

**MINUTES OF  
FAUQUIER COUNTY PLANNING COMMISSION  
JUNE 25, 2009**

*The Fauquier County Planning Commission held its regular meeting on Thursday, June 25, 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. Ann McCarty and Mr. Ken Alm. Also present at the meeting were Mr. Rick Carr, Mrs. Tracy Gallehr, Mrs. Susan Eddy, Mrs. Melissa Dargis and Mrs. Rebecca Kellert. Member absent was Ms. Adrienne Garreau, Secretary.*

<p><b>Regular Meeting 6:30 P.M. Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia</b></p>
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1. **AGENDA REVISION**

On motion made by Mr. Stone and seconded by Mr. Meadows, it was moved to amend the Regular Meeting agenda to include an initiation of a Zoning Ordinance Text Amendment to Article 3, District Regulations, and Article 5, Special Permits and Special Exceptions, relating to uses on properties containing open space easements.

The motion carried unanimously.

2. **APPROVAL OF MINUTES** – April 30, 2009 & May 28, 2009

On motion made by Mr. Meadows and seconded by Mr. Alm, it was moved to approve the April 30, 2009 and May 28, 2009 minutes.

The motion carried unanimously.

3. **CONSIDERATION OF BYLAWS** – Consider changes to Article V – Meetings, to add provisions for emergency meetings. (Susan Eddy, Staff)

Mrs. Eddy reviewed the staff report, 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 approve the amended Bylaws, as follows:

**BYLAWS**  
**FAUQUIER COUNTY PLANNING COMMISSION**

*Adopted 10 June 1953*  
*Amended 28 March 1973*  
*Amended 26 April 1978*  
*Amended 30 May 1985*  
*Amended 25 February 1999*  
*Amended 28 February 2001*  
*Amended 25 March 2004*  
*Amended 27 January 2005*  
*Amended 15 February 2007*  
*Amended 28 May 2009*  
*Amended 25 June 2009*

**ARTICLE I – AUTHORITY**

The Fauquier County Planning Commission was created by motion of the Fauquier County Board of Supervisors dated December 14, 1950, in accordance with Chapter 25, Title 15.3 of the Code of Virginia.

**ARTICLE II – MEMBERS**

The Planning Commission shall consist of not less than five (5) or more than fifteen (15) persons. One (1) member of the County Board of Supervisors can be a member. Except for the one member of the Board of Supervisors who may be appointed, no other member shall hold an elective public county office.

The terms of the appointed member shall be for four (4) years except the original appointees' terms which may be various lengths.

**ARTICLE III – OFFICERS AND ELECTIONS**

The Planning Commission shall elect from its membership the following officers, whose terms shall be for one year, with eligibility for reelection.

- Chairman
- Vice Chairman
- Secretary

**ARTICLE IV – DUTIES OF OFFICERS**

The Chairman shall be a citizen member of the Commission and shall:

- Preside at all meetings.
- Appoint committees, special and/or standing.
- Rule on all procedural questions (subject to a reversal by a majority vote of the members present).
- Carry out other duties as assigned by the Commission.

The Vice Chairman shall be a citizen member of the Commission and shall:

- Act in the absence or inability of the Chairman to act.

The Secretary shall:

- Be responsible for written records of all basic transactions of the Commission.
- Notify members of meetings.
- Keep a file of all official records and reports of the Commission.
- Give notice of all hearings and public meetings.

## ARTICLE V – MEETINGS

The Planning Commission shall meet once a month in regular session on the last Thursday of each month in the Warren Green Building, Warrenton, Virginia. On that day, the work session will begin at 12:30 p.m., while the regular meeting and public hearing shall commence at 6:30 p.m. However, the Planning Commission may on occasion amend this meeting schedule. Any changes to the regular meeting schedule shall be posted on the County’s web page under the Planning Commission’s calendar.

Special or emergency meetings of the Commission may be called by any three members. Where a special or emergency meeting has been called, all Commissioners and the County Attorney shall be notified, and the Commission shall give notice to the media and general public of the time, place and purpose of the meeting contemporaneously with the notice received by the Commission. Only matters specified in the notice shall be considered.

All meetings, hearings, and records shall be open to the public. An executive session may be held only in accord with the Code of Virginia, 2.1-344.

## ARTICLE VI – VOTING

A majority of the members shall constitute a quorum and no action of the local Commission shall be valid unless authorized by a majority vote of these present and voting.

## ARTICLE VII – ORDER OF BUSINESS

The order of business for the regular meeting shall be:

- Call to Order
- Approval of Minutes
- Unfinished Business
- New Business
- Miscellaneous/Other
- Adjournment

The order of business for the public hearing will be:

- Public Hearing
- Miscellaneous/Other

## ARTICLE VIII – AMENDMENTS

These Bylaws may be changed by a recorded two-thirds (2/3) vote of the entire membership after thirty (30) days prior notice.

## ARTICLE IX – POLICY

1. Any member of the Commission shall be entitled to move or second any question for action by the Commission. Any matter properly brought before the Commission shall be voted upon by it, either affirmatively or negatively, and each member of the Commission shall vote upon every matter properly raised, unless he or she shall have a conflict of interest thereon, as defined in the 1950 Code of Virginia, as amended, in which case he or she shall state the nature of such conflict and abstain.
2. In cases where a public hearing is required, no member shall be entitled to vote on the matter unless he or she was present at the public hearing, or has reviewed the official record with respect to the matter, in which case he or she, prior to voting, shall state publicly for the record, that he or she has reviewed the record and feels sufficiently informed to vote on the matter.
3. Each member placing a motion before the Commission should include the rationale for his or her motion.
4. In cases where a matter has been resolved, and a member(s) wishes to submit a supplementary report, the intention to do should be expressed at a public hearing.
5. All supplementary reports or individual letters concerning Planning Commission business should be on official stationery and file copies should be maintained in the Office of the Planning Commission. No letter written by a Member or Members of the Commission on Commission stationery and signed by such Member(s) may be forwarded to the intended recipient until such letter has lain in the Commission offices for a minimum of two working days during which time the staff shall have made every reasonable effort to notify all other Members of the content of such letter; and no letter relating to policy shall be forwarded over the signature of the Chairman or other member of the Commission, acting in an official capacity, which has not been approved by the majority of Members of the Commission.
6. Except where it appears to the contrary in this Article, the parliamentary procedure of the Commission shall be governed by Robert's Rules of Order most recently revised.

The motion carried unanimously.

4. **BOARD OF ZONING APPEALS AGENDA**

On motion made by Mr. Alm and seconded by Ms. McCarty, it was moved to send a letter to the Board of Zoning Appeals regarding the Railan's Used Cars (SPPT09-MA-042) application conveying their view that the proposed use is not in conformance with the Comprehensive Plan.

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

The motion carried 3 to 0, as follows:

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

NAYS: None

ABSTENTION: Mr. Meadows

ABSENT: Ms. Garreau

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

6. **PRELIMINARY PLAT/WAIVER**

- **PPLT09-SC-004 & WAVR09-SC-031 – MILLENNIUM BANK SHARES CORPORATION (OWNER/APPLICANT) – BISHOP'S RUN SUBDIVISION**  
– Applicant wishes to subdivide approximately 62.44 acres into ninety-six (96) lots. The applicant is also requesting a waiver of the cul-de-sac length requirement (Zoning Ordinance Section 5.5.1). The property is located on Riley Road (Route 67) between Route 15/29 and Broad Run Church Road (Route 600), Scott District. (PIN #7916-22-4949-000 and 7916-13-9118-000) (Bonnie Bogert, Staff)

7. **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 Article 3, District Regulations, and Article 5, Special Permits and Special Exceptions, relating to uses on properties containing open space easements. (Drew Hushour, Staff)

In that Mr. Hushour was unavailable, Mrs. Gallehr reviewed the staff report, a copy of which is attached to and made part of these official minutes.

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

The motion carried unanimously.

<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>
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8. **THE PLEDGE OF ALLEGIANCE**

9. **ANNOUNCEMENTS**

Mr. Stone stated that citizens may speak for five (5) minutes.

10. **CITIZENS' TIME**

Mr. Chuck Medvitz, Scott District, expressed concern about the proposed Bishop's Run subdivision. Mr. Medvitz stated that he is concerned about the negative impact this proposal would have on the Buckland Battlefield. He advised the commission to check the status of the 106 review for Bishop's Run.

11. **SPECIAL EXCEPTION**

- **SPEX09-MA-020 – SULPHUR SPRINGS INVESTMENT CORPORATION (OWNER)/ROBERT E. FOLEY (APPLICANT) – FAUQUIER SPRINGS COUNTRY CLUB WASTEWATER TREATMENT PLANT IMPROVEMENTS** – Applicant wishes to obtain a Category 20 Special Exception to upgrade and replace an existing wastewater treatment plant. The property is located at 9236 Tournament Drive, Marshall District. (PIN #6962-22-1908-000) (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.

Mr. Patrick Sowers, representative, stated that he would be happy to answer any questions.

Mr. Henry Fletcher, Marshall District, stated that he is a neighbor of this facility and he is in favor of approving the request.

Ms. Madge Eicher, Marshall District, stated that she is a neighbor and appreciates being notified as she had no idea this needed to be done.

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

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

The motion carried unanimously.

In that there was no further business, the meeting was adjourned at 6:45 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.*