

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 29, 2012**

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

The Fauquier County Planning Commission held a Work Session on Thursday, March 29, 2012, beginning at 10:00 a.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee, and Mr. John Meadows. Also present were Ms. Tracy Gallehr, Mr. Rick Carr, Mrs. Kimberley Fogle, Mrs. Susan Eddy, Ms. Kimberley Johnson, Mr. Jim Sawyer, Ms. Mary Sherrill, Mr. Andrew Hushour, Ms. Sandra O’Connell, Mr. Rob Walton, Ms. Holly Meade, Ms. Kristen Slawter, Ms. Kim Abe and Mr. Adam Shellenberger.

DRAFT MARSHALL REVITALIZATION OVERLAY DISTRICT

Ms. Abe reviewed.

OVERVIEW OF THE WARRENTON-FAUQUIER AIRPORT

Mr. Patrick Nutz (Industrial Development Authority) reviewed.

SPECIAL EXCEPTION – SPEX12-LE-009 – MOOTHRU, LLC (OWNER)/KEN SMITH, APPLICANT) – MOOTHRU, LLC

Ms. Meade reviewed the staff report.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-2000 TO ALLOW A PRIVATE INDIVIDUAL SEWAGE TREATMENT SYSTEM WHICH DISCHARGES INTO AN OPEN DITCH OR WATER TO BE APPROVED FOR A BUSINESS WITH AN EXPANSION TO THE FACILITY.

Mr. Hushour reviewed the proposed text amendment.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-320 AND 5-2000 RELATED TO SPECIAL EXCEPTIONS FOR DISCHARGE SEWAGE DISPOSAL SYSTEMS.

Mr. Hushour reviewed the proposed text amendment.

SPECIAL EXCEPTION – SPEX12-MA-012 – MORNINGSIDE EQUESTRIAN FARM, LLC (OWNERS)/NAJAF & LESLIE HUSAIN (APPLICANTS) – MORNINGSIDE TRAINING FARM

Ms. Slawter reviewed the application.

SPECIAL EXCEPTION/SPECIAL PERMIT – SPEX12-SC-010 & SPPT12-SC-017 – DONG HO SUH (OWNER)/HANSFORD A. CONNER (APPLICANT) – AARON’S TOWING, LLC

Ms. Meade reviewed the application.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-317 AND 5-1705 TO ADD ABATTOIRS AS A SPECIAL EXCEPTION USE IN THE RA/RURAL AGRICULTURAL DISTRICT.

Mr. Walton reviewed the proposed text amendment.

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 7-101, 7-102, 7-103, 7-201, 7-202, 12-604 AND 15-300; A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTIONS 10-5 AND 10-6; AND A DESIGN STANDARDS MANUAL TEXT AMENDMENT TO CHAPTER 3.

Ms. O’Connell reviewed the proposed text amendments.

INITIATION OF A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 10 RELATED TO NON-CONFORMING ISSUES.

Mr. Hushour reviewed the proposed text amendment.

INITIATION OF A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-200 AND 6-300 RELATED TO GUNSMITHING AND GUN SALES.

Mr. Hushour reviewed the proposed text amendment.

APPROVAL OF MINUTES – February 23, 2012

Planning Commissioners discussed the February 23, 2012 minutes.

BOARD OF ZONING APPEALS AGENDA

Planning Commissioners discussed the Board of Zoning Appeals (BZA) agenda.

TRANSPORTATION COMMITTEE AGENDA

Mrs. Eddy reviewed the agenda.

A COMPREHENSIVE PLAN AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN (CHAPTER 6) AND THE CONNECTIONS PLAN, A SUB-CHAPTER OF THE TRANSPORTATION PLAN (CHAPTER 10), TO ADOPT ELEMENTS OF THE FAUQUIER-WARRENTON DESTINATIONS PLAN, BICYCLE AND PEDESTRIAN PLAN.

Ms. Slawter reviewed the proposed Comprehensive Plan Amendment.

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

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

The Fauquier County Planning Commission held its regular meeting on Thursday, March 29, 2012, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Dell Ennis, Secretary; Mr. Bob Lee, and Mr. John Meadows. Also present were Ms. Tracy Gallehr, Mrs. Susan Eddy, Mr. Rick Carr, Mr. Andrew Hushour, Ms. Sandra O’Connell, Mr. Rob Walton, Ms. Holly Meade, Ms. Kristen Slawter, and Mrs. Rebecca Kellert.

1. **APPROVAL OF MINUTES** – February 23, 2012

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to approve the February 23, 2012 minutes.

The motion carried unanimously.

2. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of Text Amendments to Additional Sections of Chapter 3, Transportation in the Design Standards Manual and Associated Text Amendments in the Zoning and Subdivision Ordinances. (Saundra O’Connell, Staff)

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

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mrs. Garreau and seconded by Mr. Meadows, it was moved to initiate this text amendment to the Zoning Ordinance.

The motion carried unanimously.

3. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Article 10 related to non-conforming issues. (Kimberley Johnson, Staff)

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

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate this text amendment to the Zoning Ordinance.

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – Initiation of a Zoning Ordinance Text Amendment to Sections 5-200 and 6-300 related to gunsmithing and gun sales. (Andrew Hushour, Staff)

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

For purposes of good zoning practice, convenience, as well as public general welfare, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to initiate this text amendment to the Zoning Ordinance.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

No comment.

6. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

1. **ANNOUNCEMENTS**

Mr. Meadows welcomed the group of high school students in the audience to observe the Planning Commission. Mr. Meadows also stated that the public hearing would be held for the MooThru application, but the applicant requested a postponement.

Mr. Alm stated that the Planning Commission has been holding a series of work sessions on economic development and that the last meeting regarding Agricultural Development has been postponed until May 31, 2012.

2. **CITIZENS' TIME**

No one spoke.

3. **ZONING ORDINANCE, SUBDIVISION ORDINANCE, & DESIGN STANDARDS MANUAL TEXT AMENDMENTS** – A Zoning Ordinance Text Amendment to Sections 7-101, 7-102, 7-103, 7-201, 7-202, 12-604 and 15-300; a Subdivision Ordinance Text Amendment to Sections 10-5 and 10-6; and a Design Standards Manual Text Amendment to Chapter 3. (Saundra O'Connell, Staff)

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

Mr. Alm opened the public hearing.

In that there were no speakers. Mr. Alm adjourned the public hearing.

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

The motion carried unanimously.

4. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 3-317 and 5-1705 to add Abattoirs as a Special Exception use in the RA/Rural Agricultural District. (Rob Walton, Staff)

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

Mr. Alm opened the public hearing.

In that there were no speakers. Mr. Alm adjourned the public hearing.

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

The motion carried unanimously.

(Items #5 and 6 were considered concurrently.)

5. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 3-320 and 5-2000 related to Special Exceptions for discharge sewage disposal systems. (Andrew Hushour, Staff)

6. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 5-2000 to allow a private individual sewage treatment system which discharges into an open ditch or water to be approved for a business with an expansion to the facility. (Andrew Hushour, Staff)

Mr. Hushour reviewed the reviewed the staff reports, copies of which are attached to and made part of these official minutes.

Mr. Alm opened the public hearing on both items.

Mr. Gerry Ashby, Lee District, expressed concern that treated water could have a negative impact on the surrounding area. Mr. Ashby stated that he is an engineer and would like to assist in looking into alternative options.

In that there were no further speakers, Mr. Alm adjourned the public hearing on both items.

On motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to postpone action on both items until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

7. **SPECIAL EXCEPTION – SPEX12-LE-009 – MOOTHRU, LLC (OWNER)/KEN SMITH, APPLICANT) – MOOTHRU, LLC** – An application for a Category 20 Special Exception to allow for a sewage treatment system which discharges into an open ditch or water. The property is located at 11402 James Madison Highway, Lee District. (PIN 6888-28-5394-000) (Holly Meade, Staff)

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

Mr. Alm opened the public hearing.

Mr. Ken Smith, applicant, stated that he would like to request a postponement until the next regularly scheduled meeting.

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

On motion made by Mr. Meadows and seconded by Mr. Ennis, it was moved to postpone action on this item until the next regularly scheduled meeting, at the applicant's request, with the public hearing left open.

The motion carried unanimously.

8. **SPECIAL EXCEPTION/SPECIAL PERMIT – SPEX12-SC-010 & SPPT12-SC-017 – DONG HO SUH (OWNER)/HANSFORD A. CONNER (APPLICANT) – AARON'S TOWING, LLC** – An application for a Category 23 Special Exception to allow for a fence in the floodplain and a Category 14 Special Permit to allow for a motor vehicle impoundment/towing business with a maximum of ten (10) vehicles. The property is located at 4633 Lee Highway, Scott District. (PIN 7906-83-9760-000) (Holly Meade, Staff)

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

Mr. Alm opened the public hearing.

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

On motion made by Ms. Garreau 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.

9. **SPECIAL EXCEPTION – SPEX12-MA-012 – MORNINGSIDE EQUESTRIAN FARM, LLC (OWNERS)/NAJAF & LESLIE HUSAIN (APPLICANTS) – MORNINGSIDE TRAINING FARM** – An application for a Category 18 Special Exception to allow equestrian instruction and competitions on land where there is a

non-common open space easement held by the Board of Supervisors. 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) (Kristen Slawter, Staff)

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

The Planning Commissioners discussed the proposed conditions.

Mr. Alm opened the public hearing.

Merle Fallon, Esquire, representative, reviewed the proposal.

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

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

Morningside Revised Conditions (3/29/12 at PC Public Hearing)

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat, "Morningside Training Farm" dated February 8, 2012.
3. The term of this Special Exception shall be valid for three years from approval by the Board of Supervisors. An extension of the Special Exception can be applied for and approved thereafter by the Zoning Administrator, provided that all conditions herein have been adhered to. Administrative approval may be granted twice, for up to two years for each extension. Note that additional information from the applicant could be required upon application for an administrative extension.
4. The applicants shall have the ability to conduct the following equine uses on the site:
 - o Boarders: Up to 50 horses may be boarded. Owners have no limit on visitation or lessons associated with boarded horses;
 - o Private Lessons: Up to 50 participants per week with trailers are permitted;
 - o Schooling Days: Up to 40 participants per week with trailers are permitted;
 - o Clinics: Up to 30 participants with trailers per clinic for up to 24 days per year are permitted;
 - o Competitions: Two-day competitions for up to 4 times per year, with up to 50 participants per day of competition are permitted.

5. ~~One~~ No more than two concessions food and drink ~~trailer~~ trailers is are permitted with Clinics and Competitions. Indoor vending machines of beverages are permitted.
6. All uses shall comply with the lot size, bulk regulations, and performance standards of the zoning district in which located.
- 7a. The applicant shall obtain a Health Department permit for and install a minimum of two portable toilets prior to commencing operations. Portable toilets shall be sited or screened so that they are not visible from Route 17. The portable toilets shall be available daily, as needed, until October 1, 2012. After this date, no portable toilets shall be permitted on-site except for four, two-day Competitions per year. The toilets shall be removed from the site 24 hours after the last day of Competition. On or before October 1, 2012, the applicant shall submit a drainfield certification plat approved by the Health Department demonstrating adequate drainfield capacity to handle 150 people per day. ~~using existing facilities. If existing drainfield(s) cannot support 150 people per day an additional indoor bathroom(s), shall be installed is permitted on site and shall be screened from view of Route 17.~~ All drainfields shall have a 200% reserve, approved by the Health Department.

~~OR~~

~~7b. The applicant shall obtain a Health Department permit for and install a minimum of two portable toilets prior to commencing operations. Portable toilets shall be sited or screened so that they are not visible from Route 17. The portable toilets shall be available daily as needed. The office bathroom shall be used primarily by staff. The barn bathroom shall be used primarily by Boarders. The cottage bathroom(s) is for private, residential use only. On or before October 1, 2012, the applicant shall submit a drainfield certification plat approved by the Health Department for demonstrating adequate drainfield capacity to handle 50 people per day for the barn bathroom, the office, and residence, as well as a drainfield reserve area(s). An additional indoor bathroom(s), if needed, is permitted on site and shall be screened from view of Route 17. All The barn/office drainfields shall have a 200% reserve, approved by the Health Department for the number of users anticipated herein.~~

8. Competition days shall not occur on the same days as a Clinic.
9. No Schooling Days shall not occur on the same day as a Competition day.
10. No more than one Competition per month is permitted.
11. Clinics and Schooling Days are permitted on the same day, but shall occur at different times.
12. All activities are by appointment only and will operate dawn to dusk.

13. The rental of horses is not permitted.
14. The applicant shall obtain **required** permits for ~~all structures and~~ the existing ponds on-site.
15. No additional ~~facility~~ **facilities are is** permitted with the exception of a riding ring (covered or uncovered) and an additional indoor bathroom(s) in lieu of portable toilets. ~~The riding ring shall meet all setback requirements.~~
16. ~~The applicant shall meet applicable state MS 19 adequate channel regulations. Any future development shall obtain necessary E&S and storm water management permits.~~
17. The applicant shall provide ~~a technically qualified opinion approved by the Health Department indicating that~~ adequate water supply ~~exists from existing wells~~ to supply the operations described herein, including, but not limited to the demands on indoor bathroom use.
18. The site shall not exceed a total of 150 people per day, including spectators and shall not exceed a total of 100 people at any given time, including spectators.
19. Spectators are defined as non-paying friends and family of the participants who come to watch the Competitions, Clinics, Boarding, Schooling, or Private Training activities described herein.
20. All signs shall be properly permitted. Any sign visible from Route 17 shall be approved by the Zoning Administrator.
21. The applicants shall notify both VDOT and the Sheriff's Department of Clinics and Competitions one week in advance of such events. The applicant shall obtain an events permit from VDOT if applicable.
22. The Event Entrance labeled on the Special Exception plat shall be built to VDOT commercial entrance standards. The gated entrance opposite PIN 6977-44-1925-000 as shown on the plat shall be limited access for owners, staff, Boarders, and the entrance designated for Boarders' trailers. The gravel road opposite PIN 6977-45-8944-000 as shown on the plat shall be limited access for owners, staff, and service vehicles only; landscaping may be installed along this gravel road to mitigate the impacts of vehicles on adjacent neighbors. To ensure public safety and convenience, directional traffic signs shall be posted to ensure traffic and trailers enter the site at specified locations.
23. A maximum of 50 horse trailers are permitted on-site at any given time.
24. Traffic controllers shall **be provided by the applicant and** guide entry and exit of traffic to the site on Competition and Clinic days.

25. Dust controls shall be implemented for the Exercise Track labeled on the plat as deemed necessary by the applicant.

The motion carried unanimously.

10. **COMPREHENSIVE PLAN AMENDMENT – CPAM10-CT-002** – A Comprehensive Plan Amendment to the Warrenton Service District Plan (Chapter 6) and the Connections Plan, a sub-chapter of the Transportation Plan (Chapter 10), to adopt elements of the Fauquier-Warrenton Destinations Plan, Bicycle and Pedestrian Plan. (Kristen Slawter, Staff)

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

Mr. Alm opened the public hearing.

Mr. Mark Nesfeder, Center District, spoke in support of the proposed Comprehensive Plan Amendment.

In that there were no further speakers, Mr. Alm 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.

In that there was no further business, the meeting was adjourned at 8:00 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.