

ORANGE COUNTY  
PLANNING COMMISSION

GREGG ZODY, AICP  
DIRECTOR OF PLANNING AND ZONING  
COMMUNITY DEVELOPMENT BUILDING  
128 WEST MAIN STREET  
ORANGE, VA 22960



(540) 672-4347  
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MEETING NOTICE

**TO:** Orange County Planning Commission  
And other interested parties

**FROM:** Gregg Zody, Director *GZ*

**DATE:** May 29, 2014

**SUBJECT:** June 5, 2014 Meeting

The Orange County Planning Commission will meet on **Thursday, June 5, 2014 at 7:00 p.m.** in the basement meeting room of the Gordon Building located at 112 W. Main Street in Orange. Please plan to attend. If you are unable to attend, please contact our office at (540) 672-4347.

There are **no public hearings scheduled**. Staff will make a brief presentation regarding the Route 3 Study Area and will bring materials to the meeting.

If you are unable to attend, or have any questions or concerns please contact our office at (540) 672-4347.

Enclosures

cc: R. Bryan David, County Administrator  
Thomas E. Lacheney, County Attorney

# ORANGE COUNTY PLANNING COMMISSION

COMMUNITY DEVELOPMENT BUILDING  
128 WEST MAIN STREET  
ORANGE, VIRGINIA 22960



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**Regular Meeting  
Gordon Building Meeting Room  
112 W. Main Street, Orange, VA 22960  
Thursday, June 5, 2014  
AGENDA**

1. Call to Order
2. Determination of Quorum
3. Approval of Agenda
4. Approval of Minutes
  - April 3, 2014
  - May 1, 2014
5. Public Comment
6. Staff Presentation of Planning Process of Germanna-Wilderness Area Plan
7. Old Business
  - A. Board of Supervisors Report – Jim Crozier
  - B. Planning and Zoning Report – Gregg Zody
  - C. Route 3 Steering Committee Report – George Yancey/Nigel Goodwin
8. New Business
  - A. Public Hearing Scheduled for June 19, 2014 -- SUP 14-03 Hoffman Auto
9. Commissioner Comments
10. Next meeting – June 19, 2014
11. Adjourn

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**Orange County Planning Commission  
Regular Meeting  
Gordon Building Meeting Room  
112 W. Main Street, Orange, VA 22960  
Thursday, April 3, 2014  
Minutes**

**Present:** Donald Brooks, John Jason Capelle, George Yancey, Nigel Goodwin, James Crozier, BOS Representative

**Absent:** District Four (Vacant)

**Staff Present:** Gregg B. Zody, Director; Josh Frederick, Senior Planner; Tom Lachenev, County Attorney; Janet Jones, Senior Administrative Assistant

*All discussion and comment made during this meeting was captured via digital audio recording. The minutes as written below are intended to be a summary of this discussion and comment. Anyone desiring detailed information about comment or discussion made during the meeting is referred to the recording.*

**1. Call to Order**

**2. Determination of Quorum**

Chairman Brooks called the meeting to order at 7:00 p.m., and stated a quorum was present to conduct business.

Chairman Brooks welcomed new Commissioner Jason Capelle.

**3. Approval of Agenda**

Chairman Brooks asked if there were any additions to or deletions from the agenda.

A motion was made by Mr. Goodwin, seconded by Mr. Yancey that the agenda be approved as presented. Motion carried 4-0.

**4. Public Comment**

Chairman Brooks opened the floor for public comment.

Mr. William "Bill" Speiden, 12001 Blue Hill Drive, Somerset, VA spoke on agricultural divisions and lot sizes.

There being no other speakers, Chairman Brooks closed the public comment period.

**5. Old Business**

**A. Board of Supervisors Report – Jim Crozier**

Supervisor Crozier briefed the Commission on the BOS public hearing held on the proposed budget, CIP and tax levy. Supervisor Crozier spoke briefly on the Charette.

**B. Planning and Zoning Report – Gregg Zody**

Mr. Zody stated he nothing new to report and gave to the Commission the March, 2014 Department of Planning and Zoning Monthly Report for their information.

**C. Route 3 Sub-Committee Report – George Yancey/Nigel Goodwin**

Mr. Yancey suggested the Route 3 Sub-Committee Report be deferred until

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after the public hearings.

- The following discussion was held after the scheduled public hearings.

Mr. Yancey stated several issues were identified by the panelists at the April 1<sup>st</sup> Report-Out. Mr. Yancey stated significant policy changes regarding tap fees, proffers, streamlining the development approval process and zoning ordinance amendments are just a few concerns discussed. In addition, he mentioned that the County should focus on employers related to the health care industry given the County's position between U VA, Culpeper, Fauquier, and Mary Washington hospitals.

Mr. Goodwin added that the panelists suggested calling the area the Gateway Wilderness Overlay District.

Discussion ensued among the members regarding development.

### **D. Distribution of Updated Rural Zoning Districts and Division Rights** – Gregg Zody

Mr. Goodwin suggested staff flush out the division policy table to make it easier for the public to understand while proceeding with establishing a division policy for the Agricultural areas (A1 and A2) identified in the Comprehensive Plan. Mr. Goodwin stated this should be done in conjunction with proposed town hall meetings to be held throughout the County with the Orange County Board of Supervisors and Commission.

Mr. Zody suggested a primer about division policy in general and the various headings and their broad meanings. The Commission supported staff's recommendation.

## **7:15 P.M. PUBLIC HEARING**

### **PUBLIC HEARING # 1**

**SUP 14-01:** *Kimberly Jones, on behalf of Grymes Memorial School, has applied for a special use permit for the Agricultural (A)-zoned portion of the school's property located at 13775 Spicers Mill Rd, Orange, VA 22960. The request is to install a soccer field, pursuant to Sec. 70-303(12) of the Orange County Zoning Ordinance. The property is referenced by tax map 28-36 and is approximately 9.18 acres in size. A portion of the proposed soccer field will be on the adjacent parcel referenced by tax map 28-36A, which is zoned Limited Residential (R-1).*

Mr. Josh Frederick, Senior Planner briefed the Commission on the application.

Chairman Brooks opened the public hearing.

Mr. Terry Lunsford, an adjacent property owner and farmer, supported the request and did not want lighting at the site, citing the deed restrictions.

There were no other public speakers.

The Commission discussed at length the SUP request, erosion issues, and that it appeared to already be in operation. The legality of the conservation easement permitting such a use was raised, as well as seating and lighting. Staff addressed those issues.

The Commission was informed by staff that an SUP was required on Ag-zoned land, even if part of the proposed soccer field was located in a district (R-1) where the use was permitted by-right.

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Mr. Capelle and Mr. Goodwin did not see any issues with the application, or the fact that there were goalposts set on the proposed site prior to any approval.

The Commissioners all emphasized how they did not want to cheat the children out of a soccer field and supported the proposal, but some members felt that it was not right that the soccer field had already been constructed.

After much deliberation, a motion was made by Mr. Goodwin, seconded by Mr. Capelle that the SUP be approved. After further discussion, the motion passed, 4-0.

**RE: SUP 14-01: Grymes Memorial School Soccer Field**

**WHEREAS**, Kimberly Jones, on behalf of Grymes Memorial School, has applied for a special use permit to install a soccer field on the school's property located at 13775 Spicers Mill Rd, Orange, VA 22960 and referenced by tax map 28-36 & 36A; and

**WHEREAS**, athletic fields are a private recreational use pursuant to Sec. 70-303(12) and Sec. 70-333(4) of the Zoning Ordinance; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on this proposed special use permit on April 3<sup>rd</sup>, 2014; and

**WHEREAS**, Staff of the Department of Planning and Zoning have recommended approval of this special use permit subject to certain conditions; and

**WHEREAS**, the Planning Commission has determined that this special use permit, as conditioned, would further the purposes of the Comprehensive Plan and the Zoning Ordinance; not threaten the public health, safety or welfare; promote compatibility with the surroundings; and not result in substantial detriment to the surrounding property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good zoning practice, that the Orange County Board of Supervisors **approve** SUP 14-01 for tax map 28-36 & 36A with the attached conditions, in order to mitigate the impacts of the proposed use.

**SUP 14-01: Grymes Memorial School Soccer Field  
Orange County Tax Map #28-36 & 36A**

The conditions of this special use permit ("SUP") shall apply to the properties identified on county tax map 28 as parcels 36 & 36A as well as any future division or consolidation of said properties. Compliance is the responsibility of the applicant, owners and assigns. The following conditions are intended to offset and mitigate impacts of the proposed development, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived or otherwise specified in these conditions.

1. Controlling documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application.

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2. **Compliance** – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The business owner and/or property owner shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, zoning and erosion & sediment control permits.

The business owner and/or property owner shall be responsible for complying with all local, state and federal laws and regulations that are applicable to the business.

3. **Uses** – This SUP shall permit the operation of an athletic field as generally shown on the site plan and described in the application.

4. **Performance Standards:**

- Per recommendations by the Culpeper Soil & Water Conservation District in their comment letter dated March 4<sup>th</sup>, 2014:
  - The vegetation on the side slopes and surrounding areas do not appear to be well established in accordance with minimum standard 3 of the Erosion and Sediment Control Regulations (9VAC25-840-40). Additional stabilization measures are needed. Soil testing to verify appropriate soil amendments should be performed. Sod and temporary stabilization matting may be appropriate in some critical areas.
  - The athletic fields and adjacent managed turf (i.e. mowed or fertilized grass) should prescribe to a nutrient management plan written by a certified Urban Nutrient Management Planner.
- Any off-pavement parking areas on site shall be maintained so that bare earth is not exposed.
- Any lighting installed to illuminate the athletic field shall be fully shielded so as to direct glare away from adjacent properties and the night sky.

**PUBLIC HEARING #2**

**PROPOSED AMENDMENTS TO ARTICLES 1 AND 4 OF THE ORANGE COUNTY ZONING ORDINANCE:**

**Article I**

Sec. 70-1. Definitions.

**“Development” means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term “development” shall not be construed to include any tract of land which will be principally devoted to agricultural production.**

**“Outdoor Power Equipment, Motorcycle, All-Terrain Vehicle, Watercraft Repair and Storage” means an establishment engaged in the restoration, service, repair, and storage of non-automobile motorized vehicles including outdoor power equipment, motorcycles, all-terrain vehicles, boats and other watercraft. All repair, service, and restoration work must be conducted within an approved building structure. Long-term (more than 30 days) storage of vehicles must be located within an approved building structure or in screened location approved by the Zoning Administrator.**

**Article IV**

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**Proposed Use Districts for "Outdoor Power Equipment, Motorcycle, All-Terrain Vehicle, Watercraft Repair and Storage":**

*Sec. 70-303.20. - Uses permitted by special use permit. (A)*

*Sec. 70-452.8. - Permitted uses. (C-1)*

*Sec. 70-482.13. - Permitted uses. (C-2)*

*Sec. 70-512.9. - Permitted uses. (I-1)*

*Sec. 70-542.9. - Permitted uses. (I-2)*

**Proposed inclusion of Farm Stand, Wayside Stand, and Farmer's Market uses in Limited Residential Zoning:**

*Sec. 70-332. - Permitted uses. (Limited Residential - R-1)*

6. Farm stand, wayside stand.

*Sec. 70-333. Uses permitted by special use permit.*

5. Farmer's market.

**Amendment #1**

The first proposed text amendment concerns the addition of "Farm stand" and "Wayside stand" as permitted uses in the R-1 district, and "Farmer's market" as a special use permit in the R-1 district.

Mr. Capelle requested that "Farm stand" be moved to SUP as it was a permanent structure with a maximum square footage of 1,000 square feet, perhaps not appropriate given the general lot sizes of an acre or less – according to the Code. Chairman Brooks and Mr. Capelle discussed the requested modification at length.

**Amendment #2**

The second proposed text amendment provided a definition and zoning districts for Outdoor Power Equipment, Motorcycle, All-Terrain Vehicle, Watercraft Repair and Storage. If approved, it would be permitted by special use permit in the A zoning district, and permitted by-right in the commercial and industrial districts.

Mr. Goodwin requested that the use be permitted through the SUP process for the C-1 district, given the district's definition as transitional area between business and residential uses. Mr. Zody stated that it is a neighborhood convenience use, much like the existing similar repair-based services found in the agricultural areas as well as existing C-1 districts throughout the County. The Commission discussed this at length.

**Amendment #3**

The third proposed text amendment is providing a definition for "Development", which is based on the State's definition. Our current zoning definitions do not include this term.

The Commission held no discussion.

A motion was made by Mr. Goodwin, seconded by Mr. Capelle, to approve with suggested changes to amendments #1 and #2. Vote failed 2-2.

After further discussion, a motion was made by Mr. Goodwin, seconded by Mr. Capelle to approve with only a change to #2. Vote failed 2-2.

The Commission discussed further the amendments. A motion was made by Mr. Yancey, seconded by Chairman Brooks to defer the vote until a fifth member is selected (to fill vacant D4 seat). Brooks seconded. Motion passed 3-1 (Capelle).

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**6. New Business**

No new business.

**7. Commissioner Comments**

Mr. Goodwin requested that the meeting in September be held at Lake of the Woods as was done last year. Chairman Brooks suggested scheduling it concurrently with Town Hall meetings. Mr. Goodwin agreed to this suggestion.

Supervisor Crozier iterated that three times in the past few months the County has been slapped in the face by the “haves” vs. “have not’s and don’t cares” and that everyone must be held accountable, and that no one individual or group gets special treatment or should break the law and ask for forgiveness later.

The members briefly discussed development issues.

**8. Next meeting – April 17, 2014**

The next meeting of the Commission will be Thursday, April 17, 2014 was cancelled by Chairman Brooks.

**9. Adjourn**

A motion was made by Mr. Goodwin, seconded by Mr. Capelle that the meeting be adjourned. Motion carried 4-0. Meeting adjourned at 9:34 pm.

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Donald Brooks, Chairman

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Gregg B. Zody, Secretary



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**Orange County Planning Commission  
Regular Meeting  
Gordon Building Meeting Room  
112 W. Main Street, Orange, VA 22960  
Thursday, May 1, 2014  
Minutes**

**Present:** Donald Brooks, Jason Capelle, George Yancey, Nigel Goodwin, J.P. Tucker, III, Jim Crozier, BOS Representative

**Absent:** None

**Staff Present:** Gregg B. Zody, Director; Josh Frederick, Senior Planner; Tom Lacheny, County Attorney; Janet Jones, Senior Administrative Assistant

*All discussion and comment made during this meeting was captured via digital audio recording. The minutes as written below are intended to be a summary of this discussion and comment. Anyone desiring detailed information about comment or discussion made during the meeting is referred to the recording.*

1. **Call to Order**
2. **Determination of Quorum**

Chairman Brooks called the meeting to order at 7:00 p.m. He stated a quorum was present to conduct business.

**RE: CLOSED MEETING**

At 7:02 p.m., Mr. Lacheny read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Planning Commission desired to discuss in Closed Meeting the following matters:

- ☞ One (1) matter concerning the discussion of personnel, which concerns a specific employee. - §2.2-3711(A)(1) of the Code of Virginia;

WHEREAS, pursuant to §§2.2-3711(A) (1), of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby authorized discussion of the aforestated matters in Closed Meeting.

A motion was made by Mr. Yancey, seconded by Mr. Tucker, to approve the resolution authorizing Closed Meeting as presented. Ayes: Brooks, Goodwin, Capelle, Tucker, Yancey; Nays: None.

**RE: CERTIFICATION OF CLOSED MEETING**

At 7:05 p.m., Mr. Lacheny read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Planning Commission has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

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WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby certified that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: Brooks, Goodwin, Capelle, Tucker, Yancey; Nays: None

**3. Approval of Agenda**

Chairman Brooks asked if there were any additions to or deletions from the agenda.

A motion was made by Mr. Goodwin seconded by Mr. Yancey that the agenda be approved as presented. Motion carried 5-0.

**4. Approval of Minutes**

Chairman Brooks asked for additions to or deletions from the minutes of February 20, 2014.

A motion was made by Mr. Goodwin, seconded by Mr. Tucker that the minutes of February 20, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

Chairman Brooks asked for additions to or deletions from the minutes of March 6, 2014.

A motion was made by Mr. Yancey, seconded by Mr. Goodwin that the minutes of March 6, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

Chairman Brooks asked for additions to or deletions from the minutes of March 20, 2014.

A motion was made by Mr. Tucker, seconded by Mr. Goodwin that the minutes of March 20, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

**5. Public Comment**

Chairman Brooks opened the floor for public comment.

There were no speakers.

Chairman Brooks closed the public comment period.

**6. Old Business**

**A. Board of Supervisors Report – Jim Crozier**

Supervisor Crozier reported that the budget has been approved for the next fiscal year. Supervisor Crozier also stated the VDOT Plan for Orange County had also been approved.

**B. Planning and Zoning Report – Gregg Zody**

Mr. Zody stated he had placed at their seats the Department of Planning & Zoning Monthly Report for May. Mr. Zody also stated the Business Appreciation Reception is scheduled for May 15, 2014 and the Commission may want to start later or cancel the May 15<sup>th</sup> meeting of the Commission.

**C. Route 3 Sub-Committee Report – George Yancey/Nigel Goodwin**

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Mr. Yancey stated the Route 3 Sub-Committee had nothing new to report, and are waiting to hear the Charette report.

**D. Reconsideration of text amendments from April 3, 2014 public hearing**  
Discussion deferred to after the public hearings.

The following was discussed after public hearings held and closed.

Mr. Zody briefed the Commission on the three text amendments tabled at the April 3<sup>rd</sup> meeting due to lack of consensus (split vote).

The Commissioners indicated they were in agreement on text amendment number one and number three.

Mr. Goodwin re-iterated his position that amendment two should be amended so that the proposed use in C-1 would be granted through an SUP instead of by-right (staff's recommendation is by-right).

The Commission held a lengthy discussion about the appropriateness of SUPs, and the uses in C-1, etc.

A motion was made by Mr. Goodwin, seconded by Mr. Capelle to approve text amendments with modifications to amendment two. Motion failed 2-3.

A motion was made by Mr. Tucker made a motion, seconded by Mr. Yancey to approve text amendments as presented by staff. Motion passed 3-2.

**E. Division policy**  
Discussion deferred to after the public hearings.

The following was discussed after public hearings held and closed.

Mr. Zody provided the Commission with a revised memo dated 4/18/14 regarding division policy and containing three division policies recommended by staff from adjacent localities:

- Time-Phasing (Culpeper Co.);
- 2) Sliding Scale (Fauquier Co.); and
- 3) Density-Based (Rappahannock Co.).

The Commission discussion on policies proceeded, with Chairman Brooks requesting staff draft an ordinance for the Commission to discuss and present to the public at the September meeting to be held at Lake of the Woods.

Mr. Zody inquired whether the division policy should be limited to Ag-zoned lots, and the Commission agreed.

Mr. Lacheney emphasized this work effort will only result in an exercise if they are not willing to rezone all of the ag-zoned property in the County.

Further discussion was held by the Commission, and Chairman Brooks directed Mr. Zody and Mr. Lacheney to work together to come up with an alternative for presentation at their June meeting.

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**7:15 P.M. PUBLIC HEARING**

Chairman Brooks stated the public hearings for the 2025 land use map amendment along with the rezoning will held at the same time.

**PUBLIC HEARING # 1 & 2:**

***CPA 14-01:*** Amendment of the "2025 Recommended Land Use Map" of the Orange County Comprehensive Plan. The proposed amendment would change the designation from Economic Development to Agricultural A-2 for property totaling 2.2 +/- acres, owned by W.W. and Carolyn Sanford, located on 14044 Litchfield Drive, at the southeast intersection of Route 15 and Litchfield Drive. The property is identified on Orange County Tax maps as parcel 57-1B.

Mr. Zody briefed the Commission on the request from Mr. & Mrs. Sanford to down zone 2.2 +/- acres from General Industrial (I-2) to Agricultural (A). Mr. Zody stated he suggested to the applicants amend the comprehensive plan future land use map designation from Economic Development to Agricultural. Mr. Zody stated staff recommends approval of amending the comprehensive plan from economic development to Agricultural (A-2), and rezoning from General Industrial (I-2) to Agricultural.

Chairman Brooks opened the public hearing.

Mr. W.W. Sanford the applicant stated the land is currently farmed and would like to have the property down zoned to Agricultural (A). Mr. Sanford also stated it was a pleasure dealing with Mr. Zody on his request.

There being no other speakers, the public hearing was closed.

The Commission held a short discussion on the application.

A motion was made by Mr. Capelle, seconded by Mr. Goodwin to approve the request to amend the Orange County Comprehensive Plan on approximately 2.2 acres +/- from Economic Development to Agricultural (A-2) using the standard resolution recommending approval. Motion carried with all members voting in the affirmative.

***REZ 14-01:*** An application from W.W. and Carolyn Sanford, to rezone approximately 2.2 +/- acres from General Industrial (I-2) to Agricultural (A). The property is located on 14044 Litchfield Drive, at the southeast intersection of Route 15 and Litchfield Drive. The property is identified on Orange County Tax maps as parcel 57-1B.

A motion was made by Mr. Capelle, seconded by Mr. Tucker to approve the rezoning from General Industrial (I-2) to Agricultural (A) using the standard resolution of approval. Motion carried with all members voting in the affirmative.

**RESOLUTION RECOMMENDING APPROVAL**

**RE: FOR TAX MAP NO. 57(1)B:**

**CPA 14-01 – AMEND THE COMPREHENSIVE PLAN ON APPROXIMATELY 2.2 ACRES FROM ECONOMIC DEVELOPMENT TO AGRICULTURAL A-2;**

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**REZ 14-01 – REZONING APPROXIMATELY 2.2 ACRES FROM GENERAL INDUSTRIAL (I-2) TO AGRICULTURAL (A)**

**WHEREAS**, W.W. (III) and Carolyn Sanford have asked the Orange County Board of Supervisors to amend the Comprehensive Plan Future Land Use designation of their property, Tax Map No. 57(1)B totaling 2.2 acres +/-, from Economic Development to Agricultural A-2; and

**WHEREAS**, W.W. (III) and Carolyn Sanford have also asked the Orange County Board of Supervisors to Rezone their property, Tax Map No. 57(1)B, totaling 2.2 acres +/- from General Industrial (I-2) to Agricultural (A); and

**WHEREAS**, the Planning Commission advertised and held a public hearing on the proposed Comprehensive Plan Amendment and Rezoning on May 1, 2014; and

**WHEREAS**, the Department of Planning and Zoning has recommended approval of the Comprehensive Plan Amendment to Agricultural A-2 and approval of the proposed Rezoning to Agricultural based on Findings of Fact; and

**WHEREAS**, the Planning Commission has reviewed the requests for Comprehensive Plan Amendment and the rezoning, and has determined that the requests are consistent with the Comprehensive Plan's surrounding future land use designations A-2, and recommends approval of the Rezoning from General Industrial (I-2) to Agricultural (A); and

**WHEREAS**, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Comprehensive Plan Amendment and Rezoning;

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors approve CPA 14-01 for a Comprehensive Plan Amendment from Economic Development to Agricultural A-2, and approve REZ 14-01 to Rezone from General Industrial (I-2) to Agricultural (A) on Tax Map No. 57(1) B 2.2 +/- acres.

**PUBLIC HEARING # 3**

*SUP14-02: Ellen Pitera, on behalf of Rounton Farm, has applied for a special use permit for the farm's property located at 10155 Rapidan Rd in Orange. The request is to utilize the property to host private, special events with some overnight lodging regularly throughout the year, pursuant to Sec. 70-303(12) of the Orange County Zoning Ordinance. The property is referenced by tax map 30-18E & 18C and is approximately 33.99 acres and 6.007 acres, respectively, in size. Zoning for the properties is classified as Agricultural (A) and the future land use is identified as Agricultural A-1 in the 2013 Orange County Comprehensive Plan.*

Mr. Frederick, Senior Planner reviewed the application and recommended approval with conditions as noted.

Mr. & Mrs. Pitera, applicants addressed the Commission and responded to questions related to the special use permit request.

Chairman Brooks opened the public hearing.

There being no other speakers, Chairman Brooks closed the public hearing.

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The Commission discussed signage restrictions mentioned in the conditions, staff sated that temporary signs for special events would not be prohibited.

Supervisor Crozier had issues with the condition proposed by Culpeper Soil Water Conservation District (CSWCD) recommending seeding and mulching fields damaged by parking areas as he saw it unnecessary overkill and micromanagement. Staff explained it will remain in place for environmental protection, prevention of erosion and sediment control, and good planning practice. It was stated that if the Commission does not want it they can take strike it out.

Mr. Goodwin spoke briefly on the conservation easement and how it would be impacted by the request. County Attorney Lacheney advised that VA Code 10.1-704 has implications for the county if they approve such a request that may violate the terms of an open-space or conservation easement. Mr. Lacheney advised the Commission that they should base their recommendation on receiving approval from the easement holder (Virginia Outdoors Foundation) to avoid any conflict with the state code.

A motion was made by Mr. Capelle, seconded by Tucker to approve the application, as submitted, with the proposed conditions, contingent on a written statement of no objections from the Virginia Outdoors Foundation. The Commission voted 4-1 with Mr. Yancey voting Nay.

**RESOLUTION RECOMMENDING APPROVAL**

**RE: SUP 14-02: Rounton Farm Special Events**

**WHEREAS**, Ellen Pitera, on behalf of Rounton Farm LLC, has applied for a special use permit to utilize the farm's property, located at 10155 Rapidan Rd (Rt. 615) in Orange and referenced by tax map 30-18C & 18E, to host private, special events regularly throughout the year.; and

**WHEREAS**, the request is a private recreational use pursuant to Sec. 70-303(12) and Sec. 70-333(4) of the Zoning Ordinance; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on this proposed special use permit on May 1<sup>st</sup>, 2014; and

**WHEREAS**, Staff of the Department of Planning and Zoning have recommended approval of this special use permit subject to certain conditions; and

**WHEREAS**, the Planning Commission has determined that this special use permit, as conditioned, would further the purposes of the Comprehensive Plan and the Zoning Ordinance; not threaten the public health, safety or welfare; promote compatibility with the surroundings; and not result in substantial detriment to the surrounding property.

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good zoning practice, that the Orange County Board of Supervisors **approve** SUP 14-02 for tax map 30-18C & 18E with the attached conditions, in order to mitigate the impacts of the proposed use.

**SUP 14-02: Rounton Farms Special Events**

The conditions of this special use permit ("SUP") shall apply to the properties identified on county tax map 30 as parcels 18C & 18E as well as any future division or consolidation of said properties. Compliance is the responsibility of the applicant, owners and assigns. The following

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conditions are intended to offset and mitigate impacts of the proposed development, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived or otherwise specified in these conditions.

1. Controlling documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The business owner and/or property owner shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, zoning and erosion & sediment control permits.

The business owner and/or property owner shall be responsible for complying with all local, state and federal laws and regulations that are applicable to the business.

3. Uses – This SUP shall permit the hosting of private events and related temporary lodging as generally referred to on the site plan and described in the application.

4. Performance Standards:

- Per recommendations by the Culpeper Soil & Water Conservation District in their comment letter dated March 25<sup>th</sup>, 2014:
  - “Fields damaged by parking [or any other activity related to the special use] shall be amended, seeded and mulched to re-establish a uniform stand of vegetation mature enough to inhibit erosion.”
- Per recommendations by VDOT in their comment letter dated March 28<sup>th</sup>, 2014, a plat shall be submitted to the county and VDOT for review within 9 months of approval by the Board of Supervisors which shows the following:
  - “Intersection sight distance (Rounton Farm entrance/Rte.615) shall be illustrated and verified by a Virginia licensed Land Surveyor for compliance with VDOT specifications and requirements. Sight easements shall be designated and reserved as required. No plantings, structures, etc. shall be placed, installed or remain within the limits of the intersection sight distance triangle that obstruct the required line of sight for ingress/egress.”
  - “Prior to the implementation of activities as proposed in SUP 14-02 (ex: proposed trips 50-100 per typical event) the existing entrance shall be upgraded to commercial entrance standards. A VDOT Land Use Permit shall be obtained for construction of the commercial entrance (\$7,500 (min.) bond obligation & \$250.00 fee) must be obtained.”
- In order to maintain the integrity of the Scenic Byway designation of Rapidan Rd (Rt 615), no additional signage shall be permitted along the road in relation to the special use.

## 7. New Business

There was no new business.

DRAFT

**8. Commissioner Comments**

Chairman Brooks stated with the formal public report presentation regarding the Charette findings and recommendations, being held on May 13, 2014 at 7:00 pm in the Board of Supervisors meeting room, and on May 14, 2014 at 7:00 pm at Locust Grove Elementary/Middle School in the cafeteria, located on Flat Run Road in Locust Grove, VA.

Chairman Brooks stated the May 15, 2014 meeting of the Commission will be cancelled and urges the Commissioners to attend one or both of these presentations.

Mr. Zody stated a meeting notice will be distributed notifying the public that the members of the Commission may be in attendance at either or both of the Rt. 3 Charette Report Out meetings.

**9. Next meeting – May 15, 2014**

Chairman Brooks cancelled the May 15, 2014 meeting.

**10. Adjourn**

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 9:07 pm.

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Donald Brooks, Chairman

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Gregg B. Zody, Secretary