

DRAFT

**Orange County Planning Commission  
Regular Meeting  
Gordon Building Meeting Room  
112 W. Main Street, Orange, VA 22960  
Thursday, April 11, 2013  
Minutes**

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

**Absent:** Jim White, BOS Representative

**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. Yancey, seconded by Mr. Goodwin 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 7, 2013.

A motion was made by Mr. Goodwin, seconded by Mr. Yancey that the minutes of February 7, 2013 be approved as presented. Motion carried 5-0.

Chairman Brooks asked for additions to or deletions from the minutes of February 21, 2013.

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin that the minutes of February 21, 2013 be approved as presented. Motion carried 5-0.

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Chairman Brooks asked for additions to or deletions from the minutes of March 21, 2013.

A motion was made by Mr. Tucker, seconded by Mr. Yancey that the minutes of March 21, 2013 be approved as presented. Motion carried 5-0.

**5. Public Comment**

There was no public comment.

**6. Old Business**

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

Mr. White was absent from this meeting. Mr. Zody stated the BOS approved the budget, tax rate and CIP request for the new fiscal year. Mr. Zody stated discussion is continuing on the joint planning area.

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

Mr. Zody stated that funding for the in house GIS had been approved. Mr. Zody reviewed with the Commission the March Department of Planning and Zoning report.

**C. Work Session for 2012 Draft Comprehensive Plan**

Discussion on the 2012 Draft Comprehensive Plan followed public hearing.

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

*SUP 13-01: Ernie Johnson, on behalf of Johnson Funeral Home, has applied for an amendment of the Home's original special use permit (#88-5) which permitted a crematorium in an existing building on-site. The applicant's request is to decommission the existing crematorium and construct a new, smaller facility nearby on-site that will better serve the Home's current needs. Johnson Funeral Home is located at 31440 Constitution Highway and referenced by tax map #22-19. The parcel is 56.08 acres, zoned Agricultural (A) and approximately ¾ mile west of the intersection of Hwy. 20 and Route 611 (Zoar Rd.)*

Chairman Brooks read the request into the record. Chairman Brooks stated he had received a phone call and also an email from Mr. Johnson and he will not be attending the public hearing tonight due to a conference in Florida that had been previously scheduled. Chairman Brooks stated a copy of the email will be forwarded to staff for the file.

Mr. Frederick, Senior Planner briefed the Commission on the request from Mr. Ernie Johnson, on behalf of Johnson Funeral Home to amend the original special use permit issued in 1988 which permitted a crematorium in an existing building on site.

Mr. Frederick stated staff recommends approval of the special use permit application, with the attached conditions. Mr. Frederick stated the modification of the language will permit a separate, stand-alone cremation facility on the property, accessory to the property's principal use a funeral home. Mr. Frederick stated the applicant desires to decommission this facility and construct a new building nearby on-site to house the cremation retort. Mr. Frederick stated the applicant has indicated that the existing facility is becoming outdated and is no longer fulfilling needs of Johnson Funeral Home's cremation business.

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

There were no members of the public in attendance.

Chairman Brooks closed the public hearing.

The Commission held a brief discussion on the application.

A motion was made by Mr. Goodwin, seconded by Mr. Tucker recommending approval based on the findings of fact and conditions of approval. Motion carried 5-0.

**RE: SUP 13-01: Johnson Funeral Home**

**WHEREAS**, Mr. Ernie Johnson, on behalf of Johnson Funeral Home, has applied for an amendment of the Home's original Special Use Permit (#88-5) which permitted a crematorium in an existing building on-site. The applicant's request is to decommission the existing crematorium and construct a new, smaller facility nearby on-site that will better serve the Home's current needs. Johnson Funeral Home is located at 31440 Constitution Highway and referenced by tax map #22-19. The parcel is 56.08 acres, zoned Agricultural (A) and approximately  $\frac{3}{4}$  mile west of the intersection of Hwy. 20 and Route 611 (Zoar Rd.); and

**WHEREAS**, the Orange County Board of Supervisors approved special use permit #88-5 to allow Johnson Funeral Home "to install a cremation retort in an existing building on the property" on April 12<sup>th</sup>, 1988, pursuant to [then] article 2-03-25 of the Zoning Ordinance; and

**WHEREAS**, a funeral home and/or crematorium are not permitted uses in the Agricultural (A) zoning district of the current Zoning Ordinance and are therefore a legal nonconforming use; and

**WHEREAS**, Section 70-244(b) of the Orange County Zoning Ordinance permits changes to a nonconforming use provided that the "...use shall not be changed to a more intensive nonconforming use, or a use that is farther from conforming with the requirements of the chapter."; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on this proposed Special Use Permit on April 11<sup>th</sup>, 2013; and

**WHEREAS**, this Special Use Permit is consistent with the Agriculture land use designation in the Comprehensive Plan; 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 considered whether this proposed Special Use Permit, as conditioned, would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety or welfare; be compatible with its surroundings; or would result in substantial detriment to the surrounding property; and

**WHEREAS**, public necessity, convenience, general welfare and/or good zoning practice support approval of this Special Use Permit as conditioned; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors approve SUP 13-01 with the attached conditions in order to mitigate the impacts of the proposed use.

**Conditions of Approval**

**SUP 13-01: Mr. Ernie Johnson, on behalf of Johnson Funeral Home  
Amending the original SUP 88-5 permitting a cremation retort  
in an existing building on the property  
Orange County Tax Map #22-19  
April 11<sup>th</sup>, 2013**

The conditions of this Special Use Permit shall apply to the property identified on County Tax Map 22 as Parcel 19 (“Parcel 22-19”), and 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 Special Use Permit (“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 these conditions.
2. Uses – This Special Use Permit is to allow the construction of a new cremation facility on the property, accessory to the property’s principal use as a funeral home.
3. The existing cremation facility shall be decommissioned and no longer in use prior to issuance of a Certificate of Occupancy for the new facility.
4. Upon approval by the Board of Supervisors, a site plan must be submitted to Planning and Zoning Staff for review and approval, prior to the issuance of zoning, E&S and building permits.
5. Compliance with Virginia Department of Environmental Quality regulations in regards to air permits shall be provided to Planning and Zoning Staff prior to issuance of a zoning and E&S permits.
6. A minimum of two (2) parking spaces, plus one (1) handicap space, shall be shown on the site plan for the new facility.
7. A minimum of seven (7) trees shall be planted in the vicinity of the new facility, in accordance with Virginia Dept. of Forestry Forest Buffer Planting Standards. Such trees shall be native species, at least 1¼” caliper and preferably planted on the down slope leading away from the new facility in order to mitigate increased storm-water runoff.

8. Per CSWCD recommendations, diffusers shall be installed on gutter downspouts to minimize the chance of erosion from storm-water flows.

**6. Old Business**

**C. Work Session for 2012 Draft Comprehensive Plan**

The Commission held a discussion on the 2012 Draft Comprehensive Plan and had only a few minor changes to the comprehensive plan text as well as the infrastructure map.

A motion was made by Mr. Tucker, seconded by Mr. Yancey to schedule and hold the public hearing on the comprehensive plan at the Commission meeting scheduled for May 2, 2013.

Motion carried 5-0.

**7. New Business**

Set public hearing date on two amendments to Orange Co. Code of Ordinances:

- Section 70-38 regarding penalties for zoning violations
- Section 70-191 regarding proffers

Mr. Tom Lacheney, County attorney briefed the Commission on the two proposed Orange Co. Code of Ordinances amendments. The Commission discussed the proposed amendments and agreed to hold the public hearing on Section 70-38 and Section 70-191 Thursday, May 2, 2013.

**8. Commissioner Comments**

Mr. Goodwin stated he would like the Commission to write a letter in reference to what Mr. Speiden spoke about at the previous Commission meeting on uranium mining. The Commission reached consensus that Mr. Zody draft a letter to send to the BOS.

**9. Next meeting**

A motion was made by Mr. Yancey, seconded by Mr. Tucker that the April 18, 2013 Commission meeting be canceled. Motion carried 5-0.

**10. Adjourn**

A motion was made by Mr. Hutchison, seconded by Mr. Tucker that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 8:35 p.m.

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Donald Brooks, Chairman

Gregg B. Zody, Secretary