

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
May 30, 2013**

**Work Session
12:30 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, May 30, 2013, beginning at 12:30 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Chairperson; Mr. John Meadows, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee and Mr. Ken Alm. Also present were Ms. Tracy Gallehr, Ms. Kimberley Johnson, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Rob Walton, Mr. Adam Shellenberger and Mr. Don Del Rosso.

SPECIAL EXCEPTION – SPEX13-CT-019 – AIRLIE FOUNDATION (OWNER)/AIRLIE FOUNDATION & AMERICAN BIRD CONSERVANCY (APPLICANTS) – AIRLIE MANOR HOUSE/AMERICAN BIRD CONSERVANCY

Mr. Del Rosso reviewed the application.

COMPREHENSIVE PLAN CONFORMANCE DETERMINATION – CCRV13-CR-002 – RINGWOOD SUBDIVISION

Mrs. Eddy reviewed the application.

SPECIAL EXCEPTION – SPEX13-MA-009 – CHARLES R. CHAMBERLAIN (OWNER)/BRIAN C. ROEDER (APPLICANT) – OAK HILL ESTATE

Ms. Meade reviewed the application.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Sections 6-102(30), 3-305(1) and 5-503 related to home day care facilities.

Ms. Johnson reviewed the proposed text amendment.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 2-512 to allow a limited number of chickens in all zoning districts on lots at least 20,000 square feet in size.

Ms. Johnson reviewed the proposed text amendment.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 4-603 to add data centers as a principal permitted use in the Planned Commercial Industrial (PCID) District.

Mr. Walton reviewed the proposed text amendment.

APPROVAL OF MINUTES – April 25, 2013

Planning Commissioners discussed the April 25, 2013 minutes.

BOARD OF ZONING APPEALS AGENDA

Planning Commissioners discussed the agenda.

TRANSPORTATION COMMITTEE AGENDA

Planning Commissioners discussed the agenda.

OAK VIEW BANK INTRODUCTION

Mr. Del Rosso reviewed the application.

COMPREHENSIVE PLAN AMENDMENT/REZONING/SPECIAL EXCEPTIONS – CPAM12-CR-003, REZN13-CR-001, SPEX13-CR-014, SPEX13-CR-015, SPEX13-CR-016, SPEX13-CR-017, & SPEX13-CR-018 – JUNIPER TREE PROPERTIES, LC/OAK TREE PROPERTIES, LLC (OWNERS/APPLICANTS) – OPAL GATEWAY

Mr. Shellenberger reviewed the application.

The meeting was adjourned at 4:30 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, May 30, 2013, 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. Dell Ennis, Secretary; Mr. Ken Alm and Mr. Bob Lee. Also present were Ms. Tracy Gallehr, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Holly Meade, Mr. Adam Shellenberger and Mr. Don Del Rosso.

1. **APPROVAL OF MINUTES** – April 25, 2013

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to approve the April 25, 2013 minutes.

The motion carried unanimously.

2. **BOARD OF ZONING APPEALS AGENDA**

No comment.

3. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

1. **ANNOUNCEMENTS**

Ms. Garreau announced that the Joint Land Use Study meeting will be held June 12, 2013 at the “Old” Cedar Run Rescue Squad Building, 3558 Catlett Road, Catlett, VA 20119.

2. **CITIZENS' TIME**

None.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 6-102(30), 3-305(1) and 5-503 related to home day care facilities. (Kimberley Johnson, Staff)

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

Ms. Garreau opened the public hearing.

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

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

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 2-512 to allow a limited number of chickens in all zoning districts on lots at least 20,000 square feet in size. (Kimberley Johnson, Staff)

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

Ms. Garreau opened the public hearing.

Mr. Patrick Weirer, spoke in support of people raising chickens and less in factory farms.

Mr. John Anderson, Scott District, spoke against charging a \$75 permit fee to have chickens.

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

On motion made by Mr. Alm 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.

5. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Article 11 to establish rules for allowing temporary telecommunications tower **postponed** (Kimberley Johnson, Staff)

6. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 4-603 to add data centers as a principal permitted use in the Planned Commercial Industrial (PCID) District. (Kimberley Johnson, Staff)

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

Ms. Garreau opened the public hearing.

Dr. Kitty Smith, Marshall District, spoke in opposition to this use in the PCID District and shared her concerns for increased water and energy usage. Dr. Smith suggested it should be required to go through the Special Exception process.

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

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

The motion carried unanimously.

7. **SPECIAL EXCEPTION – SPEX13-MA-009 – CHARLES R. CHAMBERLAIN (OWNER)/BRIAN C. ROEDER (APPLICANT) – OAK HILL ESTATE** – An application for a Category 7 Special Exception to allow the adaptive use of a historic structure. The property is located at 9400 Justice Lane, Marshall District. (PIN 6050-37-4078-000) (Holly Meade, Staff)

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

Ms. Garreau opened the public hearing.

Merle Fallon, Esquire, representative, requested a thirty day postponement in order to work through well and septic issues.

Dr. Kitty Smith, Marshall District, spoke against this Special Exception due to her concerns for increased traffic on Grove Lane, the shared driveway with Barrel Oak Winery, and the two septic systems that will drain towards her property.

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

After discussion, on motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to postpone action on this item indefinitely, with the public hearing left open.

The motion carried unanimously.

8. **SPECIAL EXCEPTION – SPEX13-CT-019 – AIRLIE FOUNDATION (OWNER)/AIRLIE FOUNDATION & AMERICAN BIRD CONSERVANCY (APPLICANTS) – AIRLIE MANOR HOUSE/AMERICAN BIRD CONSERVANCY –**
A Category 7 Special Exception for the adaptive use of the existing manor house and cottage into offices. The property is located at 6791 James Madison Highway, Center District. (PIN 6975-99-1300-000) (Don Del Rosso, Staff)

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

Ms. Garreau opened the public hearing.

Mr. Dillon Dickson, Marshall District, shared his concern for the renovations including increased exterior lighting.

Ms. Julie Bolthouse, Piedmont Environmental Council, suggested the applicant use the County Staff Preservation Planner for guidance in implementing the historic guidelines set forth by the Department of Historic Resources.

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

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

**AIRLIE MANOR HOUSE/AMERICAN BIRD CONSERVANCY
SPEX13-CT-019**

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 Plat received by the Fauquier County Department of Community Development on March 29, 2013, except as modified by these conditions.
2. An approved site plan shall be required for the proposed use.
3. Prior to the issuance of a Certificate of Occupancy, the septic shall be upgraded in accord with the approved septic construction (improvement) permit #SD-13-138 as designed by George E. Walker.
4. The number of employees on site shall be limited to a maximum of twenty (25) at any one time; any increase in the number of employees will require the applicant to seek an amendment to this Special Exception.
5. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide evidence from the Virginia Department of Transportation that the required entrance improvements have been installed.

6. The applicant shall obtain all applicable building permits for the change of use.
7. All signs, permanent and temporary, shall require applicable permits from the Zoning Office.
8. All lighting shall comply with the standards set forth in Section 9-900 of the Fauquier County Zoning Ordinance.
9. In the event of a fire or other property-related casualty affecting the historic structure for which adaptive use is granted hereunder, the structure must be substantially restored to its condition prior to the casualty in order for the adaptive use to remain legally permissible. If such restoration is not completed within two years of the occurrence of such casualty, then the adaptive use permitted hereunder shall no longer be allowed and the Special Exception therefore shall be null and void.
10. No proposed alteration to a structure or dependency containing an adaptive use shall materially alter the exterior appearance of the structure from its historical appearance.
11. The Special Exception shall be granted for office use only. However, a maximum of four (4) events per year with a maximum of thirty (30) attendees shall be allowed as an accessory use to the office.
12. Any addition or construction of new, freestanding floor space shall require an amendment to this Special Exception.

The motion carried unanimously.

9. **COMPREHENSIVE PLAN AMENDMENT/REZONING/SPECIAL EXCEPTIONS – CPAM12-CR-003, REZN13-CR-001, SPEX13-CR-014, SPEX13-CR-015, SPEX13-CR-016, SPEX13-CR-017, & SPEX13-CR-018 – JUNIPER TREE PROPERTIES, LC/OAK TREE PROPERTIES, LLC (OWNERS/APPLICANTS) – OPAL GATEWAY**
 – An application for a Comprehensive Plan Amendment to expand, by ±83 acres, the limits of the Opal Service District and change the future land use plan for the entire ±100-acre project area; an application to rezone approximately 99.862 acres to 94.177 acres of C-2 (Commercial – Highway) and 5.685 acres to I-1 (Industrial – Park) in order to allow a mixed-use center with flex-industrial, medical office, retail uses, a motel/hotel, travel/truck plaza and an RV park; a Category 9 Special Exception for a travel trailer park; a Category 21 Special Exception for a truck stop; a Category 13 Special Exception for a fast food restaurant with a drive-through; a Category 13 Special Exception for a financial institution with a drive-through; a Category 13 Special Exception for a pharmacy with a drive-through. The property is located along Marsh Road (U.S. Route 17), southwest of Clarkes Road (Route 608) and across from Fayetteville Road (Route 870), Cedar Run District. (PIN 6980-49-5167-000, 6980-48-2529-000, 6980-48-3762-000, 6980-48-1703-000, 6980-48-4203-000, 6980-57-5934-000, 6980-48-1665-000, and 6981-40-1350-000) (Adam Shellenberger, Staff)

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

Ms. Garreau opened the public hearing.

Mr. Joe Wiltse, applicant, described the vision for the project, indicating it will produce many new opportunities for the Opal community and requested consideration of approval.

Mr. Dan Painter, VDOT, explained that VDOT does not support the project due to the significant impacts it will have on the existing road network and will negate the benefits of the new flyover currently under construction.

Mr. Chris Tiesler, the applicant's Transportation Consultant, respectfully disagreed with VDOT's assessment and spoke in support of the Traffic Impact Analysis and in favor of approving this project.

Ms. Julie Bolthouse, Piedmont Environmental Council, spoke in opposition, stating there is no clear reason to expand the service district to include this additional 83 acres. Ms. Bolthouse expressed her support for guided growth within the service districts and shared her concern for the impacts on the water supply and sewer services. She asked the Planning Commission to recommend denial for this project.

Mr. Stan Wood, Lee District, shared his concerns for teenagers driving to the nearby high school; the fiscal and community wide impacts; the type of transient people utilizing the truck stop and RV park; and the need for increased enforcement should these uses be approved. Mr. Wood strongly opposed this project and requested a recommendation of denial.

Ms. Gretchen Pirasteh, Marshall District, expressed her disagreement with allowing the development of inexpensive farm land into an industrial or commercial property. Ms. Pirasteh agreed with the concerns of the previous speaker and strongly urged the Planning Commission to consider water as a precious resource for the existing community and surrounding farms.

Mr. Hoyt Johnson, Lee District, spoke in favor of this project apart from the truck plaza and RV park and shared concern for the traffic impacts to Clarkes Road.

Mrs. Lorraine Early, Marshall District, spoke against this gateway project on behalf of herself and her husband, John Franklin Early. Mrs. Early urged the Planning Commission to wait until the Opal Service District Committee had prepared their recommendations and voiced her concerns for the impacts on current business owners if the service district is expanded.

Mr. John King, Cedar Run District, expressed his concerns for possible impacts on his private airstrip; complaints of air travel over the proposed site; medical uses next to a truck stop; traffic concerns that current mitigation will be lost; light pollution; and

increased storm water runoff towards his private road which already has a history of flooding.

Mr. Ron King, Cedar Run District, spoke in opposition and explained that he too uses the adjacent air strip as his business. Mr. King indicated that at times the planes are required to take off toward the proposed site and are approximately 200 feet above. He also stated that Opal already has two truck stops and does not need a third.

Ms. Elizabeth Lewis, Lee District, stated that Dr. Abdullah is her children's cardiologist and supports the medical center and truck stop. Ms. Lewis noted that the current truck stops located along Route 29 are dangerous.

Ms. Carol Arnold, Lee District, spoke against approval of this project and agreed with previous speakers' concerns. Ms. Arnold also noted that the RV park is too large and that there was plenty of retail land available within the service district.

Mr. Joe Johnson, Cedar Run District, agreed with the comments made by Mr. Hoyt Johnson.

Mr. Richard Johnson, Cedar Run District, spoke in support of this project and indicated he would like the Opal Service District expanded further to include his property.

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

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to forward the Comprehensive Plan Amendment (CPAM12-CR-003) to the Board of Supervisors with a recommendation of denial due to unmitigated impacts on the Opal area transportation network, the Route 29/17 intersection, the unmitigated impacts on the newly constructed Opal flyover where it intersects with the existing Route 17 and Fayetteville Road.

The motion carried unanimously.

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to forward the Rezoning (REZN13-CR-001) to the Board of Supervisors with a recommendation of denial due to the Opal area transportation network unmitigated impacts, the unmitigated impacts to the Route 29/17 intersection, the unmitigated impacts on the newly constructed Opal flyover where it intersects with the existing Route 17 and Fayetteville Road, and the existing Zoning is appropriate and reasonable and the applicant has other reasonable uses of its property.

The motion carried unanimously.

On motion made by Mr. Ennis and seconded by Ms. Garreau, it was moved to postpone action on the Special Exceptions (SPEX13-CR-014, SPEX13-CR-015, SPEX13-CR-016, SPEX13-CR-017 and SPEX13-CR-018) indefinitely, with the public hearing closed.

The motion carried unanimously.

10. **COMPREHENSIVE PLAN CONFORMANCE DETERMINATION – CCRV13-CR-002 – RINGWOOD SUBDIVISION** – A Virginia Code Section 15.2-2232 Review to determine if the extension of public water to the site is substantially in accord with the Comprehensive Plan. The property is located at 7735 Rogues Road, Nokesville, Cedar Run District. (PIN 7914-48-5907-000, 7914-48-1668-000 and 7914-48-0205-000) (Susan Eddy, Staff)

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

Ms. Garreau opened the public hearing.

Merle Fallon, Esquire, representative, respectfully requested approval and cited sections of the Comprehensive Plan.

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

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved that the extension of public water to the Ringwood Subdivision is substantially in accord with the adopted Fauquier County Comprehensive Plan or part thereof.

The motion failed 2-3, as follows:

AYES: Mr. Ennis and Mr. Meadows

NAYS: Ms. Garreau, Mr. Alm and Mr. Lee

ABSTENTION: None

ABSENT: None

On motion made by Mr. Alm and seconded by Ms. Garreau, it was moved to postpone action on this item for 30 days, with the public hearing closed.

The motion failed 2-3, as follows:

AYES: Ms. Garreau and Mr. Alm

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

ABSTENTION: None

ABSENT: None

On motion made by Mr. Meadows and seconded by Mr. Ennis, it was moved that the extension of public water to the Ringwood Subdivision is substantially in accord with the adopted Fauquier County Comprehensive Plan or part thereof.

The motion failed 2-3, as follows:

AYES: Mr. Ennis and Mr. Meadows

NAYS: Ms. Garreau, Mr. Alm and Mr. Lee

ABSTENTION: None

ABSENT: None

On motion made by Ms. Garreau and seconded by Mr. Alm, it was moved that the extension of public water to the proposed Ringwood Subdivision is not substantially in accord with the adopted Fauquier County Comprehensive Plan or part thereof.

The motion carried 3-2, as follows:

AYES: Ms. Garreau, Mr. Lee and Mr. Alm

NAYS: Mr. Ennis and Mr. Meadows

ABSTENTION: None

ABSENT: None

OTHER BUSINESS

None.

In that there was no further business, the meeting was adjourned at 9:30 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