

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
NOVEMBER 12, 2013**

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

*The Fauquier County Planning Commission held a reconvened meeting on Thursday, November 12, 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. Bob Lee and Mr. Ken Alm. Also present were Ms. Tracy Gallehr, Mrs. Susan Eddy, Mr. Chuck Floyd and Mrs. Meredith Meixner.*

Ms. Adrienne Garreau announced that this is a regular meeting reconvened from the October 31, 2013 Planning Commission meeting and is not a public hearing.

After discussion, it was decided to have staff provide a brief update on both the Windy Hill and Middleburg Humane Foundation applications.

Mr. Floyd reviewed the staff report for PPLT13-MA-001, WAVR14-MA-008 & WAVR14-MA-009 – Windy Hill, a copy of which is attached to and made part of these official minutes.

Mrs. Eddy reviewed the staff report for CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023 & SPEX13-MA-024 – Middleburg Humane Foundation, a copy of which is attached to and made part of these official minutes.

**CLOSED MEETING:**

After further discussion, on motion made by Mr. Alm and seconded by Ms. Garreau, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to PPLT13-MA-001, WAVR14-MA-008 & WAVR14-MA-009 – Grove Lane, LLC (Owner/Applicant) – Windy Hill and CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023 & SPEX13-MA-024 – Middleburg Humane Foundation (Owner)/Grove Lane, LLC (Applicant) – Middleburg Humane Foundation.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

Upon reconvening from the closed meeting, Mr. Ennis read the following Certification of Closed Meeting:

The Fauquier County Planning Commission, having adjourned into a closed meeting this day for the purposes stated in the resolution authorizing such meeting, does hereby certify that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and
2. Only such public business matters as were identified in the motion by which the closed meeting was convened, were heard, discussed, or considered in the closed meeting.

This certification shall be recorded in the minutes of the Planning Commission on motion of Mr. Ennis and seconded by Ms. Garreau.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

1. **PRELIMINARY PLAT – PPLT13-MA-001, WAVR14-MA-008 & WAVR14-MA-009 – GROVE LANE, LLC (OWNER/APPLICANT) – WINDY HILL** – An application to subdivide a 7.70-acre portion of a 122.8574-acre parcel into thirty (30) lots with three (3) open space parcels totaling 4.71 acres. The property is located on the north side of Grove Lane and west of Salem Avenue, Marshall District. (PIN 6969-39-3028-000) (Chuck Floyd, Staff)

After discussion, on motion made by Mr. Lee and seconded by Mr. Ennis, it was moved to approve the waivers (WAVR14-MA-008 & WAVR14-MA-009), subject to the following revised condition:

1. Grove Lane, LLC, or its successors or assigns, as the owner of that portion of the Cunningham Farm property that is the residue of that property following the recordation of the subdivision plat for Windy Hill, shall construct the extension of Salem Avenue as a public street from the terminus of its construction within Windy Hill, to its intersection with Cunningham Farm Drive, not later than the issuance of the 78th residential building permit on that residue.

On motion made by Mr. Alm and seconded by Ms. Garreau, it was moved to amend the conditions as follows:

1. Grove Lane, LLC, or its successors or assigns, as the owner of that portion of the Cunningham Farm property that is the residue of that property following the recordation of the subdivision plat for Windy Hill, shall construct the extension of Salem Avenue, as a gravel temporary road for emergency vehicles, from the terminus of its construction within Windy Hill, to its intersection with Cunningham Farm Drive, before any occupancy permit is issued within Windy Hill.
2. Grove Lane, LLC, or its successors or assigns, as the owner of that portion of the Cunningham Farm property that is the residue of that property following the recordation of the subdivision plat for Windy Hill, shall construct the extension of Salem Avenue as a public street from the terminus of its construction within Windy Hill, to its intersection with Cunningham Farm Drive, not later than the issuance of the 78th residential building permit on that residue or seven years from the date of issuance of the first occupancy permit on the residue parcel, whichever comes first.

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

Thereafter, the original motion carried 3-2, as follows:

AYES: Mr. Lee, Mr. Meadows and Mr. Ennis  
NAYS: Ms. Garreau and Mr. Alm  
ABSTENTION: None  
ABSENT: None

After discussion, on motion made by Mr. Lee and seconded by Mr. Meadows, it was moved to approve the Preliminary Plat, (PPLT13-MA-001), subject to the following conditions:

1. The final plat shall be in general conformance with the “Preliminary Plat for Windy Hill” dated March 8, 2013, and sealed and signed by Daniel R. Hines, P.E. on August 8, 2013.
2. The applicant shall dedicate to Fauquier County Open Space Parcel C (1.23 acres), which contains a stream valley prior to approval of the Final Plat for Windy Hill or on the Final Plat for Windy Hill.

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

2. **COMPREHENSIVE PLAN AMENDMENT/REZONING/SPECIAL PERMITS/SPECIAL EXCEPTIONS – CPAM13-MA-005, REZN13-MA-004, SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, 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 13 Special Permit to allow a veterinary clinic; 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)

Ms. Garreau indicated she could not support this motion as it was not consistent with the Comprehensive Plan. Mr. Alm likewise indicated he could not support this as the proposed use should be outside of the Service District.

After discussion, on motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to forward the Comprehensive Plan Amendment, (CPAM13-MA-005), to the Board of Supervisors with a recommendation of approval.

The motion carried 3-2, as follows:

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

NAYS: Ms. Garreau and Mr. Alm

ABSTENTION: None

ABSENT: None

After discussion, on motion made by Mr. Lee and seconded by Mr. Ennis, it was moved to forward the Rezoning, (REZN13-MA-004), to the Board of Supervisors with a recommendation of approval, subject to the revised proffer statement dated November 7, 2013.

The motion carried 3-2, as follows:

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

NAYS: Ms. Garreau and Mr. Alm

ABSTENTION: None

ABSENT: None

Planning Commissioners discussed the Special Exceptions and Special Permits. Mr. Lee noted the site is part of a wider area and he encouraged the Board of Supervisors to take this wider area into consideration. Ms. Garreau voiced her concerns with future conflicts between the sheltering of stressed animals in a residential neighborhood with children. She favored adding conditions such as a time restriction, access restriction, etc. Mr. Alm wanted a time restriction as he viewed this as the wrong location for this use.

After discussion, on motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to forward the Special Permits and Special Exceptions, (SPPT13-MA-020, SPPT13-MA-021, SPPT14-MA-007, SPEX13-MA-023 & SPEX13-MA-024), to the Board of Supervisors with a recommendation of approval, subject to the following revised conditions:

1. The site shall be developed in general conformance with the Proffer Statement and Concept Development Plan associated with companion Rezoning REZN13-MA-004 filed with these Special Permit and Special Exception applications, except as specifically modified by the conditions below or as may be necessary to meet Zoning Ordinance requirements.
2. No structure for the confinement, care or breeding of dogs, and no associated structure shall be located closer than 75 feet to any lot line, except that this requirement shall not

apply to structures which are completely enclosed, adequately soundproofed, constructed, and maintained so that there will be no emission of odor or noise detrimental to other properties in the area.

3. The veterinary clinic shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.
4. The owner shall demonstrate that any well on the site will not damage the wells of adjoining parcels, including but not limited to the Lawrence Well, or interfere with future development of adjoining parcels (both inside and outside of the service district). This demonstration will be based on the results of a hydrogeological report and testing as outlined in Chapter 18 of the Subdivision Ordinance.
5. A water test with results satisfactory to the Health Department shall be carried out on any well before it may be used.
6. Abutting Residential Zoning Districts, all open off-street parking and loading areas shall be no closer than 25 feet from any lot line and shall be effectively screened.
7. At intervals not less than every five years following the issuance of a zoning permit for the uses authorized by these Special Permits, the property owner shall make itself or a representative available for a meeting with the Zoning Administrator for the purpose of a review of the then current state of operations of the humane facility, and the owner shall use its best good faith efforts to accommodate issues that may be raised during such consultations.
8. All primary buildings and parking areas shall be located within the Area of Primary Buildings and Parking as shown on the Concept Development Plan.
9. The kennel shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties in the area.

The motion carried 3-2, as follows:

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

NAYS: Ms. Garreau and Mr. Alm

ABSTENTION: None

ABSENT: None

Mr. Ennis requested that staff include all six newly proposed conditions for Middleburg Humane Foundation, which were submitted prior to tonight's meeting, with the staff report for the Board of Supervisors. Two of the proposed conditions (#8 and 9 above) were

included in the recommendation. The other four proposed conditions were not recommended by the Planning Commission.

In that there was no further business, the meeting was adjourned at 8:52 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***