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**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, May 16, 2013
Minutes**

Present: Donald Brooks, Chairman; Andy Hutchison, Vice-Chairman; Nigel Goodwin, George Yancey, J.P. Tucker, III, 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.

7:00 p.m.

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

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. Hutchison, seconded by Mr. Tucker that the agenda be approved as presented. Motion carried 5-0.

4. Public Comment

There were two persons speaking during the public comment period.

Mr. Henry Lee Carter spoke on the “draft” Orange Co. Comprehensive Plan stating it was anti-growth and weak. Mr. Carter stated that the County is proposing a plan that benefits 9% of the residents, while neglecting 80% of the remaining population. Mr. Carter was also concerned about the scarcity of broadband service in the county and the advantages of providing sewer service to Rt. 20 adjacent to the airport.

Mr. Bill Speiden spoke to the Comprehensive Plan, supporting the village concept as a counter to strip development and “scatteration”, although he questioned the accuracy of each village’s proposed boundaries. Mr. Speiden emphasized the need to make water resource planning an

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integral part of future economic development and residential planning, specifically ensuring that protection of groundwater resources are in place.

5. Old Business

A. Board of Supervisors Report – Jim White

Supervisor White stated a date of July 27th and 28th is set for the joint retreat with the BOS, Commission and EDA. Supervisor White stated location to be determined. Supervisor White stated at the BOS meeting on Tuesday, May 14th no further action was taken on the Signature Series rezoning request due to receiving information late in the afternoon of May 14th.

B. Planning and Zoning Report – Gregg Zody

Mr. Zody stated staff has been working on the “draft” Orange Co. Stormwater Management Ordinance to take to the BOS. Mr. Zody stated the Department of Conservation and Recreation (DCR) has authorized to grant Orange County a 12 month extension and will be recommending to the DCR Board at its June 6th meeting that our County’s request be granted.

C. Comprehensive Plan

Discussion was deferred until after the public hearing

7:15 P.M. PUBLIC HEARING:

SUP 13-02: Randolph Raines has applied for a special use permit to open and operate a retail firearms store in an existing building located at 22365 Constitution Highway in Unionville, Virginia and referenced by tax map 32-85. This request is pursuant to Section 70-303 of the Orange County Zoning Ordinance. The property has an existing special use permit (#86-8) for the operation of Rock & Raines Construction, Inc. and storage of their equipment. This parcel is 9.401 acres in size and located on the north side of Constitution Highway, approximately 1.5 miles west of the intersection with Route 522.

Chairman Brooks read the request from Randolph Raines to open a retail firearms store in an existing building at 22365 Constitution Highway.

Mr. Frederick, Senior Planner briefed the Commission on the request from Mr. Raines. Mr. Frederick stated Mr. Raines wished to keep the existing SUP placed on the property and is requesting this to be a separate SUP for the gun sales. Mr. Frederick stated he would answer any questions of the Commission.

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

Mr. Jesse “Boyd” Carpenter, 4052 Zachary Taylor Highway, Culpeper, VA (Orange Citizen) spoke in support of any new small business that wants to open in the county.

There being no other speakers, the public hearing was closed at 7:19 p.m.

The Commission held a brief discussion on the application.

Commissioner Goodwin had a concern about Condition 1 and requested that additional language be added to cover information submitted with the application.

A motion was made by Mr. Goodwin, seconded by Mr. Yancey to amend Condition 1 to add “and the documents as submitted with the application.” Motion carried 5-0

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The Commission also discussed Condition 5 and after suggested language given by Mr. Lacheney, County attorney; a motion was made by Mr. Goodwin, seconded by Mr. Tucker to amend Condition 5 to read "This SUP shall not expire pursuant to Section 70-144 of the Zoning Ordinance, provided the applicant is making a good faith effort to obtain any and all necessary permits." Motion carried 5-0

A motion was made by Mr. Tucker, seconded by Mr. Yancey that the request for a SUP on tax map #32-85 be approved with amended conditions. Motion carried 5-0.

RESOLUTION RECOMMENDING APPROVAL

MOTION: Tucker

**May 16th, 2013
Regular Meeting
Res. No. 13-07**

SECOND: Yancey

RE: SUP 13-02: Rock & Raines Gun Shop

WHEREAS, Randolph Raines has applied for a special use permit to open and operate a retail firearms store in an existing building located at 22365 Constitution Highway in Unionville, Virginia and referenced by tax map 32-85. This request is pursuant to Section 70-303 of the Orange County Zoning Ordinance. This parcel is 9.401 acres in size and located on the north side of Constitution Highway, approximately 1.5 miles west of the intersection with Route 522; and

WHEREAS, the Orange County Board of Supervisors approved special use permit #86-8 to allow Rock & Raines Construction Inc. to operate and store equipment at 22365 Constitution Highway on October 14th, 1986, pursuant to [then] article 2-03-03 of the Zoning Ordinance; and

WHEREAS, the Zoning Ordinance does not prohibit multiple special use permits on a single property; and

WHEREAS, the Planning Commission held a duly advertised public hearing on this proposed special use permit on May 16th, 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 13-02 with the attached conditions in order to mitigate the impacts of the proposed use.

Votes:

Ayes: Hutchison, Brooks, Yancey, Tucker, Goodwin

Nays: None

Absent from Vote: N/A

Absent from Meeting: N/A

**SUP 13-02: Rock & Raines Gun Shop
To open and operate a retail firearms store
Orange County Tax Map #32-85
May 16th, 2013**

The conditions of this special use permit shall apply to the property identified on County Tax Map 32 as Parcel 85 (“Parcel 32-85”), 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 the conditions as set forth herein and the documents as 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 shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, and zoning permits.

The business 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 a retail firearms store of not more than 4,000 ft² gross floor area within the existing building shown on the site plan submitted with the application. Approval of this SUP shall not void or otherwise invalidate the existing SUP (#86-8) on the property.
4. Performance Standards:
 - 1) There shall be no discharging of firearms associated with the use on the property.
 - 2) The existing free-standing sign adjacent to Highway 20 may be refaced, provided a sign permit is obtained through the Department of Planning and Zoning. No other signs shall be permitted on the property.

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5. This SUP shall not expire pursuant to Section 70-144 of the Zoning Ordinance, provided the applicant is making a good faith effort to obtain any and all necessary permits.

C. Comprehensive Plan

Discussion was deferred until after the public hearing

Chairman Brooks began the discussion of the May 2, 2013 public hearing, and called on Mr. Goodwin for comments. Mr. Goodwin expressed a desire to remove the existing land use table after his research indicated that the table is confusing the public with assessment land use data and zoning terminology. Discussion ensued regarding the appropriateness of the information, and whether it should stay in the Plan or be removed.

Chairman Brooks stated for the record the protection of ground water was not forgotten in the comprehensive plan.

Mr. Zody suggested removing the existing land use map, reworking (and renaming) the table so that it only looks at parcel size; updating the text in the body of the land use section, and placing the revised table in the Technical Supplement section. The membership agreed with this suggestion.

Mr. Goodwin also cited the vague language in the land use categories of the future land use section, which, he felt, did not address strategies for implementation and development considerations as the existing Plan states.

Mr. Goodwin raised the issue of seeking to expand Economic Development along Route 3 in place of the Town Suburban designation on the north side of Route 3, and removing some of the Town Suburban designation in the Flat Run area to the northwest of LOW. The Commission did not reach a consensus on the issue.

Chairman Brooks asked Mr. Yancey and Mr. Tucker if they had any comment regarding the public hearing comments, and they did not. Mr. Tucker noted he was not in attendance at the hearing.

Chairman Brooks asked Mr. Hutchison for comments. Mr. Hutchison stated he had several issues regarding the potential economic development strip along Route 20, as well as the size of the villages. Mr. Hutchison stated we should slow down the process and take our time.

Mr. Hutchison asked how we can come up with a good land use map if nothing has been decided about the location of infrastructure.

Mr. Hutchison also had concerns about the size of the Town-Suburban areas and how they were larger than the town's actual jurisdictional boundaries.

Mr. Hutchison stated he wanted to see the Town-Suburban designation changed on part of Route 3 to Economic Development., Mr. Hutchison stated additional language needs to be added to the Plan to include high speed internet and whitespace.

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The Commission discussed growth and the location of residential, industrial, and commercial development in the County. The 2004 Community Survey was discussed and a copy of the survey was given to the each Commissioner upon their request. The Commission touched on the stated desire of residents to see greater retail opportunities. Mr. Hutchison favored local (small) business that are home grown and do not require infrastructure. Mr. Hutchison stated small business sustains the county.

Chairman Brooks iterated that most of the discussion at the public hearing focused on misinformation presented by certain members of the public. Chairman Brooks stated for the record no one has spoken to the Commission or himself about taking away land use in the County. Chairman Brooks stated that a citizen had spread a false rumor to the Farm Bureau that the Commission was going to eliminate the land use classification system. Several other members remarked about how they received phone calls from concerned citizens regarding this issue.

Chairman Brooks stated, the public has had a chance to come and speak at any Commission meeting about the comprehensive plan, and it was not gotten together in the backroom and in secret. Chairman Brooks stated we need to move on and get the comprehensive plan to the Board.

Chairman Brooks asked when a revision could be in the hands of the PC for a final review. Mr. Zody stated should be able to get information to the Commission before the next meeting, June 6, 2013 and should proceed to a new public hearing on June 20, 2013.

6. New Business

There was no new business.

7. Commissioner Comments

There were no Commissioner comments.

8. Next meeting

The next meeting of the Commission will be June 6, 2013 with one public hearing scheduled.

9. Adjourn

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

Donald Brooks, Chairman

Gregg B. Zody, Secretary