

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
MARCH 25, 2010**

**Work Session
12:30 p.m.
Second Floor Conference Room, Warren Green Building,
10 Hotel Street, Warrenton, Virginia**

The Fauquier County Planning Commission held a Work Session on Thursday, March 25, 2010, beginning at 12:30 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Ann McCarty, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. John Meadows, Secretary; Mr. Ken Alm, and Mr. Jim Stone. Also present were Mrs. Tracy Gallehr, Mr. Rick Carr, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Ms. Kimberley Johnson, Mr. Ari Sky, Mr. Andrew Hushour, Ms. Holly Meade, Mrs. Cynthia Porter-Johnson and Mrs. Bonnie Bogert.

CAPITAL IMPROVEMENTS PROGRAM (CIP) – FISCAL YEARS (FY) 2011 – 2016

Mr. Ari Sky, Office of Management & Budget Director, reviewed the staff report.

FACILITIES PLAN

Mrs. Fogle reviewed the staff report.

PPLT10-SC-001 & WVRP10-SC-006 – Todd Ellis (Owner/Applicant) – Ellis Estates

Mrs. Bogert reviewed the staff report.

WAVR10-MA-021 – Ollie Joe & Cathy L. Lawler (Owners/Applicants)

Mrs. Porter-Johnson reviewed the staff report.

SPEX10-MA-008, SPEX10-MA-009, & SPPT10-MA-012 – CBCAM, LLC (Owner)/Cecil & Rebecca Campbell (Applicants) – Lee Highway Nursery

Ms. Meade reviewed the staff report.

SPEX10-CT-013 – Charlotte M. Heath, et al (Owners/Applicants)

Mrs. Bogert reviewed the staff report.

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to the Charlotte M. Heath, et al application.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Alm, Ms. McCarty, Mr. Stone

NAYS: None

ABSTENTION: None

ABSENT: None

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

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

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

This certification shall be recorded in the minutes of the Planning Commission on motion of Mr. Meadows and seconded by Mr. Stone.

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Alm, Ms. McCarty, Mr. Stone

NAYS: None

ABSTENTION: None

ABSENT: None

Zoning Ordinance Text Amendment to Sections 3-318 and 15-300 to allow smaller scale aquaculture by-right in the Rural Agriculture (RA) district and to define Aquaculture and Aquaponics.

Ms. Johnson reviewed the staff report.

Zoning Ordinance Text Amendment to Section 2-504 to allow the parking of automobiles and similar motorized vehicles in required yard areas in a Commercial or Industrial district.

Mr. Hushour reviewed the staff report.

Business Update – Deep Run Farm

Ms. Meade reviewed the application.

REZN10-CT-003 & SEAM10-CT-001 – Raymond Farm, LC (Owner/Applicant) – Raymond Farm

Mrs. Bogert reviewed the staff report.

Mr. Earl Sutherland, County Consultant, reviewed the application.

On motion made by Mr. Meadows and seconded by Mr. Alm, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to the Raymond Farm application.

After discussion, Mr. Meadows amended his motion and it was seconded by Mr. Stone, it was moved to go into a closed meeting, pursuant to *Code of Virginia* Section 2.2-3711(A)(7) for the purpose of consultation with legal counsel pertaining to specific legal matters requiring the provision of legal advice by counsel relating to alternative septic systems and the Planning Commissioner’s timelines for application review.

The amended motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Alm, Ms. McCarty, Mr. Stone

NAYS: None

ABSTENTION: None

ABSENT: None

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

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

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

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

The motion carried 5 – 0, as follows:

AYES: Mr. Meadows, Ms. Garreau, Mr. Alm, Ms. McCarty, Mr. Stone

NAYS: None

ABSTENTION: None

ABSENT: None

Catlett Pattern Book

Ms. Abe reviewed the Catlett Pattern Book.

APPROVAL OF MINUTES – February 25, 2010, March 9, 2010, and March 19, 2010

The Planning Commissioners discussed the February 25, 2010, March 9, 2010, and March 19, 2010 minutes.

TWSE09-MA-002 - T-MOBILE

Mrs. Gallehr reviewed the status of the T-Mobile legal case.

The BZA agenda was reviewed.

The Transportation agenda was reviewed.

PPLT10-SC-001 & WVRP10-SC-006 – Todd Ellis (Owner/Applicant) – Ellis Estates

The Planning Commissioners agreed to hold a special meeting on April 8, 2010 to consider this application.

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 25, 2010, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Ann McCarty, Chairperson; Ms. Adrienne Garreau, Vice-Chairperson; Mr. John Meadows, Secretary; Mr. Ken Alm and Mr. Jim Stone. Also present were Mr. Rick Carr, Mrs. Tracy Gallehr, Mrs. Susan Eddy, Ms. Holly Meade, Mr. Ari Sky, Mrs. Bonnie Bogert, Mrs. Melissa Dargis and Mrs. Rebecca Kellert.

1. **APPROVAL OF MINUTES** – February 25, 2010, March 9, 2010, and March 19, 2010

On motion made by Ms. Garreau and seconded by Mr. Stone, it was moved to approve the February 25, 2010, March 9, 2010, and March 19, 2010 minutes.

The motion carried unanimously.

2. **PRELIMINARY PLAT/WAIVER**

- **PPLT10-SC-001 & WVRP10-SC-006 – Todd Ellis (Owner/Applicant) – Ellis Estates** – Applicant wishes to subdivide approximately 10.03 acres into four (4) lots. The applicant is also requesting a waiver of Subdivision Ordinance Section 10-6 in order to combine the Preliminary Plat and Final Construction Plans. The property is located on the south side of Bunker Hill Road (Route 763), Scott District. (PIN #6989-07-3679-000, Formerly PIN #6989-07-4678-000) (Bonnie Bogert, Staff)

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

On motion made by Ms. Garreau and seconded by Mr. Meadows, it was moved to postpone this item until the April 8, 2010 special meeting, which will be held at 9:00 a.m.

The motion carried unanimously.

3. **WAIVER**

- **WAVR10-MA-021 – Ollie Joe & Cathy L. Lawler (Owners/Applicants)** – Applicants wish to obtain a waiver of Zoning Ordinance Section 7-302.1.A.3 to allow for a right-of-way less than fifty (50) feet. The property is located east of Free State Road (Route 721) and north of Conde Road (Route 737), Marshall District. (PIN #6957-31-2720-000) (Cynthia Porter-Johnson, Staff)

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

On motion made by Ms. McCarty 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.

4. **FACILITIES PLAN – The Planning Commission is asked to accept the report of the Facilities Planning Subcommittee and to forward a recommendation to the Board of Supervisors.**

Mrs. Fogle reviewed the Facilities Plan, a copy of which is attached to and made part of these official minutes.

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

Mr. Stone thanked the committee members for their hard work on this plan.

The motion carried unanimously.

5. **BOARD OF ZONING APPEALS AGENDA**

No Comment.

6. **TRANSPORTATION COMMITTEE AGENDA**

No Comment.

<p style="text-align: center;"><i>Public Hearings</i> 6:30 p.m. Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</p>

7. **ANNOUNCEMENTS**

The Planning Commission will meet on the following dates:

- March 30, 2010 at 2:00 p.m. (Floodplains)
- April 8, 2010 at 9:00 a.m. (Ellis Estates)

8. **CITIZENS' TIME**

No one spoke.

9. **CAPITAL IMPROVEMENTS PROGRAM (CIP) – FISCAL YEARS (FY) 2011 – 2016** - The CIP lists proposed projects for the School Division, Library, Parks and Recreation, General Services, Environmental Services, Fire and Emergency Services and Utilities Projects. The recommended fourteen capital projects total \$121.6 million for FY 2011 – 2016. For FY 2011, two projects totaling \$13.7 million are proposed. (Susan Eddy, Staff)

Mr. Ari Sky, Office of Management and Budget Director, reviewed the proposed Capital Improvements Program (CIP), a copy of which is attached to and made part of these official minutes.

Ms. McCarty opened the public hearing.

Dr. Kitty Smith, Marshall District, stated that she was on the Facilities Planning Subcommittee. She stated that it should be the responsibility of the Water and Sewer Authority (WSA) and developers to fund sewer and water treatment facilities rather than taxpayers. She also stated that the schools should come to a Planning Commission meeting to discuss the proposed Fauquier High School renovations.

In that there were no further speakers, Ms. McCarty closed the public hearing.

On motion made by Mr. Stone and seconded by Ms. Garreau, it was moved to postpone action on this item until the next regularly scheduled meeting, with the public hearing closed.

The motion carried unanimously.

10. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES, THE FAUQUIER COUNTY CODE AND THE COMPREHENSIVE PLAN**

- a. Zoning Ordinance Text Amendment to Sections 3-318 and 15-300 to allow smaller scale aquaculture by-right in the Rural Agriculture (RA) district and to define Aquaculture and Aquaponics. (Kimberley Johnson, Staff)

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

Ms. McCarty opened the public hearing.

In that there were no speakers, Ms. McCarty closed the public hearing.

On motion made by Ms. McCarty 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.

- b. Zoning Ordinance Text Amendment to Section 2-504 to allow the parking of automobiles and similar motorized vehicles in required yard areas in a Commercial or Industrial district. (Andrew Hushour, Staff)

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

Ms. McCarty opened the public hearing.

Ms. Madge Eicher, Marshall District, stated that in order to sell vehicles, they need to be visible to passing traffic.

Ms. Amy Trotto, Citizens for Fauquier County, stated that she is opposed due to safety concerns.

Mr. Todd Benson, Piedmont Environmental Council, stated that he is opposed and cited *Code of Virginia* §15.2-2282, which states “*All Zoning regulations shall be uniform for each class or kind of ... uses...*” He asked how a distinction could be made between motorized and non-motorized vehicles (i.e., horse trailers, U-Haul trailers, etc.).

Mr. Sami Sharikas, Marshall District, stated that he is in favor because it would promote business within the County.

In that there were no further speakers, Ms. McCarty 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.

11. **SPECIAL EXCEPTION**

- **SPEX10-CT-013 – Charlotte M. Heath, et al (Owners/Applicants)** – Applicants wish to obtain a Category 27 Special Exception to waive the requirement to provide fifty (50) percent open space with the creation of a cluster subdivision. The property is located at 4450 Old Auburn Road (Route 670), Center District. (PIN #7914-20-0908-000) (Bonnie Bogert, Staff)

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

Ms. McCarty opened the public hearing.

Ms. Amy Trotto, Citizens for Fauquier County, expressed concerns about protecting the battlefield in this area.

Dr. Kitty Smith, Marshall District, stated that she is in favor. She stated that the county should do what they can to protect this property from future subdivisions.

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

1. The Category 27 Special Exception applies to case number SPEX10-CT-013,

to waive the 50% common open space requirement on the parcel having PIN #7914-20-0908-000.

2. The applicants are permitted to create a maximum of eleven (11) lots on the subject parcel (10 lots and a residue).
3. The residue parcel shall contain a minimum of fifteen (15) acres, the approximate location of which shall encompass the existing house that fronts on Old Auburn Road.
4. The residue parcel shall be deed restricted, with the following limitations:
 - a) One primary dwelling shall be permitted.
 - b) Utilities and roads may only be constructed on the property to serve the property itself. Utilities and roads to serve other properties may not be constructed.
 - c) The residue parcel shall be permitted for residential uses under Zoning Ordinance Sections 3-301 and 3-302 as well as agricultural uses under Zoning Ordinance Section 3-318.
5. All future lots created on the subject parcel through the Preliminary Plat, Family Transfer and Administrative Division processes shall also be deed restricted from further subdivision.”

The motion carried unanimously.

12. **SPECIAL EXCEPTIONS/SPECIAL PERMIT**

- **SPEX10-MA-008, SPEX10-MA-009, & SPPT10-MA-012 – CBCAM, LLC (Owner)/Cecil & Rebecca Campbell (Applicants) – Lee Highway Nursery** – Applicants wish to obtain a Category 18 Special Exception to allow for a farmer’s market and a Category 9 Special Exception to allow for Class “C” events. Applicants are also requesting an amendment to an existing Special Permit. The property is located at 7185 Burke Lane, Marshall District. (PIN #6982-10-4663-000) (Holly Meade, Staff)

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

Ms. McCarty opened the public hearing.

In that there were no speakers, Ms. McCarty closed the public hearing.

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

1. The property is approved for use as a Greenhouse/Nursery with Retail Sales, a Farmer's Market, and Class "C" events, consistent with the materials submitted with this application including the Special Exception exhibit. Adjustments to the layout shown on the plat may be made to comply with the following conditions or to meet Zoning Ordinance requirements.
2. Sales shall be limited to the following items:
 - a. Greenhouse/Nursery sales are limited to plants, shrubs, trees and other materials used in indoor or outdoor planting, as well as accessory items directly related to their care, maintenance, or aesthetic enhancement. In no case shall power tools, motorized garden vehicles or machinery be sold on the property. Hand tools, wheelbarrows, and retail sales associated with the greenhouse shall be permitted.
 - b. All other sales shall meet the limitations for farmers market, which shall include only agricultural products and accessory products directly related to the culture, care, use of or processing of agricultural products, to include pottery, baskets, baked goods, and similar type items. At least 80% of the farmers market products sold on site shall be grown or produced within Fauquier County.
3. The repair, service, or sale and/or storage of parts and/or materials related to vehicles and non-vehicular equipment designed specifically for agricultural purposes, whether for use on a farm or in the transportation of farm related products, is strictly prohibited on-site.
4. Access shall be from Route 1013 (Burke Lane) only.
5. A site plan is required.
6. Outdoor display of retail merchandise, equipment and/or materials related to all approved uses on-site shall be limited to the area identified on the approved site plan, unless amended with a future site plan. The storage and/or display of such retail merchandise, equipment and/or material in designated parking spaces, travel ways, landscaped areas, or any required setback is prohibited.
7. Permitted signage on the site shall consist of: a) permanent signage limited to thirty-two (32) square feet in area, and meeting all applicable Zoning Ordinance provisions, and b) one (1) temporary, portable sign up to twelve (12) square feet in size and six (6) feet in height for the purpose of advertising products available in conjunction with the farmer's market business. Such temporary sign shall be displayed during business hours only. All permitted signage requires the appropriate County permits and signs shall not be displayed in the public right-of-way.

8. Class “C” events are approved for a maximum of five weekends during October, occurring from noon to 5:00 p.m. on Saturdays and Sundays. Each event (Saturday and Sunday combined) shall have not more than 100 attendees, with a maximum of 50 individuals at any one time. No amplified noise shall be permitted. Permitted activities during the events are limited to hayrides, no more than two moon bounces, pumpkin patch or other like activities deemed similar and approved by the Zoning Administrator.
9. Vendors are prohibited at the Class “C” events.
10. No structure associated with the Class “C” events shall be located closer than 100 feet to any lot line.
11. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class “C” event or activity. At least thirty (30) days prior to holding a Class “C” event the holder of the special exception for the property upon which a Class “C” event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services, and on-site sanitary and refreshment facilities are adequate for the size and type of event or activity to be held:

Fauquier County Sheriff’s Office
 Virginia Department of Transportation
 Fauquier County Emergency Services Coordinator
 Fauquier County Health Department

12. The farmer’s market is limited to half of the existing 3,220 square foot building, or 1,610 square feet.
13. The permits for the Greenhouse/Nursery with Retail Sales, a Farmer’s Market, and Class “C” events shall be limited as permitted by Section 5-008 of the Fauquier County Zoning Ordinance to a period of one year from the date of approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for four (4) annual extensions, a total of five (5) years. Thereafter, the permits must be renewed in accordance with Section 5-013 of the Zoning Ordinance.

The motion carried unanimously.

13. **REZONING/SPECIAL EXCEPTION AMENDMENT**

- **REZN10-CT-003 & SEAM10-CT-001 – Raymond Farm, LC (Owner/Applicant) – Raymond Farm** – Applicant wishes to amend a previously approved Rezoning to modify the associated proffers. Applicant also wishes to amend a previously approved Special Exception to modify the conditions of

approval. The property is located at 6213 Dumfries Road (Route 605), Center District. (PIN #6995-21-1875-000) (Bonnie Bogert, Staff)

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

Ms. McCarty opened the public hearing.

Merle Fallon, Esq., representative, reviewed the history of this project and requested that the Planning Commission act on this item.

Dr. Kitty Smith, Marshall District, stated that a good system needs to be put in place because if it fails the taxpayers would have to pay for it. She also stated that the original proffers should stay as is.

Mr. Bruce Gould, applicant, stated that the proposed sewer system will meet all Virginia Department of Health standards.

Ms. Amy Trotto, Citizens for Fauquier County, stated that she is opposed because there are other alternatives that are more economical. She also stated that a large area of protected open space for a park is something to think about.

Mr. Todd Benson, Piedmont Environmental Council, encourage the Planning Commissioners not to rush into making a decision. He also stated that there are problems with the regulations since they do not have to be operated consistent with the Operation and Maintenance (O & M) manual that the company has published.

Mr. Carl Perry, whose company will manufacture the proposed sewer system, stated that the facility will meet all applicable Virginia Department of Health standards.

In that there were no further speakers, Ms. McCarty adjourned the public hearing.

On motion made by Mr. Alm 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.

In that there was no further business, the meeting was adjourned at 7:25 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.