

RESOLUTION

A RESOLUTION TO APPROVE THE WHITE HOUSE COMPREHENSIVE PLAN AMENDMENT CPAM05-SC-010 TO CHANGE THE LAND USE DESIGNATION OF 2.3 ACRES OF LAND FROM LOW DENSITY RESIDENTIAL TO MIXED USE NEIGHBORHOOD IN THE NEW BALTIMORE SERVICE DISTRICT PLAN

WHEREAS, The Fauquier County Planning Commission initiated a Comprehensive Plan Amendment, CPAM05-SC-010, to allow for a change in the land use designation from Low Density Residential to Mixed Use Neighborhood on the two (2) properties identified by PINs 7916-14-9633-000 and 7916-14-9773-000; and

WHEREAS, the requested Comprehensive Plan Amendment would allow for the companion rezoning for 2.3 acres of land from R-1 to C-1 to allow for a mixed use development of low impact office/financial institution use; and

WHEREAS, on May 26, 2005, the Planning Commission held a public hearing on the application and voted to recommend approval of the Comprehensive Plan Amendment to the Board of Supervisors; and

WHEREAS, on July 14, 2005, the Fauquier County Board of Supervisors conducted a public hearing and considered the written and oral testimony; and

WHEREAS, the Fauquier County Board of Supervisors concurred with the judgment of the Planning Commission and finds that the Comprehensive Plan Amendment is warranted for this request; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 14th day of July 2005, That Comprehensive Plan Amendment CPAM05-SC-010, H. Joe Wiltse, Trustee, Owner/Applicant, be, and is hereby, approved.

ORDINANCE

AN ORDINANCE TO APPROVE REZONING REQUEST REZN05-SC-008, THE WHITE HOUSE

WHEREAS, H. Joe Wiltse, Trustee, Owner and Applicant, has initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone ± 2.3 acres of Residential (R-1) to Commercial-Neighborhood (C-1) to permit a mixed use development of low impact office/financial institution use; and

WHEREAS, on April 26, 2005, the Fauquier County Planning Commission held a public hearing on the rezoning request; and

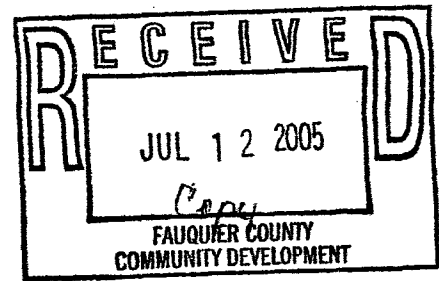
WHEREAS, on July 14, 2005, the Fauquier County Board of Supervisors held a public hearing on this rezoning request and considered both oral and written testimony; and

WHEREAS, the Fauquier County Board of Supervisors has determined that the proposed rezoning is in conformance with the Fauquier County Comprehensive Plan, as amended; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Comprehensive Plan; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 14th day of July 2005, That rezoning request REZN05-SC-008, The White House, to change the Zoning Map designation of ± 2.3 acres from Residential (R-1) to Commercial-Neighborhood (C-1), be, and is hereby, approved, subject to the White House Concept Development Plan prepared by Professional Land Consultants, LLC, and dated February 14, 2005, and the Proffer Statement dated May 26, 2005.

**PROFFER STATEMENT
H. JOE WILTSE, TRUSTEE
REZN 05-SC-008
April 12, 2005
Revised May 20, 2005
Revised May 26, 2005
Revised July 8, 2005**



This proffer statement is submitted pursuant to the authority of the Code of Virginia and the Fauquier County Zoning Ordinance (“Ordinance”) by the Owner and the Applicant of the area of real property containing approximately 2.33 acres (PIN #7916-14-9773-000 and PIN #7916-14-9633-000), Scott Magisterial District, Fauquier County, Virginia (“ the Property”) which is described and referenced in the referenced rezoning application and materials filed with Fauquier County. Further, the Owner and the Applicant, their successors and assigns hereby proffer that in the event that the Board of Supervisors of Fauquier County (“Board”) approves the subject application to rezone the Property from the R-1 District to the C-1 District the development of the Property will be in accord with the regulations of the C-1 District and the proffers contained herein.

In the event the above referenced rezoning is not granted as applied for by the applicant (“Applicant”), these proffers shall be deemed withdrawn and shall be null and void. Further, these proffers are contingent upon final rezoning of the Property with “final rezoning” defined as that rezoning which is in effect on the day following the last day upon which the Fauquier County Board of Supervisors (the “Board”) decision granting the rezoning may be contested, and the Applicant elects not to submit development plans until such contest is resolved, the term rezoning shall include the day following entry of a final court order affirming the decision of the Board which has not been appealed, or, if appealed, the day following which the decision has been affirmed on appeal. If this application is denied by the Board, but in the event an appeal is for any reason thereafter remanded to the Board for reconsideration by a court of competent jurisdiction, then these proffers shall be deemed withdrawn unless the Applicant shall affirmatively readopt all or any portion hereof, in writing specifically for that purpose. The heading of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. The improvements proffered herein shall be provided at the time of development of that portion of the Property adjacent to or including the improvement or other proffered requirement, unless otherwise specified herein.


The term “Applicant” as referenced herein shall include within its meaning all future owners and successors in interest. When use in these proffers, the “Concept Development Plan” shall refer to the plan entitled “Concept Development Plan,” prepared by Professional Land Consultants, LLC dated February 14, 2005 (the “CDP”).

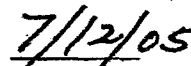
ARCHITECTURAL ELEVATIONS AND LANDSCAPING

1. The architectural appearance of the proposed commercial uses shall be consistent with the style, color and materials of "Colonial Architecture" including brick facades adjacent to Riley Road and Route 29 and gable roof lines.
2. A landscape plan shall be submitted with the Site Plan consistent with Fauquier County requirements. In addition, if approved by VDOT through its land use permit process, a ± 10 -foot landscape area shall be provided in the existing Riley Road right-of-way. Said landscaping shall be consistent with VDOT's requirements as promulgated in its "Guidelines For Planting Along Virginia's Roadways".
3. Applicant shall preserve existing vegetation to the extent possible, especially along the northeast property line. In addition, Applicant shall provide additional landscaping/plantings along its northeast property line in accordance with the County's side yard buffer planting requirements.

TRANSPORTATION

1. The Applicant shall provide access to the Property consistent with the two points of access as illustrated on the CDP. Further, Applicant shall close the existing Route 29 access prior to the issuance of a building permit for the Property.
2. At the time of Site Plan approval, Applicant shall demonstrate to the satisfaction of VDOT that the proposed commercial access, including turning movements, is consistent with applicable VDOT standards.
3. Within 90 days following approval of the final site plan for the Property, the Applicant shall contribute the sum of \$10,000 to Fauquier County for the installation of future a traffic signal at Route 676 and Route 29 intersection.


H. Joe Wiltse, Trustee
Property Owner/Applicant


Date

LAND USE

1. The proposed commercial design shall be in general conformance with the Concept Development Plan ("CDP"), provided that the Applicant may make design modifications as required during final engineering to address existing and future utility locations, access and entrance improvements, bulk zoning requirements, stormwater management requirements and other similar site requirements applicable at final engineering design.
2. The primary commercial use on the Property may include offices (professional and medical), financial institutional with a drive thru, support retail and other uses allowed by ordinance except those uses listed in the next sentence. The following commercial uses shall be prohibited on the subject property:
 - a. Residential uses
 - b. Eating Establishment
 - c. Eating Establishment, Fast Food
 - d. Convenience Store
 - e. Nursery Greenhouse
 - f. Bus or Rail Terminal
 - g. Interment uses
 - h. Auction Establishment
 - i. Indoor Theater
 - j. Frozen Food Locker
 - k. Service Station
 - l. Auto repair garage
 - m. Car wash
 - n. Motor vehicle impoundment yard
 - o. Automobile sales
 - p. Broadcasting studio
 - q. Recreational vehicle storage area
 - r. Kennel/animal shelter
 - s. Funeral home
 - t. Recycle Center

