

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
APRIL 26, 2012**

**Work Session  
10:30 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, April 26, 2012, beginning at 10:30 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, Mr. Andrew Hushour, Ms. Holly Meade, Mr. Harvey Clark and Mr. Adam Shellenberger.*

**Sketch Plan Process**

Mrs. Fogle reviewed the Sketch Plan Process.

**SUBDIVISION ORDINANCE TEXT AMENDMENT – A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTIONS 9 AND 18 TO REQUIRE SUBMISSION OF HYDROGEOLOGIC STUDIES WITH PRELIMINARY PLAT APPLICATIONS**

Mrs. Eddy reviewed the proposed text amendment.

**INTRODUCTION TO ECONIZE CLOSETS, LLC REZONING**

Ms. Meade reviewed the proposal.

**WAIVER OF ZONING ORDINANCE SECTION 7-302.1.A.2 (WAVR12-CR-017) TO ALLOW FOR A PRIVATE STREET TO CONNECT TO A PRIVATE STREET**

Mr. Clark reviewed the application.

**4<sup>th</sup> RENEWAL OF THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Hushour reviewed the proposed renewal.

**4<sup>th</sup> RENEWAL OF THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Hushour reviewed the proposed renewal.

**4<sup>th</sup> RENEWAL OF THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT**

Mr. Hushour reviewed the proposed renewal.

**15<sup>th</sup> ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT - AGFD12-MA-001 – HAPPY PUPPY FARM, LLC (OWNER/APPLICANT), PIN 6918-61-5778-000, LOCATED AT 5299 KEYSER ROAD, HUME, VIRGINIA**

Mr. Hushour reviewed the application.

**21<sup>st</sup> ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT AGFD12-CR-002 – WILLIAM E. & MARY JO LYNSKEY (OWNERS/APPLICANTS), PIN 7839-81-7216-000, LOCATED AT 11610 ROGUES ROAD, MIDLAND, VIRGINIA**

Mr. Hushour reviewed the application.

**APPROVAL OF MINUTES – March 29, 2012**

Planning Commissioners discussed the March 29, 2012 minutes.

**TRANSPORTATION COMMITTEE AGENDA**

Ms. Garreau reviewed the agenda.

**BOARD OF ZONING APPEALS AGENDA**

Planning Commissioners discussed the agenda.

**ZONING ORDINANCE TEXT AMENDMENT – A ZONING ORDINANCE TEXT AMENDMENT TO NON-CONFORMING USE PROVISIONS OF ARTICLE 10 AND SECTION 15-300**

Mr. Hushour reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT RELATED TO DISCHARGE SYSTEMS**

Mrs. Gallehr reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT – A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 5-205, 6-303, AND 6-304 RELATED TO GUNSMITHING AND GUN SALES**

Mr. Hushour reviewed the proposed text amendment.

**ZONING ORDINANCE TEXT AMENDMENT – A ZONING ORDINANCE TEXT AMENDMENT TO CREATE A NEW BUSINESS PARK (BP) ZONING DISTRICT, TO AMEND THE I-1/INDUSTRIAL PARK AND I-2/INDUSTRIAL BUSINESS ZONING DISTRICTS TO CHANGE THE USES ALLOWED IN THE DISTRICTS AND TO CHANGE THE APPROVAL REQUIREMENTS FOR CERTAIN INDUSTRIAL USES IN THE DISTRICTS**

Ms. Johnson reviewed the proposed text amendment.

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

<p style="text-align: center;"><i>Regular Meeting 6:30 p.m. Warren Green Meeting Room 10 Hotel Street, Warrenton, Virginia</i></p>
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*The Fauquier County Planning Commission held its regular meeting on Thursday, April 26, 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. Kimberley Johnson, Mr. Harvey Clark and Mrs. Rebecca Kellert.*

1. **APPROVAL OF MINUTES** – March 29, 2012

On motion made by Ms. Garreau and seconded by Mr. Lee, it was moved to approve the March 29, 2012 minutes.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Mr. Ennis (briefly away from meeting)

2. **WAIVER OF ZONING ORDINANCE SECTION 7-302.1.A.2 (WAVR12-CR-017)  
TO ALLOW FOR A PRIVATE STREET TO CONNECT TO A PRIVATE STREET**

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

Mr. Ennis requested advice from legal counsel regarding a proposed condition being considered related to encroachment on a neighboring parcel.

Mrs. Gallehr stated that the addition of a new lot could possibly impact a prescriptive easement on the Olinger property (PIN 7808-63-8361-000); therefore, the proposed condition regarding encroachment is acceptable.

Mr. Ennis asked the applicant if he wished to request a postponement on this item.

Mr. Jonathan Ritchie, applicant, stated that he wished to proceed with action.

On motion made by Mr. Ennis 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:

1. The driveway and all access to the newly created 2.7651+/- acre lot shall be only over the area shown for the 50' private street/ingress-egress easement shown on the documents and plats submitted with this waiver request with no encroachment onto any adjoining property.
2. This waiver shall only be granted for the creation of the proposed 2.7651+/- acre lot and this waiver does not extend to any future or additional lots created from the parent parcel.
3. Any existing encroachment on the Olinger parcel (PIN 7808-63-8361) shall be removed and restored by clearing the existing gravel and applying grass seed and straw which must be concluded and demonstrated to the sole satisfaction of the county's subdivision agent prior to the approval of the subdivision plat for the new 2.7651 +/- acre lot.

The motion carried unanimously.

3. **BOARD OF ZONING APPEALS AGENDA**

Ms. Garreau read the following letter (signed by Mr. Alm, Ms. Garreau, and Mr. Lee), addressed to the Board of Zoning Appeals:

Regarding the application before the Board of Zoning Appeals (Special Permit #SPPT12-SC-024, Steven C. & Michelle A. Payne, Owners/Applicants – This 'n That, LLC) in Scott District, the Planning Commission would respectfully ask that the Board in its deliberations consider the visual impact of this retail operation on the community adjacent to, in the vicinity of, and driving past the establishment on Route 29. Large amounts of merchandise have been placed close to the highway and spread along a significant stretch of the property, if not the entire property, causing rubbernecking along a section of the road that, in addition to heavy, fast-moving traffic, must accommodate Pepsi Cola delivery trucks making left turns right in front of This 'n That. Several months ago, the Board of Supervisors approved a Special Exception for a similar establishment less than a half mile north of the applicant's location on the same side of the highway with conditions that required that property owner to set all merchandise back off the road to minimize the visual impact. The result of that action was a much cleaner, more attractive looking outdoor display area reduced distraction and hazard to passing traffic. The Planning Commission asks that the Board of Zoning Appeals take under consideration these facts when deliberating the merits of this application and/or the imposition of conditions in association with an approval.

*(NOTE: Mr. Meadows recused himself and Mr. Ennis did not sign the letter.)*

4. **TRANSPORTATION COMMITTEE AGENDA**

Ms. Garreau stated that the Virginia Department of Rail and Public Transportation (DRPT) will host a public meeting regarding the Super NoVa study on Tuesday, May 22, 2012 (6:30 p.m. – 8:30 p.m.), in the Warren County Government Center Community Board Room, 200 North Commerce Avenue, Front Royal, Virginia.

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

1. **ANNOUNCEMENTS**

None.

2. **CITIZENS' TIME**

No one spoke.

**(Items #3, 4, & 5 were considered concurrently.)**

3. **4<sup>th</sup> RENEWAL OF THE MARSHALL/WARRENTON AGRICULTURAL AND FORESTAL DISTRICT**

4. **4<sup>th</sup> RENEWAL OF THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT**

5. **4<sup>th</sup> RENEWAL OF THE PLAINS AGRICULTURAL AND FORESTAL DISTRICT**

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

Mr. Alm opened the public hearing on Items 3, 4, and 5.

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

On motion made by Mr. Lee and seconded by Mr. Meadows, it was moved to forward these items to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

6. **15<sup>th</sup> ADDITION TO THE ORLEAN/HUME AGRICULTURAL AND FORESTAL DISTRICT - AGFD12-MA-001 - HAPPY PUPPY FARM, LLC (OWNER/APPLICANT), PIN 6918-61-5778-000, LOCATED AT 5299 KEYSER ROAD, HUME, VIRGINIA**

Mr. Hushour 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 Mr. Lee 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.

7. **21<sup>st</sup> ADDITION TO THE SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT – AGFD12-CR-002 – WILLIAM E. & MARY JO LYNSKEY (OWNERS/APPLICANTS), PIN 7839-81-7216-000, LOCATED AT 11610 ROGUES ROAD, MIDLAND, VIRGINIA**

Mr. Hushour 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 Mr. Ennis 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.

8. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to create a new Business Park (BP) zoning district, to amend the I-1/Industrial Park and I-2/Industrial Business zoning districts to change the uses allowed in the districts and to change the approval requirements for certain Industrial Uses in the districts. (Kimberley Johnson, Staff)

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

Mr. Alm opened the public hearing.

Dr. Kitty Smith, Marshall District, stated that she does not feel this proposed text amendment is ready to move forward.

In that there were no further 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. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Non-Conforming Use Provisions of Article 10 and Section 15-300. (Andrew Hushour, Staff)

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

Mr. Alm opened the public hearing.

Merle Fallon, Esquire, spoke in support of the proposed text amendment but suggested a few minor revisions.

Mr. Charlie Westbrook, Marshall District, spoke in opposition to the proposed text amendment.

Mr. Jeff Soule, Marshall District, stated that action on this item should be postponed until a pending legal case can be resolved.

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

On motion made by Mr. Meadows 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.

10. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Sections 5-205, 6-303, and 6-304 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.

Mr. Alm opened the public hearing.

Mr. Christer Carshult, Center District, spoke in opposition to the proposed text amendment, stating that it is not business friendly.

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, with the public hearing left open.

The motion carried unanimously.

11. **SUBDIVISION ORDINANCE TEXT AMENDMENT** – A Subdivision Ordinance Text Amendment to Sections 9 and 18 to require submission of Hydrogeologic Studies with Preliminary Plat applications. (Susan Eddy, Staff)

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

Mr. Alm opened the public hearing.



Ms. Ann Rezelman, Cedar Run District, stated that she owns a home near the Arrington property and is concerned about water issues.

Mr. Meadows stated that the proposed text amendment does not pertain to any specific application.

Dr. Kitty Smith, Citizens for Fauquier County, spoke in support of the proposed text amendment, stating that the Preliminary Plat phase would be the ideal time to require a hydrogeologic study.

Mr. David Dobson, Culpeper County, spoke in opposition to the proposed text amendment because of the expense developers would incur at this point in the process.

Ms. LaCinda Gooder, Lee District, spoke in support of the proposed text amendment, stating that obtaining a hydrogeologic study early in the process would indicate if there is enough water to support a project.

Merle Fallon, Esquire, spoke in opposition to the proposal and cautioned that the County does not have legal authorization to set pre-conditions regarding the filing of a by-right subdivision.

James P. Downey, Esquire, representative for the Arrington Subdivision, spoke in opposition to the proposed text amendment. Mr. Downey stated that his client has incurred a great deal of expense and feels this proposal is arbitrary and directed toward his client's application.

Mr. Jeff Soule, Marshall District, stated that he is in favor of the proposed text amendment.

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

Mr. Lee clarified that this proposed text amendment is not directed at any particular project. Mr. Lee also stated that it would be more advantageous to complete the hydrogeologic study early in the subdivision process.

Mr. Ennis stated that he would like additional time to research this issue.

Ms. Garreau stated that an impact on the water supply is an issue with any proposed subdivision and it would be better to address this concern earlier in the process rather than later.

Mr. Alm stated that he would like to have more time to research this subject and consider all options.

Mr. Meadows also stated that he would like additional time to investigate this matter.

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

The motion failed 3 – 2, as follows:

AYES: Mr. Meadows, Mr. Ennis

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

ABSTENTION: None

ABSENT: None

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

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.*