

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
AUGUST 15, 2019**

**Work Session
9:00 a.m.
Warren Green Meeting Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, August 15, 2019, beginning at 9:00 a.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Bob Lee, Mr. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Ms. Holly Meade, Mr. Adam Shellenberger and Ms. Heather Jenkins.

SPECIAL EXCEPTION – SPEX-19-011329 – MICHAEL A. & OLIVIA A. MINNO (OWNERS/APPLICANTS) – MIKE'S REPAIR SERVICE

Mr. Adam Shellenberger reviewed the application.

APPROVAL OF MINUTES – JULY 18, 2019 AND AUGUST 14, 2019

Planning Commission members discussed the minutes.

BOARD OF ZONING APPEALS AGENDA

Holly Meade stated that the meeting will likely be cancelled.

THE LODGE AT BARREL OAK

Mr. Adam Shellenberger provided an update and reviewed the timeline for the application.

ZONING ORDINANCE TEXT AMENDMENT TO DEVELOP STANDARDS AND DEFINITIONS FOR SOLAR FACILITIES

Ms. Holly Meade led the discussion.

ZONING ORDINANCE TEXT AMENDMENT TO REVISE ORDINANCES RELATED TO NON-AGRICULTURAL FILL MATERIAL

Ms. Heather Jenkins led the discussion.

COMMISSIONERS' TIME

Ms. Holly Meade made the following announcements:

- The upcoming agenda items scheduled for September's Planning Commission meeting would likely include a Plan of Development for Vint Hill Land Bay K, a Special Exception for Silverback Ranch, and a Preliminary Plat Amendment for Cunningham Farm.
- The upcoming agenda items scheduled for October's Planning Commission meeting would likely include a Text Amendment to allow the Vint Hill Barracks to be redeveloped, Special Exceptions for the Lodge at Barrel Oak, and Rezonings for the Pelham Property and Broad Run Estates.
- Staff will no longer be providing the Staff Recommendation section of the staff report.

Mr. Bob Lee noted that he wants the staff recommendation to remain and also suggested that the Commission members do more site visits.

Ms. Tracy Gallehr reminded the Commission members that they can go on their own for site visits.

Mr. Matthew Smith indicated that he is okay with no staff recommendation in the staff reports.

In that there was no further business, the meeting was adjourned at 10:30 a.m.

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

The Fauquier County Planning Commission held its Regular Meeting on Thursday, August 15, 2019, beginning at 6:30 p.m., in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. John Meadows, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Bob Lee, Mr. Matthew Smith and Ms. Diane Roteman. Also present were Ms. Tracy Gallehr, Ms. Holly Meade and Mr. Adam Shellenberger.

1. **ADOPTION OF THE AGENDA**

Planning Commission members unanimously voted to adopt the agenda.

2. **CITIZENS' TIME**

Mr. John Meadows opened Citizens' Time.

Ms. Jennifer Rainwater, Cedar Run District and Brent Town Road resident, spoke in regards to the agricultural fill problem throughout the County and offered resources that may help with the Non-Agricultural Fill Material Text Amendment. Ms. Rainwater explained that she and her neighbor, Ms. Hupp, are long standing residents of Fauquier who have been affected in many ways by this issue. She further explained that they both back up to one of these violations that are using the guise of agricultural fill as a land fill. The erosion of their property and flooding it has caused has been significant. There are 56 acres of water that flows to her five acres which cannot handle it. She has lost 1½ acres of pasture for her horses due to the flooding, downed trees, and wetlands. In addition, she stated that truck drivers use the easement she owns to access the property in violation and at times they have followed and "cat called" her 24 year old daughter. Ms. Rainwater noted that she and her neighbors have hundreds of photos showing the violations and two years of data with truck numbers and loads. She strongly emphasized that they need help and said they have been told it is a civil matter, which they cannot afford to fight. Ms. Rainwater and her neighbors have extended an open ended invitation to visit the properties. Lastly, she indicated that her husband owns a construction debris landfill and with 41 years in business, they know what landfilling is and have offered expertise on regulation and laws. She explained that it is a \$10,000 fine for her business if they violate erosion control and runoff regulations, but this violator gets \$100 fines and has made over \$5 million. Ms. Rainwater again offered to assist the County with regulations and wording of guidelines.

Ms. Patricia Hupp, Cedar Run District and Aquia Road resident, indicated that she owns 140 acres which adjoin the prior referenced property in violation. She made the suggestion that a landfill could be a good income stream for the County. Ms. Hupp said that the violator made \$5 million dollars, did not pay taxes, destroyed their roads and made them very dangerous. Brent Town Road is a bike path and hundreds upon hundreds of dump trucks come every day. Because there is no permit, no one is able to regulate it. She said a few days ago she saw tractor trailer sized dump trucks. These activities take place at midnight and 5:30 am, and the offender set off small bombs to retaliate against the neighbors. Ms. Hupp described the water coming onto Ms. Rainwater's property is like the Colorado River with amazing velocity. The adjacent property is now 25 feet higher than when they started and there is no grading plan. She further explained that the previous owner sold the property to his partner, basically changing the ownership name in order to bypass previous rules. The new owner has said he is not obtaining any permits so no one can get onto the property and will run his well off of a generator. Ms. Hupp stated that they have no peace and enjoyment of the property anymore and she has to power wash her home 3 times a year due to the dust and burning. She stressed the need for help.

Mr. Brian Roeder, Marshall District resident and owner of Barrel Oak Winery, thanked the Commission members for their recent site visit to the property in response to his applications filed for the Lodge at Barrel Oak. He provided the following clarifications to the work session discussion: he is proposing 146 parking spaces; the connector road will remain gravel and continue to be used solely for the working farm – not guests; golf carts will be used to move

people around; a boundary line adjustment will be filed to address the parking area; and the grapes will be sold to another winery.

In that there were no further speakers, Mr. John Meadows closed Citizens' Time.

3. **APPROVAL OF MINUTES** – July 18, 2019 and August 14, 2019

On motion made by Ms. Adrienne Garreau and seconded by Ms. Diane Roteman, it was moved to approve the July 18, 2019 and August 14, 2019 minutes.

The motion carried unanimously.

4. **BOARD OF ZONING APPEALS AGENDA**

Mr. John Meadows stated that the meeting was cancelled.

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

1. **ANNOUNCEMENTS**

None.

2. **SPECIAL EXCEPTION – SPEX-19-011329 – MICHAEL A. & OLIVIA A. MINNO (OWNERS/APPLICANTS) – MIKE'S REPAIR SERVICE** – An application for a Category 32 Special Exception, to allow an auto repair garage as a long-standing use. The property is located at 12336 Tacketts Mill Road, Cedar Run District. (PIN 7847-95-9372-000) (Adam Shellenberger, Staff)

Mr. Adam Shellenberger reviewed the staff report.

Mr. John Meadows opened the public hearing.

Mr. Rob Ritchie, Applicant's representative, stated he agreed with the staff report. He noted that the Applicant is a good neighbor, pays his taxes and clarified from the work session discussion that the business has a small sized real estate style sign.

Mr. Robert Gibbons, Stafford County resident and Board of Zoning Appeals member, spoke in support and stated that Stafford has never had a complaint about the Applicant.

Mr. Brian Crisler, Stafford County resident, spoke in favor and commented that everyone in the neighborhood respects the applicant. He added that the business does excellent work.

Mr. Dwane Long, Stafford County resident, spoke in support and explained that he met the Applicant who was helping someone in the dark with a flat tire at the end of his driveway. He echoed that the Applicant is a good neighbor.

Mr. Jeffrey Rose, Fauquier County resident, spoke in favor and commented that he has known the Applicant for 30 years. He stated that the Applicant is a respectable man who goes out of his way to help people.

In that there were no further speakers, Mr. John Meadows closed the public hearing.

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

**MIKE'S REPAIR SERVICE
SPEX-19-011329**

1. The Special Exception is granted for PIN 7847-95-9372-000, runs with the land as indicated in the application, and shall not be transferable to other land.
2. The use 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.
3. The use shall be subject to the standards set forth in Section 10-101 of the Zoning Ordinance for non-conforming uses.
4. All applicable business licenses shall be obtained and maintained.
5. Hours of operation shall generally be between 8:30 a.m. and 6:00 p.m. Monday through Friday.
6. No more than twenty (20) vehicles associated with the use shall be stored on the property.
7. Vehicle storage shall only be in the areas indicated on the Special Exception Exhibit, and shall be substantially screened from view of all neighboring properties.
8. The Applicants shall obtain all necessary permits from the Fauquier County Health Department/Virginia Department of Health for the well and drainfield facilities.

9. Petroleum based products, paints, solvents and all non-biodegradable liquids shall be properly disposed of off-site.
10. The Applicants shall obtain all necessary building and zoning permits.
11. All signage shall be properly permitted and conform to the provisions of Section 8-601.3 of the Fauquier County Zoning Ordinance.
12. A Site Plan shall be required for the use.
13. This Special Exception shall be issued for a period of five (5) years.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 6:50 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**