

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
July 31, 2014**

**Work Session
2:00 p.m.
Warren Green Building, Second Floor Conference Room
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, July 31, 2014, beginning at 2:00 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. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Don Del Rosso, Mr. Adam Shellenberger, Mr. David Ek, Mr. Rob Walton, Ms. Heather Jenkins and Ms. Marie Scheetz.

INTRODUCTION TO CARTER'S CROSSING REZONING AMENDMENT

Mr. Adam Shellenberger introduced the application.

INTRODUCTION TO CORRAL FARM TRANSFER STATION SPECIAL EXCEPTION

Mr. David Ek introduced the application.

INTRODUCTION TO REMINGTON AUTO PARTS, INC. REZONING/SPECIAL EXCEPTION

Ms. Holly Meade introduced the application.

PROJECT UPDATE

Ms. Kimberley Fogle provided an update on various projects.

SIGN DESIGN PACKAGE – SPAC-14-000811, MINTBROOK DEVELOPERS, LLC (OWNER/APPLICANT)

Mr. Rob Walton reviewed the application.

SPECIAL EXCEPTION – SPEX-14-001364 – DAN S. & CHERYL S. MORTLAND (OWNERS/APPLICANTS) – FOX MEADOW WINERY, LLC

Ms. Holly Meade reviewed the application.

COMPREHENSIVE PLAN AMENDMENT – CPAM-13-XX-004 – A Comprehensive Plan Amendment to Chapter 9 Addendum – The Plan for Commercial Wireless Facilities.

Ms. Kimberley Johnson reviewed the proposed amendment.

SPECIAL EXCEPTION – SPEX-14-001175, MORNINGSIDE EQUESTRIAN FARM, LLC (OWNER)/NAJAF & LESLIE HUSAIN (APPLICANTS) – MORNINGSIDE TRAINING FARM

Mr. Adam Shellenberger reviewed the application.

APPROVAL OF MINUTES – JUNE 26, 2014

Planning Commissioners reviewed the minutes.

PLANNING COMMISSIONERS' TIME

Planning Commission members discussed the site visit schedule for August 6, 2014.

Planning Commission members decided to remove the BZA item from future agendas.

The meeting was adjourned at 4:45 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, July 31, 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. Tracy Gallehr, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Rob Walton, Ms. Heather Jenkins and Mr. Adam Shellenberger.

1. **APPROVAL OF MINUTES** – June 26, 2014

On motion made by Ms. Adrienne Garreau and seconded by Mr. Ken Alm, it was moved to approve the June 26, 2014 minutes.

The motion carried unanimously.

2. **BOARD OF ZONING APPEALS AGENDA**

No comment.

3. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

<p style="text-align: center;"><i>Public Hearings</i> <i>6:30 p.m.</i> <i>Warren Green Meeting Room, First Floor, 10 Hotel Street</i> <i>Warrenton, Virginia</i></p>
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1. **CITIZENS' TIME**

No one spoke.

2. **ANNOUNCEMENTS**

None.

3. **SIGN DESIGN PACKAGE – SPAC-14-000811, MINTBROOK DEVELOPERS, LLC (OWNER/APPLICANT)** – An application for a Sign Design Package to establish signage on the subject properties. The properties are located at 6331 Mintbrook Lane and 10633 Bowers Run Drive, Lee District. (PIN 6889-89-6214-000 and 6899-18-3742-000) (Rob Walton, Staff)

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

Mr. Bob Lee opened the public hearing.

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

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

5. The “Retail Center – Freestanding Pole Style Sign (Major)” shall have an arched top, similar to the “Retail Center – Freestanding Pole Style Sign (Minor),” and shall be a maximum of thirteen and a half (13.5) feet in height.

The motion failed 2-3, as follows:

AYES: Mr. John Meadows and Mr. Dell Ennis

NAYS: Mr. Ken Alm, Mr. Bob Lee and Ms. Adrienne Garreau

ABSTENTION: None

ABSENT: None

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

1. The interior space between the two faces of the Temporary Sales Center Signage ‘Type C’ shall not be greater than 24 inches.
2. All temporary signs shall be removed, or relocated, within 30 days once the intent of the sign has been achieved.
3. The Temporary Directional Signage ‘Type B’ shall be removed immediately once the permanent freestanding monument sign is constructed in the immediate vicinity.
4. All stray signage illumination shall be completely screened, from adjacent residential units, by evergreen tree plantings.
5. The “Retail Center – Freestanding Pole Style Sign (Major)” shall have an arched top, similar to the “Retail Center – Freestanding Pole Style Sign (Minor),” and shall be a maximum of twelve (12) feet in height.

The motion carried 3-2, as follows:

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

NAYS: Mr. John Meadows and Mr. Dell Ennis

ABSTENTION: None

ABSENT: None

4. **SPECIAL EXCEPTION – SPEX-14-001175, MORNINGSIDE EQUESTRIAN FARM, LLC (OWNER)/NAJAF & LESLIE HUSAIN (APPLICANTS) – MORNINGSIDE TRAINING FARM** – An application for a Category 18 Special Exception to amend conditions of a previously approved Special Exception (SPEX12-MA-012). The properties are located at 5665 Merry Oaks Road and 5742 James Madison Highway, Marshall District. (PIN 6977-54-8463-000, 6977-63-0490-000, and 6977-64-9786-000) (Adam Shellenberger, Staff)

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

Mr. Bob Lee opened the public hearing.

Mr. Eric Rizer, Marshall District resident and adjoining property owner, stated that it is a spectacular farm that is good for the community. Mr. Rizer indicated that his only concerns are that the gravel road is not adequate for increased traffic and trailers, and that the lighting be turned off by 9:00 p.m.

Mr. Robert Banner, Marshall District resident and neighbor, commented that the lights are rarely used and are necessary at times for safety. Mr. Banner stated that the property is beautifully groomed, there will be little impact to the road condition and it will increase the economy in Fauquier County. Mr. Banner urged the Planning Commission to recommend approval.

Mr. Najaf Husain, owner, expressed his opinion that the road will be minimally impacted because the entrance is approximately one hundred (100) feet from Route 17 and the farm is below capacity for the amount of horses that stay.

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

On motion made by Mr. Bob Lee and seconded by Ms. Adrienne Garreau, it was moved to postpone action on this item at the applicants' request.

The motion carried unanimously.

5. **SPECIAL EXCEPTION – SPEX-14-001364 – DAN S. & CHERYL S. MORTLAND (OWNERS/APPLICANTS) – FOX MEADOW WINERY, LLC** – An application to amend conditions of a previously approved Special Exception (SPEX13-MA-004) for a Farm Winery. The property is located at 3310 Freezeland Road, Marshall District (PIN 6012-13-2349-000) (Holly Meade, Staff)

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

Mr. Bob Lee opened the public hearing.

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

On motion made by Mr. Bob Lee 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:

**FOX MEADOW WINERY, LLC
SPEX-14-001364**

1. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the submission materials, provided that agricultural structures may be constructed or added to without further amendment to this Special Exception, except as modified by these conditions. A period of twelve months shall be allowed for the Winery to operate under this Special Exception Amendment while effecting compliance with Paragraph numbers 10 and 16 of these conditions.
2. Notwithstanding the definition of REGULAR BUSINESS HOURS as contained in Article 15-300 of the Zoning Ordinance under Farm Winery Definitions, REGULAR BUSINESS HOURS for the Winery shall be from 10:00 a.m. to 8:00 p.m. on Fridays, Saturdays and Sundays (when the Sunday precedes a Federal or State holiday Monday) during the period when daylight savings is in effect, and 10:00 a.m. to 6:00 p.m. all other days. The serving of wine and wine tasting activities on Fridays, Saturdays and Sundays (when the Sunday precedes a Federal or State holiday Monday) between 10:00 a.m. and 8:00 p.m. during the period when daylight savings is in effect, shall not be deemed a Special Event. Light Accompaniments may be served during these periods without being deemed a Special Event.
3. Special Events, as defined in Article 15-300 of the Zoning Ordinance under Farm Winery Definitions and as limited by the definition set forth in Paragraph 2 above shall be limited to 18 per calendar year, with a maximum of 100 attendees at any one event. No more than two (2) such Special Events shall be allowed in any one calendar month. The closing time for any Special Event shall be no later than 9:00 p.m. Monday through Thursday, 11:00 p.m. Friday and Saturday, and 10:00 p.m. Sunday.

4. Tents shall be allowed for Special Events subject to existing county ordinance and permit requirements. Any Special Event held within or under such a temporary tent structure shall comply with the general standards found in Section 6-402 of the Zoning Ordinance, including but not limited to noise, lighting, setbacks and parking. The use of a tent for Special Events shall not supersede the permitted number of attendees at Special Events or the number of Special Events.
5. Applicant shall be entitled to designate and conduct up to 12 “wine pick up” days **per year, with a maximum of 100 attendees per event**, for members of its Wine Club, whereby the Wine Club members may be served Light Accompaniments or hot or cold hors d’oeuvres by a licensed caterer or food cart at the time they arrive for picking up their wine at the Winery. Such activity shall be conducted during the Winery’s Regular Business Hours (as defined in this Special Exception), and shall not be deemed a Special Event.
6. In addition to the foregoing, the Applicant shall be entitled to conduct any events which fall under the by-right provisions of the Farm Winery Ordinance, including wine tastings with Light Accompaniments (as defined in the Farm Winery Ordinance), daytime wine appreciation classes, evening events up to 35 persons, and food cart or catered activities, all within the size, time and other limitations set forth in the by-right sections of the Farm Winery Ordinance.
7. No activities or events (including wine tasting and Special Events) shall result in more than the authorized occupancy limits under the Health Department septic permit. The Applicant shall provide a copy of the approved Health Department septic permit to the Department of Community Development.
8. This Special Exception has no time limit and shall remain in effect notwithstanding any change of ownership of the Winery or transfer of title to the Winery property, provided that in the event of any such transfer, the Applicants shall provide written notice thereof to the County within ten (10) days following such transfer.
9. Special Exception approval is granted to the Applicants based on the certification to the County by a professional engineer or architect to the effect that the existing Winery structure meets all the applicable structural codes for the proposed use in place at the time it began operation as a farm winery. This certification will be provided to the Zoning Administrator. Any additions to the existing Farm Winery structure, or construction of any new Farm Winery structure, to be used for twelve (12) or fewer per year of the Special Events approved in these conditions shall be deemed a farm building and shall not require compliance with the Virginia Construction Code. Any additions to the existing farm winery structure, or construction of any new farm winery structure, to be used for more than twelve (12) per year of the Special Events approved under these conditions shall be constructed in accordance with the Virginia Construction Code.
10. For the purposes of holding Special Events, the following fire safety and ingress-egress compliance measures shall be implemented in the existing farm winery structure, and in

any addition to the existing farm winery structure or construction of any new farm winery structure:

- a. Fire extinguishers shall be installed in accordance with the requirements of Virginia Construction Code Section 906.1, and shall be properly maintained and serviced.
 - b. No single "Fire Area" as defined in the "Definitions" section of the Virginia Construction Code shall exceed 5000 square feet.
 - c. No Fire Area shall be permitted to exceed an occupant load of 300 persons for the A-2 use group.
 - d. Egress doors shall have panic hardware and shall swing in the direction of travel for any room, space or building with an occupant load greater than 50 occupants.
 - e. Required egress pathways shall meet minimum width requirements required by the Virginia Construction Code per Section 1005.
 - f. Externally monitored, audible smoke detectors shall be maintained in all Fire Areas.
 - g. Stairways shall have guardrail or handrails.
 - h. Exit signs designating the required exits and egress pathways shall be installed in accordance with Virginia Construction Code section 1011.
11. Sound generated by outdoor amplified music shall not be audible at or beyond the property line of the aggregate property consisting of the Farm Winery parcel and the other adjacent properties owned by the Farm Winery owners. Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents.
 12. The County shall have access to the property to investigate any complaint of violation with reasonable notice and convenient to both parties. The Applicant and/or its successors and/or assigns shall have all rights and remedies as provided for under the law.
 13. With the exception of minor maintenance, the Applicant shall not remove any existing trees located between the parking area, as delineated on the Special Exception plat, and the property line shared with the Thompson Wildlife Management Area (PIN 6012-23-4492-000).
 14. Nothing herein shall supersede the procedures for the revocation of a Special Exception as outlined in Section 5-015 of the Zoning Ordinance.
 15. All provisions of the Zoning Ordinance, including without limitation the Farm Winery Ordinance and the provisions thereof relating to noise, outdoor amplified music, light and

other requirements, except as specifically modified herein, shall remain in full force and effect with respect to this Special Exception approval.

16. This Special Exception is granted in reliance upon the Affidavit attached. The applicant agrees to provide the County with access to its business records to substantiate to the County's satisfaction the statements certified therein.

17. Should the County amend its Zoning Ordinance to reduce any current restrictions contained therein or to permit additional uses by-right or by Administrative Permit, Special Exception or Special Use Permit, Fox Meadow shall be permitted to avail itself of any such amendment. This condition shall not relieve Fox Meadow from applying for and obtaining any permit required as a consequence of such amendment.

The motion carried unanimously.

6. **COMPREHENSIVE PLAN AMENDMENT – CPAM-13-XX-004** – A Comprehensive Plan Amendment to Chapter 9 Addendum – The Plan for Commercial Wireless Facilities. (Kimberley Johnson, Staff)

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

Mr. Bob Lee opened the public hearing.

Mr. John Miller, Cedar Run, spoke on behalf of the Casanova community in favor of approving a cell tower and increased communication for their area. Mr. Miller explained that the majority of Casanova has signed a petition of support and urged the County to not make the Comprehensive Plan too restrictive. He concluded that public safety and the education for children outweigh the need for historic viewsheds.

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

After discussion, on motion made by Mr. Ken Alm and seconded by Ms. Adrienne Garreau, it was moved to postpone action on this item for thirty (30) days, with the public hearing left open.

The motion carried 3-2, as follows:

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

NAYS: Mr. John Meadows and Mr. Dell Ennis

ABSTENTION: None

ABSENT: None

In that there was no further business, the meeting was adjourned at 7:15 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***