Orange County Planning Commission Regular Meeting Gordon Building Meeting Room 112 W. Main Street, Orange, VA 22960 Thursday, February 21, 2013 Minutes

Present: Nigel Goodwin, George Yancey, Andy Hutchison, J.P. Tucker, III,

Donald Brooks, Jim White, BOS Representative

Absent: none

Staff Present: Gregg B. Zody, Director; Tom Lacheney, County Attorney;

Josh Frederick, Senior Planner; 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.

3. Approval of Agenda

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

There were no additions or deletions from agenda.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison 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 December 20, 2012.

A motion was made by Mr. Yancey, seconded by Mr. Hutchison that the minutes of December 20, 2012 be approved as presented. Motion carried 5-0.

Chairman Brooks asked for additions to or deletions from the minutes of January 17, 2013.

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin that the minutes of January 17, 2013 be approved as amended with one minor correction on "consensus". Motion carried 5-0.

5. Public Comment

There was no public comment.

6. Old Business

- **A. Board of Supervisors Report Jim White**Supervisor White briefed the Commission on recent items discussed by the BOS.
- **B.** Planning and Zoning Report Gregg Zody Mr. Zody had no report for the Commission.
- C. Work Session for 2012 Draft Comprehensive Plan
 Discussion was deferred until after the public hearing.

7:15 P.M. PUBLIC HEARING:

REZ 11-01: Application by Signature Series Development LLC, owner, requesting a rezoning of approximately 75.8 acres ("Subject Property") from Agricultural (A) to approximately 47.6 acres of Multifamily Residential (R-4) and approximately 28.2 acres of General Commercial (C-2) subject to twelve (12) proffered conditions set forth within a document entitled "Rezoning Application Supporting Documentation - Signature Station," dated February 17, 2012 (with proffers dated June 29, 2012). The application explains the rezoning is requested in order to advance a project to be known as Signature Station as shown on the Generalized Development Plan ("GDP"); although the applicant reserves the right to make modifications or changes to the GDP in order to address final engineering, architectural, and design issues. The Subject Property is identified on Orange County Tax Map 4 as Parcel 3 ("Parcel 4-3"). Parcel 4-3 has frontage on Germanna Highway (Route 3) approximately 2,800 feet northwest of Flat Run Road (Route 601), and is situated between Hampton Lane and Somerset Ridge Road (Route 708). The Subject Property is designated as Mixed Use on the Future Land Use Map. Rezoning of the Subject Property to R-4 and C-2, subject to the proffered development conditions, would allow a range of residential and commercial uses by right, as set forth within Sections 70-422 and 70-482 of the Orange County Zoning Ordinance.

Mr. Zody briefed the Commission on the application made by Signature Series Development, LLC requesting a rezoning of approximately 75.8 acres from Agricultural (A) to approximately 47.6 acres of Multifamily Residential (R-4) and approximately 28.2 acres of General Commercial (C-2) subject to twelve (12) proffered conditions that were set forth in the rezoning application supporting documentation.

Mr. Zody stated the subject property is currently designated as Mixed Use on the Future Land Use Map (as amended on 10/12/10). Mr. Zody stated the application is for mixed use development.

Mr. Zody stated staff recommend approval of the request subject to the staff's conditions of approval; however staff makes no recommendation regarding the voluntary proffers and leaves the consideration as to the adequacy of the proposed proffers to the BOS. Mr. Zody read the staff conditions of approval.

Mr. Zody stated the applicant has proposed \$187,500 in cash proffers, or \$1,500, for each townhome for the first 125 units. Mr. Zody stated the proffers were not allocated to any specific areas of impact but were referenced in Proffer #7 in the same discussion regarding cost/child/dwelling unit for education.

Mr. Zody stated the applicant is proposing to dedicate/donate a 5,000 s.f. area adjacent to Route 708 on the commercial portion of the site to the County for community purposes for use either as a public safety building, or for office/administrative space (e.g. tourist or visitor's bureau).

Mr. Zody stated the applicant is providing 2 - 10,000 square foot parks for recreational purposes on the residential portion of the application site, in addition to approximately 17 acres set aside for open space.

Mr. Zody stated furthermore, the applicant will enter a memorandum of understanding with RSA to provide water lines, storage facility, and pump upgrades (Somerset Farm Wet Well) for sewage conveyance and treatment.

Chairman Brooks opened the public hearing and asked for persons to speak on the public hearing.

John J. "Butch" Davies, III of Davies, Barrell, Will Lewellyn & Edwards, PLC representing Signature Series stated this is a mixed use development and the proposal was brought forward when Wal-Mart was approved. Mr. Davies briefly addressed the proffers offered by the applicant. Mr. Davies stated despite some rumors no contracts have been signed for the development. Mr. Davies stated the commercial will start up ahead of the residential development of the property. Mr. Davis stated the mixed use development conforms with the Orange Co. Comprehensive Plan.

Steward Patz, from Steward Patz & Associates stated his firm conducted the fiscal analysis on the application using the current Orange County Budget and discussion held with county sources (tax rate etc.). Mr. Patz stated until the market demand is present, the applicant would only develop the commercial portion until such a time when demand for residential exists, which may occur in 3- 5 years. Mr. Patz stated the commercial development will provide much-needed revenue to the County with minimal capital costs.

John Marcantoni, member of the Signature Series, LLC stated the property was purchased 10 years ago. Mr. Marcantoni indicated that out-lots will house typical service businesses, such as restaurants, banks, etc. Mr. Marcantoni reiterated what Mr. Patz stated regarding residential development in the future and also stated the improvements which would help alleviate potential traffic issues on Route 708. Mr. Marcantoni stated this is a mixed use proposal and will be a win -win for the county. Mr. Marcantoni stated this is one part of the solution to help prosper.

There were ten (10) speakers signed up to speak with two (2) withdrawing when name called. There were two (2) additional speakers from the audience. From the 10 speakers 9 asked for denial, 1 was in favor of the rezoning. In general the speakers identified several recurring issues regarding the application: 1) Traffic impact on Rt. 708; 2) Speculative nature of the rezoning application; 3) Lack of need for additional housing; 4) Weak proffers; 5) Not consistent with the Gateway Corridor Study. The following is a list of speakers:

• Alison Rabak 1327 Greenfield Court, Locust Grove, VA

• Marge Meskunas 35472 Somerset Ridge Road, Locust Grove, VA

Bob Jones
 1396 Riverview Drive, Locust Grove, VA

• Dan Holmes Piedmont Environmental Council, Culpeper, VA

Steve Satterfield
 Richard Kane
 Steve Satterfield
 21041 Clarks Mtn. Road, Rapidan, VA
 2454 Edgewood Drive, Locust Grove, VA

David A. Simcox 35006 Somerset Ridge Rd. Locust Grove, VA (Withdrawn)
 Mansour Azimipour 603 Lakeview Parkway, Locust Grove, VA (Withdrawn)

• Teri Pace 25485 Gooch Lane, Unionville, VA

John Snyder
 Steve Yelton
 Carol Cernea
 John Snyder
 12574 Chicken Mtn. Road, Gordonsville, VA
 Burnley Road, Barboursville, VA
 2612 Lakeview Parkway, Locust Grove, VA

Chairman Brooks closed the public hearing.

The Commissioners held a discussion on the application, asking the applicant about the wetlands; Mr. Marcantoni indicated that about one acre would need to be mitigated. During the discussion of the application the amount being offered for proffers was well short of what is expected. The Commission discussed how the comprehensive plan calls for a mix-use development in this area and the application has both residential and commercial. The Commission discussed how the economy will drive the development of the property and the right of landowners to develop their property. The need for some type of tax base in the county was also discussed. Additional questions were raised by the Commission about the proffers, and Mr. Marcantoni indicated they felt that the proffers satisfied any additional capital costs as it relates to the impacts on the public services (i.e. schools), as well as the improvements required for onsite water storage and sewer improvements.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison be sent forward to the BOS with a recommendation for denial, Voting Aye: Hutchison, Goodwin; Voting Nay: Yancey, Brooks, Tucker. The motion failed 2-3.

A motion was made by Mr. Tucker, seconded by Mr. Yancey to approve the application as written in the resolution for approval. Vote on motion to approve; Aye: Tucker, Yancey, Brooks; Voting Nay: Goodwin, Hutchison. Motion carried 3-2.

RESOLUTION RECOMMENDING APPROVAL

MOTION: Tucker February 21, 2013

Special Meeting Res. No. 13-02

SECOND: Yancey Res. No. <u>13-02</u>

RE: REZ 11-01: SIGNATURE SERIES DEVELOPMENT, LLC

REQUESTING A REZONING OF APPROX. 75.8 ACRES FROM AGRICULTURAL (A) TO APPROX. 47 ACRES OF MULTIFAMILY RESIDENTIAL (R-4) AND APPROX. 28 ACRES OF GENERAL

COMMERCIAL (C-2); ON TAX MAP NO. 4-3

WHEREAS, Signature Series Development, LLC, owner, has submitted an application requesting a rezoning of approximately 75.8 acres ("Subject Property") from Agricultural (A) to approximately 47 acres of Multifamily Residential (R-4) and approximately 28 acres of General Commercial (C-2), subject to twelve (12) proffered conditions set forth within an attached document dated June 29, 2012 and subject to staff's conditions of approval contained in the Staff Report; and

WHEREAS, on February 21, 2013 the Planning Commission held a duly advertised public hearing on REZ 11-01; and

WHEREAS, the Department of Planning and Zoning staff has recommended approval of the rezoning; and

WHEREAS, the Planning Commission has determined that this rezoning is consistent with the Comprehensive Plan and would serve the interests of public necessity, convenience, general welfare, and/or good zoning practice;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors **approve** REZ 11 -01 to rezone approximately 75.8 acres of Tax Map 4-3 from Agricultural (A) to approximately 47 acres of Multifamily Residential (R-4) and approximately 28 acres of General Commercial (C -2), subject to twelve (12) proffered conditions set forth within an attached document dated June 29, 2012 and subject to staff's conditions of approval contained in the Staff Report.

Votes:

Ayes: Tucker, Yancey, Brooks Nays: Goodwin, Hutchison Absent from Vote: none Absent from Meeting: none

6. C. Work Session for 2012 Draft Comprehensive Plan

The Commission continued discussion on the "Draft" Future Land Use Map". Mr. Hutchison stated he had concerns about the "Draft" Future Land Use Map" not showing what exactly is on the land. Mr. Yancey stated the map is not an exact Science. Mr. Goodwin stated the need to stay with the A-1, A-2 and A-3 areas and to give them names. Chairman Brooks stated the Commission needs to move forward and stop playing around with the land use map at each meeting. Mr. Lacheney talked briefly about the Future Land Use Map vs. Zoning and stated approving the map will not change legal aspects of the land. Mr. Lacheney reiterated that the Comprehensive Plan is a general land use policy guide, and that the development standards would be addressed in the Zoning Ordinance revisions. Mr. Lacheney read language that could be added to the Future Land Use Map to direct the reader to the zoning and subdivision ordinance. Chairman Brooks stated if any Commissioner has any ideas on wordage on definitions to email them to Mr. Zody as soon as possible.

7. New Business

There was no new business.

8. Commissioner Comments

There were no Commissioner comments.

9. Next meeting

The next meeting of the Commission will be Thursday, March 7, 2013.

10. Adjourn

A motion was made by Mr. Tucker, seconded by Mr. Hutchison that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 9:30 p.m.

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