

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
APRIL 30, 2009**

The Fauquier County Planning Commission held its regular meeting on Thursday, April 30, 2009, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mr. John Meadows, Vice-Chairman; Ms. Adrienne Garreau, Secretary; Ms. Ann McCarty and Mr. Ken Alm. Also present at the meeting were Mrs. Kimberley Fogle, Mrs. Tracy Gallehr, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Holly Meade, Mrs. Melissa Dargis, Mrs. Bonnie Bogert, Ms. Kristen Slawter and Mrs. Rebecca Kellert.

<p><i>Regular Meeting 6:30 P.M. Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>

1. **APPROVAL OF MINUTES** – March 26, 2009

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to approve the March 26, 2009 minutes.

The motion carried unanimously.

2. **SPECIAL EXCEPTION/SPECIAL PERMIT**

- **SPEX09-CR-013, SPEX09-CR-014, SPEX09-CR-015, SPPT09-CR-030, & CCRV09-CR-003 – Elk Mount Farm, LLC & William C. Patton (Owners)/Lee Hollander (Applicant) – Range 82 - Public Safety Training Facility** – Applicant wishes to obtain a Category 5 Special Exception to allow for an outdoor technical training facility, a Category 11 Special Exception to allow for a public safety facility (both Emergency Services and Sheriff’s Office facilities), and a Category 20 Special Exception to allow for an aboveground water storage facility. Applicant is also requesting an amendment to an approved Special Permit to reconfigure an existing range area, add a range area, and add limited storage of firearms and ammunition. In addition, the applicant is seeking a Comprehensive Plan Conformance Determination in accord with *Code of Virginia*, Section 15.2-2232 as to whether the location of these facilities on this property is substantially in accord with the Comprehensive Plan. The property is located at 4818 Midland Road, Cedar Run District. (PIN #7819-66-3353-000) (Holly Meade, Staff)

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

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

Mr. Alm expressed concern with leasing property rather than building the facility on County-owned land.

Ms. Garreau stated the following: “Regarding the Comprehensive Compliance review, it is my opinion that this site does not meet the guideline to ‘efficiently and economically serve the greatest number of residents’ for either a County law-enforcement training facility nor for a fire-training location. The fire-training facility would be constructed on leased property, putting the County and citizens at unnecessary financial risk, especially in light of the fact that the County owns other parcels where this facility could be built. The location of the proposed law enforcement training facility, on the surface, appears to meet general guidelines. Additionally, Range 82’s request to expand the daily number of patrons by 25 percent, which is the only substantive change being asked for on the firing range, would not constitute a hardship to neighboring property owners in excess of what exists with the current approval. In fact, the request seems a reasonable one in exchange for providing the County’s law enforcement personnel the ability to meet their training requirements at a substantial savings to the County. But therein lies my reluctance to support this application. The Sheriff Department’s response to this application is notable in its lack of enthusiasm. Additionally, the County has been unwilling or unable to provide supporting data that demonstrates with any specificity how and how much they would save in a deal with Range 82 and the property owners. Without verifiable assurances that the County would be protected against liabilities as a result of lead contamination or other accidents, and with no data to substantiate the economic benefits, the application fails the Comprehensive Compliance guideline that this facility would ‘efficiently and economically serve the greater number of residents. Regarding the Special Exception, I do not find that in the statement of justification there is a compelling argument that the fire-training component is substantially better served by being in close proximity to the law enforcement training facility. Similarly, there is no compelling case that the law enforcement training is substantially better served by having the burn facility nearby. From a purely land-use perspective, since the County already owns property that would accommodate the burn facility, I cannot conclude that this proposed location is necessary for the rendering of efficient government services to residents. Based on these conclusions, the request for the Category 20 Special Exception for the water tower is rendered moot. For the above reasons, I vote for recommendation of denial of this application.”

Ms. McCarty stated that, while she commends the applicant for being so forthcoming with information, she feels that this proposal would be too intense for the neighborhood. She also noted that she still had concerns with possible lead contamination.

Mr. Meadows stated that he feels it is very important for the Sheriff’s Department to have a place to practice shooting, but he does not think this is the right location.

The motion carried unanimously.

3. **BOARD OF ZONING APPEALS AGENDA**

No comments.

4. **TRANSPORTATION COMMITTEE AGENDA**

Mr. Meadows stated that he attended the last Transportation Committee meeting and was very appreciative of the help he received regarding Schoolhouse Road.

<p style="text-align: center;"><i>Public Hearings</i> <i>7:00 P.M.</i> <i>Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</i></p>

5. **THE PLEDGE OF ALLEGIANCE**

6. **ANNOUNCEMENTS**

Mr. Stone stated that citizens may speak for three (3) minutes. Mr. Stone also stated that Fauquier County would be celebrating its 250th anniversary on May 1, 2009 and encouraged the public to attend.

7. **CITIZENS' TIME**

Mr. Jim White, Northern Virginia Piedmont Wine, Dine and Equine Confederation, introduced himself and stated that his organization is working closely with Economic Development to increase tourism.

8. **AGRICULTURAL AND FORESTAL DISTRICT ADDITION**

14th Addition to Orlean/Hume District

AGFD09-MA-001: Stephen E. and Ann P. Garmon (Owners) are requesting to add two parcels totaling 86.5565 acres, located at the intersection of Tanner Branch Road and John Barton Payne Road, Marshall District (PIN #6947-04-5022-000 and 6947-05-5541-000) (Deborah Dotson, Staff)

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

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone 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.

The motion carried unanimously.

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

- a. Zoning Ordinance Text Amendment to Sections 3-316, 5-1600, and 15-300 Related to Blacksmith Shops and Similar Artisan Shops in the Rural Agricultural District (Kim Johnson, Staff)

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

Mr. Stone opened the public hearing.

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

On motion made by Mr. Stone and seconded by Ms. McCarty, 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.

- b. Zoning Ordinance Text Amendment to Sections 3-318.17-18, 6-102, 5-1810 and 15-300 Related to Farm Wineries (Kim Johnson, Staff)

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

Mr. Stone opened the public hearing.

Ms. Ellen Ussery, Marshall District, expressed concern about the size and number of events held at wineries. She said that wineries are functioning as event destinations. She stated that she would like to have amplified music banned at wineries.

Dr. Kitty Smith, Marshall District, stated that she supports agricultural uses, including wineries, but she is concerned about events turning into entertainment centers. She also stated that she is objected to wineries doubling their events. She stated that anything beyond by-right should go through the Special Exception process and winery standards should be used.

Ms. Janet Clark, Rappahannock County, stated that she lives near Oasis Winery and is concerned that wineries will promote themselves by holding events with loud music.

Ms. Irene Kerns, Marshall District, stated that she lives near a winery and the road is very dangerous. She is concerned about the possibility of having drunk drivers on what is already a dangerous road.

Ms. Lesley Arnold, Rappahannock County, stated that she is a neighbor of Oasis Winery and is concerned about noise, an increase in traffic, and drunk driving from events. She also stated that she is opposed to winery doubling their events.

Ms. Brenda Moorman, Marshall District, stated that she would like to ban outdoor amplified music held at winery events.

Ms. Catherine Mayes, Marshall District, stated that she practices law and is limited to the number of customers she can have in her office. She questioned if the wineries would have the same rule.

Mr. Daniel Clark, Rappahannock County, stated that he lives near Oasis Winery and noise is currently a problem. He stated that he would like to see amplified outdoor music banned.

Mr. John Todhunter, Marshall District, stated that he works with Three Fox Winery and if wineries have events it will help them sell wine.

Mr. Ralph Ruggiero, Marshall District, stated that he is concerned about water issues, drunk drivers, and a decline in his property value.

Mr. Jim Conaway, Marshall District, stated that he is opposed to wineries having too many events. He also stated that amplified outdoor music should be banned.

Mr. Daniel Locke, Scott District, stated that he is opposed to the noise from events at wineries and outdoor amplified music.

Mr. Bill Edmands, Scott District, stated that he is a winery owner and he feels they are keeping agriculture alive within the County.

Mr. David Willson, Marshall District, stated that sound is difficult to manage.

Mr. Chuck Medvitz, Scott District, stated that events held at wineries are not by-right, but permitted uses and that noise could be a problem. He also stated that the simple definition for usual and customary activities/events for farmland wineries is listed in the April 2009 staff report number one through six. Anything other than those listed in the April staff report are not customary activities/events.

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

On motion made by Ms. McCarty and seconded by Ms. Garreau, 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.

10. **SPECIAL EXCEPTIONS**

- a. **SPEX09-CT-017 – Warrenton Liberty, LLC (Owner)/Holtzman Oil Corporation (Applicant) – Warrenton Denny’s/Liberty/7-Eleven** – Applicant wishes to obtain approval for additional signage. The property is located at 7323 and 7325 Comfort Inn Drive (Route F973) on the southeast side of Route 15/29, Center District. (PIN #6995-00-4401-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Mr. Todd Benson, Piedmont Environmental Council, stated that Route 29 is already too cluttered with signs.

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

Mr. Alm stated that a proposed amendment to the Zoning Ordinance relating to signage is being considered so he would like to allow the sign on the building, but not the freestanding sign.

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, subject to revised conditions.

Ms. Garreau stated that since a proposed amendment to the Zoning Ordinance regarding signage is in the process, she does not support this motion.

Ms. McCarty stated that she agrees with Ms. Garreau.

Mr. Meadows stated that he agrees with Mr. Alm and noted, as was stated earlier in the day, even the Denny’s corporate owners could not find the restaurant with the current signage.

Mr. Stone stated that he agrees with Mr. Alm and Mr. Meadows.

The motion carried 3 to 2, as follows:

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

NAYS: Ms. Garreau, Ms. McCarty

ABSTENTION: None

ABSENT: None

- b. *SPEX09-CR-018 & SPEX09-CR-019 – Dominion Virginia Power (Applicant and Easement Owner)/Stanley M. & Sue F. Heflin, Porter W. & Teresa M. Longerbeam, Mary Jo Lynskey, Nancy M. McCuiston, Bonnie M. Morgan, Brian A. Morgan, Daniel W. Morgan, Gregory T. Morgan, Joel H. Morgan, Michael J. Morgan, Timothy J. Morgan, William F. Morgan, Jenifer S. Williams, Joseph William & Beverly G. Hayes, Cynthia Jo Stroud, and The Allen Family Ltd. Partnership (Property Owners) – Bristers-Sowego 115 kV Transmission Line Relocation* – Applicant wishes to obtain a Category 20 Special Exception to allow for the addition of 1.6 miles of 115 kV electrical conductor onto the western side of State Corporation Commission (SCC) approved 230 kV transmission line structures north from the Bristers Substation. Applicant also wishes to add two 3-pole structures to connect the new conductor to the existing 115 kV line east to the Sowego Substation. A Category 23 Special Exception is also required for construction of the utility poles within the FEMA 100-year floodplain. The new line would be located within the existing 240' wide Dominion easement (VEPCO right-of-way). The corridor property is located between Cromwell Road (Route 639) and Courthouse Road (Route 609). (PIN #7839-84-6628-000, 7849-10-8611-000, 7849-11-3813-000, 7849-15-7177-000, 7849-17-0225-000, 7849-27-8879-000, and 7849-28-3304-000) (Melissa Dargis, Staff)

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

Mr. Stone opened the public hearing.

Ms. Liz Harper, applicant, offered to answer any questions.

Mr. Dan Morgan, Cedar Run District, stated that he is confused about what the applicant is proposing.

Ms. Liz Harper, applicant, clarified the physical changes that the applicant is proposing.

In that there were no further speakers, Mr. Stone 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 conditions.

The motion carried unanimously.

11. **SPECIAL EXCEPTION/WAIVERS**

- *SPEX09-MA-010, WAVR09-MA-020, WAVR09-MA-021, WAVR09-MA-022, WAVR09-MA-023, & WAVR09-MA-024 – John W. Trumbo, Robert H.*

Ritchie and Others (Owners)/Andrew S. Bigler, Sr. (Applicant) – Middleburg Bank – Applicant wishes to obtain a Category 13 Special Exception for a drive-through facility to accommodate a bank. Applicant is also requesting five waivers to allow for a reduction of the front setback, a secondary entrance on a higher access street, a cross/cooperative parking agreement, a reduction of the cooperative parking requirements, and a reduction of the front, side, and rear buffer requirements. The properties are located on the northwest side of Main Street (Route 55), Marshall District. (PIN #6969-58-4589-000, 6969-58-5641-000, 6969-58-6605-000, and 6969-58-6649-000) (Holly Meade, Staff)

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

Mr. Stone opened the public hearing.

Mr. Jack Connor, representative, offered to answer any questions.

Dr. Kitty Smith, Marshall District, inquired if the trees between this site and the IGA parking lot would be removed.

Mr. Jack Conner, representative, responded that his firm is currently discussing this issue with the owner of the IGA so that as many trees as possible will be left standing.

Mr. Owen Shull, Marshall District, stated that he is concerned about possible water run-off from this site onto his property.

In that there were no further speakers, Mr. Stone 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, subject to conditions.

The motion carried unanimously.

12. **REZONING**

- **REZN09-MA-002 – Upperville Investments, LLC (Owner/Applicant) – Upperville Investments, LLC** - Applicant wishes to rezone approximately 1.0 acre from Commercial Village (with proffers) to Village. The property is located at 9027 John S. Mosby Highway (Route 50), Marshall District. (PIN #6064-04-1816-000) (Melissa Dargis, Staff)

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

Mr. Stone opened the public hearing.

Mildred Slater, Esquire, representative, offered to answer any questions.

In that there were no further speakers, Mr. Stone 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.

13. **COMPREHENSIVE PLAN AMENDMENT**

- a. **CPAM08-CR-005** – An update to the Catlett, Calverton, Midland Village Service District Plan, Chapter 6 of the Fauquier County Comprehensive Plan. (Kristen Slawter, Staff)

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

Mr. Stone opened the public hearing.

Dr. Kitty Smith, Marshall District, stated that she supports the proposed update, specifically to limit the village service districts to current zoning boundaries excluding RA zoning and that Route 28 should remain two lanes.

Mr. Todd Benson, Piedmont Environmental Council, stated that Route 28 should remain two lanes.

Mr. Chuck Medvitz, Scott District, stated that he agreed with the proposed update but feels there should be more research done. He questioned if the revised plan adequately meets the planning objective to down plan commercial land use to match public sewer capacity.

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

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

The motion carried unanimously.

- b. **CPAM09-CT-006 – RFI CM, LC (Owner/Applicant) – Cedar Mill** – Applicant wishes to obtain a Comprehensive Plan Amendment to add four parcels containing approximately 80 acres to the Warrenton Service District. The properties are located at the southwest corner of Atlee Road and Frytown Road (Route 674), Center District. (PIN #6994-26-8780-000, 6994-27-7561-000, 6994-36-7932-000, and 6994-37-4250-000) (Bonnie Bogert, Staff)

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

Mr. Stone opened the public hearing.

Mr. Roy Beckner, applicant, offered to answer any questions.

Mr. Chuck Medvitz, Scott District, stated that he is opposed and that this would be of no benefit to the County.

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

Mr. Alm stated the following: “Currently there is a requirement that drainfields have a 200% reserve—meaning two alternative drainfield sites per lot, should the original drainfield fail. If these parcels are added back into the Service District the reserve requirement would drop to 100%. The applicant contends that adding these four parcels containing approximately 80 acres to the Warrenton Service District would allow for an improved layout of the proposed lots and for retention of more open space. However, it is unclear from materials submitted how this would be accomplished. In 2005, the Board of Supervisors received and denied a request for these same parcels to be added to the Service District. For the above reasons, I find no advantage to add these parcels to the Warrenton Service District and hereby make a motion to forward this request to the Board of Supervisors with a recommendation of denial.”

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

The motion carried unanimously.

14. **COMPREHENSIVE COMPLIANCE REVIEW**

- **CCRV09-SC-004 – Fauquier Lakes Limited Partnership/Brookside Development, LLC (Owner), Bohler Engineering (Applicant) – Brookside Phase 8 Public Library** – Applicant is seeking a Comprehensive Plan Conformance Determination in accord with *Code of Virginia*, Section 15.2-2232, as to whether the location of this facility on the property is substantially in accord with the Comprehensive Plan. The property is located on Brookside Parkway north and east of its intersection with Groupe Road, Scott District (PIN #7915-03-7603-000, a portion of). (Bonnie Bogert, Staff)

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

Mr. Stone opened the public hearing.

Mr. Chuck Medvitz, Scott District, spoke [*Inaudible*].

Mrs. Barbara Severin, Scott District, stated that she is the on the Library Board and offered to answer any questions.

Mr. Chris Hritsik, representative, reviewed the applicant's proposal and offered to answer any questions.

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

Ms. Garreau stated the following: "The Planning Commission finds that the proposed location of a library in Phase 8 of Brookside along the Brookside Parkway is in conformance with the Comprehensive Plan, as it would implement a service that is not readily accessible to residents, and could serve a large number of residents while keeping within plans for County growth as per the Comprehensive Plan. The Planning Commission finds that the Riley Road site is also an appropriate location for a library, and that other similarly situated sites within Brookside, Vint Hill or other New Baltimore locations could also be appropriate locations. The Planning Commission further finds that the ideal location for a library would be in the heart of a thriving community with adjacent residential, commercial, and recreational uses."

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.

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 9:28 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.