

**Orange County Planning Commission  
Regular Meeting  
Gordon Building Meeting Room  
112 W. Main Street, Orange, VA 22960  
Thursday, June 6, 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**

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. 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 April 11, 2013.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison that the minutes of April 11, 2013 be approved as presented. Motion carried 5-0.

Chairman Brooks asked for additions to or deletions from the minutes of May 2, 2013.

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin that the minutes of May 2, 2013 be approved as presented. Motion carried 5-0.

Chairman Brooks asked for additions to or deletions from the minutes of May 9, 2013.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison that the minutes of May 9, 2013 be approved as presented. Motion carried 5-0.

Chairman Brooks asked for additions to or deletions from the minutes of May 16, 2013.

A motion was made by Mr. Goodwin, seconded by Mr. Yancey that the minutes of May 16, 2013 be approved as presented. Motion carried 5-0.

## **5. Public Comment**

Chairman Brooks opened the floor for public comment.

There were the following speakers:

- Nancy Wiley, 16104 Montebello Rd. Orange, VA
- Henry Lee Carter, 11536 Rapidan Rd. Orange, VA
- Steven Brooks, 13611 Belvedere Dr. Montpelier Station, VA

Chairman Brooks continued the public comment period until after the public hearing.

The following are those who spoke at the resumed public comment period.

- Steve Satterfield, 21041 Clarks Mtn. Rd. Rapidan, VA
- Melissa Zeller, no address
- Barbara Culbert, 14201 Cox Mill Rd. Gordonsville, VA
- Dan Holmes, Culpeper, VA (PEC)
- Teri Pace, 25485 Gooch Lane, Unionville, VA
- Carl Prober, 15246 Double Top Lane, Gordonsville, VA
- Don Skelly, 14184 Brookman Rd. Somerset, VA

During both comment periods, speakers spoke on the comprehensive plan.

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

Discussion on Agenda item 6A, B and C was held after public hearing.

## **6. Old Business**

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

Mr. White stated the Johnson Funeral Home SUP was approved by the BOS at their May 28<sup>th</sup> meeting. Mr. White also stated the SUP for Rock and Raines is scheduled to be heard by the BOS on June 25, 2013.

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

Mr. Zody reviewed the May, 2013 Department of Planning and Zoning monthly report and pointed out increases in permits from May, 2012.

**C. Joint efforts of the BOS, PC and EDA**

Not discussed

**D. Draft Comprehensive Plan**

Chairman Brooks began the discussion with staff noting their changes to the document. Chairman Brooks asked each Commissioner for their comments on the draft comprehensive plan. There were minor additions agreed to by the Commission. The most significant change was to change all of the east side of Rt. 3 to Economic Development, including Somerset Farms. Chairman Brooks stated the table that shows the top 50 employers in Orange County needs to accurately reflect the businesses in Orange County. Mr. Zody stated he will work on the changes discussed and have a clean draft back to the Commission for the June 20, 2013 Commission meeting.

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

*REZ 13-01: SJS Limited Company & D&W Investments LLC. The aforementioned, care of Kenneth Dotson, seek a rezoning of two parcels located at the intersection of Hwy. 20 (Constitution Highway) and Route 601 (Flat Run Rd.) from Agricultural (A) to General Commercial (C-2). The parcels are referenced by tax map #23-12C and #23-12D and contain 6.991 acres and 5.707 acres, respectively. The applicant has proffered to perform a Transportation Impact Analysis (TIA) upon site-plan submittal for either parcel in order to meet applicable VDOT regulations.*

Chairman Brooks read the request from SJS Limited Company & D & W Investments LLC to rezone of two parcels located at the intersection of Rt. 20 and Rt. 601 from Agricultural to General Commercial.

Mr. Frederick, Senior Planner briefed the Commission on the request from SJS Limited Company & D&W Investments, LLC. Mr. Frederick stated staff recommends approval of the rezoning request. 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. Dodson briefed the Commission on his request stating about 40,000 square feet of anticipated retail space will be on the western tract and 45,000 square feet across Rt. 601. Mr. Dodson stated his proposal would provide needed services to the people of Lake of the Woods. Mr. Dodson stated the intersection improvements at Rt. 20 and Rt. 601, constructed at his expense a few years ago, benefited the new school traffic and stated a deed restriction on the parcel closest to the middle school requires any commercial development to be compatible with the neighboring school. Mr. Dodson stated they are trying to help the tax base and the county needs commercial development to offset tourism and we need jobs. Mr. Dodson stated at built-out the two parcels could generate approximately \$60,000 annually in tax revenue for the county. Mr. Dodson stated he has no particular intend of the commercial zoning at this time.

There were five speakers on the application, they are as follows:

- Dan Holmes, Culpeper, VA (PEC)
- Steve Satterfield , 21041 Clarks Mtn. Road, Rapidan, VA
- Don Walters, 105 Elm Court, Locust Grove, VA
- Teri Pace, 25485 Gooch Lane, Unionville, VA
- Col. Eugene E. Johnson, USA (Retired) 103 Birch Ct., Locust Grove, VA

Four of the five speakers spoke opposing the application. One speaker spoke in favor of the rezoning. Of those opposing the application, concerns were making Rt. 20 resemble Rt. 1, decrease of property values due to increased crime and noise, the need for another strip mall and also the comprehensive plan being currently under review and that the application should be tabled until the review of comprehensive plan is completed and adopted.

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

The Commission discussed the application and had questions for staff and applicant concerning the impact on existing traffic, and whether the applicant would be willing to amend his proffer to (a) include stronger language for the timing of the TIA and (b) agree to co-locate the entrance to parcel B off Rt.601 with the library access road, and (c) apply the deed restriction currently concerning parcel A to parcel B also, since it is equally close to the middle school. Discussion also ensued on whether these parcels, being adjacent to residential property, would be better suited to zone C1 rather than C2.

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin to table the request for rezoning so staff and the applicant could work on the proffer language. Motion failed 4-1. Discussion continued.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison to deny the request for rezoning on parcels 23-12C and 23-12D from Agricultural (A) to General Commercial (C-2) that contain 6.991 acres and 5.707 acres, respectively. Motion failed 3-2. Discussion followed regarding the proffer.

A motion was made by Mr. Yancey, seconded by Mr. Tucker that the request be sent forward with a recommendation for approval with the additional proffer changes as follows: 1) Work with the County to utilize shared access with the Library. 2) Amending the original proffer so that staff or VDOT could request a TIA at the site plan stage. Motion carried 3-1-1 (Goodwin abstained)

**RESOLUTION RECOMMENDING APPROVAL**

**MOTION: Mr. Yancey**

**June 6<sup>th</sup>, 2013**

**SECOND: Mr. Tucker**

**Regular Meeting**

**Res. No. 13-08**

**RE: REZ 13-01: SJS Limited Company & D&W Investments LLC, Tax Map #23-12C**

**WHEREAS**, SJS Limited Company & D&W Investments LLC, care of Kenneth Dotson, have submitted an application to rezone a parcel located at the intersection of Hwy. 20 (Constitution Highway) and Route 601 (Flat Run Rd.) from Agricultural (A) to General Commercial (C-2), referenced by tax map #23-12C and containing 6.991 acres; and

**WHEREAS**, the Planning Commission held a duly advertised public hearing on this proposed rezoning on June 6<sup>th</sup>, 2013; and

**WHEREAS**, Staff of the Department of Planning and Zoning have recommended approval of this 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; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors **approve** REZ 13 -01 for tax map 23-12C to rezone approximately 6.991 acres from Agricultural (A) to General Commercial (C-2), subject to the proffer volunteered by the applicant as set forth in an attached document dated May 14<sup>th</sup>, 2013, and the changes to the proffers as volunteered and agreed to during the public hearing.

**Votes:**

**Ayes: Brooks, Yancey, Tucker**

**Nays: Hutchison**

**Abstained from Vote: Goodwin**

**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 June 20, 2013.

**10. Adjourn**

A motion was made by Mr. Goodwin, seconded by Mr. Tucker that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 10:30 p.m.

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Donald Brooks, Chairman

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Gregg B. Zody, Secretary