

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
OCTOBER 29, 2009**

**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, October 29, 2009, beginning at 12:30 p.m., in the Warren Green Building, Second Floor Conference Room, 10 Hotel Street, Warrenton, Virginia. 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 were Mrs. Tracy Gallehr, Mr. Rick Carr, Mrs. Susan Eddy, Mrs. Kimberley Fogle, Ms. Kimberley Johnson, Mr. Andrew Hushour, Ms. Holly Meade, Ms. Kimberly Abe, Mrs. Melissa Dargis and Mrs. Bonnie Bogert.

REZN09-SC-004 – Beights Development Corporation (Owner)/Collins Engineering (Applicant) – Mill Run Business Park – Pepsi Expansion

Ms. Meade reviewed the application and stated that no changes had been made.

The Planning Commissioners and the applicant discussed multiple Route 29 ingress/egress entrance options.

On motion made by Ms. Garreau and seconded by Mr. Meadows, 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 Mill Run Business Park – Pepsi Expansion.

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, Ms. Garreau 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 Ms. Garreau and seconded by Mr. Meadows.

The motion carried 5 – 0, as follows:

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

NAYS: None

ABSTENTION: None

ABSENT: None

SPEX10-MA-005 – David H. Farrar (Owner/Applicant) – Farrar Subdivision

Mrs. Bogert reviewed the application.

Zoning Ordinance Text Amendment to Sections 3-300, 5-900, 5-1800, and 15-300 to shift equestrian facilities from the Outdoor Recreation category to the Agriculture category.

Ms. Johnson reviewed the proposed amendment.

Zoning Ordinance Text Amendment to Sections 2-705 and 15-300 to clarify that a residence and its accessory structures and uses are allowed within non-common open space.

Ms. Johnson reviewed the proposed amendment.

WHITE MARSH REZONING

Ms. Meade reviewed the application.

VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) SECONDARY STREET ACCEPTANCE REQUIREMENTS

Mr. Carr reviewed the new VDOT requirements and the proposed Comprehensive Plan Amendment.

FREEDOM OF INFORMATION ACT (FOIA)

Ms. Gallehr reviewed retention of records requirements.

MINUTES

Planning Commissioners discussed the September 24, 2009 minutes.

BOARD OF ZONING APPEALS AGENDA

Ms. Johnson reviewed the Board of Zoning Appeals Agenda.

TRANSPORTATION COMMITTEE AGENDA

Mrs. Eddy reviewed the Transportation Committee Agenda.

CALENDAR OF EVENTS:

It was agreed to attend the Marshall Citizen Committee meeting on November 10, 2009 and a training session in Leesburg on November 18, 2009. The December 8, 2009 meeting was canceled.

OTHER

Commissioners will be drafting a letter regarding Proffer Amendments and discuss at the December 9, 2009 meeting.

The meeting was adjourned at 5:00 p.m.

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

The Fauquier County Planning Commission held its regular meeting on Thursday, October 29, 2009, beginning at 6:30 p.m. in the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. 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 were Mr. Rick Carr, Mrs. Tracy Gallehr, Mrs. Susan Eddy, Ms. Kimberley Johnson, Ms. Holly Meade, Mrs. Bonnie Bogert, and Mrs. Becca Kellert.

1. **THE PLEDGE OF ALLEGIANCE**

2. **REZONING**

- **REZN09-SC-004 – Beights Development Corporation and Pepsi-Cola Bottling Company of Central Virginia (Owners)/Collins Engineering (Applicant) – Mill Run Business Park – Pepsi Expansion** – Applicant wishes to rezone approximately 3.2982 acres from Residential - 1 (R-1) to Industrial Park (I-1) in

order to allow the expansion of an existing warehouse and the parking area. The property is located on the south side of Lee Highway (Route 15/29), approximately 1,200 feet north of the intersection of Telephone Road and Lee Highway (Route 15/29), Scott District. (PIN #7906-21-3506-000, 7906-21-1470-000, and 7906-11-8194-000) (Holly Meade, Staff)

Ms. Meade 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. Stone, it was moved to forward this item to the Board of Supervisors with a recommendation of denial.

Ms. Garreau read the following statement: “The Comprehensive Plan Amendment passed by the BOS in October of this year that relates to the triangle formed by Gray’s Mill Road, the western boundary of the Mill Run Industrial Park property and Route 29 Lee Highway states unequivocally that future access to Route 29 is to be limited. Indeed, this message is relayed in several places within this section of the Comp Plan – “There will be only two access points on Route 29,” call for a study to “identify how to achieve limited access designation for this corridor” and so on. In conjunction with this vision for Route 29, the Comprehensive Plan further envisions an internal road system to serve the lots that comprise the triangle. The Comprehensive Plan shows a general alignment for such a road system that builds on the existing internal road segment, which currently serves only the Mill Run Industrial Park itself.

Comes now an application for rezoning two parcels of residentially-zoned land that together amount to about three acres, located on the northern boundary of the current Pepsi plant. A rezoning to Industrial Park (I-1) of these parcels is substantially in accordance with the Comprehensive Plan, which designates this area future industrial. However, the fact that the internal road network is not yet in place apparently has produced sufficient skepticism on the applicant’s part that he has declined to commit to access the two parcels from the future road system instead of Route 29. Indeed, the applicant is asking with this rezoning to retain his right to two and potentially three additional curb cuts along this stretch of Route 29, in stark contrast to the Comprehensive Plan’s vision of limited access. The situation makes it apparent that this rezoning application is premature and should be resubmitted when the applicant feels assurance that such access envisioned in the Comprehensive Plan can be realized to his satisfaction.”

Mr. Meadows stated that the Planning Commission had worked very hard at the work session earlier in the day hoping to find a resolution. He explained that the applicant had agreed if the application was approved, a boundary line adjustment would take place and tractor trailer traffic would use an alternate route other than Route 29. He also stated that Pepsi has been at this location for 70 years or more, employing many, and he would not want jobs to be lost.

Ms. Garreau thanked Mr. Meadows for his valid points. However, she stated that the applicant had not addressed access to the Route 29 as outlined in the Comprehensive Plan.

Ms. McCarty noted that Pepsi was a good business, but she expressed concerns about safety on Route 29 and stated this application is not in accordance with the Comprehensive Plan.

Mr. Alm stated that he understands both sides and does feel a resolution will be worked out. He stated that time ran out and he will agree with the rest of the Commissioners.

Mr. Stone stated that they did work very hard to come to an agreement and that the elements are there. He stated that once this application goes to the Board of Supervisors, he hoped a solution could be found.

The motion carried unanimously.

3. **APPROVAL OF MINUTES** – September 24, 2009

On motion made by Ms. Garreau and seconded by Ms. McCarty, it was moved to approve the September 24, 2009 minutes, as amended.

The motion carried unanimously.

4. **BOARD OF ZONING APPEALS AGENDA**

No comment.

5. **TRANSPORTATION COMMITTEE AGENDA**

No comment.

<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>

6. **ANNOUNCEMENTS**

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

7. **CITIZENS' TIME**

Mr. Todd Benson, Piedmont Environmental Council, applauded the Fauquier County Planning Commissioners for their hard work and many achievements.

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

- a. Zoning Ordinance Text Amendment to Sections 3-300, 5-900, 5-1800, and 15-300 to shift equestrian facilities from the Outdoor Recreation category to the Agriculture category. (Kimberley 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.

Mr. Roy Beckner, representative, stated that repairs and upgrades have been made to Eastwood Farm to utilize the equestrian facility for boarding and horse shows.

Dr. Kitty Smith, Marshall District, stated that she commends the Planning Commission for their work on this issue. Dr. Smith also stated that she will be meeting with members of the horse community and will come back with some recommendations.

Ms. Mary Page, Scott District, stated that she is a horse enthusiast and wants to promote horse trails. She stated that she urges the Planning Commission to allow this text amendment.

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

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

Mr. Meadows expressed concern that horse lessons, for example, may require a special exception or special permit. He stated that this could impact the equestrian small businesses in a huge way.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Sections 2-705 and 15-300 to clarify that a residence and its accessory structures and uses are allowed within non-common open space. (Kimberley 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. Alm and seconded by Ms. Garreau, it was moved to postpone action until the next regularly scheduled meeting, with the public hearing left open.

The motion carried unanimously.

9. **SPECIAL EXCEPTION**

- **SPEX10-MA-005 – David H. Farrar (Owner/Applicant) – Farrar Subdivision**
– Applicant wishes to obtain a Category 29 Special Exception to waive the public street requirement for one (1) lot. The property is located on the north side of John Marshall Highway (Route 55), Marshall District. (PIN #6001-64-5565-000) (Bonnie Bogert, Staff)

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

Ms. Garreau inquired who would be responsible for plowing the street in the event of bad weather.

Mrs. Bogert stated that Condition #10 addresses this issue.

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 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.

In that there was no further business, the meeting was adjourned at 7:04 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.