

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
May 27, 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, May 27, 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. Andrew Hushour, Ms. Holly Meade, Mrs. Bonnie Bogert, and Mrs. Rebecca Kellert.

SPEX10-LE-019 – Moothru, LLC (Owner)/Ken Smith (Applicant) – (Moothru, LLC)

Ms. Meade reviewed the staff report. Mr. Meadows recused himself from any discussion on this matter.

SPEX10-CT-018 – Grover, LC (Owner)/Steve & Reta Rodgers (Applicants) – Moriah Farm Horse Shows

Mrs. Dargis reviewed the staff report.

SPEX10-SC-007 – Belvoir Ridge of Virginia, LLC, Allied Plywood Corporation (aka A&M Supply Corporation), MCM Corporation (Owners/Applicants) – Belvoir Ridge

Mrs. Bogert reviewed the staff report.

On motion made by Mr. Meadows and seconded by Ms. McCarty, 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 Belvoir Ridge (SPEX10-SC-007) 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 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

Floodplain Text Amendment

Mr. Hushour reviewed the proposed text amendment.

Initiation of a Zoning Ordinance Text Amendment to Section 5-1301 relating to the setback of structures associated with kennels.

Mr. Hushour reviewed the proposed text amendment.

Board of Zoning Appeals Agenda

Ms. Johnson reviewed the agenda.

Marshall Comprehensive Plan

Ms. McCarty led a discussion of the draft Marshall Comprehensive Plan.

Subdivision Ordinance Text Amendment to Section 9 – Preliminary Plats giving approval authority to the Subdivision Agent for Preliminary Plats within the Mixed Use Special District – Bealeton Service District (MU – Bealeton) and the Planned Residential Development District (PRD)

Mrs. Eddy reviewed the proposed text amendment.

Approval of Minutes – April 29, 2010 and May 5, 2010

The Planning Commissioners discussed the April 29, 2010 and May 5, 2010 minutes.

Transportation Committee Agenda

Ms. Garreau reviewed the agenda.

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, May 27, 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, Mrs. Bonnie Bogert, Mrs. Melissa Dargis, Mr. Andrew Hushour, and Mrs. Rebecca Kellert.

1. **APPROVAL OF MINUTES** – April 29, 2010 and May 5, 2010

On motion made by Ms. Garreau and seconded by Mr. Stone, it was moved to approve the April 29, 2010 and May 5, 2010 minutes, as amended.

The motion carried unanimously.

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

- Initiation of a Zoning Ordinance Text Amendment to Section 5-1301 relating to the setback of structures associated with kennels. (Andrew Hushour, Staff)

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

The motion carried unanimously.

3. **BOARD OF ZONING APPEALS AGENDA**

No comment.

4. **TRANSPORTATION COMMITTEE AGENDA**

Ms. Garreau stated that the Board of Supervisors will hold a work session on June 10, 2010 regarding farm equipment road safety.

Mr. Stone commended the Transportation Committee for its hard work on the Route 29 project.

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

5. **ANNOUNCEMENTS**

No announcements.

6. **CITIZENS TIME**

No one spoke.

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

- Subdivision Ordinance Text Amendment to Section 9 – Preliminary Plats giving approval authority to the Subdivision Agent for Preliminary Plats within the Mixed Use Special District – Bealeton Service District (MU – Bealeton) and the Planned Residential Development District (PRD) (Susan Eddy, Staff)

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

Ms. McCarty opened the public hearing.

Mr. Chuck Floyd, Carson, Ashley & Associates, spoke in support of this proposed text amendment. He stated that the process for Mixed Use development needs to be expedited because these are the types of developments that the County wants.

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

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

The motion carried unanimously.

8. **SPECIAL EXCEPTIONS**

- a. **SPEX10-SC-007 – Belvoir Ridge of Virginia, LLC, Allied Plywood Corporation (aka A&M Supply Corporation), MCM Corporation (Owners/Applicants) – Belvoir Ridge** – Applicants wish to obtain a Category 23 Special Exception to allow for the crossing of a floodplain to access all of the industrially zoned portions of their parcels. The properties are located at Belvoir Road (Route 709) and Whiting Road (Route 622), Scott District. (PIN #6979-57-4795-000, 6979-37-9906-000, and 6979-48-0644-000) (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.

Mr. Edgar Ball, Scott District, requested clarification on how this application will affect Belvoir Road (Route 709).

Mr. Chuck Floyd, representative, stated that this application will not affect Belvoir Road (Route 709) and that access will be on Whiting Road (Route 622).

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

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

**Belvoir Ridge (SPEX10-SC-007)
Amended Special Exception Conditions**

1. This Special exception is granted for and runs with the land indicated in this application as PIN #6979-57-4795-000, 6979-37-9906-000, and 6979-48-0644-000.
2. Prior to scheduling this Special Exception for the Board of Supervisors' public hearing, the applicant shall have adequately addressed the following Technical Considerations:
 - a) On the Floodplain Crossing Exhibit, label the FEMA cross-sections.
 - b) The cross-section locations at each of the two crossings appear to be incorrectly located. Adjust the model by providing four cross-section locations at each crossing in accordance with the attached Figure 6-11 from the HEC-RAS Users Manual.
 - c) At and beyond the upstream property lines, revise the design so the Proposed Conditions water surface elevations (WSELs) are no greater

than the Corrected Effective WSELs offsite. (Currently, computations indicate that at cross-sections 8, 9 and 10, the WSELs are increased approximately one-foot +/- on the offsite property.)

- d) Remove duplicate labels for the box culverts (at both locations).
 - e) Provide the source of flows used for the computations. Where does Q=1423 cfs as shown on Duplicate Effective Model Cross-sections 3201, 2626, 2300, and 1950 come from?
 - f) Provide topography on the MCM property in the areas of floodplain delineation to verify that the delineation is correct.
 - g) Correlate cross-sections on the WSEL Summary Sheet with the HEC-RAS output data. (Cross-sections do not correlate with the output data.)
 - h) Explain why the LOB, ROB and channel “n” values decrease from the Duplicate Effective Model to the Proposed Condition Model. Are channel improvements proposed? If not, use the same “n” values for each model. If channel improvements are proposed, clearly define and delineate those improvements on the plan.
 - i) Provide contraction and expansion coefficients for the Proposed Condition and Duplicate Effective Models.
 - j) Provide HEC-RAS cross-section plots from Station 19+50 to Station 32+01.
 - k) Provide a longitudinal profile along the existing grade with stations and Proposed Condition WSELs and the Duplicate Effective Model WSELs for each cross-section modeled shown.
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, drainage ditch or any other drainage facility or system which would increase flood heights and/or velocities on adjacent or downstream properties.
 4. A detailed hydrologic and hydraulic flood analysis shall be provided for the flood corridor using NRCS methodology. This shall be submitted to FEMA for CLOMR/LOMR processing and approved through FEMA prior to the approval of the Infrastructure/Site Plan.
 5. A Jurisdictional Determination of Wetlands shall be provided with the first submission of the Major Site Plan/Infrastructure Plan. Site Plan approval shall not be granted until all necessary permits are obtained for disturbance of any wetlands.

6. No materials or equipment shall be stored in the floodplain.
7. Applicant shall show on any plan of development or site plan an area designated and reserved for future interparcel connection with access to both floodplain crossings to the parcel to the south known as Parcel Identification Number 6979-56-2873-000. This area does not need to be constructed, dedicated to public use or eased; but, shall be shown on any such plans so as to not preclude the ability for other presently undeveloped Industrially Zoned property to negotiate for the ability to share these floodplain crossings to avoid the need for additional floodplain crossings in the area.

The motion carried unanimously.

- b. **SPEX10-CT-018 – Grover, LC (Owner)/Steve & Reta Rodgers (Applicants) – Moriah Farm Horse Shows** – Applicants wish to obtain a Category 18 Special Exception to allow for horse shows on a portion of the parcel. The property is located at 6218 Eastwood Drive, Center District. (PIN #6993-48-1217-000) (Melissa Dargis, Staff)

Mrs. Dargis 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 Pritchard, representative, stated that she was happy to answer any questions.

Ms. Mary Page, Scott District, stated that she is in favor. She stated that both The Equestrian Forum and Citizens for Fauquier County (CFFC) support this type of business.

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

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:

**Moriah Farm Horse Shows (SPEX10-CT-018)
Amended Special Exception Conditions**

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat, “Moriah Farms Horse Shows, LC” approved with the applications, as qualified by these development conditions.
3. The term of this Special Exception shall be for two and one half (2.5) years

with two (2) two-year extensions by the Zoning Administrator.

4. The applicants shall have the ability to conduct the following uses on the site:

- Twenty-four (24) full-day weekend shows (Saturday & Sunday) from May through October; and
- Twenty-four (24) half-day shows (Tuesday and/or Thursday) in the summer months of June, July & August.

5. The hours of operation and maximum number of staff and attendees for activities shall be as follows:

Full-Day Shows:

Hours of Operation: 6:00 a.m. until dusk
Staff arrival – 6:00 a.m.
Trailer/Participant arrival – 7:00 a.m.
Open Schooling – 7:00 a.m. – 8:00 a.m.
Show Start – 8:00 a.m.

Staff: 1 Show Manager
1 Announcer
1 Show Secretary
1 Judge
3 Ring Crew
1 EMT

Attendees : 175 People (per day)
80 Horses

Half-day shows:

Hours of Operation: 2:00 p.m. until dusk
Staff arrival – 2:00 p.m.
Trailer/Participant arrival – 3:00 p.m.
Open Schooling – 3:00 p.m. – 4:00 p.m.
Show Start – 4:00 p.m.

Staff: 1 Show Manager/Announcer
1 Show Secretary
1 Judge
1 Ring Crew

Attendees: 75 People (per day)
40 Horses

6. The entrance off Old Auburn Road shall be used for horse shows. The horse

shows may not use the entrance on Eastwood Drive.

7. The applicant shall comply with VDOT commercial entrance standards and obtain an entrance permit.
8. The applicant shall comply with Virginia Department of Health standards and conform to all state and local requirements and obtain any required permits.
9. Moriah Farms Horse Shows shall be limited to one directional sign along the property frontage that meets Zoning Ordinance requirements. Directional signs, internal to the property, shall be allowed to direct traffic, parking and pedestrians.

Mr. Meadows stated that this agricultural business complements Fauquier County and suggested that the applicant be allowed unlimited administrative renewals rather than be required to go back through the special exception process.

Mr. Stone stated that, in this particular case, he agrees with Mr. Meadows.

Ms. Garreau suggested that after the 6 ½-year time period, barring any violations, the applicant can request an approval with no time limit since she appears to be satisfied with the revised conditions and the Zoning Administrator has indicated that it is sometimes difficult to respond to complaints.

Ms. McCarty expressed agreement with Ms. Garreau.

Mr. Alm stated that a Zoning Ordinance text amendment was recently approved to accommodate this proposal and he would like to make sure everything goes smoothly before giving approval without a time limit. However, he stated that he would be willing to note this suggestion to the Board of Supervisors, which will ultimately make the final decision.

Mr. Meadows asked Ms. Mary Page, representing The Equestrian Forum and Citizens for Fauquier County (CFFC), if her organizations would have any objection to giving the applicant unlimited administrative renewals.

Ms. Mary Page, Scott District, stated that neither organization would object to this given the applicant's exemplary track record.

The motion carried unanimously.

- c. **SPEX10-LE-019 – Moothru, LLC (Owner)/Ken Smith (Applicant) – (Moothru, LLC)** – Applicant wishes to obtain a Category 13 Special Exception to allow for a drive-through facility in conjunction with a fast food restaurant. The property is located at 11398 James Madison Highway (Route 15/29), 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. She stated the conditions had been amended as discussed at the work session.

Mr. Meadows recused himself from any discussion or vote on this matter.

Ms. McCarty opened the public hearing.

Mr. Ken Smith, applicant, stated that he would be happy to answer any questions.

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 forward this item to the Board of Supervisors with a recommendation of approval, with the following revised conditions:

**Moothru, LLC (SPEX10-LE-019)
Amended Special Exception Conditions**

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 Special Exception Plat prepared by Brunk & Hilton Engineering, Inc., dated May 13, 2010, 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. A metering method in accord with Virginia Department of Health requirements shall be implemented and an annual report addressing water usage shall be provided to the State Health Department.
4. The applicant shall sleeve the building sewer with Schedule 40 PVC pipe.
5. The applicant shall erect a fence between the drive-through feature and the dispersal/reserve fields, to prohibit vehicles from driving upon the on-site sewage dispersal/reserve areas. Water from roof drains shall be diverted away from these areas. Septic Tanks and Pump Chambers shall be protected by a fence or posts to prohibit vehicular traffic from driving over them.
6. The well shall be identified on any future plats by its well classification.
7. The owner shall place a sign at the end of the drive-through lane stating "Do Not Block Thru Traffic."
8. A site plan shall be required for the drive-through.

The motion carried 4 – 0, follows:

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

NAYS: None

ABSTENTION: Mr. Meadows

ABSENT: None

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.