

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
JULY 29, 2010**

**Site Visit  
10:00 a.m.  
Remington Service District  
Meet at Warren Green Building,  
10 Hotel Street, Warrenton, Virginia**

*Members and Staff present were Ms. Adrienne Garreau, Vice-Chairman; Mr. John Meadows, Secretary; Mr. Ken Alm, Mr. Jim Stone, and Ms. Holly Meade, Senior Planner. Also present was Ms. Beverly Pullen, Economic Development.*

The owner, Mike Georgia, gave Commissioners and staff a tour of the site. Commissioners asked questions regarding operation of the business.

The meeting ended at 11:30 a.m.

**Work Session  
1:00 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, July 29, 2010, beginning at 1:00 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. Members present were Ms. Adrienne Garreau, Vice-Chairperson; Mr. John Meadows, Secretary; Mr. Ken Alm, and Mr. Jim Stone. Member Absent: Ms. Ann McCarty, Chairperson. Also present were Mrs. Tracy Gallehr, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Mr. Andrew Hushour, Ms. Holly Meade and Mrs. Melissa Dargis.*

**SPEX10-SC-016, SPEX10-SC-024, & WVRT10-SC-004 – Michael F. Thomson (Owner/Applicant)**

Mrs. Eddy reviewed the staff report.

**SPEX10-SC-021 & SPPT10-SC-026 – Karen M. Kennedy (Owner)/Mountainside Montessori, a Virginia Nonstock Corporation (Applicant) – Mountainside Montessori School**

Mrs. Dargis reviewed the staff report.

**SPEX10-MA-020 & SPPT11-MA-003 – James W. & Edel M. Kunkel (Owners)/Edel M. Kunkel (Applicant) – Mountainside Montessori School**

Mrs. Dargis reviewed the staff report.

**SPEX10-CR-022 – Patricia Ann Leonard, Dale Douglas Dick, Goley Albin Dick, Margie Ann Dick & Others (Owners)/Patricia Ann Leonard (Applicant) – Maple Tree Farm Agri-Tours**

Mrs. Dargis reviewed the staff report.

**CPAM10-LE-005 - Remington Service District Comprehensive Plan Amendment**

Ms. Meade reviewed the staff report.

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 SPEX10-MA-020 & SPPT11-MA-003 – James W. & Edel M. Kunkel (Owners)/Edel M. Kunkel (Applicant) – Mountainside Montessori School.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Ms. McCarty

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. Alm.

The motion carried 4 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: Ms. McCarty

**CPAM10-LE-004 – Jean Elizabeth Cheatham, William Wirt Goulding, David Leroy Hodgson, & Terry Lynn Hodgson (Owners)/Bealeton Gateway, LLC (Applicant) – Bealeton Gateway/Mintbrook**

Mrs. Eddy reviewed the staff report. The applicant requested a postponement on this item.

**ZOTA09-CR-002 – A Zoning Ordinance Text Amendment to Article 4 to add a new Section 10 establishing a final development plan process for rezoning applications; to Section 4-104 to allow additional, permitted secondary uses in the Planned Residential District; and to Section 7-502 allowing public and private central sewer systems to be located outside of service district areas.**

Mr. Hushour reviewed the proposed text amendment.

**Marshall Service District Plan Revision**

Mrs. Eddy reviewed proposed revisions to the plan.

**Board of Zoning Appeals Agenda**

Mrs. Eddy reviewed the agenda.

**Transportation Committee Agenda**

Ms. Garreau reviewed the agenda.

**Approval of Minutes – June 24, 2010**

Planning Commissioners discussed the June 24, 2010 minutes.

The meeting was adjourned at 4:30 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, July 29, 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 Mrs. Tracy Gallehr, Mrs. Susan Eddy, Mrs. Melissa Dargis, Mr. Andrew Hushour, Ms. Holly Meade and Mrs. Rebecca Kellert.*

1. **APPROVAL OF MINUTES** – June 24, 2010

On motion made by Ms. Garreau and seconded by Mr. Stone, it was moved to approve the June 24, 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**

- **ZOTA09-CR-002** – A Zoning Ordinance Text Amendment to Article 4 to add a new Section 10 establishing a final development plan process for rezoning applications; to Section 4-104 to allow additional, permitted secondary uses in the Planned Residential District; and to Section 7-502 allowing public and private central sewer systems to be located outside of service district areas. (Monday Properties, Applicant; Andrew Hushour, Staff)

Mr. Hushour reviewed the proposed text amendment.

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 denial.

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**

5. **ANOUNCEMENTS**

No announcements.

6. **CITIZENS TIME**

No one spoke.

7. **SPECIAL EXCEPTIONS**

- a. **SPEX10-SC-016, SPEX10-SC-024, & WVRT10-SC-004 – Michael F. Thomson (Owner/Applicant)** – Applicant wishes to obtain a Category 29 Special Exception to waive the public street requirement, a Category 31 Special Exception to waive the public water requirement, and a Technical Waiver to waive the hydrogeologic testing requirement, to allow for the creation of one lot. The property is located at 6328 Georgetown Road (Route 674), Scott District. (PIN #7906-15-4950-000) (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. Charles A. Floyd, representative, stated that the proposed well is 119' from the existing well and that the data provided by Mr. Emery (Emery and Garrett Groundwater, Inc.) is current.

Ms. Helen Turnbull, Marshall District, stated that she is opposed due to concern about run-off, wetlands in the area, and wells going dry.

Mr. Chuck Burns, Marshall District, stated that the hydrogeologic study was done in 1984 and a lot of changes have occurred in that area since then.

Ms. Anna Atchley, Marshall District, stated that she is opposed due to flooding in the area. She also stated that the wetlands on her property are very important. She did not think that more houses were plausible given the site limitations.

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.

Ms. Garreau expressed concern about the hydrogeologic data being used in the determination. However, she has learned that hydrology does not change much over 24 years and she agrees with the County's environmental division. She stated that this application seems reasonable for the County.

Mr. Stone stated that this application would keep the number of homes down in Fauquier County.

Mr. Meadows stated that perpetuity meant perpetuity.

Mr. Alm expressed concern that the Commissioners did not make a site visit to the property. He stated that this proposal was going to save two homes from being built. He would have preferred to see a more updated version of the hydrogeologic study but that was not possible.

The motion carried unanimously.

- b. **SPEX10-MA-020 & SPPT11-MA-003 – James W. & Edel M. Kunkel (Owners)/Edel M. Kunkel (Applicant) – Mountainside Montessori School** – Applicant wishes to obtain a Category 5 Special Exception to allow a primary school, on a temporary basis, at the current preschool location. Applicant also wishes to amend a Category 5 Special Permit in order to operate the existing preschool in conjunction with the proposed elementary school. The property is located at 6089 John Barton Payne Road (Route 732), Marshall District. (PIN #6947-10-9444-000) (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.

Merle Fallon, Esq., representative, stated that the applicant is seeking help from the County. He stated that schools grow and they would like to grow at the proposed location on Belvoir Road, which is within the Service District.

Ms. Valerie Amster, Lee District, stated that she is in favor. She stated that she attended a Montessori School and her children do so as well. She stated that the school has a very small budget to meet its needs.

Ms. Patricia Deitrich, Marshall District, read a letter on behalf of Ms. Josephine Jefferson. She stated that her children attend the school and they are looking forward to a new school year.

Dr. Michael Amster, Lee District, stated that he is in favor. He stated that he is a pediatrician in Warrenton and a childhood development specialist. He stated that the children attending this school are the future of Fauquier County.

Mr. James Griffin, Marshall District, stated that he is in favor. He stated that Montessori schools are different from public schools in a positive way and noted that this school is valuable to the County.

Ms. Kate Hill, Marshall District, stated that she is in favor. She stated that her daughter attends the school and that a good beginning never ends.

Ms. Karen Longe, Marshall District, stated that she is in favor. She stated that this is a wonderful opportunity for children and she loves the convenience of having a Montessori school so close to her home.

Mr. Bill Clark, Marshall District, stated that he is opposed. He stated that this proposal is incompatible with the surrounding area. He also stated that this school should be located within a service district.

Ms. Sherry Hayes, Center District, stated that she will be an elementary school teacher at Mountainside Montessori School this coming year. She highlighted some of the differences between public and Montessori schools.

Mr. Bill Stern, Marshall District, stated that he is in favor. He stated that he has two children who attend this school and that he attended a Montessori school when he was younger.

Dr. Joe Davis, Marshall District, stated that he is in favor and has not noticed an impact on traffic in the area as he drives to work and does not feel that his property value has been negatively impacted.

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

On motion made by Ms. Garreau and seconded Ms. McCarty, it was moved to forward this item to the Board of Supervisors with a recommendation of denial, as follows:

A RESOLUTION OF THE  
PLANNING COMMISSION OF THE COUNTY OF FAUQUIER  
SPECIAL EXCEPTION APPLICATION SPEX10-MA-020: MOUNTAINSIDE  
MONTESSORI SCHOOL

BE IT RESOLVED by the Planning Commission of Fauquier County that, in the matter of the Special Exception SPEX10-MA-020, said Commission hereby makes the following affirmative findings and recommendation:

1. That the provisions of the Zoning Ordinance for a Special Exception are not met in this application, the Planning Commission finding that said application will negatively impact the public health, safety and welfare of the residents of Fauquier County.

2. The proposed use will hinder and discourage the appropriate development and use of adjacent land and buildings and impair the value of adjacent land and buildings in violation of Section 5-006 of the Zoning Ordinance.
3. That the proposed use will be incompatible with existing or planned development in the general area, as set forth in Section 5-006 of said Zoning Ordinance, and will be incompatible with the general area and the Comprehensive Plan.
4. That the proposed use fails to comply with and is not in conformity with all the applicable standards of Article 5 of said Zoning Ordinance and all other applicable requirements of said Zoning Ordinance.
5. That the property currently is afforded reasonable existing uses.

NOW, THEREFORE, Be it resolved by the Planning Commission of the County of Fauquier, Virginia That the subject Special Exception application be forwarded to the Board of Supervisors of Fauquier County with a recommendation of denial.

***The aforementioned Resolution does not pertain to or include SPPT11-MA-003: Mountainside Montessori School, a Category 5 Special Permit to operate the existing preschool. This Special Permit application is recommended for approval; the originally approved Board of Zoning Appeals' conditions shall remain in effect.***

The motion failed 3 – 2, as follows:

AYES: Ms. Garreau, Ms. McCarty

NAYS: Mr. Stone, Mr. Meadows, Mr. Alm

ABSTENTION: None

ABSENT: None

After discussion, on motion made by Mr. Alm and seconded by Mr. Stone, it was moved to forward Special Exception – SPEX10-MA-020 to the Board of Supervisors with a recommendation of approval as follows:

A RESOLUTION OF THE  
PLANNING COMMISSION OF THE COUNTY OF FAUQUIER  
SPECIAL EXCEPTION APPLICATION SPEX10-MA-020: MOUNTAINSIDE  
MONTESSORI SCHOOL

BE IT RESOLVED by the Planning Commission of Fauquier County that, in the matter of the Special Exception SPEX10-MA-020, said Commission hereby makes the following affirmative findings and recommendation:



WHEREAS, the Planning Commission finds that a primary school on an extremely restricted basis as in this approval for an extremely short time is compatible only, and this does not mean that we find a primary school is compatible on a longer term basis; and

NOW, THEREFORE, Be it resolved by the Planning Commission of the County of Fauquier, Virginia That the subject Special Exception application, subject to the conditions below, is forwarded to the Board of Supervisors of Fauquier County with recommendation of approval, subject to the following 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, "Mountainside Montessori School" approved with the applications, as qualified by these development conditions.
3. The term of this Special Exception shall be valid through January 1, 2012 or until 30 days after the occupancy certificate for a new location for the primary school is issued, whichever is sooner.
4. The applicants shall have the ability to conduct the following uses on the site:
  - primary school for a maximum of 10 children, ages twelve years old or younger at the beginning of the school year.
5. The total school use on the site is limited to a maximum of forty (40) students including the preschool and primary school.

The motion carried 3 – 2, as follows:

AYES: Mr. Stone, Mr. Meadows, Mr. Alm

NAYS: Ms. Garreau, Ms. McCarty

ABSTENTION: None

ABSENT: None

On motion made by Mr. Alm and seconded by Mr. Meadows, it was moved to forward Special Permit – SPPT11-MA-003 to the Board of Supervisors with a recommendation of approval, with the following conditions:

1. The use shall be generally consistent with the materials submitted with the application for this special permit, except as modified below by a specific condition.

2. The term of this Special Permit shall expire 30 days after the occupancy certificate for a new location for the combined preschool and primary school is issued.
3. The enrollment shall be limited to forty (40) children.
4. Hours of operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. No significant exterior changes shall be made to the dwelling to accommodate the school, except for the conversion of windows to french doors and addition of a deck as shown in the application. Any other minor changes or improvements made to the structure will be done in a manner that maintains the residential character of the building.
6. The driveway entrance shall be relocated to create a safe site distance, as determined by the Virginia Department of Transportation (VDOT).
7. The driveway shall be widened the minimum amount necessary to allow two-way traffic, and the parking/turnaround area shall be designed to minimize pavement while accommodating safe drop-off of children.
8. Well and septic permits shall be approved by the Health Department prior to any renovation to expand the school.
9. The applicant shall not ask for any additional expansion to increase the number of children beyond forty (40) children.
10. This special permit shall be valid for ten (10) years from the date of the original approval (October 4, 2007) except if it expires pursuant to Condition #2 above.
11. The house shall be restored to a residence prior to any resale.
12. The applicant shall not ask to expand or add to the building for the school other than what is covered in Condition #4.

The motion carried unanimously.

- c. **SPEX10-SC-021 & SPPT10-SC-026 – Karen M. Kennedy (Owner)/Mountainside Montessori, a Virginia Nonstock Corporation (Applicant) – Mountainside Montessori School** – Applicant wishes to obtain a Category 5 Special Exception to operate a primary school and a Special Permit to operate a preschool. The property is located at 4206 Belvoir Road (Route 709), Scott District. (PIN #6979-68-0106-000 and 6979-68-1478-000) (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.

Merle Fallon, Esq., representative, stated that the Montessori School would like to move to this proposed location. Mr. Fallon requested that the Commissioners act on this item so that it can be pre-advertised for the Board of Supervisors' September 9, 2010 meeting.

Ms. Valerie Amster, Lee District, spoke in support, stating that they are very fortunate to have found this site for a school.

Mr. George Fetterer, Marshall District, stated that while he supports this location for the school, he does have some concern about the location of the amphitheater on the site plan, which he feels is too close to his property line. He also noted concern about increased traffic in the area.

Mr. Bill Clark, Marshall District, stated that his kids attended a Montessori School and it has been his desire to have it located within a service district.

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 postpone action until the next regularly scheduled meeting.

After discussion, Ms. Garreau withdrew her motion, Mr. Stone withdrew his second, and the public hearing was adjourned instead of being closed.

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

The motion carried unanimously.

- d. **SPEX10-CR-022 – Patricia Ann Leonard, Dale Douglas Dick, Goley Albin Dick, Margie Ann Dick & Others (Owners)/Patricia Ann Leonard (Applicant) – Maple Tree Farm Agri-Tours** – Applicant wishes to obtain a Category 9 Special Exception to host Agri-Tourism events such as hayrides, group events and youth events. The property is located at 8274 Maple Tree Lane, Cedar Run District. (PIN #6983-86-1350-000, 6983-96-3212-000, and 6983-85-5497-000) (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. Patricia Leonard, applicant, stated that this family farm is a good location for a business allowing for low cost family fun options. Ms. Leonard stated that she is seeking new ways to introduce citizens to agriculture.

Mr. Walter Hitchcock, Center District, stated that the Green Way could possibly be extended to the proposed location.

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

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, subject to the amended conditions discussed during the work session.

Mr. Meadows stated that this is a good example of people within the County trying to save farm land.

The motion carried unanimously.

8. **COMPREHENSIVE PLAN AMENDMENTS**

- a. **CPAM10-LE-004 – Jean Elizabeth Cheatham, William Wirt Goulding, David Leroy Hodgson, & Terry Lynn Hodgson (Owners)/Bealeton Gateway, LLC (Applicant) – Bealeton Gateway/Mintbrook** – Applicant wishes to amend a previously approved Comprehensive Plan Amendment (CPAM09-LE-001) to change the “effective date” language contained in paragraph 2 of the introduction as contained in the Board of Supervisors’ August 13, 2009 resolution. This would allow for an extension of the deadline for submitting a rezoning application to November 13, 2010, and an extension of the deadline for gaining approval of the rezoning to October 13, 2011. The property is located at 10633 Bowers Run Drive and 6331 Mintbrook Lane, Lee District. (PIN #6899-18-3742-000 and 6889-89-6214-000) (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.

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

On motion made by Mr. Meadows and seconded by Mr. Stone, it was moved to postpone action on this item until the next regularly scheduled meeting, at the applicant’s request, with the public hearing left open.

The motion carried unanimously.

- b. **CPAM10-LE-005** – A Comprehensive Plan Amendment to add 10.888 acres described as PIN #6887-66-2431-000, 6887-66-2176-000, 6887-65-4927-000, a portion of 6887-55-9812-000, a portion of 6887-66-6080-000, and a portion of

6887-66-9152-000, to the Remington Service District with a designation of Industrial use and to change the designation on 5.26 acres described as PIN #6887-66-7397-000, 6887-66-5420-000, 6887-66-7640-000 and a portion of 6887-66-0512-000 currently within the Remington Service District from Low Density Residential (1-3 units per acre) use to Industrial use. (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.

Ms. Amy Pritchard, representative, stated that the proper land use designation for this location is industrial rather than residential.

Mr. Neil Selby, Lee District, stated that he is in favor of the request. He stated that he owns Shady Grove Kennels. He stated that the owner of the salvage yard has cleaned up the property and voluntarily helps out with maintenance of the old school house.

Mr. Steve Wright, Lee District, spoke in favor, stating that he buys parts from the salvage yard and he has cars towed there.

Mr. Andrew Parrish, Lee District, spoke in favor, stating that he has lived nearby for five years and has seen a huge improvement in the salvage yard.

Mr. Steve Hamilton, Lee District, stated that he purchases auto parts from the salvage yard and the owner is a good neighbor.

Mr. Luciano Scocco, Lee District, spoke in favor, stating that the applicant is always willing to help his neighbors.

Mr. Carl Welch, Lee District, spoke in favor stating that the owner of the salvage yard is serving the community and has made huge improvements to the salvage yard.

Mr. Maxwell Bowen, Lee District, spoke in favor, stating that the salvage yard is a good business and the owner helps the community.

Ms. Tammy Slaustas, Lee District, spoke in favor, stating that the owner has helped her during a hard time and there is no noise from the salvage yard. She stated that he also keeps up his property.

In that there were no further speakers, Ms. McCarty 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 4 – 1, as follows:

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

NAYS: Ms. McCarty

ABSTENTION: None

ABSENT: None

In that there was no further business, the meeting was adjourned at 9:00 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.*