

ORANGE COUNTY

PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5

JOSH FREDERICK, AICP
DIRECTOR OF PLANNING & ZONING



MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

PLANNING & ZONING:
OFFICE: (540) 672-4347
FAX: (540) 672-0164
ORANGECOUNTYVA.GOV

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, May 4th, 2017
AGENDA
6:00 pm

1. Call to order and determination of quorum
2. Approval of agenda
3. Approval of minutes:
 - A. April 6th, 2017 regular meeting
4. Public comment
5. Work session
6. Old business:
 - A. Board of Supervisors report – Jim Crozier
 - B. Planning & Zoning report – Josh Frederick
 - C. Germanna-Wilderness Area Plan Steering Committee report – George Yancey & Jim Hutchison
7. Public hearings:
 - A. ZTA 17-01: A proposed text amendment to Sec. 70-303 of the Zoning Ordinance (special uses in the Agricultural (A) district) which adds “Restaurant which is accessory to any agritourism use” as a permissible special use in the (A) district.
8. New business
9. Commissioner comments:
 - A. Updates on community outreach activities
10. Next meeting date – June 1st, 2017
11. Adjourn

Orange County Planning Commission

May 4th, 2017 regular meeting

Agenda item 3A

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, April 6, 2017**

Present: Donald Brooks, George Yancey, Jason Capelle, Jim Hutchison

Absent: Crystal Hale; James Crozier, BOS Representative

Staff Present: Josh Frederick, Planning Director; Thomas Wysong, Planner; Susan Crosby, Senior Administrative Assistant; Tom Lacheney, County Attorney

1. Call to order and determination of quorum:

Chairman Brooks determined there was a quorum and called the meeting to order at 6:00 pm.

2. Approval of agenda:

Mr. Yancey made a motion to approve the agenda as presented; motion was seconded by Mr. Hutchison. Motion carried 4-0.

3. Approval of minutes:

A. February 2nd, 2017 regular meeting

Mr. Capelle made a motion to approve the minutes as presented; motion was seconded by Mr. Yancey. Motion carried 4-0.

B. February 16th, 2017 regular meeting

Mr. Yancey made a motion to approve the minutes as presented; motion was seconded by Mr. Hutchison. Motion carried 4-0.

4. Public comment:

Chairman Brooks opened the floor to public comment. No one came forward; Chairman Brooks closed public comment.

5. Work session:

There were no items for the work session.

6. Old business:

A. Board of Supervisors report – Jim Crozier:

No comments were given for the Board report.

B. Planning & Zoning report – Josh Frederick:

Mr. Frederick gave an overview of the 1st Quarterly Report for the year and mentioned there were 90 new lots platted and approved which was for Germanna Heights Phase 2. He also mentioned there has been an uptick in the issuance of zoning permits compared to previous years.

C. Germanna-Wilderness Area Plan Steering Committee report – George Yancey & Jim Hutchison:

Mr. Yancey gave an overview of their meeting on Feb. 23rd and reported that they are planning on having another Town Hall meeting in the next month or so.

7. Public hearings:

- A. SUP 17-01: David Scibal, on behalf of the Willow Grove Inn LLC, has submitted an application for a special use permit to operate a full-service spa, pool, and fitness facility as part of the business operations of the Inn at Willow Grove, addressed 14079 Plantation Way and referenced by tax parcel 28-82A. This request is pursuant to Sec. 70-303 (13) of the Orange County Zoning Ordinance. The property is zoned Agricultural (A) and is used as a bed and breakfast inn. The property is designated Agricultural A1 within the recommended land use map of the 2013 Comprehensive Plan.**

Chairman Brooks asked Thomas Wysong, Planner, to present. Following the presentation, Commissioners asked questions concerning the SUP.

Mr. David Scibal came forward to answer questions from the Commissioners

Chairman Brooks opened the floor to public comment. There were no speakers. Public comment closed.

Mr. Capelle made a motion to approve as presented; motion was seconded by Mr. Hutchison.

Votes:

Ayes: Yancey, Capelle, Brooks, Hutchison

Nays:

Absent from meeting: Hale

Motion carried 4-0.

Commissioners passed Resolution #17-02 recommending approval of the requested special use permit.

8. New business:

There was no new business.

9. Commissioner comments:

Mr. Capelle stated he would like to begin working on policies related to subdividing in the agricultural parts of the county.

Chairman Brooks requested any materials which are referenced in applications in the future, such as a VDOT Study, to be included in the agenda packets.

Mr. Hutchison stated the new traffic light system and intersection improvements on Route 3 at Lake of the Woods are almost complete.

Chairman Brooks welcomed Kelly Kemp, the new Assistant County Attorney.

A. Updates on community outreach activities:

Mr. Capelle stated going into the classrooms and speaking to the students didn't seem like it will work out. Discussion ensued.

10. Next meeting date – TBD:

Mr. Frederick stated, at this time, there was nothing on the agenda for the May 4th regular meeting.

11. Adjourn:

Mr. Yancey made a motion to adjourn; Mr. Hutchison seconded motion. Meeting was adjourned at 6:52 pm.

Donald Brooks, Chairman

Josh Frederick, Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.

Orange County Planning Commission

May 4th, 2017 regular meeting

Agenda item 7A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

STAFF REPORT

<u>Application Number / Name:</u> ZTA 17-01: Agritourism restaurants	<u>Application Type:</u> Zoning Text Amendment
<u>Planning Commission Public Hearing:</u> May 4 th , 2017	<u>Board of Supervisors Public Hearing:</u> May 23 rd , 2017
<u>Owner(s):</u> N/A	<u>Applicant(s):</u> Orange County Board of Supervisors
<u>Tax Parcel Number(s):</u> N/A	<u>Location:</u> N/A
<u>Voting District(s):</u> All	<u>Current Zoning District(s):</u> Agricultural (A) (only district affected)
<u>Affected Acreage:</u> N/A	<u>Recommended Future Land Use:</u> Agricultural A1 and Agricultural A2
<u>Staff Report Date:</u> April 25 th , 2017	<u>Staff Report Prepared By:</u> Josh Frederick

STAFF RECOMMENDATION

Staff recommends approval as presented. The addition of agritourism restaurants as a special use in the Agricultural (A) zoning district is designed to provide a bona fide agritourism operation, as defined by county code and state code, an avenue to seek approval of an accessory restaurant to help increase and attract visitors to their operation. This is in the spirit of implementing Objective E of the Comprehensive Plan, which states: “Promote tourism as a viable component of the County’s economy.” Income diversification is important for tourism-based businesses for a variety of reasons. This amendment is intended to help support this concept, but requiring a special use permit protects neighbors from incompatible and/or impactful uses and also allows for public input on any proposal.

APPLICATION OVERVIEW & BACKGROUND

Application Summary: This proposal is an amendment to Sec. 70-303 of the Zoning Ordinance (special uses in the Agricultural (A) district) which adds “*Restaurant which is accessory to any agritourism use*” as a permissible special use in the district.

Character of the Area: N/A

Planning & Zoning History: The General Assembly passed a law in 2014 which defined “agritourism” and provided limits on local regulation of such activities unless “...there is a substantial impact on the health, safety, or general welfare of the public.” The county subsequently adopted an amendment to the Zoning Ordinance which added agritourism as a by-right use in the

ORANGE COUNTY

DEPARTMENT OF PLANNING AND ZONING

Agricultural (A) zoning district as well as adopted a slightly modified version of the state code definition for such: *“any activity carried out on a farm that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate, but does not include commercial competitions. The commercial hosting of weddings, corporate retreats, celebrations and other similar events within facilities dedicated for such uses is considered agritourism if the parcel on which they are hosted is of a bona fide agricultural use.”* Restaurants are not included in this definition, so this proposed amendment is necessary to provide an avenue to permit a restaurant which is accessory to any agritourism use.

Community Input: No immediate public comment was received regarding this proposal, but the idea for such an amendment has been suggested to the county by a handful of citizens and/or business owners since the passing of the agritourism amendment mentioned above.

Application Review Committee (ARC): N/A

ANALYSIS & REVIEW OF IMPACTS

Zoning / Uses: This proposal is consistent with the stated intent of the Agricultural (A) zoning district as provided in the Zoning Ordinance. As a special use, any proposal will require public hearings and approval by the Board, so there are no immediate impacts with regards to zoning/land uses. As food/beverage sales (in a limited capacity) are allowed under the state’s definition of agritourism, providing a local avenue for an agritourism operation to operate an actual restaurant aligns with the overall concept of agritourism.

Comprehensive Plan: This proposal is consistent with the following objectives stated in the Comprehensive Plan:

- Goal 1, Objective B (page 15): *“Permit and encourage agricultural and forested uses...and accessory uses in direct support of these uses.”*
- Goal 2, Objective B (page 16): *“Utilize the recommendations contained in the Existing and Target Industry Analysis (TJPED, 2012) and target the following industries...”*
 - *Agribusiness*
- ...
- Goal 2, Objective E (page 18): *“Encourage and support improvements that enhance the assets of Orange County as a visitor destination.”*

A restaurant proposal, depending on the property for which one may be proposed, may have the potential to be incompatible with the stated purpose and defining characteristics of the Agricultural A1 recommended future land use designation. This will be considered as part of individual SUP applications.

Impacts to Public Health, Safety, and Welfare: No negative impacts are anticipated. Restaurants generate tax revenue for the county, which helps reduce the burden on the residential tax base (albeit very slightly). There are also related “spillover” economic benefits. If proposed agritourism restaurant locations are considered carefully (with regards to transportation and the location of adjacent residences), no negative impacts to the public welfare are anticipated.

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

Impacts to Environmental, Scenic, and Historic Assets: Negative environmental and/or scenic impacts are not anticipated. An agritourism restaurant proposal may have the potential to detract from nearby historic resources if appropriate considerations are not given to building architecture, landscaping, and/or site design. These will be considered as part of individual SUP applications.

Compatibility with Surroundings: There are no immediate concerns regarding compatibility with surroundings. However, as with all commercial uses, there is considerable potential to be incompatible with surroundings if appropriate considerations are not given during the SUP review/approval process with regards to impacts to area character and to neighboring properties.

Impacts to County Services: There are no immediate impacts to county services. Any commercial activity has the potential to impact the county's fire and EMS services. Restaurants generate a considerable amount of waste as well, so if a private waste collection company is not utilized the nearest county waste collection site may be impacted.

Fiscal Impacts: There are no immediate fiscal impacts. For Orange County, restaurants generate business personal property taxes, meals taxes, and sales taxes, so the potential fiscal impacts are positive.

Transportation: There are no immediate transportation-related impacts. Commercial activity generates vehicular trips so careful attention should be given to an SUP application with regards to the adequacy of the nearby transportation infrastructure and the potential for adverse impacts.

PROFFERS / CONDITIONS REVIEW

Not applicable to this proposal.

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



JOSH FREDERICK, AICP
DIRECTOR OF PLANNING & ZONING

MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

PLANNING & ZONING:
OFFICE: (540) 672-4347
FAX: (540) 672-0164
ORANGECOUNTYVA.GOV

DRAFT RESOLUTION RECOMMENDING APPROVAL / DENIAL

MOTION: May 4th, 2017
Regular Meeting

SECOND: Res. No. 17-03

ZTA 17-01: Agritourism restaurants as a special use in the Agricultural (A) district

WHEREAS, Planning Commission action was initiated to consider a particular amendment to the Zoning Ordinance regarding agritourism restaurants; and

WHEREAS, the Planning Commission held a duly advertised public hearing on this proposal during their May 4th regular meeting; and

WHEREAS, Staff of the Department of Planning and Zoning have recommended approval of this proposed amendment; and

WHEREAS, the Planning Commission discussed this proposed amendment, considered comments received during the public hearing, and desires to recommend **approval / denial** of the proposed Zoning Ordinance amendment.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good planning/zoning practice, that the Orange County Board of Supervisors **approve / deny** ZTA 17-01, as attached.

Votes

Ayes:

Nays:

Abstained from Vote:

Absent from Meeting:

For Information: Clerk to the Board of Supervisors
County Attorney

Attached: Draft amendment language (1 page)

CERTIFIED COPY _____
Secretary to the Planning Commission

ORANGE COUNTY
PLANNING COMMISSION

Proposed Amendment Language:

Chapter 70 – Zoning

Article IV – District Regulations

DIVISION 2. – Agricultural Zoning District (A)

[...]

Sec. 70-303. - Uses permitted by special use permit.

In the agricultural district the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

- 1) Agricultural equipment sales or service, or both.
- 2) Airport.
- 3) Bed and breakfast inn with a restaurant open to non-guests.
- 4) Boarding kennel or commercial breeding kennel.
- 5) Camp, campground or recreational vehicle park.
- 6) Fairground
- 7) Elder care center, child day care center, or nursery school.
- 8) Livestock auction or farmer's market of greater than 4,000 square feet gross floor area.
- 9) Manufactured home park.
- 10) Mine or quarry.
- 11) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- 12) Cultural use.
- 13) Commercial recreational use.
- 14) Institutional use.
- 15) Public garage.
- 16) Public use such as school, park, library, or fire and rescue station.
- 17) Retail store not exceeding 4,000 square feet gross floor area, including, a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery.
- 18) Restaurant which is accessory to any agritourism use.
- 19) Sanitary landfill.
- 20) Veterinary service, including animal hospital.
- 21) Cluster housing development (see also article VI).
- 22) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 23) Public utility facility.
- 24) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

[...]