

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JUNE 15, 2017**

**Work Session
10:00 a.m.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, June 15, 2017, beginning at 10:00 a.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Ken Alm and Mr. Matthew Smith. Also present were Ms. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Andrew Hopewell, Mr. Adam Shellenberger, Mr. Rob Walton, Ms. Wendy Wheatcraft, Ms. Marie Pham, Ms. Heather Jenkins and Mr. Myles Busching.

SPECIAL EXCEPTION/SPECIAL PERMIT – SPEX-17-007004 AND SPPT-17-007005 – WILLARD T. MASON (OWNER/APPLICANT) – DAWGWOOD FARM SHEEPDOG TRIALS AND TRAINING

Mr. Myles Busching reviewed the application.

COMPREHENSIVE PLAN AMENDMENT – COMA-17-006406 – L. HENRY & MADGE M. EICHER (OWNERS/APPLICANTS) – EICHER PROPERTY

Mr. Andrew Hopewell reviewed the proposed amendment.

ZONING ORDINANCE TEXT AMENDMENT – Initiation of a Zoning Ordinance Text Amendment to Article 6 to Revise the Setback Requirement for Accessory Structures.

Mr. Rob Walton reviewed the proposed amendment.

APPROVAL OF MINUTES – MAY 17, 2017 & MAY 18, 2017

Planning Commission members discussed the minutes.

POSTPONED – PRELIMINARY PLAT – PREP-17-006901 – CEDAR GROVE LTD LIABILITY CO (OWNER/APPLICANT) – CEDAR GROVE SUBDIVISION

POSTPONED – COMPREHENSIVE PLAN AMENDMENT – COMA-17-006643 – A
Comprehensive Plan Amendment to Chapter 6 – Opal Service District.

PRIVATE STREET POLICY

Ms. Marie Pham led the discussion.

MARSHALL CODE

Ms. Kimberley Johnson, Ms. Wendy Wheatcraft and Mr. Adam Shellenberger summarized the revisions to the historic district standards and boundaries, general design of the code, and Marshall Review Board.

COMMISSIONERS' TIME

No topics were discussed.

The meeting was adjourned at 12:30 p.m.

<p><i>Regular Meeting 6:30 p.m. Warren Green Meeting Room 10 Hotel Street, Warrenton, Virginia</i></p>
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The Fauquier County Planning Commission held its regular meeting on Thursday, June 15, 2017, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Bob Lee, Mr. Ken Alm, and Mr. Matthew Smith. Also present were Supervisor Chris Butler, Supervisor Mary Lee McDaniel, Ms. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Andrew Hopewell, Mr. Rob Walton, Mr. Adam Shellenberger and Mr. Myles Busching.

1. APPROVAL OF MINUTES – May 17, 2017 and May 18, 2017

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to approve the May 17, 2017 & May 18, 2017 minutes.

The motion carried unanimously.

2. **PRELIMINARY PLAT – PREP-17-006901 – CEDAR GROVE LTD LIABILITY CO (OWNER/APPLICANT) – CEDAR GROVE SUBDIVISION** application to subdivide approximately 15.07 acres into 45 lots. The property is located south of the intersection of Emerald Lane and Littlepage Lane, north of the I-66 westbound lane, Marshall District. (PIN 6969-308870-000, a portion of) (Heather Jenkins, Staff)
3. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Article 6 to Revise the Setback Requirement for Accessory Structures. (Rob Walton, Staff)

Ms. Kimberley Johnson reviewed the initiation, a copy of which is attached to and made part of these official minutes.

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Ms. Adrienne Garreau and seconded by Mr. John Meadows, it was moved to initiate this item.

The motion carried unanimously.

Public Hearings
6:30 p.m.
Warren Green Meeting Room, First Floor, 10 Hotel Street
Warrenton, Virginia

On motion made by Ms. Adrienne Garreau and seconded by Mr. Bob Lee, it was moved to amend the order of the public hearing agenda by moving item #3, Marshall Code, to the end of the agenda.

The motion carried unanimously.

1. **CITIZENS' TIME**

No one spoke.

2. **ANNOUNCEMENTS**

None.

3. **SPECIAL EXCEPTION/SPECIAL PERMIT – SPEX-17-007004 AND SPPT-17-007005 – WILLARD T. MASON (OWNER/APPLICANT) – DAWGWOOD FARM SHEEPDOG TRIALS AND TRAINING** – An application for a Category 9 Special Exception to allow Class C events for sheepdog trials and a Category 13 Special Permit to operate a training kennel. The property is located at 12830 Blackwells Mill Road, Cedar Run District. (PIN 7836-28-7984-000) (Myles Busching, Staff)

Mr. Myles Busching reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Adrienne Garreau opened the public hearing.

Mr. Michael Getz, Cedar Run District resident, spoke in support and stated that he and his wife enjoy attending the herding events and bring their dogs. Mr. Getz added that he has not experienced traffic issues at the farm.

Merle Fallon, Esq., representative for adjoining property owners Kevin and Kimberley Gough, explained that access to his clients' property is through an easement on the applicant's property and there is ongoing litigation between them. He suggested conditions that would limit parking to designated areas shown on a site plan and for the applicant to construct turnouts on the existing road that would allow two vehicles to safely pass each other.

Mr. Willard Mason, applicant, explained that he has raised, trained and trialed border collies for thirty two years and is one of the top ten handlers in the U.S. He stated that his passion is for keeping the herding and farmer experience alive, and that this is the only event of its kind in Fauquier County. Mr. Mason said he is pleased with the conditions recommended by staff and asked for favorable consideration of his request. He added that one trial a year benefits the Mary Babb Randolph Cancer Center.

Mr. Michael Schlosser, adjoining property owner, spoke in favor of the application and noted that he has been neighbors with the applicant for thirteen years and has never had an issue with the shared easement or with the events.

Mr. Kevin Gough, nearby property owner, spoke in opposition due to the lack of drainage at the entrance of the shared easement and issues with getting in and out of the driveway due to vehicles blocking the way. Mr. Gough indicated the right-of-way is in poor condition and needs improvements.

Ms. Judy Moran, Cedar Run District resident and Secretary for Dawgwood Farm, voiced her support for the trials and emphasized the importance of carrying on the tradition in Fauquier County. Ms. Moran also expressed concern for Mr. Gough's heavy trucks and their impacts to the shared easement.

Mr. David Jenkins, adjoining property owner, spoke in favor of the application and indicated that he helps to mow the property and has had no issues with traffic or vehicles blocking the

easement. Mr. Jenkins stated that five training sessions a week is too restrictive and they should be allowed more. In closing, he said that he does not hear or see the events from his property.

Ms. Susan Kelly, Caroline County resident, stated that she regularly attends the events and visits the farm once a week because her cows are kept there. Ms. Kelly noted that she has not experienced issues with parking, only with Mr. Gough driving too fast down the gravel road. She commended the applicant for responsible dog ownership and stewardship and added that these events bring money to the County.

Mr. Kory Gough, nearby resident, stated that people park in the right-of-way and commented that heavy trucks and big equipment are used on all farms.

Mr. David Apken, Fairfax County resident, voiced his support for the application and stated that he is Mr. Mason's original student. He is there once a week and indicated that other easement users speed and take up the road. Mr. Apken pointed out that these events raise money for charity.

Mr. David Gould, Marshall District resident, said that he is a friend of a neighbor and has driven the shared easement on many occasions. He has only seen cars parked off the roadway and that it was always in good condition without signs that vehicles repeatedly had to pull off the roadway.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

Mr. Matthew Smith stated he would like to revise Condition #2 to not allow parking within the easement during events.

Mr. John Meadows suggested revising the condition to read that all parking is to take place in the designated parking areas and not in the easement.

On motion made by Mr. Matthew Smith and seconded by Mr. John Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of approval, subject to the following revised conditions:

**DAWGWOOD FARM SHEEPDOG TRIALS AND TRAINING
SPEX-17-007005 & SPPT-17-007005**

1. The site shall be in general conformance with the information and drawings submitted with the Special Exception application, except as specifically modified by the conditions below or necessary to meet Zoning Ordinance requirements.
2. All parking areas shall be marked prior to each event and located a minimum of fifty (50) feet from any property line. **Parking shall be limited to the designated areas, and no parking shall occur within the ingress/egress easement.**

3. In accordance with Fauquier County Zoning Ordinance Section 5-916.6, the Zoning Administrator shall be notified no less than thirty (30) days prior to any Class C event. The notice shall include the date, time, and type of event. Copies of any required permits or licenses from the Sheriff's Office, VDOT, Emergency Services and the Health Department must be included. Should the existing Zoning Ordinance be amended in the future, this provision shall conform to the amended Zoning Ordinance.
4. A maximum of four (4) one-day events shall be permitted each year.
5. A maximum of twenty (20) attendees shall be allowed on-site for each event.
6. All sheepdog trials and training shall be limited to the hours between 8:00 a.m. and 3:00 p.m. Arrivals and departures shall be permitted up to thirty (30) minutes before and after all events.
7. A maximum of five (5) customers shall be allowed on-site for non-event training each week.
8. A minimum of one (1) portable toilet shall be provided on-site for each trial event. All portable toilets shall be properly permitted by the Health Department.
9. Animal waste shall be collected and transported from the site for deposit in an authorized facility at least once per week.
10. All necessary permits shall be obtained for the ponds on the property with the Site Plan.
11. The kennel shall be limited to training uses. No commercial boarding, breeding, or grooming is permitted.

The motion carried unanimously.

4. **COMPREHENSIVE PLAN AMENDMENT – COMA-17-006406 – L. HENRY & MADGE M. EICHER (OWNERS/APPLICANTS) – EICHER PROPERTY** – A Comprehensive Plan Amendment to Chapter 6 – Opal Service District to modify the Opal Service District boundary to include an 86.5025-acre parcel. The property is located at 7328 Opal Road, Marshall District. (PIN 6971-92-5158-000) (Andrew Hopewell, Staff)

Mr. Andrew Hopewell reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Ms. Adrienne Garreau opened the public hearing.

John Foote, Esq., applicants' representative, pointed out that there are many properties zoned Light Industrial that have not been developed due to the lack of water, which in turn has diminished their value. The applicants' property was recommended by the Opal Steering

Committee to be added to the Service District twice and both times they were denied because there was not enough water. Mr. Foote indicated that the circumstances have changed in that there is now a well located on this property that will benefit the Opal Service District; therefore, it should be included within the boundary. He respectfully requested a recommendation of approval.

Ms. Angela Castaldy, Edgehill Subdivision resident, spoke in opposition and stated that she was also speaking on behalf of another Edgehill resident, Mr. Mark Nary. She expressed concern for this property being designated as Light Industrial and the impacts it may have on the adjacent subdivision. Ms. Castaldy noted that there are many vacant unkempt properties within the Opal Service District at this time and asked for a recommendation of denial.

Ms. Carol Arnold, Lee District resident, voiced her opposition and said she does not support the inclusion of this parcel into the Opal Service District. Ms. Arnold pointed out that this request has been denied before for a reason. She raised concern for the dangerous intersection of Lees Mill Road and Opal Road, as well as concern for locating industrial zones adjacent to residential areas.

Mr. Ken Monteleone, Marshall District resident, indicated that portions of the property have been identified as environmental and cultural resources with wetlands and moderate to high shrink swell soils. Mr. Monteleone stated that there is no infrastructure in place to support Light Industrial uses and no proposed plan. In addition, he expressed concern for future impacts it may have on the nearby residential area.

Mr. Geoff McGarrigle, Edgehill Subdivision resident, spoke in opposition and explained that after retiring, he moved to Opal with his family for the rural nature of the area. He expressed concern for the impacts to surrounding property values and their quality of life if the wildlife is replaced with unknown Light Industrial uses.

Mr. Vernon Bortz, Edgehill Subdivision resident, spoke against the application and stated that after talking with the Water and Sanitation Authority (WSA), it is still unclear if the well is coming. He noted that the applicants' already have a parcel zoned Light Industrial located within the Opal Service District that WSA wants to purchase and that the zoning of the subject parcel does not have to change for the well to provide water. Mr. Bortz commented that a Traffic Impact Analysis should be conducted to identify impacts to the neighboring residents.

Mr. Douglas Monteleone, Marshall District and nearby resident, agreed with previous speakers in opposition and shared his concerns for traffic flow and groundwater impacts to his well.

Mr. Stephen Pearson, Edgehill Subdivision resident, spoke in opposition of including this property into the service district which is located thirty feet from his back door and concurred with previous speakers in regards to water impacts, traffic on Opal Road and industrial uses next door. Mr. Pearson expressed his appreciation for the staff report and its recommendation for denial.

Mr. Kristopher McCandless, adjacent property owner, explained that he just moved into his home which is completely surrounded by the applicants' property. As a geologist and adjacent landowner, he expressed his concerns about the well capture, what uses Light Industrial zoning allows and if the pond would remain.

In that there were no further speakers, Ms. Adrienne Garreau closed the public hearing.

On motion made by Mr. Bob Lee and seconded by Mr. Ken Alm, it was moved to forward this item to the Board of Supervisors with a recommendation of denial.

Mr. John Meadows provided a brief history of the Opal Steering Committee's support in the past for including this property into the Opal Service District and stated that he could not support the motion.

The motion carried 4 – 1, as follows:

AYES: Ms. Adrienne Garreau, Mr. Bob Lee, Mr. Ken Alm and Mr. Matthew Smith

NAYS: Mr. John Meadows

ABSTENTION: None

ABSENT: None

5. **ZONING ORDINANCE TEXT AMENDMENT – TEXT-17-006626 – MARSHALL CODE**
– A Zoning Ordinance Text Amendment to Articles 3 and 4 to create new Zoning districts and a Marshall Historic and Corridor District; and a Zoning map amendment to apply the new Zoning districts and Historic and Corridor District to portions of the Marshall Service District. (Kim Johnson, Staff)

Ms. Kimberley Johnson provided a brief summary of the Marshall Code and indicated that a revised draft will be prepared based on the feedback received from the public hearings in time for the July meeting.

Ms. Adrienne Garreau opened the public hearing.

Merle Fallon, Esq., Cedar Run District resident, mentioned that there has not been discussion about what an applicant will have to go through prior to when the Marshall Review Board process starts. He indicated that this creates a front-end loaded expense of architectural and other obligations on the applicant to prepare a submission to the board. Mr. Fallon added that the Marshall Review Board makes it speculative.

Mr. Josepi Dilisi, Marshall property owner, said that he remains confused after conflicting discussions on whether fifteen parking spaces may be removed from his business, Joe's Pizza,

due to proposed alleyways. Ms. Kimberley Johnson assured him this is not the case. Mr. Dilisi remarked that his business has become a commuter parking lot for the new businesses in town. He is not sure if he supports the proposed code and does not completely understand it. He concluded that business owners should have a say in what happens to their property and less government and politics is better for our town.

Ms. Linda Suter, Delaplane resident, expressed continued concern for implementing a Marshall Review Board and the possibility that it would become more restrictive over time. She provided examples of current trends in other states that remove the review boards and give power back to property owners. Ms. Suter added that Marshall is beautiful without a review board.

Ms. Mary Wilkerson, Delaplane resident and Marshall business owner, explained that she has been a member of the Marshall Business and Residents Association (MBRA) since 2008 and a board member since 2010. She continued that one or two members were involved in creating the Form Based Code (FBC), but the MBRA was not briefed during the process, nor did it vote on the FBC. Ms. Wilkerson stated that some citizens have not come out to speak because of concern for repercussions on their businesses. She concluded that people do not want the FBC as another layer of bureaucracy; they want direct zoning. The FBC actually allows urban like features and Marshall is not Middleburg and will disproportionately disadvantage lower-middle class longtime residents.

Mr. G. Richard Thompson, Marshall property owner, stated that he fundamentally supports the Marshall Code, it is needed in the C-2 zoning, but is opposed to the Historic District and Marshall Review Board. He indicated that what is being proposed is not the best to preserve the character of Marshall and raised concern that it will bring about divisions within the community.

Mr. Joe Sarsour, Marshall property owner, spoke in opposition of the proposed Historic District and voiced concern about the restrictions it would place on his three properties with road frontage on Main Street.

In that there were no further speakers, Ms. Adrienne Garreau adjourned the public hearing.

Mr. Bob Lee commented that in his thirty eight years of direct local government, he has never witnessed as complete and sincere public outreach as this project has brought about. Staff will continue to include the community and as a work in progress, the elements will change, but at some point there will be closure. He stated that the public hearing will remain open in hopes that next month we will have a document to move forward to the Board of Supervisors.

On motion made by Mr. Bob Lee and seconded by Ms. Adrienne Garreau, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

6. **COMPREHENSIVE PLAN AMENDMENT – COMA-17-006643** – A Comprehensive Plan Amendment to Chapter 6 – Opal Service District. Fauquier County seeks to review this service district to ascertain whether it should be amended to contain updated information and planning related to PIN 6981-45-6906-000. (Andrew Hopewell, Staff)

Ms. Adrienne Garreau opened the public hearing.

In that there were no speakers, Ms. Adrienne Garreau adjourned the public hearing.

On motion made by Mr. John Meadows and seconded by Mr. Ken Alm, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:13 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Third Floor, Warrenton, Virginia, for a period of one year.

***THE AGENDA MAY BE MODIFIED ON ADOPTION BY THE PLANNING
COMMISSION IN THE FORM OF ADDITIONS, DELETIONS OR REVISIONS***