

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION**

SEPTEMBER 28, 2000

The Fauquier County Planning Commission held their regular meeting on Thursday, September 28, 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, and Mrs. P.J. Gallagher, Clerk.

1. **APPROVAL OF MINUTES - AUGUST 31, 2000**

On motion made by Mr. Guerra and seconded by Mr. Robison, it was moved to approve the minutes of August 31, 2000, as amended. The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENT - ARTICLE 9-1000, OUTDOOR LIGHTING -**

amend Article 9-1006, General Regulations for all Zoning Districts, regarding outdoor recreational lighting.

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

3. **PRELIMINARY PLATS**

a. **#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 and #6969-76-1960-000)

Mr. Hodgson reviewed his staff report, a copy of which is attached to and made a part of these official minutes. He referenced a letter from Mr. Opal with respect to issues raised, a copy of which is attached to and made a part of these official minutes.

Mr. Green stated that the main internal road goes by Marshall Manor on one end and the Food Lion on the other end, and asked who owns the property adjacent to Route 622, and was told by Mr. Hodgson that he is not sure who owns this parcel.

Mr. George Thompson stated that the parcel is owned by Phil Thomas and Todd Reid.

Mr. Green asked what the hardship would be to the applicants if this request were postponed until the October meeting.

Mr. Chuck Rice, representing the applicant, stated that there is a 27 lot development

already in the process and it has been stopped because they cannot get water. With the approval of the proposed 172 lot development, they have come up with an interim solution to solve the water problem. He stated that a well has been dug on the Lane property behind the McDonalds.

Mr. Sinclair stated that the driving issue is the availability of water on the Lane property and getting it to the other subdivision.

Mr. Green stated that the applicants have worked hard for the benefit of Marshall, and that he is happy to see that they are not using all their density. He also indicated that he is satisfied with the roads and the connection to Route 622 and with the water solution, which seems to correct a portion of the community water problem. He indicated hope that the WSA will take over the water system in the future. Mr. Green further stated that the Marshall community favors this proposed subdivision 99%.

On motion made by Mr. Green and seconded by Mr. Guerra, it was moved to approve the preliminary plat subject to the following conditions:

1. All technical details of the Zoning Ordinance will be corrected prior to final plat approval.
2. The applicant will provide an interparcel connection as shown on Attachment 10.
3. All concerns and comments of the County Engineer will be addressed and satisfied prior to final plat submission.
4. Evidence of sufficient water and sewer capacity to serve this development will be provided prior to final plat approval.
5. Prior to final plat approval, the plan will incorporate the following:
 - A multi-purpose court,
 - A tot lot,
 - Appropriate protection of the stream valley, and
 - Appropriate buffers from Route 17.

Mr. Sinclair stated that the applicant has been most patient and has worked diligently to meet the requirements of the Ordinance. He indicated further that the plan will be an asset to Marshall.

The motion carried unanimously.

- b. ***#PP00-S-12 - Coles Building Corporation, and Philip C. and Linda M. Gibson,***

owners/applicants - applicants wish to obtain preliminary plat approval to subdivide 5+ acres into two (2) lots. The property is zoned Residential-1 (R-1), and is located on Riley Road (Route 676), Scott District. (PIN #7905-86-3870-000 and #7905-87-6019-000)

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

c. **#PP00-M-17 - Peter R. Giudici and Cynthia Schlusemeyer Giudici, owners, and Gold**

Cup, LLC, applicant - Silver Cup Estates - applicant wishes to obtain preliminary plat approval to subdivide 39.88 acres into fifty-five (55) lots. The property is zoned R-2 and R-4, and is located off Bear Wallow Road (Route 690), Marshall District. (PIN #6974-89-4334-000)

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

Mr. Green stated that this preliminary plat was discussed thoroughly at the work session earlier in the day.

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

1. Final plats will include a minimum of 20% open space as required for the R-2

conventional zoning district.

2. The applicant will coordinate the Stormwater Management/BMP's for the project

with the Town of Warrenton.

3. Proposed Lots 13 and 14 on the preliminary plan for Silver Cup Estates may

change on final plats/plans due to the final alignment designs of the proposed Timber Fence Parkway.

4. Based on the Parks & Recreation Department comments, the applicant will

include a 1.6 acre parkland and will make a monetary contribution to a proposed park which is shown on the Olde Gold Cup Estates property as part of the subdivision.

5. Due to the landscape position (drainageways) and high seasonal water tables the

following statement needs to be placed on the final plat to be placed in the front office of Community Development: "The County recommends that no

below grade basements be constructed on soil mapping units 15B, 17B and 417B due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.

The motion carried unanimously.

d. **#PP00-S-18 - Louie & Shirley Walker, owners/applicants - Valley Crest Subdivision -**

applicants wish to obtain preliminary plat approval to subdivide 14.98 acres into ten (10) lots. The property is zoned R-1, and is located off Lee Highway (Route 29), Scott District. (PIN #6995-98-3229-000 and #6995-98-1794-000)

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

e. **#PP00-S-19 - Lake Whippoorwill, LLC, owner, and Richard Sanders, applicant - Lake**

Whippoorwill, Phase 6, Section II - applicant wishes to obtain preliminary plat approval to subdivide 23.56 acres into eight (8) lots. The property is located off Dumfries Road (Route 605), Scott District. (PIN #6995-33-9433-000)

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

- The following statements should be added to the final drainfield plat:
 - a. The County recommends that no below grade basements be constructed on soil mapping units 15B, 16B, 417B and 10A due to wetness unless the foundation drainage system of the structure is designed by a Virginia Licensed Professional Engineer.
 - b. Before a home is started the builder needs to mark the drainfield area and not disturb it during construction.

4. **WAIVER TO SECTION 5-4 OF THE SUBDIVISION ORDINANCE CONCERNING**

DEDICATION OF ROADWAYS WHERE A HALF STREET EXISTS - COLES BUILDING CORPORATION - BROKEN HILLS SUBDIVISION

On motion made by Mr. Robison and seconded by Mr. Rohrbaugh, it was moved to postpone the request until the October meeting in order to notify adjoining property owners.

Mr. Sinclair asked if this is a public hearing or a public meeting and Mr. Hodgson replied a public meeting but it is required that adjoining property owners be notified.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

- a. **Variance (#46287) - Jimmy Hao Do and Anna Mong Do, owners** - applicants are seeking a variance to the side yard requirement for a garage begun in 1988, and later completed with a second story living area. The garage and second story addition is located 2.5 feet off the property line, wherein the Zoning Ordinance requires 25 feet. The subject property is identified as PIN #7905-77-0293-000, contains approximately 1.001 acres, zoned R-1 (Residential), located at 6825 Chestnut Oak Lane (Route 1306), Scott District.
- b. **Special Permit and Variance (#43615) - Lloyd A. Forbush, owner** - applicant wishes special permit approval to allow retail sales in conjunction with a contractor's office and shop and material storage yard. Applicant is also requesting a variance to the front yard (setback) requirement for storage areas. The subject property is identified as PIN #6993-05-7655-000, contains approximate 2.504 acres, zoned Industrial-1, located on Meetze Road (Route 643), Cedar Run District.
- c. **Variance (#46318) - William F. and Jeanne H. Brown, owners** - applicants wish a variance to place an addition of approximately 384 square feet to an existing dwelling. The proposed addition will be 10.5 feet from the side yard, wherein the Zoning Ordinance requires 25 feet. The subject property is identified as PIN #7817-85-4575-000, contains approximately .8108 acre, zoned Rural Residential-2, located at 12800 Elk Run Road (Route 806), Lee District.
- d. **Variance (#46322) - Fauquier County Fair, Inc., owner** - applicant wishes a variance to the standard requiring a one-hundred (100) foot setback from adjoining properties for a proposed multi-purpose building. Applicants wish to locate the building seventy (70) feet from a side property line and 91.5 feet from the rear property line. The subject property is identified as PIN #6993-27-8197-000, contains approximately 10.0 acres, zoned Rural Agriculture, located on Old Auburn Road (route 670), Center District.
- e. **Variance (#46329) - Anthony Wells, owner** - applicant wishes a variance to the front yard requirement to allow an addition to be located 51.1 feet from the centerline of Halfway Road (Route 626), wherein the Zoning Ordinance requires 75 feet. The subject property is identified as PIN #6091-83-9928-000, contains approximately 5.03 acres, zoned Rural Agriculture, located on Halfway Road (Route 626) and Landmark Road (Route 679), Scott District.

The Commission made no comments.

NEW BALTIMORE SERVICE DISTRICT COMPREHENSIVE PLAN AMENDMENT

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

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

The Fauquier County Planning Commission reconvened its meeting on Thursday, September 28, 2000, for public hearings. 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. P.J. Gallagher, Clerk.

6. **CITIZENS TIME**

No citizens spoke, however, Mr. Robison stated that he has enjoyed working with his fellow Commissioners and staff and hopes to continue to serve.

7. **SPECIAL EXCEPTIONS**

a. **#SE00-L-18 - Jean Elizabeth Cheatham, owner, and S. W. Rodgers Company, Inc.,**

applicant - applicant wishes to obtain special exception approval under Category 17 of the Zoning Ordinance which would allow for a barricaded storage facility of explosive/

blasting agents. The property is zoned Rural Agriculture (RA), contains 324.09 acres, and is located on the west side of Marsh Road (Route 17) approximately 600 feet north of Route 28, Lee District. (PIN #6889-89-6214-000)

Mr. Robison informed citizens in attendance that the applicant has officially withdrawn the S.W. Rodgers company, Inc. special exception.

Mr. Guerra indicated that it is not often that we get a letter like this from an applicant. He stated that he will read the letter, since it is a very commendable action on the part of the corporation and for the community. Mr. Guerra read the letter, a copy of which is attached to and made a part of these official minutes. He further stated that there are many people who do not know what the Rodgers family has contributed to the County, those contributions have been enormous not only in land, but in time and money. He felt the action that they have taken shows complete unselfishness on their part, which means that they will forgo a reasonable site for the storage of explosives. He stated that the first thing we as Commissioners have to consider is that the property owner has certain rights to do whatever he can on his property, provided that he does not impact the neighbors nor the safety, health and morality of the community. Mr. Guerra commended the Rodgers family for the retraction of this application.

Mr. Roy Beckner, representing the company, stated that they wish to officially withdraw this application.

On motion made by Mr. Guerra and seconded by Mr. Robison it was moved to accept

the applicants request for withdrawal. The motion carried unanimously.

b. **#SE00-CR-19 - Vint Hill Economic Development Authority, owner/applicant -**

applicant wishes to obtain special exception approval under Category 29 of the Zoning Ordinance which would allow for a waiver of the public street requirement in proposed Land Bay F. the property is zoned PRD, and is located on Vint Hill Road (Route 215), Cedar Run District. (PIN #7915-75-9779-000 and #7915-88-7154-000)

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.

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

Mr. Rohrbaugh reviewed the revised conditions.

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

1. The private streets in the subdivision shall have direct access to one or more public streets, or to a street which has been bonded for construction and has been dedicated for public use.
2. The road plans shall be prepared in a manner which meets all applicable VDOT design standards.
3. The private streets and appurtenances to the private streets shall comply with all VDOT standards, with the sole exception that utilities may be installed in the rights-of-way.
4. The applicant shall conduct all inspections during construction in a manner and at intervals which satisfy VDOT standards necessary to permit roads to be accepted into the State system.
5. Following completion of construction, the private streets shall be maintained at all times in a condition adequate to satisfy VDOT standards, that exist at the time of construction, for public rights-of-way.
6. Fee Simple Title to the private streets in the 28.4 acres referred to as Land Bay F

shall be vested in a homeowner's association which shall have the legal authority to dedicate the street to the Virginia Department of Transportation.

7. The homeowner's association established by the applicant shall have the legal

authority and adequate legal enforcement mechanisms within its charter and covenants to provide for the perpetual maintenance of the streets. The homeowner's association will prohibit any encroachments in the rights-of-way and require removal of any encroachments constructed in the rights-of-way.

Mr. Sinclair stated that he agrees with Mr. Rohrbaugh and that this application should be expedited and moved forward.

The motion carried unanimously.

c. **#SE00-M-20 - Terry & Marcia Moffat, owners/applicants** - applicants wish to obtain

special exception renewal under Category 3 of the Zoning Ordinance which would allow for a bed and breakfast. The property is zoned Rural Agricultural (RA), contains 78.4551 acres, and is located at 11221 Crest Hill Road, Marshall District. (PIN #6937-32-5112-000)

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.

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

Mr. Green stated that he remembers the original application when he was on the Board of Supervisors. He offered that the applicants have done a good job, and that he has not heard anything bad about the operation. He indicated that this special exception request is an appropriate and good use for this property and that there will be minimal traffic impacts.

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

1. Special exception approval to operate a bed and breakfast shall be granted specifically for the parcel identified by PIN #6937-32-5112-000 and shall be limited to the existing main house, guest house, and garage apartment as indicated on the plat prepared by James G. Butler, Jr.
2. There shall be no more than five (5) guest rooms occupied at any one time.
3. The applicant shall maintain at all times occupancy permits for all dwellings and

guest units, Health Department approvals, and proof that State fire codes are met.

4. The applicant shall conform at all times to County Health Department regulations

regarding wastewater disposal facilities, wells and other pertinent bed and breakfast and restaurant regulations.

5. Prior to issuance of a zoning permit, the applicant shall obtain all necessary Health Department permits.

6. The exterior appearance of the buildings on the property shall not be altered from

that of a dwelling or normal residential accessory structure.

7. The entrance to the property shall meet all VDOT requirements.

8. A dustless surface waiver shall be granted with site plan approval.

9. The special exception shall expire five (5) years from the date of approval by the

Board of Supervisors, with administrative renewals by the Zoning Administrator after the five (5) year period.

The motion carried unanimously.

- d. **#SE00-CR-21 - Ross Industries, Inc., owners/applicants** - applicants wish to obtain

special exception approval under Category 20 of the Zoning Ordinance which would allow for a sewage disposal system over 1,200 gallons to be installed as a repair to the existing septic system. The property is zoned Industrial-1 (I-1), and is located on Midland Road (Route 610), Cedar Run District. (PIN #7900-61-8091-000)

Mr. Robison stated that the applicant has requested that the special exception be postponed until the October meeting. He stated that they are going to work with the Health Department to look at different options.

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. Rohrbaugh, it was moved to postpone the special exception, at the request of the applicant, until the October meeting. The motion carried unanimously.

- e. **#SE00-M-22 - FHP Marketing & Associates, Inc., owner/applicant** - applicant

wishes

to obtain special exception approval under Category 28 of the Zoning Ordinance which would allow for a waiver of the public street requirement. The property is zoned Rural Agriculture (RA), contains 20.78 acres, and is located on Crest Hill Road (Route 647), Marshall District. (PIN #6959-21-1972-000)

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 applicant has submitted a revised drawing, a copy of which is attached to and made a part of these official minutes.

Mr. Robison opened the public hearing.

Mr. Frank Payne, applicant, stated that he has been working on this for more than a year and that he feels that all conditions have been met. He stated that the potential buyers of the lots prefer a gravel road in lieu of a wide-hard paved road. He stated that the property is surrounded by residential development and that the property is not usable for any farming except pig farming. He stated that if this is approved they will still have to go through the subdivision approval process.

Mr. Sinclair stated that Fox Hunt Lane would not be used for access.

The following citizens spoke in opposition to the request:

- Kristen Ford, 9480 Fox Hunt Lane,
- Ann Hathaway, 4558 Achilles Lane,
- Tom Kelly, 4525 Achilles Lane,
- Tom Ford, 9480 Fox Hunt Lane, and
- Maggie Castalope.

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

Mr. Green thanked the people from Ada for coming out to the public hearing. He asked that the request be postponed and that a site visit be made. He further stated that there is a horrible erosion problem about a mile down the road where a new house is being built, and that the citizens concerns are valid. He stated that the main issue is a gravel road or a hardsurface road. He stated that this road will be bonded by the County to make sure there are no erosion problems.

On motion made by Mr. Green and seconded by Mr. Sinclair, it was moved to postpone the special exception request until the October meeting for further review and a site visit.

Mr. Green stated that the citizens can call or meet with him to discuss their concerns.

The motion carried unanimously.

There being no further business the meeting was adjourned at 7:45 P.M.

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