams 25 feet or higher.

Mr. Sinclair stated that earlier today in work session, one of his concerns was that we not put such restrictions on the person out there everyday trying to make a farm work. He did not want to add additional financial burdens for the need to impound water to feed cattle.

Mr. Coyner replied that we have several existing cost share programs that provide up to 50-75% matched to develop those wet areas for livestock watering and still protect the environment. Unfortunately, NRCS and the EPA are not allowing ponds designed for that reason any longer. I think they got nervous about the safety and liability.

Mr. Sinclair asked if the financial assistance is still there and Mr. Coyner replied yes.

Mr. Coyner stated that to the best of their knowledge, the Commonwealth of Virginia has finally made a commitment to fund this cost share program.

Mr. Sinclair asked if these are Commonwealth funds and Mr. Coyner replied yes, but unfortunately the Feds have gotten tighter from an EPA flexibility standpoint, plus it looks like within another month the Corps of Engineers is going to come down much harder on all soil disturbance in association with streams.

Mr. Ray Pennington, Monomy Services, Inc., spoke in opposition to the proposed amendment and stated that requirements should remain unchanged. He referenced his letter, provided to the Planning Commission (dated May 18, 2000), a copy of which is attached to and made a part of these minutes.

In that no one else 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 postpone the amendment until the June meeting for further review. The motion carried unanimously.

8. **SPECIAL EXCEPTIONS**

a. **#SEA00-L-03 - Bealeton Landmarks, LLC, owner/applicant** - applicant has filed a special exception amendment under former Category 1 of the Zoning Ordinance which would amend the existing special exception for Bealeton Station to revise, eliminate or add certain conditions, dedicate a site for a library and community meeting hall (railroad depot building), to rearrange certain lots on the property, to permit minor disturbance of a floodplain and to show dedication of a community meeting hall and library in the R-4 district. The property contains 42.62 acres, is zoned R-4 and R-1, and is located on Station Drive, Lee District. (PIN #6899-34-4286-000, #6899-33-4760-000, #6899-33-681-000, #6899-33-9142-000, #6899-32-8789-000, #6899-32-6874-000, #6899-43-2092-000, #6899-43-7426-000, #6899-54-6556-000 and #6899-44-4581-000)

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. Robert Young, developer representing the applicant, stated that staff did an excellent job in reviewing this application. He stated that the project will add to the community a library site, the old depot building will be moved and restored, there will be pedestrian trails, a floodplain study will be performed, site plans will be submitted, they will apply for a special exception so that the pool can be open to the public, and the tot lots will remain where they were located on the original plan.

The following spoke in favor of the request:

- Bonnie McDugal, Bealeton Station, Lee District, and
- Barbara Severin, Library Board of Trustees Chairman, Scott District.

Mrs. Karen Usiak, Bealeton Station, spoke in opposition, for the homeowners association, to

the request and presented a petition opposing the request. A copy is attached to and made a part of these official minutes.

Mr. Green asked how many people signed the petition, and Mrs. Usiak replied 21 of the 31 existing homes in the development.

Mr. Sinclair stated that many concerns were raised at the work session earlier in the day.

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

Mr. Rohrbaugh asked the applicant if he would have a problem if this were postponed tonight?

Mr. Young replied that they are under contractual obligations to move forward. He stated that they currently have a site plan submitted for the first 60 townhouses units under the current plan and that they hope to start by July. He stated that if delayed they will move forward under the current plan.

Mr. Sinclair stated that the concerns are valid and many can be addressed at the preliminary plat review stage. He stated that this proposal will provide a superior library site, there will be recreational areas, and the depot will be relocated and renovated. He stated that he feels the special exception could be moved forward and the citizen concerns could be dealt with at the preliminary and final plat stages, and further stated that the community can be involved in this process.

Mr. Young stated that he should have met with homeowners earlier in the process, and would be glad to work with the community. He noted that there will be no above ground pool, the tree barrier will be kept and the road will be two-lane and dedicated within a 110 foot right-of-way.

Mr. Sinclair stated that a four-lane road would certainly destroy the sense of community.

Mrs. Usiak asked that this application be postponed in order for Mr. Young to meet with the community. Mr. Young was willing to meet with the community very soon, prior to the Board of Supervisors meeting, and that all preliminary plats will be seen and acted upon by the Planning Commission.

Mr. Robison stated that some of the concerns are addressed in the proposed conditions and others will be addressed at the preliminary plat stage which was postponed earlier in the day.

Mr. Green indicated that, if we act on this application tonight, it will go to the Board of Supervisors prior to preliminary plat approval by the Commission.

Mr. Guerra stated that he has concerns about the whole process, that this is not a small project. He stated that we are not thoroughly doing our job by sending this forward to the Board at tonight's meeting without more study and resolving the issues raised by the homeowners. He felt the Planning Commission was moving the project on a very fast track, and that the Commission had not gotten all the information needed to make a decision on this project. He stated that all he was requesting is a 30 day postponement.

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

Mr. Rohrbaugh asked if lots will need to be vacated for the library site. Mr. Young answered in the affirmative, however, they would be relocated as demonstrated on the plat. No lots would be lost, there will be 76 single family lots, 128 attached units including patio units, and 108 apartment units.

Mr. Guerra asked about the price range.

Mr. Young replied:

- Townhouses \$115,000 to \$125,000,
- Patio Homes \$135,000
- Single Family \$150,000 to \$170,000.

Mr. Young stated that he does not like Mr. Guerra questioning his motives. He stated that the Marks Family purchased this property years ago with the intention of leaving the community in a better way than they found it. He stated that he is not making empty promises.

Mr. Guerra took umbrage to Mr. Young's vitriolic diatribe.

The motion failed 2 to 3 with Mr. Sinclair, Mr. Rohrbaugh and Mr. Green voting against the motion.

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

1. The applicant shall prepare and submit to FEMA a floodplain study to determine precisely where the existing floodplain limits are located. If required, a post-development floodplain study should be completed to establish any revised changes new development has on the established FEMA floodplain limits. No construction within these areas can occur until the final plan floodplain study is completed and approved by FEMA.
2. Construct a pedestrian Route 17 underpass in the alignment of Willow Drive to Remington Road. This improvement needs to be constructed prior to issuance of building permits for Phase 4. (Note that the Virginia Department of Transportation confirms that Willow Drive South cannot feasibly be built under the Route 17 overpass.)
3. Dedicate the library site with the first subdivision plat following approval of this special exception amendment. The library site dedication will be made "site-ready" by the applicant/owner. The applicant is required to deed the depot to the Board of Supervisors or its designee. Prior to approving the preliminary plat, the applicant will provide detailed plans for the restoration of the depot.
4. The applicant vacate the existing sanitary sewer easement and dedicate a relocated

sanitary sewer easement and line consistent with the planned Library Building location.

5. Applicant shall provide sidewalk and multi-use trails linking the subdivision to the library, pool and other recreational facilities identified on the special exception plat.

6. The applicant will provide a detailed phasing plan to the Fauquier County School Board so that they will be able to adequately plan for the additional school children generated by this development within the Bealeton Service District, and provide an annual update by July 1 until project completion. The applicant will not build more than 80 units in any calendar year, excluding the apartment units.

7. The Bealeton Station project development shall be in substantial conformance with the special exception plat.

Mr. Green indicated that we will be missing a great opportunity if we do not approve this application today. He stated that the applicant already has the density and has agreed to work with the community.

Mr. Sinclair stated that issues are not being cast aside, they will be discussed at the preliminary plat stage.

Mrs. Usiak asked if this is set in stone at this stage and Mr. Rohrbaugh replied no and Mr. Guerra replied yes.

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

b. **#SE00-M-09 - Bryan and Debbie Santucci, owners, and David and Sherry Thorpe, applicants** - applicants wish to obtain special exception approval under Category 29 of the Zoning Ordinance which would waive the requirement for a public street in a residential zone. The property contains 2.1 acres, is zoned Village, and is located on Crest Hill Road (Route 647) in Ada, Marshall District. (PIN #6948-99-4239-000).

Mr. Robison stated that the applicant has withdrawn the request, therefore, no action is necessary.

9. **PUBLIC HEARING ON PROPOSED REDUCTION IN OPEN SPACE - JESSE, JR. & BEVERLY JONES, OWNERS/APPLICANTS** - applicants have requested a Planning Commission Determination pursuant to Zoning Ordinance Section 2-406.5(D) to reduce the 85% open space requirement for a lot greater than thirty (30) acres and less than fifty (50) acres. The owners were granted a Category 9 special exception in 1997 which allowed for the use of the property as a conference/training religious retreat center. The property contains 32.446 acres, is zoned Rural Agriculture (RA), and is located on the north side of Catlett Road (Route 28) between Messick Road (Route 650) and Old Carolina Road (Route 602), Cedar Run District. (PIN #7900-02-6955-000).

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

Mr. Robison opened the public hearing.

Mr. Jesse Jones stated that he has no further desire to divide the property, and he has sold more than 15% of the open space.

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

On motion made by Mr. Rohrbaugh and seconded by Mr. Robison, it was moved to approve the request subject to the following conditions:

1. The property shall be deed restricted to prevent further subdivision.
2. Uses shall be limited to those granted by Special Exception #SE97-CR-08 and amended

by #SEA98-CR-01 as shown on the special exception plat prepared by D. Thomas Basham dated June 9, 1998.

The motion carried unanimously.

There being no further business, the meeting was adjourned at 8:45 P.M.

A tape recording of the meeting is on file in the Department of Community Development, 40 Culpeper Street, Warrenton, Virginia, for a period of one (1) year.