

**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 Lacheney, 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 had 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 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 1st 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.

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 3rd, 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.
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 4th, 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

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).

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.

Donald Brooks, Chairman

Gregg B. Zody, Secretary