

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
March 27, 2014**

<p>Work Session 1:30 p.m. Warren Green Building, Second Floor Conference Room 10 Hotel Street, Warrenton, Virginia</p>

The Fauquier County Planning Commission held a Work Session on Thursday, March 27, 2014, beginning at 1:30 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Bob Lee, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Ken Alm, Secretary; Mr. John Meadows and Mr. Dell Ennis. Also present were Ms. Mary Catherine Sheridan, Ms. Kimberley Fogle, Ms. Holly Meade, Mr. Chuck Floyd, and Mr. Adam Shellenberger.

BELVOIR STATION, LLC – SPECIAL EXCEPTIONS & SPECIAL PERMITS

Ms. Holly Meade introduced the application.

PRELIMINARY PLAT – PPLT14-SC-003 – FERNGATE INVESTMENTS, LLC (OWNER/APPLICANT) – FERNGATE INVESTMENTS, LLC SUBDIVISION

Mr. Chuck Floyd reviewed the application.

REZONING – REZN12-CR-001 – WARRENTON MANAGEMENT ASSOCIATES, INC. & THE DREW CORPORATION (OWNERS)/WALTER A. HITCHCOCK, JR. (APPLICANT) – MILLFIELD PHASES IV, V, & VI

Ms. Holly Meade provided an update on the application.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to modify the approval requirements, standards and definitions for travel trailer parks to permit the use in the Rural Agriculture (RA) Zoning District.

Mr. Chuck Floyd reviewed the proposed amendment.

INITIATION OF A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 15-300 TO AMEND THE DEFINITION OF “FIRING RANGE, SKEET OR TRAPSHOOTING”

Mr. Chuck Floyd reviewed the proposed initiation.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Article 4 to allow College/University as a use in the Planned Commercial Industrial Development (PCID) District.

Mr. Chuck Floyd reviewed the proposed amendment.

SPECIAL EXCEPTION AMENDMENT – SEAM14-LE-006 – OLD DOMINION ELECTRIC COOPERATIVE (OWNER)/NEIL SELBY (APPLICANT) – SHADY GROVE KENNEL & HUNTING PRESERVE

Mr. Adam Shellenberger reviewed the application.

APPROVAL OF MINUTES – FEBRUARY 27, 2014

Planning Commissioners discussed the minutes.

BOARD OF ZONING APPEALS AGENDA

Planning Commissioners discussed the agenda.

TRANSPORTATION COMMITTEE AGENDA

Planning Commissioners discussed the agenda.

PRELIMINARY PLAT – PPLT14-MA-002 – GROVE LANE, LLC (OWNER/APPLICANT) – CUNNINGHAM PROPERTY

Mr. Chuck Floyd reviewed the application.

SPECIAL EXCEPTION – SPEX14-MA-015 – GROVE LANE, LLC & MIDDLEBURG HUMANE FOUNDATION (OWNERS)/GROVE LANE, LLC (APPLICANT) – CUNNINGHAM FARM SUBDIVISION

Mr. Chuck Floyd reviewed the application.

The meeting was adjourned at 5:00 p.m.

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

The Fauquier County Planning Commission held its regular meeting on Thursday, March 27, 2014, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Bob Lee, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Ken Alm, Secretary; Mr. John Meadows and Mr. Dell Ennis. Also present were Ms. Mary Catherine Sheridan, Ms. Kimberley Fogle, Ms. Holly Meade, Mr. Chuck Floyd, and Mr. Adam Shellenberger.

1. **APPROVAL OF MINUTES** – February 27, 2014

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to approve the February 27, 2014 minutes.

The motion carried unanimously.

2. **PRELIMINARY PLAT – PPLT14-MA-002 – GROVE LANE, LLC (OWNER/APPLICANT) – CUNNINGHAM PROPERTY** – An application to subdivide approximately 115.16 acres into one hundred fifty-four (154) lots. The property is located at 4549 Grove Lane, Marshall District. (PIN 6969-39-3028-000) (Chuck Floyd, Staff)

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

On motion made by Mr. Lee and seconded by Mr. Ennis, it was moved to postpone action on this item for thirty days.

The motion carried unanimously.

3. **PRELIMINARY PLAT – PPLT14-SC-003 – FERNGATE INVESTMENTS, LLC (OWNER/APPLICANT) – FERNGATE INVESTMENTS, LLC SUBDIVISION** – An application to subdivide approximately 9.53900 acres into four (4) lots. The property is located on the south side of Old Bust Head Road, Scott District. (PIN 6996-86-8312-000) (Chuck Floyd, Staff)

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

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to approve this item, subject to the following revised conditions:

**FERNGATE INVESTMENTS, LLC SUBDIVISION
PPLT14-SC-003**

1. The Final Plat shall be in general conformance with the “Preliminary/Final Construction Plan Showing Proposed Land Division on the Property of Ferngate Investments, LLC” dated October 22, 2013, last revised on March 3, 2014, except as noted in the following conditions.
- ~~2. Six thousand (\$6,000) dollars per lot for a total of \$24,000 shall be provided prior to the issuance of a building permit for each lot for future trail construction.~~
2. **All lots shall be deed restricted prohibiting the future subdivision of the lots. The deed restriction shall be recorded with the Final Plat for the Subdivision.**
3. At time of Building Permit application, the individual lot owner is responsible for preparing an Erosion and Sediment Control Plan for review or applying for an Agreement-in-Lieu-of-a-Plan at the discretion of the County prior to any land disturbing activities beyond what is shown on the Approved Final Constructions Plan. Adequate channel calculations shall be provided at that time demonstrating compliance with all requirements with the following provided:
 - a. Channel cross-sections and computations shall be provided for the four outfalls, including velocity and depth of flow computations.
 - b. Cross-sections and computations in accordance with MS-19 and TB-1 to be a minimum of 50' apart for a distance of 150' and wherever the channel changes characteristics (for Sections A-A and B-B) shall be provided.
4. A Tree Canopy Preservation Easement shall be recorded prior to or concurrently with the Final Plat. The easement shall ensure protection of the existing and proposed trees used toward the Zoning Ordinance tree canopy and street tree requirements.
5. A combined entrance shall be required for all four (4) lots and shall be approved by VDOT prior to approval of the building permits for each lot.

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** - Initiation Of A Zoning Ordinance Text Amendment To Section 15-300 To Amend The Definition Of “Firing Range, Skeet Or Trapshooting” (Chuck A. Floyd, Staff)

Mr. Chuck Floyd reviewed the staff report, 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 Mr. Ennis and seconded by Mr. Meadows, it was moved to initiate this item.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

No comment.

6. **TRANSPORTATION COMMITTEE AGENDA**

Ms. Adrienne Garreau announced that the Transportation Committee has recommended to the Board of Supervisors that three (3) unpaved roads, Lunsford Road, Green Meadows Road and Wheatley School Road, be included in the Secondary Six-Year Plan.

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

1. **ANNOUNCEMENTS**

None.

2. **CITIZENS' TIME**

No one spoke.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Articles 3, 5 and 15 to modify the approval requirements, standards and definitions for travel trailer parks to permit the use in the Rural Agriculture (RA) Zoning District. (Chuck Floyd, Staff)

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

Mr. Lee opened the public hearing.

Mr. Joe Wiltse, Scott District, spoke in favor of approving this amendment and commented that his concerns have been resolved. He expressed his appreciation for the effort from staff and the Planning Commission in developing this amendment and strongly urged that it is forwarded to the Board of Supervisors with a recommendation of approval.

Ms. Julie Bolthouse, Piedmont Environmental Council, spoke in opposition of approving a text amendment designed to meet the needs of one applicant. She contended that it would cause the Zoning Ordinance to become unclear, lead to unintended consequences, and cause confusion in the future without the intent and reasoning. Ms. Bolthouse requested a recommendation of denial and shared further concerns for the lack of county-wide impact analysis of utility services such as water, and the inclusion of the use of permanent cabins.

Dr. Kitty Smith, Marshall District, commented that this text amendment seems to be narrowed down to one property. Dr. Smith stated that she supports the concept only allowing this use on arterial collector roads, but the County has not looked at the impacts this use will have on the water supplies and sewer services within the service districts.

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

Ms. Garreau explained that she is troubled by the ordinance and does not agree with allowing C-2 uses in rural areas outside of the service districts. Ms. Garreau expressed that she would prefer the Board of Supervisors consider a rezoning of the applicant's property.

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

Mr. Ennis voiced his confusion regarding the lack of support from Commissioner Garreau when she and many others worked on revising the ordinance's language.

Mr. Meadows agreed with the comments from Mr. Ennis and indicated he does not support the motion.

Mr. Alm stated that because this applies to the whole county, he does not support the amendment. He added that if the Board of Supervisors votes on it, he prefers they use this latest version.

Mr. Lee commented that there is likely a need for this type of use in the County and the Board of Supervisors must not have thought a rezoning would be appropriate since they initiated the text amendment. Mr. Lee said he does not support the motion and if it fails, he would prefer that the text amendment move forward as revised.

The motion failed 2-3, as follows:

AYES: Ms. Garreau and Mr. Alm

NAYS: Mr. Lee, Mr. Meadows and Mr. Ennis

ABSTENTION: None

ABSENT: None

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

The motion carried 3-2, as follows:

AYES: Mr. Lee, Mr. Meadows and Mr. Ennis

NAYS: Ms. Garreau and Mr. Alm

ABSTENTION: None

ABSENT: None

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Article 4 to allow College/University as a use in the Planned Commercial Industrial Development (PCID) District. (Chuck Floyd, Staff)

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

Mr. Lee opened the public hearing.

In that there were no speakers, Mr. Lee closed the public hearing.

On motion made by Ms. Garreau and seconded by Mr. Ennis, it was moved to forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

5. **SPECIAL EXCEPTION AMENDMENT – SEAM14-LE-006 – OLD DOMINION ELECTRIC COOPERATIVE (OWNER)/NEIL SELBY (APPLICANT) – SHADY GROVE KENNEL & HUNTING PRESERVE** – An application to amend conditions of a previously approved Category 9 Special Exception (SPEX06-LE-022) for a hunting preserve. The properties are located at 12109 Lucky Hill Road and 12181 Old Grassdale Road, Lee District. (PIN 6897-28-4312-000 and 6897-26-7633-000). (Adam Shellenberger, Staff)

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

Mr. Lee opened the public hearing.

Mr. Neil Selby, applicant, respectfully requested a recommendation of approval.

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

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

**SHADY GROVE KENNEL & HUNTING PRESERVE
SEAM14-LE-006**

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat received in the Planning Office on March 17, 2006.
4. A Site Plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Special Exception shall be granted in perpetuity.
6. The number of employees shall not exceed twelve (12).
7. The facility shall operate in accordance with all applicable state and local regulations.
8. The hunting preserve shall be limited to bird hunting and the use of shotguns with birdshot.
9. The preserve may operate daily between the hours of 8:00 a.m. and 5:00 p.m.
10. A 100-yard buffer zone, for safety, shall be provided and maintained around the perimeter of the designated hunting preserve area. Only Shady Grove employees (without guns) shall be permitted to enter the safety zone to retrieve downed game.
11. Hunting outside the designated preserve area is prohibited.
12. The border between the preserve and the 100-yard buffer area shall be adequately designated and secured with single strand wire fencing and brightly colored posted signs to indicate the area is a hunting preserve/no trespassing.
13. No hunting is allowed within 100 yards of a property line.

14. All hunters shall be accompanied by Shady Grove employees.
15. The applicant shall meet the provisions of Fauquier County Zoning Ordinance Section 3-309 applicable to the operation of hunting preserves.

The motion carried unanimously.

6. **SPECIAL EXCEPTION – SPEX14-MA-015 – GROVE LANE, LLC & MIDDLEBURG HUMANE FOUNDATION (OWNERS)/GROVE LANE, LLC (APPLICANT) – CUNNINGHAM FARM SUBDIVISION** – An application for a Category 20 Special Exception to allow the construction of two (2) sanitary sewer pump stations. The properties are located at 4549 Grove Lane, Marshall District. (PIN 6969-39-3028-000 and 6969-38-9463-000) (Chuck Floyd, Staff)

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

Mr. Lee opened the public hearing.

In that there were no speakers, Mr. Lee closed the public hearing.

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

**CUNNINGHAM FARM SUBDIVISION
SPEX14-MA-015**

1. The Special Exception shall be granted only for the purposes and uses indicated in the application materials and shall be in general conformance with the Special Exception Plat prepared by Urban, Ltd dated February 10, 2014 and signed by Robert W. Brown, P.E. on February 10, 2014.
2. Either a Final Construction Plan or Site Plan shall be required.
3. All equipment, machinery and facilities not located within an enclosed building shall be effectively screened for view.
4. The pump station shall be designed and constructed to Fauquier County Water and Sanitation Authority (FCWSA) standards as specified by the FCWSA.
5. This Special Exception shall expire in ten (10) years should the use not be established within that time period.

The motion carried unanimously.

7. **REZONING – REZN12-CR-001 – WARRENTON MANAGEMENT ASSOCIATES, INC. & THE DREW CORPORATION (OWNERS)/WALTER A. HITCHCOCK, JR. (APPLICANT) – MILLFIELD PHASES IV, V, & VI** – An application to amend previously approved proffers and Concept Development Plan (REZN11-CT-001). The properties are located off Millfield Drive, Cedar Run District. (PIN 6984-95-5265-000, 6984-94-1789-000, 6984-94-0516-000, 6984-84-4741-000, and 6984-84-6403-000. (Holly Meade, Staff)

Ms. Meade reviewed the staff report, a copy of which is attached to and made part of these official minutes.

Mr. Lee opened the public hearing.

Mr. Walter Hitchcock, applicant, provided an overview of the subdivision's history and stated that he is committed to the proposed proffers. Mr. Hitchcock respectfully requested a recommendation of approval.

Ms. Pam Heppard, Scott District, spoke in support of the changes proposed in the amendment and thanked the Commissioners for allowing the extra time for the residents to have their questions answered.

Ms. Sarah Slader, Scott District, thanked the Planning Commission for the previous postponement which provided time for a community meeting. Ms. Slader expressed her support for the new proffers and noted that affordable housing would not blend with their established community made up of moderate households owned by policemen and teachers.

Ms. Holly Burriss, Scott District, expressed her appreciation for the Planning Commission deferring action and allowing her community to meet with the applicant. Ms. Burriss spoke in support of the proposed proffers and reiterated that both she and her husband are government employees that reside in this neighborhood.

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

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 7:45 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