

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
DECEMBER 12, 2011**

**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 Monday, December 12, 2011, beginning at 10:30 a.m., in the Warren Green Building, Second Floor Conference Room, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Jim Stone, Secretary; Mr. John Meadows and Mr. Bob Lee. Also present were Ms. Tracy Gallehr, Mr. Rick Carr, Mrs. Kimberley Fogle, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Mary Sherrill, Ms. Sandra O'Connell, Mrs. Melissa Dargis, Mr. Andrew Hushour, and Mr. Adam Shellenberger.*

**Novus Agenda Training Session**

Ms. Tammy Hockensmith led the training session.

**Wetland Studies & Solutions – Mike Rolband**

Mr. Mike Rolband and Ms. Bethany Beezak made a presentation on Stormwater Management Regulations in Virginia.

**Zoning Ordinance Text Amendment to Section 5-105 Regarding the Special Standards for Family Dwelling Units**

Mr. Hushour reviewed the proposed text amendment.

**SPEX12-LE-005 – Laurence & Judy S. Mason (Owners/Applicants) – Mason Property**

Mrs. Dargis reviewed the application.

**REZN08-LE-004 – Donald R. Tharpe (Owner/Applicant) – Global Way**

Ms. Meade reviewed the application.

*PPLT11-MA-004, WVRP11-MA-002, WVRP11-MA-003, & WVRP11-MA-004 – Alwington Farm, LLC (Owner)/Alwington Farm Developers, LLC (Applicant) – Arrington Subdivision*

*SPEX11-MA-004, SPEX12-MA-004, & SPEX11-MA-009 – Alwington Farm, LLC (Owner)/Alwington Farm Developers, LLC (Applicant) – Arrington Subdivision*

Ms. Meade reviewed the applications.

*Zoning Ordinance Text Amendment to Article 13 to Extend Fiscal Impact Study Submission Requirements to Rezoning Applications and to Require Certain Base Information with all such Submissions*

Ms. Johnson reviewed the proposed text amendment.

*APPROVAL OF MINUTES – October 27, 2011 and November 28, 2011*

Planning Commissioners discussed the October 27, 2011 and November 28, 2011 minutes.

*TRANSPORTATION COMMITTEE AGENDA*

Mrs. Eddy stated that the Transportation Committee meeting has already occurred.

*BOARD OF ZONING APPEALS AGENDA*

Ms. Johnson stated that the Board of Zoning Appeals' meeting has already occurred.

*Design Standards Manual – Transportation*

Ms. O'Connell reviewed the proposed Transportation element of the Design Standards Manual.

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

<p><i>Regular Meeting 6:30 p.m. Warrenton Middle School Auditorium 244 Waterloo Street, Warrenton, Virginia</i></p>
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*The Fauquier County Planning Commission held its regular meeting on Monday, December 12, 2011, beginning at 6:30 p.m., in the Warrenton Middle School Auditorium, 244 Waterloo*

*Street, Warrenton, Virginia. Members present were Mr. Ken Alm, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. Jim Stone, Secretary, Mr. John Meadows, and Mr. Bob Lee. Also present were Ms. Tracy Gallehr, Mr. Rick Carr, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Andrew Hushour, Mrs. Melissa Dargis, and Mrs. Rebecca Kellert.*

Mr. Alm announced that the agenda order would be revised to consider Item #2 (PPLT11-MA-004, WVRP11-MA-002, WVRP11-MA-003, & WVRP11-MA-004 – Arrington Subdivision) concurrent with Item #8a (SPEX11-MA-004, SPEX12-MA-004, & SPEX11-MA-009 – Arrington Subdivision).

1. **APPROVAL OF MINUTES** – October 27, 2011 and November 28, 2011

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to approve the October 27, 2011 and November 28, 2011 minutes.

The motion carried unanimously.

2. **BOARD OF ZONING APPEALS AGENDA (Item #3)**

No comment.

3. **TRANSPORTATION COMMITTEE AGENDA (Item #4)**

No comment.

<p><i>Public Hearings 6:30 p.m. Warren Green Meeting Room 10 Hotel Street, Warrenton, Virginia</i></p>
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4. **ANNOUNCEMENTS (Item #5)**

Mr. Alm announced that this would be Mr. Stone's last meeting and expressed appreciation for his many years of service to the citizens of Fauquier County.

5. **CITIZENS' TIME (Item #6)**

Mr. Alm suggested that those wishing to make donations to the Fauquier County Food Bank do so with monetary contributions since they are able to purchase \$10.00 worth of food for each dollar received. Mr. Alm noted that the Food Bank no longer receives funding from the State.

6. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN (Item #7)**

- a. Zoning Ordinance Text Amendment to Article 13 to extend Fiscal Impact Study submission requirements to Rezoning applications and to require certain base information with all such submissions. (Kimberley Johnson, 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.

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

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

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 5-105 regarding the special standards for family dwelling units. (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.

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

On motion made by Mr. Stone and seconded by Mr. Meadows, 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.

7. **SPECIAL EXCEPTIONS (Item #8a)**

- **SPEX11-MA-004, SPEX12-MA-004, & SPEX11-MA-009 – Alwington Farm, LLC (Owner)/Alwington Farm Developers, LLC (Applicant) – Arrington Subdivision** – Applications for a Category 20, Category 23, and Category 26 Special Exception to allow for an aboveground water pumping storage facility, a floodplain crossing, and a variation in the non-common open space requirement. The property is located on the west side of James Madison Highway (Routes

15/17/29), Marshall District. (PIN #6983-36-8598-000 and 6983-42-8913-000) (Holly Meade, Staff)

Ms. Meade reviewed both the Preliminary Plat and Special Exceptions staff reports, a copies of which are attached to and made part of these official minutes.

Mr. Alm opened the public hearing.

James Downey, Esquire, representative, expressed appreciation for the efforts of staff on this project and requested a favorable recommendation to the Board of Supervisors.

Dr. Will Allison, Marshall District, spoke in opposition to the granting of these proposals, he stated safety was his main concern and also stated that the applicant should utilize existing roads instead of placing a burden on taxpayers to construct a new road.

Mr. Steve Hall, Marshall District, expressed agreement with the previous speaker.

Mr. Allen Crocker, Warrenton Baptist Church Trustee, spoke in support of the granting of these proposals.

Mr. Rick Miller, Marshall District, speaking on behalf of Citizens for Historic Lee's Ridge, spoke in opposition to the granting of these requests. He stated this project is located in a historical area. Mr. Miller also expressed concern about groundwater levels and the possibility of contaminating existing wells in the area.

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

Mr. Lee stated that there has been a tremendous amount of public input regarding this proposal and a great deal of compromising has occurred between the applicant and adjoining property owners. However, he noted that the Zoning Ordinance allows this development, and the Special Exceptions are being requested to enhance the proposal's design, effectiveness, and efficiency which will mitigate the impact on adjacent property owners. Mr. Lee stated that enhancements (such as, a trail network, buffering and favorable road configuration) are also being offered by the applicant.

Mr. Meadows stated that a requirement is in place that public wells produce a minimum of 50 gallons per minute and that they be encased and grouted at least 100 feet in depth, which will help to protect existing wells in the area. Mr. Meadows also stated that Best Management Practices (BMP) will be used in harvesting trees, which will also lessen the impact on existing homeowners.

Mr. Stone expressed agreement with Mr. Lee and stated that the subdivision represents a by-right application.

Ms. Garreau expressed agreement with the previous comments.

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

Category 20 – Aboveground Water Pumping Storage Facility (SPEX11-MA-004)

1. The Special Exception is granted only for the purpose, structure and use indicated in the application materials and shall be in general conformance with the Composite Preliminary Plat exhibit dated October 22, 2010.
2. The elevated storage tank shall be painted a dark color and located within the existing tree line as shown on sheet 29 of the Special Exception Plat – Aboveground Water Storage Tank dated October 22, 2010 signed September 9, 2011.
3. The water system shall be constructed to Fauquier County Water and Sanitation Authority standards.
4. The water system shall be owned, operated and maintained by the Fauquier County Water and Sanitation Authority.

Category 23 – Floodplain Crossing (SPEX12-MA-004)

1. The Special Exception is granted only for the purpose, structure and use indicated in the application materials and shall be in general conformance with the Composite Preliminary Plat exhibit dated October 22, 2010.
2. This approval grants one (1) vehicular floodplain crossing as shown on sheet 31 of the Special Exception Plat – Floodplain Crossing dated October 22, 2010, signed September 9, 2011.
3. Under no circumstances shall any use, activity, fill, and/or development within the floodplain adversely affect the capacity of the channels or floodways of any watercourse, draining ditch, or any other drainage facility or system which would increase flood heights and/or velocities on adjacent properties.
4. The floodplain crossing shall obtain all necessary permits and be designed to accommodate all Federal, State, and local requirements.
5. The Federal Emergency Management Agency (FEMA) floodplain shall be aligned and designed to traverse floodplains and the natural stream in locations where disturbance to environmental resources is minimized.
6. A detailed flood study must be approved to County specifications and submitted to FEMA for Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) processing.
7. The CLOMR must be approved prior to the approval of the Final Construction Plan.

Category 26 – Variation in Open Space Requirements (SPEX11-MA-009)

1. The Special Exception is granted only for the purpose, structure and use indicated in the application materials and shall be in general conformance with the Composite Preliminary Plat exhibit dated October 22, 2010.
2. In accord with the applicant's submission materials, the applicant shall construct the off-site recreation improvements as depicted on the Preliminary Plat Exhibit dated October 22, 2010 and shown in detail on sheets 30 and 30A of the Special Exception Plat prior to the occupancy of the 100<sup>th</sup> residential unit:
  - a. Improve a portion of the adjacent Brumfield Elementary School's land into two graded and seeded sports fields; construction a ten-foot wide county trail within a sixty-foot easement from the Arrington property to the location of the existing pedestrian crossing on Business Route 29; and
  - b. Improve an existing Brumfield Elementary School sports field adjacent to the two to-be-created fields; or
  - c. If the amenities are not constructed as shown on the Preliminary Plat, amenities in an equal value that meet Zoning Ordinance requirements, shall be provided on-site.

The motion carried unanimously.

8. **PRELIMINARY PLAT/WAIVERS (Item #2)**

- **PPLT11-MA-004, WVRP11-MA-002, WVRP11-MA-003, & WVRP11-MA-004 – Alwington Farm, LLC (Owner)/Alwington Farm Developers, LLC (Applicant) – Arrington Subdivision** – An application to subdivide approximately 489.75 acres into one hundred seventy-two (172) lots; and three waivers (Subdivision Ordinance Sections 5-6, 6-1, and 6-2) related to street design. The property is located on the west side of James Madison Highway (Routes 15/17/29), Marshall District. (PIN #6983-36-8598-000 and 6983-42-8913-000) (Holly Meade, Staff)

On motion made by Mr. Lee and seconded by Ms. Garreau, it was moved to approve this item, subject to the following revised conditions:

1. The Final Construction Plan and Final Plat shall be in general conformance with the fifth submission of the Preliminary Plat dated October 22, 2010 last revised October 18, 2011 except as modified by the "Arrington" Composite Preliminary Plat Exhibit dated October 22, 2010, last revised November 29, 2011.
2. Before the application and associated waivers can be scheduled for Board of Supervisors' consideration, the following items shall be addressed:

- a. A complete Preliminary Plat, meeting all requirements of Section 9-5 of the Subdivision Ordinance, shall be provided.
- b. Information indicating the provision for water supply and sewage disposal needs shall be provided for all lots, including the two lots containing the two existing homes.
- c. Lots 12, 13 and 14 shall all be a minimum of 25,000 sq. ft. minimum lot size, both on the plan sheet and in the tabulation chart.
- d. Note #7 shall clearly state that the County will not approve structures in the established floodplain without approval of a Special Exception.
- e. Note #19 shall state that minor changes may be allowed on the final construction plan, provided substantial conformance with the preliminary plat is maintained.
- f. Note #26 shall provide the use for the active recreation areas. Those uses shall comply with the definition of active recreation space in Article 15 of the Zoning Ordinance.
- g. Note #32 shall be revised to state that clearcutting on residential lots is limited “to those areas necessary for the planned house pad, yard, drainfields.”
- h. Note #33 shall state that a floodplain study shall be submitted and approved by FEMA prior to approval of the final construction plans.
- i. Note #34 shall state that if the applicant has to adjust the plan to avoid floodplain, such changes may result in the actual loss of lots.
- j. All references to a proposed winery shall be eliminated on the plan. Staff acknowledges that a winery may be allowed on the non-common open space to the extent otherwise authorized by the Zoning Ordinance.
- k. Note #3 sheet 5 shall provide the correct length of Bluestone Court.
- l. Note # 4 sheet 5 shall be removed.
- m. Notes on sheets 6 and 6A shall be revised to clarify the proposed use of the C-2 property.
- n. A note shall be provided that states additional land cannot be removed from the non-common open space lot in order to provide a lot for BMPs.
- o. Note 2 on sheet 23 shall state that minor changes may be allowed on the final construction plan, provided substantial conformance with the preliminary plat is maintained.
- p. On sheet 6 of 29, the proposed lot line between lots 169 and 171 shall be relocated to include a well on each lot, or other water supply shall be provided for lot 171.
- q. On sheet 6 of 29, the note for lot 169 shall be revised to read: “The existing main house sewage disposal system, installed in 1969, shall be relocated to within lot 169, prior to the Health Department’s issuance of sewage system construction permits for lots 159 and 160”.
- r. A trail easement shall be provided from the main entrance on the Route 29 by-pass in a southern direction, through PIN 6983-36-8598, in a location to be determined at final construction plan stage.

3. Prior to the occupancy permit for the fiftieth (50<sup>th</sup>) residential lot the applicant shall complete the following improvements at the main entrance on the Route 29 by-pass:
  - a. construct an eastbound approach consisting of one (1) right turn lane and one (1) 100' left turn bay with a 100' taper;
  - b. construct one (1) 200' northbound left turn bay with a 200' taper; and
  - c. construct one (1) 200' southbound right turn bay with a 200' taper; or
  - d. construct a roundabout as detailed on the Preliminary Plat, subject to VDOT approval.
4. The Route 29 and Lover's Lane intersection improvements shall be constructed prior to completion of Winemaker's Road or occupancy permit for the fiftieth residential lot, whichever occurs first.
5. Eighteen (18)-foot wide pavement shall only be permitted if the street has a design vehicle count of 400 VPD or less.
6. Grass shoulders shall only be permitted if the structure underneath meets VDOT standards.
7. Grass swales shall be permitted only if they are designed in accordance with VDOT standards.
8. The off-site recreational improvements shall be constructed as depicted on the Preliminary Plat prior to occupancy of the 100<sup>th</sup> residential unit. If the amenities are not constructed as shown on the Preliminary Plat, amenities in an equal value that meet Zoning Ordinance requirements, shall be provided on-site.
9. Actual disturbance within the trail easement shall be limited to what is required to construct the trail.
10. If the C-2 zoned property is subdivided in the future, the Preliminary Plat shall be amended in accord with Section 9-5 of the Subdivision Ordinance.
11. The Applicant shall submit and have approved by FEMA a floodplain study prior to approval of the final construction plans.
12. The Applicant shall adjust the construction plan layout so that well lots, the SWM/BMP pond, and all grading are located out of the ultimate FEMA 100-year floodplain, eliminating or reducing lots if necessary to achieve this change.
13. On-lot BMPs shall not be permitted to be used toward meeting phosphorus removal requirements for the overall subdivision. Stormwater management shall be met in accord with Section 201.3 of the Fauquier County Design Standards Manual.
14. The presence of a seasonal high water table shall be incorporated in the design of stormwater management/BMP facilities.
15. If existing vegetated areas are designated as vegetated filter strips, then the existing conditions shall be demonstrated to be in compliance with Virginia Stormwater Management Handbook Minimum Standard 3.14.
16. If grading and/or construction are required for the vegetated filter strips in the wetland areas, then a USACE wetland permit shall be provided at the construction plan phase.
17. If grading and/or construction are required for the vegetated filter strips in the floodplain areas, a detailed floodplain study documenting pre-

development and post-development conditions shall be performed and submitted to Fauquier County for review prior to construction plan approval.

18. Any vegetated filter strips to be used toward meeting the SWM/BMP requirements for the subdivision shall be accessed through an easement.
19. Any vegetated filter used to meet SWM/BMP requirements shall be located wholly within common areas to be maintained by the HOA.
20. A fifteen foot tree preservation easement shall be provided for those future lots abutting the existing Leeton community as shown on the Composite Preliminary Plat exhibit dated October 22, 2010.
21. The approximately 57 acre on-site existing floodplain areas shall be seeded to create a passive native wildflower and grass meadow and maintained by the Arrington Conservancy.
22. An earthen berm shall be constructed along the existing major ridgeline that is parallel to James Madison Highway. The berm shall be four (4) to six (6) feet in height and shall be planted with similar vegetation as exists on the ridge today. This shall be constructed as part of the adjacent lots/street construction.
23. It shall be the responsibility of the Arrington Conservancy or other entity affiliated with the property's Homeowner's Association to provide a single source for the monitoring and reporting required by the Health Department for alternative drainfields.
24. Winemaker Road shall be located to provide a buffer between said road and the existing houses on the adjoining properties to the west, to the extent a Special Exception for non-common open space is not required.
25. The six-foot wide asphalt trail may be constructed of an alternate material that meets ADA requirements.
26. The two large existing tree stands on the non-common open space lot, along Lover's Lane and around the proposed water tank, shall be placed in a tree save area with provisions for maintenance.
27. The non-common open space lot shall be placed in a perpetual easement and only one residence shall be permitted on the approximately 167-acre Rural Agricultural (RA) non-common open space lot.

The motion carried unanimously.

9. **SPECIAL EXCEPTION (Item #8b)**

- **SPEX12-LE-005 – Laurence & Judy S. Mason (Owners/Applicants) – Mason Property** – An application for a Category 26 Special Exception to allow for a reduction of the non-common open space requirement. The property is located at 6373 Hardins Pines Road (Route 789), Lee District. (PIN #6896-03-6674-000) (Melissa Dargis, Staff)

Mrs. Dargis 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. Larry Mason, applicant, spoke in support of the approval of this application.

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

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

The motion carried unanimously.

10. **REZONING (Item #9)**

- **REZN08-LE-004 – Donald R. Tharpe (Owner/Applicant) – Global Way** – An application to rezone approximately 9.001 acres from RA (Rural Agriculture) to C-2 (Commercial – Highway). The property is located on the northwest side of Catlett Road (Route 28), Lee District. (PIN #6990-61-3090-000) (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, spoke in support of the approval of this application, stating that it is consistent with the Comprehensive Plan.

Mr. Steve Hamilton, Lee District, spoke in support of approval of this application.

Mr. Don Tharpe, applicant, explained his reasons for requesting this rezoning.

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

On motion made by Mr. Meadows and seconded by Mr. Stone, 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 7:00 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.*