

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
July 25, 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, July 25, 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 Mr. Kevin Burke, Ms. Tracy Gallehr, Ms. Marianne Primeau, Ms. Kimberley Fogle, Ms. Kimberley Johnson, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Adam Shellenberger, Mr. Harvey Clark, Ms. Wendy Wheatcraft and Mr. Don Del Rosso.*

**SPECIAL EXCEPTION AMENDMENT & SPECIAL PERMIT – SEAM13-SC-009 & SPPT13-SC-025 – SIOCHAIN, LLC (OWNER/APPLICANT) – MOUNTAINSIDE MONTESSORI – BELVOIR ROAD**

Mr. Del Rosso reviewed the application.

**SPECIAL EXCEPTION – SPEX13-SC-022 – FAUQUIER LAKES LIMITED PARTNERSHIP (OWNER)/BOHLER ENGINEERING (APPLICANT) – BROOKSIDE, PHASES 12, 13 & 15**

Mr. Shellenberger reviewed the application.

**WAIVER – WAVR13-LE-027 – KRISTY L. FRASER (OWNER/APPLICANT) – FRASER PROPERTY**

Mr. Clark reviewed the application.

**SPECIAL EXCEPTION AMENDMENT – SEAM13-MA-008 – 692 FEDERAL, LLC (OWNER/APPLICANT) – ASHBY INN & RESTAURANT**

Ms. Meade reviewed the application.

**SPECIAL EXCEPTION & SPECIAL PERMIT – SPEX13-MA-025 & SPPT13- MA-024 – TRUSTEES OF THE WINCHESTER DISTRICT UNITED METHODIST CHURCH (OWNER)/692 FEDERAL, LLC (APPLICANT) – PARIS METHODIST CHURCH/PARIS COMMUNITY CENTER**

Ms. Meade reviewed the application.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-318 to permit religious retreats in existing structures on non-common open space parcels.

Mr. Burke reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-300, Article 5 and Section 15-300 related to approval requirements for select commercial uses.

Mr. Floyd reviewed the proposed text amendment.

**REVISED TELECOMMUNICATIONS BALLOON TEST POLICY**

Ms. Wheatcraft reviewed the proposed revisions.

**APPROVAL OF MINUTES – JUNE 27, 2013**

Planning Commissioners discussed the June 27, 2013 minutes.

**BOARD OF ZONING APPEALS AGENDA**

Planning Commissioners discussed the agenda.

**TRANSPORTATION COMMITTEE AGENDA**

Planning Commissioners discussed the agenda.

**COMPREHENSIVE PLAN AMENDMENT/REZONING/SPECIAL PERMITS/SPECIAL EXCEPTIONS – CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPEX13-MA-023 & SPEX13-MA-024 – MIDDLEBURG HUMANE FOUNDATION (OWNER)/GROVE LANE, LLC (APPLICANT) – MIDDLEBURG HUMANE FOUNDATION**

Mrs. Eddy reviewed the application.

**PLANNING COMMISSIONERS' TIME**

Mr. Lee brought up the sketch plan process and its relevance to the Cunningham property.

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, July 25, 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 Mr. Kevin Burke, Ms. Tracy Gallehr, Ms. Marianne Primeau, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Chuck Floyd, Mr. Adam Shellenberger, Mr. Harvey Clark, Ms. Wendy Wheatcraft and Mr. Don Del Rosso.*

1. **APPROVAL OF MINUTES** – June 27, 2013

On motion made by Mr. Ennis and seconded by Mr. Alm, it was moved to approve the June 27, 2013 minutes.

The motion carried unanimously.

2. **REVISED TELECOMMUNICATIONS BALLOON TEST POLICY**

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

On motion made by Mr. Alm and seconded by Ms. Garreau, it was moved to adopt the following revised telecommunications balloon test policy:

**NOTICE OF  
THE FAUQUIER COUNTY PLANNING COMMISSION'S  
BALLOON TEST POLICY**

It is the policy of the Fauquier County Planning Commission that all applicants for telecommunication Special Exceptions shall conduct balloon tests that meet the following standards:

1. All tests shall be scheduled and conducted to run over a consecutive two-day period beginning on a Friday and concluding on a Saturday. However, if a balloon test was previously conducted in conjunction with a review completed according to Section 106 of the National Historic Preservation Act six (6) months or less prior to a Special Exception application submission, then the second test may be a one-day balloon test. A request for a one-day balloon test must be sent to the Fauquier County Department of Community Development a minimum of seven (7) days in advance of the scheduled test. A one-day balloon test shall be conducted on a Saturday.
2. The balloon used in the test shall be fully inflated, bright red in color and no less than six (6) feet in diameter.
3. An alternate display method (e.g., a crane) may be used.
4. Regardless of the method used, tests shall be displayed from 8:00 a.m. to 5:00 p.m. on the required day(s). A representative of the applicant shall attend the test site at all times through the duration of the test.
5. All tests shall be conducted from the precise location (latitude and longitude coordinates) of the proposed tower site.
6. All tests shall be scheduled and conducted prior to a specifically scheduled Planning Commission public hearing. The preferred scheduling of balloon tests will have them conclude (i.e., the completion of the second day of a two-day test) 12 or 19 days (2-3 Saturdays) before the scheduled hearing date. Applicants may have some latitude in the scheduling of tests, but in no instance shall tests be scheduled to conclude any earlier than thirty-three (33) days (5 Saturdays) prior to the scheduled public hearing or any later than twelve (12) days (2 Saturdays) prior to the public hearing date.
7. The applicant shall identify the dates for the proposed test, including alternate test dates should the test be canceled because of inclement weather. Inclement weather is defined as weather conditions that 1) physically preclude the performance of the test, 2) restrict the visibility of the test object (balloon or crane), or 3) prevent reasonable access to the test site by observers. These conditions include but are not limited to rain, snow, sleet, fog, high winds, flooding, etc.
8. In the event that 1) adverse conditions require a temporary suspension of a given day's balloon test that exceeds three (3) hours in length, or 2) if over the course of a given test day, one or more intermittent suspensions, when added together, exceed three (3) hours, the test for that day shall be deemed incomplete, and the applicant shall repeat the full-day test on the same day the following week or, if necessary, the succeeding week(s) until a full test day is completed. The applicant shall provide notice of the rescheduled

test date to the Board of Supervisors, the Planning Commission, and the County Planning Staff.

9. In the event that it is necessary to reschedule a balloon test on a date other than an alternate date identified in the notice provided to adjacent property owners, the Applicant shall not be required to provide additional notice to the adjacent property owners, but shall be required to post a notice on the property that reads:

RESCHEDULED BALLOON TEST FOR  
TELECOMMUNICATIONS TOWER  
SPECIAL EXCEPTION APPLICATION

DATE:                      , TIME:

Such posted notice shall be in bold lettering, at least two (2) inches in height, placed on weather resistant poster board with minimum dimensions of at least 19-inches by 22-inches. Such posters shall be placed at 300-foot intervals along the property's public road frontage. Such posters must be placed on the property not less than 5 days prior to the rescheduled test.

10. The applicant or the applicant's representative shall establish a form of public electronic notification (for example, a webpage or e-mail distribution list, etc.) that provides updated balloon test status information throughout the scheduled test period, including alternate test dates.
11. The applicant shall provide notification to the Board of Supervisors, the Planning Commission, the Architectural Review Board (if tower height is greater than 120 feet), adjacent Homeowners Associations and individual property owners, and the Fauquier County Department of Community Development. Such notice shall be in writing and given at least seven (7) days prior to the initial test date. In addition to the date and time of the scheduled test (including the alternate dates and times), the notice shall provide information on the proposed height of the facility, the physical address and general location of the property, the name and address of property owner or owners' representative, the name of and contact information, including telephone number, and e-mail address, of the applicant or applicant's representative, and the approximate starting time of the test.
12. The applicant shall include with the notice an 11" x 17" reduction of the special exception plat showing site location information including latitude and longitude coordinates of the proposed tower location.
13. The applicant shall submit to the Department of Community Development a copy of the notice and a listing of the individuals notified. The applicant shall also provide an affidavit indicating that all of the appropriate parties have been notified of the test and by

what method the notification was accomplished. Such affidavit shall also indicate that this balloon test policy will be followed and that the test will be conducted from the proposed tower location site.

14. The tether connecting the balloon to the site location shall be marked at twenty (20) foot intervals with ribbons or surveyors tape of highly visible color.
15. The applicant shall provide photographs and if possible, photo simulations of the balloon test taken from four strategic locations. These photos shall indicate the point and distance from which each photo was taken. The photos and photo simulations shall be provided to the Department of Community Development no later than one (1) week prior to the scheduled public hearing.

The motion carried unanimously.

3. **WAIVER – WAVR13-LE-027 – KRISTY L. FRASER (OWNER/APPLICANT) – FRASER PROPERTY** – An application for a waiver of Zoning Ordinance Section 7-450.2, which states that no dead-end street shall serve more than twenty (20) lots. The property is located at 13191 Golden Drive, Lee District. (PIN 7806-62-8173-000) (Harvey Clark, Staff)

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

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.

The motion carried unanimously.

4. **BOARD OF ZONING APPEALS AGENDA**

No comment.

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

<p><i>Public Hearings</i> <i>6:30 p.m.</i> <i>Warren Green Meeting Room</i> <i>10 Hotel Street, Warrenton, Virginia</i></p>
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1. **ANNOUNCEMENTS**

None.

2. **CITIZENS' TIME**

Mr. Bill Turley, Marshall District, clarified a comment made during the work session held earlier in the day that Federal Street was closed at the request of the residents due to cut through traffic, not because VDOT wanted to do something to them. He further stated that another comment made during the work session that the Planning Commission's job is to determine what is good for the public was offensive to him.

Mr. John Miller, Marshall District, further clarified that the closing of Federal Street was to enhance safety.

Ms. Julie Bolthouse, Piedmont Environmental Council, announced there will be a "Meet the Farmer" dinner at Moriah Farm on August 3, 2013 and proceeds will be donated to the Fauquier Education Farm.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-300, Article 5 and Section 15-300 related to approval requirements for select commercial uses. (Chuck Floyd, Staff)

Mr. Floyd 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 adjourned the public hearing.

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to postpone action on this item for up to 90 days, with the public hearing left open.

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 3-318 to permit religious retreats in existing structures on non-common open space parcels. (Kevin Burke, Staff)

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

Ms. Garreau opened the public hearing.

Ms. Julie Bolthouse, Piedmont Environmental Council, expressed her concerns that the amendment is not in line with the County's non-common open space requirements and could lead to similar requests. She requested that this text amendment be postponed while the language pertaining to the existing structures is clarified.

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

On motion made by Ms. Garreau and seconded by Mr. Ennis, it was moved to postpone action on this item for up to 60 days, with the public hearing left open.

The motion carried unanimously.

5. **SPECIAL EXCEPTION – SPEX13-SC-022 – FAUQUIER LAKES LIMITED PARTNERSHIP (OWNER)/BOHLER ENGINEERING (APPLICANT) – BROOKSIDE, PHASES 12, 13 & 15** – An application for a Category 23 Special Exception for uses within the floodplain. The property is located south of Lake Ashby near Brookside Parkway and Boathouse Road, Scott District. (PIN 7915-14-6435-000, 7915-22-6890-000 and 7915-23-3763-000) (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. James Frankert, Scott District, stated he is not opposed to this request and shared his concerns about where the stormwater run-off will be directed.

Mr. Dan Calvert, Scott District, spoke in opposition to the approval of this special exception until current stormwater run-off issues are addressed by the developer.

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

Planning Commission members encouraged the developer to work with residents in addressing current stormwater run-off issues.

After discussion, 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 with the following revised conditions:

**Brookside, Phases 12, 13, & 15  
SPEX13-SC-022**

1. This Special Exception is granted for and runs with the land indicated in this application as PINs 7915-14-6435, 7915-23-3763, and 7915-22-6890.



2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses, as indicated on "Special Exception Plat for Brookside Communities Floodplain Uses" dated July 26, 2013, and received in the Planning Office on July 27, 2013, as approved with this application, as qualified by these development conditions.

The Approved Uses Shall Include:

- a. general grading in Future Landbay 2
  - b. grading and crossing of the floodplain associated with the extension of Millstone Lane
  - c. grading and construction associated with the construction of the stormwater management pond
  - d. grading associated with the entrance road to the future sports park
  - e. improvements to the future sports park area, shown on the Special Exception Plat, which may include, parking, constructed wetlands, and/or athletic fields.
3. None of the approved uses shall cause an increase in the level of flooding or velocity of flood waters offsite as a result of these approved uses.
  4. Prior to construction plan or site plan approval for any phase of the development the approved uses, the applicant shall obtain a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). The applicant shall request a final Letter of Map Revision (LOMR) within 90 days of completing construction. Bonding will be required to cover the amount of the LOMR fee, the as-built plans and any other requirements as outlined in FEMA's CLOMR.
  5. The existing natural drainage corridor, headwaters of Kettle Run, shall remain as the primary drainage way and principal spillway/outfall from Lake Ashby. However, the first 200 feet of the drainage way, running from Lake Ashby to under the future Millstone Lane extension, may be piped. Any grading adjacent to the stream channel corridor should be minimized and designed in a fashion which preserves and protects the existing channel.
  6. The emergency spillway may be piped. Should the emergency spillway be piped, the pipe shall be designed to carry the 100 year storm at a minimum, to reduce flooding risk to the developed areas, and shall be regularly maintained to protect against clogging.
  7. No materials or equipment which are buoyant, flammable or explosive shall be stored in the floodplain.

The motion carried unanimously.

6. **SPECIAL EXCEPTION AMENDMENT – SEAM13-MA-008 – 692 FEDERAL, LLC (OWNER/APPLICANT) – ASHBY INN & RESTAURANT** – An application for a Category 7 Special Exception Amendment to add the adaptive use of the historic store for office and retail. The property is located at 692 Federal Street, Marshall District. (PIN 6034-89-4347-000, 6034-89-4562-000 and 6034-89-5235-000) (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.

Mr. Bill Turley, Marshall District, spoke in support of this amendment and voiced his concern regarding events taking place at the Ashby Inn and the Paris Church at the same time.

Mr. Gary Konkel, Marshall District, spoke in support of this amendment and requested a time limit of one to two years be placed until the impacts are known.

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

On motion made by Mr. Lee 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 conditions:

**Ashby Inn and Restaurant  
SEAM13-MA-008**

1. The Special Exception is granted for and runs with the land indicated in this application, also known as PIN 6034-89-5235-000, PIN 6034-89-4562-000, and PIN 6034-89-4347-000, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Special Exception Plat titled "Special Exception Plat, Ashby Inn" dated August 25, 2004, and received in Community Development on September 7, 2004, approved with the application, as qualified by these development conditions.
3. Ashby Inn (692 Federal Street):
  - a) All overnight guests shall be provided with off-street parking.
  - b) The restaurant will not be open to the public until 12:00 noon on Sundays.
  - c) No more than 50 seats for inside dining.
  - d) No more than 20 seats for outside dining.
  - e) Adequate off-street parking shall be provided for all dining guests.
  - f) A shrub hedge will be planted and maintained to screen the Paris Methodist Church from the Ashby Inn.
4. Ashby Inn Schoolhouse B&B (678 Federal Street):
  - a) Shall have access to parking via Main Street only.
  - b) No food or alcoholic beverages shall be served.
  - c) A maximum of four (4) suites with no more than eight adults.
  - d) No kitchen facilities or food preparation shall be maintained on the property.
  - e) A maximum of four (4) vehicles permitted on the property at any point in time.
  - f) Appropriate landscaping and screening will be provided between the subject property and adjacent properties.

- g) On-street parking shall be prohibited.
5. Roger Store (692 Federal Street):
- a) Shall be authorized for office use and limited retail of local herbs, farm products and crafts.
  - b) Hours of operation shall be between 10:00 a.m. and 6:00 p.m.
  - c) No goods or items shall be displayed or stored outdoors.
  - d) Parking shall be limited to the existing spaces in front of the ~~church~~ store and the spaces allocated to the adjoining Ashby Inn if approved as part of the site plan.
6. Applicant must furnish evidence that the site meets all applicable State and local health requirements.
7. The exterior appearance of the inn structures shall maintain the appearance of a single-family residence and normal residence accessory structures so as to match the typical architecture of the area.
8. Amplified sound shall not exceed 60 decibels at the lot line.
9. Shall maintain Glare Standards of Section 9-900 of the Fauquier County Zoning Ordinance.
10. Shall maintain Standards for Outdoor Light Control of Section 9-1000 of the Fauquier County Zoning Ordinance.
11. Any activity not specified in this Special Exception shall require new permit or Special Exception approval.
12. An approved site plan shall be required ~~prior to any increase in the use~~ prior to the adaptive re-use of the store and office.
13. A maintenance agreement shall be provided for all on-street parking along Federal Street (Route 759) prior to site plan approval.
14. Other than the new grass parking area, any new construction or increase in disturbed area for grading or drainfield expansion, shall require an amendment to this Special Exception.
15. No activity shall exceed the occupancy limits as listed on the required Certificate of Occupancy.
16. No activity shall exceed the limits of the Health Department septic permit.
17. The applicant shall monitor the water usage. This information shall be submitted to the Department of Community Development and the Virginia Department of Health monthly for the first year. Following the first year, the water usage information shall be submitted quarterly to the Department of Community Development and the Virginia Department of Health. Should there be evidence that the usage is exceeding design capacity, the

applicant shall address the exceedence and correct as necessary within thirty days. Following such a determination, the applicant shall begin reporting monthly again for three months, after such time quarterly reporting shall resume.

18. 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.
19. All alterations and additions to the existing historic structures, including signs, shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
20. In the event of a fire or other property-related casualty affecting the historic structure for which adaptive use is granted hereunder, the structure shall 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 therefor shall be null and void.
21. All commercial activities permitted hereunder, and the structure or structures in which they are conducted, shall be subject to all applicable building code regulations, as well as applicable regulations promulgated by the Virginia Departments of Health and Transportation.
22. All signs, permanent and temporary, shall require applicable permits from the Zoning Office.

The motion carried unanimously.

7. **SPECIAL EXCEPTION & SPECIAL PERMIT – SPEX13-MA-025 & SPPT13- MA-024 – TRUSTEES OF THE WINCHESTER DISTRICT UNITED METHODIST CHURCH (OWNER)/692 FEDERAL, LLC (APPLICANT) – PARIS METHODIST CHURCH/PARIS COMMUNITY CENTER** – An application for a Category 7 Special Exception and a Category 4 Special Permit to allow various community uses in an existing church. The property is located at 684 Federal Street, Marshall District. (PIN 6034-89-6417-000) (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.

Mr. Bill Turley, Marshall District, commented that the staff and applicant did a great job in addressing residents' concerns and he spoke in favor of this request with a five year time limit.

Ms. Meralyn Autry, Marshall District, spoke in support of the application and wants the building maintained.

Mr. John Miller, Marshall District, spoke in favor of the application and expressed concern for enforcement of any violations to the conditions of approval.

Mr. Gary Konkel, Marshall District, stated he was a previous member of the Clarke County Board of Supervisors and requested that the Planning Commission consider the uses, noise, water, septic, increased commercial impacts and congestion in the village. He further stated that he would be in support of this application if handled correctly.

Mr. George Autry, Marshall District, spoke in support of this request and noted in the past, the Paris Church has had more than four weddings a month.

Ms. Susan Leopold, applicant, urged the Planning Commission to make a recommendation of approval to the Board of Supervisors and explained that the church has sat vacant for a long time. Ms. Leopold thanked the residents from Paris for coming out to speak and stated she will continue to work with them through the BOS process.

Mr. Jay Pegg, Marshall District, complimented how the Ashby Inn has been run and shared his confidence in the applicant's proposal for the Paris Church.

Mr. Neal Wavra, Operator for the Ashby Inn, explained that it would be beneficial to have access to the church for wedding ceremonies when it rains and hold the receptions at the Ashby Inn.

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

On motion made by Mr. Lee 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:

**Paris Methodist Church/Paris Community Center  
SPEX13-MA-025 & SPPT13-MA-024**

1. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated in the application materials, except as modified by these conditions.
2. In accord with Zoning Ordinance Section 5-401.3, no Category 4 uses shall be operated on a profit-making basis, and the owner of the facility shall be a non-profit organization or governmental agency.
3. Primary uses of the facility shall be limited to a meeting hall for social, fraternal, civic, public and similar organizations; an art and craft gallery, including photographic studios; and receptions as defined in the Fauquier County Zoning Ordinance.

4. Accessory uses of the facility shall be limited to activities such as lectures, movies, theatre productions, presentations, and tours.
5. The total number of activities on the property shall be limited to eight (8) activities per month; no more than four (4) of those shall be used for weddings or wedding receptions. No more than two of those per month shall be accessory use activities, as described in condition number 4 above.
6. An approved site plan shall be required prior to any increase in the use.
7. No activity shall exceed the occupancy limits as listed on the required Certificate of Occupancy.
8. No activity shall exceed the limits of the Health Department septic permit.
9. The applicant shall monitor the water usage. This information shall be submitted to the Department of Community Development and the Virginia Department of Health monthly for the first year. Following the first year, the water usage information shall be submitted quarterly to the Department of Community Development and the Virginia Department of Health. Should there be evidence that the usage is exceeding design capacity, the applicant shall address the exceedence and correct as necessary within thirty days. Following such a determination, the applicant shall begin reporting monthly again for three months, after such time quarterly reporting shall resume.
10. Activities shall be limited to the hours between 10:00 a.m. and 10:00 p.m.
11. 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.
12. Any new construction, or increase in disturbed area for grading or drainfield expansion, shall require an amendment to this Special Exception.
13. No goods or items shall be displayed or stored outdoors.
14. A maintenance agreement shall be provided for the on-street parking along Federal Street (Route 759) prior to site plan approval.
15. Parking shall be limited to the existing spaces in front of the church and the spaces allocated to the adjoining Ashby Inn if approved as part of the site plan.
16. The applicant shall provide traffic control for activities exceeding 20 patrons to eliminate on-street parking in areas not approved as part of the site plan.
17. The applicant shall alter the on-street parking as required by the Virginia Department of Transportation prior to any use of the church.

18. All alterations and additions to the existing historic structures, including signs, shall be designed and constructed in a manner that conforms to the United States Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
19. In the event of a fire or other property-related casualty affecting the historic structure for which adaptive use is granted hereunder, the structure shall 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 therefor shall be null and void.
20. All commercial activities permitted hereunder, and the structure or structures in which they are conducted, shall be subject to all applicable building code regulations, as well as applicable regulations promulgated by the Virginia Departments of Health and Transportation.
21. All signs, permanent and temporary, shall require applicable permits from the Zoning Office.
22. The Special Exception and Special Permit are granted for a period of five (5) years from the date of Board of Supervisors' approval.

The motion carried unanimously.

8. **SPECIAL EXCEPTION AMENDMENT & SPECIAL PERMIT – SEAM13-SC-009 & SPPT13-SC-025 – SIOCHAIN, LLC (OWNER/APPLICANT) – MOUNTAINSIDE MONTESSORI – BELVOIR ROAD** – An application to amend previously approved conditions of Special Exception (SEAM12-SC-003) and Special Permit (SPPT12-SC-036). The property is located at 4206 Belvoir Road, Scott District. (PIN 6979-68-1334-000) (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.

Ms. Valerie Amster, applicant, asked that condition number eight be amended to reflect the building elevation on the site plan currently under review and explained that the previously approved elevation is too expensive to build.

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

After discussion, 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 approval with the following revised conditions:

**Mountainside Montessori – Belvoir Road  
SEAM13-SC-009 & SPPT13-SC-025**

1. The Special Exceptions and Special Permit are granted to operate a preschool and primary school pursuant to Sections 3-305.1 and 3-305.2 of the Zoning Ordinance and to waive connection to the Public Sewer System pursuant to Section 3-330 of the Zoning Ordinance. The use and site shall be in general conformance with the information submitted with the application and as shown on the “Special Exception Plat for Mountainside Montessori School,” sealed on August 25, 2010 and as modified on September 3, 2010 and received in the Planning Office on September 3, 2010, except as specifically modified by these development conditions or as necessary to meet Zoning Ordinance requirements.
2. The applicant shall have up to two (2) years from the November 10, 2011 Board of Supervisors’ approval to demonstrate diligent pursuit of the amended permits (SEAM12-SC-003, SEAM12-SC-004 & SPPT12-SC-036) on the site.
3. The Special Exceptions and Special Permit shall be valid for twenty (20) years from the Board of Supervisors’ approval.
4. The maximum number of students approved at the Preschool and Primary School shall be one hundred sixty (160).
5. Children who attend the school shall be a minimum of 18 months old. The maximum age of children attending the school is fourteen (14) years of age; this means children shall be age 14 or younger at the beginning of each school year.
6. Regular hours of operation for the school shall be from 7:00 a.m. to 7:00 p.m., Monday through Friday. A before and after school program primarily for students at the school shall be allowed if operated within this established time frame.
7. Two (2) weekend activities per month and three (3) weekday after hours activities per month are authorized to occur outside of regular operating hours, plus routine Parent/Child Night, Back-to-School Night or Parent Education Sessions. The aforementioned events shall conclude no later than 10:00 p.m.
8. The aesthetic and character of existing structures on the site shall be maintained; the new “proposed school building” and “future classroom building” shall be of similar aesthetic and character to the elevation for the proposed new school building, as shown on Sheet 3 of “Special Exception Plat for Mountainside Montessori School,” sealed on August 25, 2010 and as modified on September 3, 2010 and received in the Planning Office on September 3, 2010.
9. The “future farm school” building shall be designed to look like a residential structure and shall be similar in appearance to the residences in the area; alternatively it may be designed to look like an agricultural building.



10. New construction on-site shall be limited to the following: one single story school building, with a footprint not to exceed 8,500 square feet, including all porches, located behind the existing house on the site; an additional single story classroom building located southwest of the existing house, not to exceed 3,000 square feet; and a single story “farm school” classroom building located in front of the existing house, as identified on the plat, not to exceed 2,500 square feet.
11. The existing house shall be allowed to be maintained as a residence or it may be converted for school use if brought up to appropriate building code standards, per the Fauquier County Building Official. The two existing outbuildings on the site shall also meet building code requirements, as necessary, prior to any school use.
12. The “future amphitheater” shall be located in the area shown on the Special Exception/Special Permit plat.
13. There shall be no amplified sound or outward directed lighting at the amphitheater.
14. Use of the amphitheater shall be limited to members of the school community such as students, parents, teachers, etc.
15. For additional screening and noise attenuation for the amphitheater, an earthen berm shall be installed with an additional tree buffer area. The additional tree buffer shall be 100 feet wide and shall be installed in the area shown on the Special Exception/Special Permit Sheet 4, Landscaping and Lighting Plan.
16. The riding ring may be used as a riding ring in conjunction with the school use.
17. Signage at the site shall be limited to one monument sign no more than six (6) feet in height and twenty-four (24) square feet in size, or one free standing sign of no more than six (6) feet in height and nine (9) square feet in size.
18. The use is authorized to utilize an on-site septic system, with the maximum capacity of the system not to exceed 1,200 gallons per day. The septic and well on-site shall meet all Virginia Department of Health (VDH) regulations. The waiver to connect to the public sewer system is granted only until such time that public sewer lines are installed within 300 feet of the subject parcels. At such time, the subject parcels shall connect to public sewer and be given up to two years to connect.
19. The entrance shall comply with Virginia Department of Transportation (VDOT) Standards for Commercial Entrances.
20. Canopy trees shall be planted along the Belvoir Road frontage of the front property line and spaced a maximum of thirty (30) feet on center. These canopy trees shall be counted toward the broader Zoning Ordinance requirements for a Front Buffer Yard. Shrubs and understory trees shall be located closer to the road and power line; canopy trees shall be located farther away from the road to stay outside of overhead utility easement.

20. To protect the character of the surrounding area, no new non-agricultural buildings, recreational/sports fields or children’s playground equipment shall be permitted within 200 feet of the edge of the property fronting Belvoir Road. However, this area may be used for outdoor school activities.
21. The location of electrical power access shall be provided in a manner such as to not damage or remove the existing mature trees that are located along the driveway of the property.
23. A Boundary Line Adjustment to dissolve the internal property lines shall be recorded prior to approval of the Site Plan.
24. No subdivision of the property shall be made so long as an operational school is located on the site.
25. The applicant shall dedicate a twenty-foot wide trail easement to Fauquier County along the parcels’ Belvoir Road frontage, with the final location to be determined during the site plan process.

Mr. Meadows and Mr. Ennis stated they would support the revised conditions if they included the elevation contained in the pending site plan that the applicant is requesting.

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

9. **COMPREHENSIVE PLAN AMENDMENT/REZONING/SPECIAL PERMITS/SPECIAL EXCEPTIONS – CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPEX13-MA-023 & SPEX13-MA-024 – MIDDLEBURG HUMANE FOUNDATION (OWNER)/GROVE LANE, LLC (APPLICANT) – MIDDLEBURG HUMANE FOUNDATION** – Applications for a Comprehensive Plan Amendment to permit an agricultural use within the Marshall Service District; to rezone approximately 23.0763 acres from Residential District, 2 Dwelling Units/Acre (R-2)/Residential District, 4 Dwelling Units/Acre (R-4) to Rural Agriculture (RA); a Category 11 Special Permit to allow an animal shelter; a Category 13 Special Permit to allow an animal shelter; a Category 1 Special Exception to allow a residential duplex; and a Category 31 Special Exception to waive the public/central water requirement. The property is located on a private access road to the north of the intersection of Free State Road (Route 721), Grove Lane (Route F185) and West Main Street (Route 55), Marshall District. (PIN 6969-38-9463-000) (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.

Ms. Elizabeth Douglas, Marshall District, inquired if a traffic impact analysis is required. With permission, Mrs. Eddy explained that it will be included with the application for the larger surrounding parcel in the near future.

Ms. Julie Bolthouse, Piedmont Environmental Council, expressed her concerns for composting dog waste and its impacts on local streams and indicated that the guide to composting used by the County applied to Alaska and should not be applicable to Virginia. Ms. Bolthouse expressed further concern for the management of run-off from the other animals at the shelter and suggested the applicant work with the Department of Environmental Quality.

Mr. Meadows requested Ms. Bolthouse provide written verification from the authors of the guide that it is not applicable to Virginia.

Ms. Hilleary Bogley, applicant, addressed the concern for waste management and assured the Commission that Middleburg Humane Foundation is researching the best practices and would never contaminate the creeks on their property.

Ms. Laura Hanahan, Center District, noted that she has been a volunteer at Middleburg Humane Foundation for fifteen years assisting animals and pet owners. Ms. Hanahan spoke in support for this application and expressed the need for a new and larger facility.

Mr. Jim Farr, Marshall District, spoke in favor of approving a new facility for Middleburg Humane Foundation.

Ms. Mary Lou Materna, Marshall District, explained that she has been volunteering for Middleburg Humane Foundation for four years and how important this organization is for the community and its animals.

Ms. June Hughes, Marshall District, stated she has been pet sitting for several residents in the area that have rescued multiple animals from Middleburg Humane Foundation and spoke in favor of approving this application.

Ms. Nancy Hanscom, Marshall District, agreed with previous speakers' comments and spoke favorably of the good work that Middleburg Humane Foundation does. Ms. Hanscom stressed the need for more space and explained that they have had to foster out some of the horses because they have reached capacity at their current facility.

Mr. Fred Hanscom, Marshall District, spoke in favor of this application.

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

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

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 8:30 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**