

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

**Site Visit
11:00 a.m.
Black Horse Inn
8393 Meetze Road
Warrenton, Virginia**

The Fauquier County Planning Commission attended a site visit on Thursday, July 26, 2012, beginning at 11:00 a.m., at Black Horse Inn, 8393 Meetze Road, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Mr. Dell Ennis, Secretary; Mr. John Meadows; and Mr. Bob Lee. Staff present was Mr. Adam Shellenberger.

Ms. Lynn Pirozzoli, owner, led a tour of the property and its facilities. Ms. Pirozzoli also responded to specific questions, which were raised by members of the Commission and staff, during the tour.

Mr. Jimmy Mauro was also present during the site visit.

The meeting was adjourned at approximately 11:45 a.m.

**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 26, 2012, beginning at 12:30 p.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, Ms. Kimberley Fogle, Mrs. Susan Eddy, Ms. Kimberley Johnson, Mr. Jim Sawyer, Ms. Holly Meade, Mr. Rob Walton, Ms. Kristen Slawter and Mr. Adam Shellenberger.

**SPECIAL EXCEPTION – SPEX12-LE-013 – MCDONALD’S CORPORATION
(OWNER)/MCDONALD’S USA, LLC (APPLICANT) – MCDONALD’S – BEALETON**

Mr. Shellenberger reviewed the application.

SPECIAL EXCEPTION AMENDMENT – SEAM12-MA-005 – MARRIOTT RANCH PROPERTIES, INC. (OWNER/APPLICANT) – MARRIOTT RANCH

Ms. Meade reviewed the application.

REZONING & SPECIAL PERMITS – REZN12-CR-005, SPPT12-CR-034 & SPPT12-CR-035 – OBREY B. MESSICK & SONS, INC. (OWNERS/APPLICANTS) – MESSICK’S FARM MARKET

Ms. Meade reviewed the application.

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

Ms. Meade reviewed the application.

REZONING & COMPREHENSIVE PLAN AMENDMENT – REZN12-CR-004 & CPAM12-CR-002 – GENERAL EXCAVATION LAND TRUST, RUSSELL A. JENKINS, TRUSTEE (OWNER/APPLICANT) – GENERAL EXCAVATION LAND TRUST

Ms. Slawter reviewed the application.

ZONING ORDINANCE TEXT AMENDMENT – A Zoning Ordinance Text Amendment to Section 6-102 to add Mobile Abattoirs as a permitted accessory use in the RA/Rural Agricultural and RC/Rural Conservation districts.

Mr. Walton reviewed the proposed text amendment.

SUBDIVISION ORDINANCE TEXT AMENDMENT – A Subdivision Ordinance Text Amendment to Sections 2 and 3 to amend provisions related to the family transfer process.

Ms. Slawter reviewed the proposed text amendment.

SPECIAL EXCEPTIONS – SPEX12-CR-014 & SPEX12-CR-015 – LYNN A. PIROZZOLI (OWNER/APPLICANT) – BLACK HORSE INN

Mr. Shellenberger reviewed the application.

CONSERVATION SUBDIVISION DESIGN

Ms. Fogle reviewed.

ZONING ORDINANCE TEXT AMENDMENT – TELECOMMUNICATIONS

Ms. Fogle discussed a possible revision to Article 11 (Telecommunications) of the Zoning Ordinance.

APPROVAL OF MINUTES – June 28, 2012

Planning Commissioners discussed the June 28, 2012 minutes.

TRANSPORTATION COMMITTEE AGENDA

Planning Commissioners discussed the agenda.

BOARD OF ZONING APPEALS AGENDA

Planning Commissioners discussed the agenda.

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>

The Fauquier County Planning Commission held its regular meeting on Thursday, July 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, Mr. Rick Carr, Ms. Kimberley Fogle, Mrs. Susan Eddy, Mr. Adam Shellenberger, Ms. Holly Meade, Ms. Kristen Slawter, Mr. Rob Walton, Mrs. Fran Williams, Ms. Meredith Meixner and Ms. Rebecca Kellert.

1. **RESOLUTION OF APPRECIATION – FREDERICK P.D. CARR, DIRECTOR OF COMMUNITY DEVELOPMENT**

Mr. Alm expressed appreciation for Mr. Carr's many years of service to Fauquier County and read the following statement:

Resolution of Appreciation

Frederick P.D. "Rick" Carr, AICP

Adopted at the regular meeting of the Fauquier County Planning Commission, held in the Warren Green Building, 10 Hotel Street, Warrenton, Virginia, on Thursday, July 26, 2012.

WHEREAS, Frederick P.D. "Rick" Carr has served as the Director of the Department of Community Development and overseen the Planning Commission from August 1997 until July 2012; and

WHEREAS, Rick Carr spent fifteen years planning Shangri-La in Fauquier County though he never quite achieved one man's goal of "When pigs fly, this place will be an airport"; and

WHEREAS, Rick Carr's iron-man work ethic so inspired his staff that many, including an Erosion and Sediment Control Inspector with a yellow hard hat full of bullet holes, worked nights and weekends to ensure work was completed on time; and

WHEREAS, Rick Carr took particular pride in mentoring young staff members, some of whom the Planning Commissioners actually like; and

WHEREAS, Rick Carr without exception demonstrated indefatigable patience and humor with ignorant incoming Planning Commissioners; and

WHEREAS, Rick Carr never let the fact that his soft and gentle voice could put listeners to sleep in minutes get in the way of a pedagogical moment; and

WHEREAS, Rick Carr had an unfathomable loyalty to the Main Street Grill, to the point where the Planning Commissioners have so overdosed on its food they may never set foot in there again; and

WHEREAS, the Planning Commission, on behalf of the citizens of Fauquier County, wishes to express its deep appreciation for his service and leadership to the citizens of Fauquier County and wish him the best as he begins his "search for a rebirth of wonder as part of his continuing journey into the savage heart of the American Dream"; now, therefore be it

RESOLVED, That the Fauquier County Planning Commission, by this Resolution, does hereby express its sincere gratitude to Rick Carr for his many contributions to the Fauquier County Planning Commission; and to commend him for his service and leadership to the citizens of Fauquier County; and, be it

FURTHER RESOLVED, That this Resolution be placed within the minutes of the Planning Commission in recognition of Rick Carr's marathon service to Fauquier County.

2. **APPROVAL OF MINUTES** – June 28, 2012

On motion made by Ms. Garreau and seconded by Mr. Lee, it was moved to approve the June 28, 2012 minutes.

The motion carried unanimously.

3. **BOARD OF ZONING APPEALS AGENDA**

No comment.

4. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

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

1. **ANNOUNCEMENTS**

Mr. Alm stated that Ms. Kellert will no longer be providing administrative support for the Planning Commission, and thanked her for four years of service.

2. **CITIZENS' TIME**

Mr. Gerald Ashby, Lee District, expressed concern that, among other things, the previous minutes from May 31, 2012 and March 29, 2012 do not contain his exact wording and it is his belief that the Commission has decided the outcome of cases prior to the public hearings. Mr. Ashby also expressed concern about actions of the Planning Commissioners.

Ms. Julie Martin, Marshall District, expressed concern about the numerous overhead utility lines located throughout the County. Ms. Martin presented the Commission with photos, copies of which are attached to and made a part of these official minutes, and suggested that the County offer incentives to private property owners to locate utility lines underground.

3. **ZONING ORDINANCE TEXT AMENDMENT** – A Zoning Ordinance Text Amendment to Section 6-102 to add Mobile Abattoirs as a permitted accessory use in the RA/Rural Agricultural and RC/Rural Conservation districts. (Rob Walton, Staff)

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. **SUBDIVISION ORDINANCE TEXT AMENDMENT** – A Subdivision Ordinance Text Amendment to Sections 2 and 3 to amend provisions related to the family transfer process. (Kristen Slawter, Staff)

Ms. Slawter 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.

After discussion, 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.

5. **REZONING & COMPREHENSIVE PLAN AMENDMENT – REZN12-CR-004 & CPAM12-CR-002 – GENERAL EXCAVATION LAND TRUST, RUSSELL A. JENKINS, TRUSTEE (OWNER/APPLICANT) – GENERAL EXCAVATION LAND TRUST** – An application to change 4.42 acres of land designated in the Comprehensive Plan from Mixed Use to Industrial in the Opal Service District and a Rezoning/Proffer Amendment of the parcel from Industrial Park (I-1) with conditions to Industrial Park (I-1). The property is located off James Madison Highway (Routes 15/17/29) at 9757 Rider Road, Cedar Run District. (PIN 6981-32-5020-000) (Kristen Slawter, Staff)

Ms. Slawter 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, representative, reviewed the proposal.

Ms. Julie Martin, Marshall District, expressed concern about the proposed buffering for this property as it relates to overhead utility lines.

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

CPAM12-CR-004 (COMPREHENSIVE PLAN AMENDMENT)

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

The motion carried
4 – 1, as follows:

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

NAYS: Mr. Lee

ABSTENTION: None

ABSENT: None

REZN12-CR-004 (REZONING/PROFFER AMENDMENT)

On motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to remove the five existing proffers of the 1989 rezoning and incorporate the July 26, 2012 tree buffer proffer amendment, and forward this item to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

6. **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. Gerald Ashby, Lee District, spoke in opposition to the proposal and presented the Commission with his written comments and photos, copies of which are attached to and made a part of these official minutes, depicting flooding along Kings Hill Road. Mr. Ashby outlined concerns about the credibility of the applicant and the unfeasibility of allowing the text amendment related to discharges in an open ditch to be applied in this

instance. He believes the MooThru is breaking the terms of its current permit. He noted the ditch overflows in heavy rainfalls. Mr. Ashby stated that no effluent would cross his property or that of his neighbors without severe consequences. He will pursue this matter through State Attorney General processes. Mr. Ashby further stated that the applicant should be required to install an approved alternative sewer system that processes all sewage on his property without any impact to its patrons, neighbors, community, or the environment.

Ms. LaCinda Gooder, Lee District, spoke in opposition to the granting of this Special Exception, stating that the ditch along Kings Hill Road, which floods during heavy rainfalls, cannot support any further discharge. Ms. Gooder also noted that systems fail when used over their design capacity.

Ms. Julie Martin, Marshall District, stated that she agrees with the previous speakers because of possible impacts to public safety and the environment.

Merle Fallon, Esquire, representative, stated that he disagrees with the previous speakers and noted that the business grew beyond the applicant's expectation and he is seeking this approval to come into compliance.

Mr. Lonnie Whetzel, Lee District, stated that he is opposed due to concerns about the possible impacts of effluent being discharged on his property.

Ms. Karen Defnall, Lee District, stated that she is opposed because of the possible impacts of effluent being discharged on her property.

Ms. Eva Huff, Lee District, stated that she is opposed and agrees with the previous speakers.

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

After discussion, 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, subject to the following revised conditions:

MOO THRU, LLC
SPEX12-LE-009

1. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Wastewater Disposal Modification Special Exception Plat prepared by Brunk & Hilton Engineering, Inc., dated August 30, 2011, signed November 9, 2011, approved with the application, as qualified by these development conditions.
2. All on-site facilities and operations shall be in accordance with all applicable federal, state and local regulations at all times.

3. The commercial discharge system shall be limited to the design capacity as submitted with the Wastewater Disposal Modification Special Exception submission materials prepared by Brunk & Hylton Engineering, Inc., which equates to less than 1,000 gallons per day.
4. Performance and maintenance of the discharge system shall be tested to standards contained within the State Water Control Board's General Permit 12 VAC 5-640. Testing shall be completed monthly for the first twelve months of continuous operation. Following the first twelve months, testing shall be conducted quarterly. Should evidence be found that the system exceeds Department of Environmental Quality (DEQ) parameters, the Department of Community Development, DEQ, and the Health Department shall immediately be notified and the applicant shall immediately bring the system into compliance with the State Water Control Board's General Permit 12 VAC 5-640 regulations. The applicant shall be required to begin testing for any failing parameter monthly for the first three consecutive months immediately following the completion of the corrective action. After such time, quarterly testing can resume. All testing reports shall be provided to the Department of Community Development.

Should pump and haul procedures be necessary, notice that pump and haul procedures have been instituted shall be given to the Department of Community Development, DEQ and the Health Department on the same day such action is instituted. No testing for DEQ parameters shall be required during the period pump and haul procedures are utilized.

5. The applicant shall provide a water meter on its well to track water usage. This information shall be submitted to the Department of Community Development monthly for the first year. Following the first year, the water usage information shall be submitted quarterly to the Department of Community Development. 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.
6. The applicant shall sleeve the building sewer with Schedule 40 PVC pipe under the American Legion driveway depicted on the Wastewater Disposal Special Exception plat.
7. The elevation from discharge point, to the end of the easement, and every 50 feet in between shall be provided on the final construction plans provided to DEQ.
8. The average slope of the channel from the discharge point to the end of the easement shall be graded for positive drainage and shown on the construction plans provided to DEQ.

9. The discharge point shall be located between stations 5+00 and 6+00 as depicted on the Brunk & Hylton Engineering Wastewater Disposal Modification Special Exception plat, immediately southeast of the existing entrance on Remington Post No. 247, Inc. property (6888-28-2976-000). The remainder of the existing easement, extending from this point to station 8+27.2, shall be filled with rip-rap which size shall be determined by engineered flow calculations. The applicant shall install and maintain the ditch and rip-rap.
10. A maintenance contract with a licensed professional shall be retained at all times. The applicant shall provide the Zoning Administrator with a copy of the contract annually.
11. Applicant shall provide a grease trap meeting Health Department regulations as part of the wastewater treatment system.
12. The entire off-site force main shall be in an easement or subject to Virginia Department of Transportation permit.
13. Risers shall be provided at both the inlet and outlet end of the septic tank.
14. A sample port and effluent collection box shall be provided after ultraviolet treatment, prior to entering the force main, to allow for accurate wastewater monitoring. The sample location shall be secured to prevent public access.
15. A remote monitoring system shall be installed to automatically alert the licensed Operator and Owner of any alarm events. An agreement with the licensed Operator and Owner shall be in place to allow for their response to these emergency events. A copy of this agreement shall be provided to the Fauquier County Zoning Administrator annually.
16. The applicant shall provide a copy of the final construction plans and approval from the Department of Environmental Quality to the Fauquier County Department of Community Development within thirty days of DEQ approval.
17. The applicant shall obtain a permit from VDOT for the discharge and structure within the VDOT right-of-way.
18. The applicant shall post and maintain "No Parking" signs along the property's Kings Hill Road frontage.
19. All equipment, machinery and facilities pertaining to the discharge system, which are not located within an enclosed building, shall be effectively screened.
20. The Special Exception is valid for three (3) years from Board of Supervisors' approval.

After further discussion, on motion made by Mr. Meadows and seconded by Ms. Garreau, it was moved to amend Condition #3 of the above motion, as follows:

3. The commercial discharge system shall be limited to the design capacity as submitted with the Wastewater Disposal Modification Special Exception submission materials prepared by Brunk & Hylton Engineering, Inc., which equates to less than ~~1,000~~ *six hundred (600)* gallons per day.

The motion carried unanimously.

Thereafter, the original motion, as amended carried unanimously.

7. **SPECIAL EXCEPTION – SPEX12-LE-013 – MCDONALD’S CORPORATION (OWNER)/MCDONALD’S USA, LLC (APPLICANT) – MCDONALD’S – BEALETON** – An application for a Category 13 Special Exception to modify the existing drive-through lane to allow for side-by-side ordering. The property is located at 11027 Marsh Road, Lee District. (PIN 6899-25-4835-000) (Adam Shellenberger, Staff)

Mr. Shellenberger 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. Roger Bowers, representative, reviewed the proposal.

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

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

**McDONALD’S – BEALETON
SPEX12-LE-013**

1. This Special exception is granted for and runs with the land indicated in this application as PIN 6899-25-4835-000.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the "McDonald’s Bealeton Special Exception Plan" dated May 21 2012, revised July 10,2012; and received in the Planning Office on July 11, 2012, as approved with this application, as qualified by these development conditions.
3. The plan shall comply with the provisions in Article 12 of the Fauquier County Zoning Ordinance. Such provisions shall be reviewed with the Major Site Plan application.
4. The loading space shall meet the size requirements found in Section 7-202.10 of the Zoning Ordinance. Additionally, the loading areas to be screened from view

with a dense evergreen tree screen and plant materials, per Zoning Ordinance Section 7-604.3.h(2).

5. All proposed new signage, associated with the drive through lane modifications shall be screened from view from Route 17, as required by the Zoning Ordinance, Article 8.
6. Landscape materials shall be installed along the northern property line, to effectively screen views of the drive-through facilities and the rear of the dumpster fence from Route 17. Landscaping within this easement must be coordinated directly with VEPCO to determine what type of planting is permitted within the easement.
7. Landscaping which no longer exists, but was shown on the approved site plan shall be replaced. The Zoning Administrator, during site plan review, may approve modifications to the proposed species and their spacing.
8. A 10' wide sidewalk and street trees, spaced at a minimum of 35' on-center, shall be installed along the Route 17 frontage, as permitted by VEPCO and/or VDOT. The trees shall be located between the edge of pavement for Route 17 and the proposed sidewalk. The sidewalk shall be installed between the existing hedgerow (which screens the parking area) and the required street tree planting. Staff recognizes that there are some site constraints (existing utilities, existing plantings, slope, etc.). Therefore, if the site constraints limit the ability to meet all of these requirements, the Zoning Administrator, during site plan review, may approve modifications which meet the intent of this condition and the vision for Route 17 established in the Comprehensive Plan.
9. The special exception shall be limited as permitted by Section 5-008 of the Fauquier County Zoning Ordinance to a period of ten (10) years from the date of approval. Upon the expiration for the original ten year approval, Zoning Administrator, in accordance with the provisions of Section 5-012 of the Zoning Ordinance, may grant five year extensions.

The motion carried unanimously.

8. **SPECIAL EXCEPTIONS – SPEX12-CR-014 & SPEX12-CR-015 – LYNN A. PIROZZOLI (OWNER/APPLICANT) – BLACK HORSE INN** – A Category 7 Special Exception application to allow for the continued operation of a bed and breakfast and a Category 9 Special Exception to continue holding Class “C” events. The property is located at 8393 Meetze Road, Cedar Run District. (PIN 6993-15-3605-000) (Adam Shellenberger, Staff)

Mr. Shellenberger 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. Lynn Pirozzoli, applicant, reviewed the proposal.

Ms. Julie Martin, Marshall District, stated that she is in favor of the proposal.

Mr. Lanier Cate, Marshall District, spoke in support of the proposal, stating that he operates a similar business in the County and the applicant has a very nice establishment.

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

After discussion, 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:

**BLACK HORSE INN
SPEX12-CR-014 & SPEX12-CR-015**

Class “C” Events

1. The Class “C” uses to which the property may be put under this special exception shall be limited to the following: family reunions, weddings, wedding receptions and similar receptions, picnics and barbecues, and corporate meetings and retreats.
2. Except as otherwise specifically permitted by these conditions, the uses approved for Class “C” events shall be allowed only in the following locations as shown on the Special Exception Permit Plat.
 - a. No door or window in the Gilded Fox Ballroom and Event Facility, location A, may remain open during any Class “C” event.
 - b. The terrace and gazebo designated on the Special Exception Permit Plat as location C and location D respectively may be used only for marriage ceremonies. With the exception of only brief wedding ceremony music, there shall be no music or amplified sound permitted at any time. No more than 200 persons shall be in attendance at any wedding ceremony. Otherwise, all Class “C” events must occur within the Gilded Fox Ballroom and Event Facility (location A on the Special Exception Permit Plat), except as allowed under Condition 4.
 - c. No additional structures shall be constructed on the property.
 - d. No Class “C” event shall be permitted except in locations A (Gilded Fox Ballroom and Event Facility), B (Garden Terrace), C (Terrace), D (Gazebo), and E (Yard Area), as shown on the Special Exception Permit Plat, as set forth in Condition 2.
3. Except as otherwise stated in these conditions, music and amplified sound are permitted only in the locations and manner described in Condition 2, above. All references to music shall include amplified and non-amplified music.
4. The maximum number of Class “C” discrete events permitted in any calendar year shall not exceed 72 in each calendar year (of which not more than 36

events shall be allowed outside of the Gilded Fox Ballroom and Event Facility). The number of Class “C” events may be increased only by approval of an amendment to the Special Exception by the Board of Supervisors. For purposes of this special exception, each day of the event shall be considered as separate and distinct Class “C” event for purposes of calculating the maximum number of Class “C” events permitted in any calendar year.

5. The total number of attendees at any event shall not exceed 200.
6. Except as otherwise provided herein, the hours of operation for all Class “C” events shall be limited to the hours of 9:00 AM to 11:00 PM. All activities relating to the Class “C” events, including event preparation and breakdown, shall cease by 11:30 PM on all days. Class “C” events which start on December 31st shall be permitted to operate until 1:00 am January 1st, with all related activities as described above ceasing at 1:30 am January 1st.
7. Music or other amplified sound shall be allowed from 10:00 AM until the end of the event. Sound from any event, including events with music (amplified and non-amplified), shall not exceed sixty (60) dB at any property line.
8. All grass areas used for parking shall be mowed and maintained so as to minimize the risk of fires, and the grass height in any parking area shall not exceed that as approved by the Director of Emergency Services. All parking for Class “C” events shall occur only in the area described on Special Exception Permit Plat as “Event Parking Area”, location H.
9. As stated in the Fauquier Zoning Ordinance 5-916(6), the Zoning Administrator shall be notified no less than 30 days prior to any Class “C” event. This notice shall include the date, time, and type of event and copies of any required permits or licenses from the Sheriff’s Office, VDOT, Emergency Services Office, and Health Department. Should the existing Zoning Ordinance be amended, this provision shall conform to the amended Zoning Ordinance.

Bed and Breakfast

10. No more than ten (10) guestrooms in the Black Horse Inn, location F on the Special Exception Permit Plat, shall be used for the bed and breakfast operation.
11. There shall be a maximum of twenty (20) seats in the restaurant/dining areas of the Black Horse Inn, location F on the Special Exception Permit Plat. Further, the restaurant/dining areas shall only be available to registered guests of the Black Horse Inn.
12. As stated in the Fauquier County Zoning Ordinance 5-702(2), no alteration to the residential structure or dependency containing an adaptive use shall alter the exterior appearance of the structure from that of a dwelling or normal residential accessory structure. For purposes of this condition, the structure subject to this condition is the Black Horse Inn, location F on the Special Exception Permit Plat.

Other

13. No fireworks displays and no hot air balloon events shall be held on the premises.
14. Fire extinguishers meeting state and federal standards shall be provided at all event sites.
15. All artificial sources of lighting, except for tree silhouette lighting, shall be shielded, directed downward and inward, so as to eliminate glare from all adjacent properties. Light emanating from any artificial source measured at any property line shall not exceed 0.5 foot-candles. No artificial sources of lighting, including tree silhouette lighting, shall be allowed within 100 feet of the property line, with the exception of the entrance sign on Meetze Road.
16. All on-site parking, lighting, entrances, and other physical improvements shall comply with the County's site plan regulations.

Term

17. The special exception shall be limited as permitted by Section 5-008 of the Fauquier County Zoning Ordinance to a period of ten (10) years from the date of approval. The Special Exception may be extended by the Zoning Administrator, in accordance with the provisions of Section 5-012 of the Zoning Ordinance for a period of ten (10) years and upon the expiration of the ten (10) year extension the Zoning Administrator may grant extensions for periods of ten (10) years.

The motion carried unanimously.

9. **SPECIAL EXCEPTION AMENDMENT – SEAM12-MA-005 – MARRIOTT RANCH PROPERTIES, INC. (OWNER/APPLICANT) – MARRIOTT RANCH** – An application for a Special Exception Amendment to add two (2) guest rooms. The property is located at 5305 Marriott Lane, Marshall District. (PIN 6908-83-3361-000, 6917-47-0965-000, 6918-55-8536-000, and 6919-15-9657-000) (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. Lanier Cate, representative, spoke in support of this proposal.

Ms. Julie Martin, Marshall District, spoke in support of this proposal.

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

After discussion, 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.

The motion carried unanimously.

10. **REZONING & SPECIAL PERMITS – REZN12-CR-005, SPPT12-CR-034 & SPPT12-CR-035 – OBREY B. MESSICK & SONS, INC. (OWNERS/APPLICANTS) – MESSICK’S FARM MARKET** – An application to rezone approximately 1.984 acres from RR-2 (Rural Residential District) to RA (Rural Agricultural); a Special Permit Amendment to alter the location of an approved farmers’ market; and a Special Permit to allow for a greenhouse. The property is located at 6035 Catlett Road, Cedar Run District. (PIN 6899-77-3423-000, 6990-70-0335-000, and 6990-70-6469-000) (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. Paul Bernard, representative, gave an overview of the project.

Mr. Jimmy Messick, applicant, spoke in support of the proposal.

Mr. Don Tharpe, Lee District, stated that he is in favor.

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

After discussion, on motion made by Mr. Ennis and seconded by Mr. Meadows, it was moved to postpone action on this item until a special meeting of the Planning Commission is held on August 9, 2012.

After further discussion, Mr. Ennis withdrew his motion for a postponement.

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:

**MESSICK’S FARM MARKET
REZN12-CR-005, SPPT12-CR-034 & SPPT12-CR-035**

1. The site shall be in general conformance with the information and drawings submitted with the rezoning and special permit applications except as specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements. This requirement shall extend to the architectural rendering of the farmer’s market structure, barn-style lighting fixtures for the farmer’s market and parking lot, and the freestanding farm sign submitted by the applicant.

2. The hours of operation for the farmer's market and greenhouse shall be limited to 7:00 a.m. until 10:00 p.m. daily.
3. Outdoor recreational activities are permitted year round on-site. Permitted activities shall be dependent on agricultural products that are produced on-site, with a determination made in this regard by the Zoning Administrator prior to the holding of such activities on-site. The applicant shall have no more than an average of three (3) events per month with no more than one hundred (100) attendees on site at any one time.
4. The applicant shall make every effort to retain as much of the wooded area as possible surrounding the proposed site of the farmer's market and greenhouse buildings, which shall be adequately screened, as deemed necessary by the Zoning Administrator.
5. Any signage erected on-site for the community farmer's market shall only be illuminated with indirect lighting.
6. The applicant shall restore the existing fence surrounding the cemetery before any land disturbance can occur on the properties. The fence shall clearly delineate the boundaries of the existing cemetery and be maintained at all times.
7. The applicant shall dedicate additional right-of-way to VDOT which includes an area ten (10) feet in width along the entire length of properties' Route 28 frontage. The dedication shall be recorded before the site plan can be released.
8. The length of the right turn lane (taper plus storage) shall be determined by VDOT during the site plan process.
9. Applicant shall provide a grease trap meeting Health Department regulations as part of the wastewater treatment system.
10. Stormwater management facilities shall not be located within the required front yard.
11. This Special Exception shall be granted for a period of ten (10) years from the date of Board of Supervisors approval and shall also be allowed to apply for two (2) ten year renewals by the Zoning Administrator.

Mr. Ennis withdrew his motion.

After further discussion, 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 site shall be in general conformance with the information and drawings submitted with the rezoning and special permit applications except as

specifically modified by the conditions below or as necessary to meet Zoning Ordinance requirements. This requirement shall extend to the architectural rendering of the farmer's market structure, barn-style lighting fixtures for the farmer's market and parking lot, and the freestanding farm sign submitted by the applicant.

2. The hours of operation for the farmer's market and greenhouse shall be limited to 7:00 a.m. until 10:00 p.m. daily.
3. Outdoor recreational activities are permitted year round on-site. Permitted activities shall be dependent on agricultural products that are produced on-site, with a determination made in this regard by the Zoning Administrator prior to the holding of such activities on-site. The applicant shall have no more than an average of three (3) events per month with no more than one hundred (100) attendees on site at any one time.
4. The applicant shall make every effort to retain as much of the wooded area as possible surrounding the proposed site of the farmer's market and greenhouse buildings, which shall be adequately screened, as deemed necessary by the Zoning Administrator.
5. Any signage erected on-site for the community farmer's market shall only be illuminated with indirect lighting.
6. The applicant shall restore the existing fence surrounding the cemetery before any land disturbance can occur on the properties. The fence shall clearly delineate the boundaries of the existing cemetery and be maintained at all times.
7. The applicant shall dedicate additional right-of-way to VDOT which includes an area ten (10) feet in width along the entire length of properties' Route 28 frontage. The dedication shall be recorded before the site plan can be released.
8. The length of the right turn lane (taper plus storage) shall be determined by VDOT during the site plan process.
9. Applicant shall provide a grease trap meeting Health Department regulations as part of the wastewater treatment system.
10. Stormwater management facilities shall not be located within the required front yard.
11. This Special Exception shall be granted for a period of ten (10) years from the date of Board of Supervisors' approval.

The motion carried 3 – 2, as follows:

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

NAYS: Mr. Alm, Ms. Garreau

ABSTENTION: None

ABSENT: None

In that there was no further business, the meeting was adjourned at 10:15 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.