ORANGE COUNTY
PLANNING COMMISSION

COMMUNITY DEVELOPMENT BUILDING
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Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, February 16, 2012

AGENDA

7:00 p.m.

1. Call to Order

2. Determination of Quorum

3. Approval of Agenda

4. Public Comment

5. Old Business
   A. Board of Supervisors Report – Jim White
   B. Planning and Zoning Report – Gregg Zody

7:15 P.M. PUBLIC HEARINGS:

REZ 11-04: Application by George D. Carter, owner, requesting a rezoning of approximately 2.87 acres ("Subject Property") from Limited Residential (R-1) to General Commercial (C-2) subject to nine (9) proffered conditions set forth within a document filed with the Department of Planning and Zoning on January 26, 2012. The application states that the rezoning is requested in order to permit overflow parking from the adjacent commercially-zoned portion of the same parcel. The Subject Property is a portion of the property identified on Orange County Tax Map 32 as Parcel 69 ("Parcel 32-69") and is currently zoned R-1 (Limited Residential). Parcel 32-69 has frontage on Route 20 and is the site of Village Motorsports, 23436 Constitution Highway (Route 20), approximately 0.4 miles west of Zachary Taylor Highway (Route 522). The Subject Property is designated as Agricultural on the Future Land Use Map. Rezoning of the Subject Property to C-2, subject to the proffered conditions, would allow a range of commercial uses by right, as set forth within Section 70-482 of the Orange County Zoning Ordinance, *except* for uses specifically excluded by a set of proffered development conditions filed with the Department of Planning and Zoning on January 26, 2012 ("Proffered Conditions"). The Proffered Conditions *exclude* the following commercial uses: convenience store, fast food restaurant, any business with a drive-through facility, an automobile sales or service business (except for motorcycle sales, service and repair), and the Proffered Conditions otherwise establish limitations on and requirements for the use of the Subject Property. This application, including the Proffered Conditions, seeks to establish C-2 zoning for the entire acreage of Parcel 32-69 and to establish one set of proffered development conditions for the entirety of Parcel 32-69. The Proffered Conditions are the same set of proffered conditions proposed by the applicant

within PROF MOD 11-04 (referenced therein as "Proposed Amended Proffers"), advertised this same date.

PROF MOD 11-04: Application by George D. Carter, owner, requesting a modification of proffers currently applicable to 2.54 acres ("Subject Property") of the property identified on Orange County Tax Map 32 as Parcel 69 ("Parcel 32-69"). Parcel 32-69 has frontage on Route 20 and is the site of Village Motorsports, 23436 Constitution Highway (Route 20), approximately 0.4 miles west of Zachary Taylor Highway (Route 522). The use and development of the Subject Property is currently subject to eight (8) conditions proffered by the applicant and approved by the Board of Supervisors on October 14, 1997 and subsequently amended by the Board of Supervisors on November 10, 2009 at the request of the property owner ("1997 Proffers, as amended"). The Subject Property is designated as Agricultural on the Future Land Use Map, and is currently zoned C-2 (General Commercial) subject to the 1997 Proffers, as amended. This application for a proffer modification seeks to amend the language of several of the existing proffers and to add new conditions, as set forth within the Proposed Amended Proffers filed with the Department of Planning and Zoning on January 26, 2012 ("Proposed Amended Proffers"). Further, the application proposes to subject the entire acreage of Parcel 32-69 to the Proposed Amended Proffers, including that portion of Parcel 32-69 currently zoned R-1 (Limited Residential). The conditions set forth within the Proposed Amended Proffers are set forth below, shown as mark -ups of the text of the 1997 Proffers, as amended:

1. ~~There shall be one entrance to the premises from State Route 20, which entrance shall be gated for security purposes after business hours~~. There shall be one entrance for vehicles to access the Commercial District portion of the Parcel. This shall be the existing entrance from State Route 20. The Owner shall maintain the existing gate across this entrance and, for security purposes, the gate shall be kept closed and locked during times the business is unattended by the Owner. There shall be one entrance for vehicles to access the Residential District. This shall be the existing entrance on Village Road. Except during times the Residential Zoning District is accessed, as specified below in Proffer 7, the Owner shall keep the existing gate across this entrance closed and locked.

   ~~2. The Applicant shall construct a deceleration lane on the east side of Route 20 to the entrance of the premises in accordance with VDOT standards.~~

2. The ~~Applicant~~ Owner shall ~~construct~~ maintain a fence around the ~~premises except at the location of the gate~~ perimeter of the Premises.
3. ~~The Applicant shall establish a vegetative buffer along the property lines of adjacent properties, as shown on the Site Plan, dated June 14, 1997, and submitted with this rezoning application~~. The Owner shall maintain landscaping and screening within and around the Parcel. Should any of the plantings installed by the Owner be damaged or die, the Owner shall replace the planting(s) within six (6) months.
4. ~~Any signage constructed by the Applicant shall comply with County ordinance and State law and regulation, but shall be no more than twelve (12) feet high and shall be limited to one free-standing sign~~. The Owner shall have one pylon sign on the Parcel, which shall be located within the Commercial District.
5. ~~The hours of operation for the repair shop shall not exceed 7:00 a.m. to 6:00 p.m., Monday through Saturday~~. Between the hours of 9:00 p.m. and 6:00 a.m., seven days per week, there shall be no use of the Parcel by Owner or by Owner's invitee that is audible to a person located on an adjacent parcel. The business located within the Commercial District shall not be open to the public except between the hours of 6:00 a.m. to 9:00 p.m.

   ~~6. Lawn mower or other equipment repaired on the premises shall not exceed 35 horsepower.~~

6. The Applicant shall not use the premises for a convenience store, fast food restaurant, any business with a drive-through facility, an automobile sales or service business (except for motorcycle sales, service and repair)~~, or a commercial assembly plant~~.
7. In addition to by right uses, the Residential District may be utilized as follows:

a. Unimproved, overflow parking for customers, employees, or vendors during special exhibits, trade shows, displays, or demonstrations being conducted on the Commercial Zoning District premises, on not more than four (4) occasions in any calendar year.
b. Customer demonstrations not exceeding one piece of equipment at a time.
c. Replacement drainfield location.

8. The conditions set forth within these Amended Proffers shall apply to and shall govern the entire Parcel.
9. The Owner shall diligently pursue approval of a final site plan for the existing buildings and improvements located on the Parcel, such that approval of the final site plan will be achieved no later than July 31, 2012.

SUBDIVISION / ZONING TEXT AMENDMENTS

SUMMARY – The proposed changes repeal Sec. 54-27 of the Subdivision Ordinance and replace it with provisions in the Chapter 70, the Zoning Ordinance, primarily Sec. 70-304, which keeps a minimum lot size of 2 acres in the Agricultural District and allows up to 5 divisions, and additional lots of a minimum lot size of 50 acres after the 5 divisions have been made. The lots divided off cannot be further divided. After 5 divisions from the parent parcel/residue, that parcel can only be further divided into lots of a minimum lot size of 50 acres. Boundary line changes must yield lots which comply with the lot size requirements. Creation of more than 20 lots as a result of division of contiguous parcels requires a rezoning. The rest of the proposed changes accommodate the foregoing changes.

PROPOSED SUBDIVISION ORDINANCE AMENDMENTS RELATING TO THE AGRICULTURAL ZONING DISTRICT

Amend **Sec. 54-5**. *Parent Parcel* to mean a parcel of land of four (4) or more acres instead of 10 or more acres that is of record upon the effective date of this ordinance.

Repeal **Sec. 54-27. ~~Divisions of land in the agricultural zoning district~~**. which allowed the subdivision of no more than one lot from any parent parcel within any four (4) year period, and simultaneous division of parcels of land into an unlimited number of tracts 50 acres or larger in size.

Amend **Sec. 54-28. Family Subdivision.** To remove the reference to sec. 54-27.

Amend **Sec. 54-30. Boundary Line Adjustment Survey.** To remove reference to sec. 54-27 and state minimum lot size requirement of two (2) acres

Amend **Sec. 54-36. Court-ordered subdivisions, Sec. 54-37. Family Subdivisions, Sec. 54-42. Part-and-Parcel Subdivisions.** To substitute reference to sec. 70-304 for reference to sec. 54-27.

Amend **Sec. 54-94. Certificates.** To incorporate changes to sec. 70-304.

Amend **Sec. 54-171. Minimum widths.** To correct reference to sec. 54- 28(10).

PROPOSED ZONING ORDINANCE AMENDMENTS RELATING TO THE AGRICULTURAL ZONING DISTRICT
Article I. In General

Amend **Sec. 70-1. Definitions.** To provide that in the agricultural zoning district *Parent Parcel* means a parcel of land of four (4) or more acres that is of record upon the effective date of this ordinance, and to add the definition of *Residue* from sec. 54-5 to mean the remainder of a lot after a subdivision has detached one or more lots.

Article IV. District Regulations
Division 2. Agricultural Zoning District (A)*

Amend **Sec. 70-301. Intent.** as follows: The agricultural zoning district (A) comprises most of the land area of the county. It preserves the traditional rural character of the county by protecting agricultural, forestal and horticultural uses, and other lands of significance for protection of the environment from ~~conflicts with~~ incompatible uses ~~and discourages~~, such as large residential subdivisions not typically found in rural, agricultural areas. Discourage the scattering of large commercial and industrial uses not associated with agricultural, forestal and horticultural land uses. ~~and residential developments.~~ In addition to agriculture, it permits the traditional rural development pattern of homes in order to protect against the overcrowding of land and undue density of population in relation to the community facilities existing or available and small agricultural-related businesses which maintain and preserve the rural and agricultural character of the area.

Amend **Sec. 70-304. - Area regulations.** as follows:

1. In the agricultural zoning district, the minimum lot area shall be two (2) acres or larger and no more than five (5) divisions may be made from a parent parcel. Neither said lots nor the parent parcel/residue may be further divided.
2. Lots shall be developed according to the provisions of this section, except as follows:
    a) lots with a minimum lot area of 50 acres or greater may be created from a parent parcel after the maximum of five (5) divisions have been made, and said 50 acre lots cannot be further divided;
    b) ~~L~~lots in cluster developments subject to article VI shall comply with the requirements of that article, ~~or~~
    c) lots within manufactured home parks subject to article VII shall comply with the requirements of that article,
    d) lots created pursuant to Section 54-37 of Chapter 54 (Subdivisions) shall have a minimum area of two (2) acres, or
    e) irrespective of the divisions otherwise being in accordance with this section, the creation of more than 20 lots as the result of divisions of contiguous parent parcels shall require a rezoning.

6. New Business

7. Commissioner Comments

8. Next meeting

9. Adjourn