

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, October 18, 2012
7:00 p.m.
Minutes**

Present: Nigel Goodwin, George Yancey, Andy Hutchison, J.P. Tucker, III,
Donald Brooks, Jim White, BOS Representative

Staff Present: Gregg B. Zody, Director; 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 Goodwin called the meeting to order at 7:00 p.m. He stated a quorum was present to conduct business.

3. Approval of Agenda

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

4. Approval of Minutes

Chairman Goodwin asked for additions to or deletions from the minutes of July 19, 2012.

A motion was made by Mr. Yancey, seconded by Mr. Hutchison that the minutes of July 19, 2012, be approved as presented. Motion carried 5-0.

Due to no quorum present at the August 2, 2012 Commission meeting the minutes of that meeting had been stricken.

Chairman Goodwin asked for additions to or deletions from the minutes of August 16, 2012.

A motion was made by Mr. Hutchison, seconded by Mr. Yancey that the minutes of August 16, 2012, be approved as presented. Motion carried 4-0, Mr. Brooks abstained.

Chairman Goodwin asked for additions to or deletions from the minutes of September 6, 2012.

A motion was made by Mr. Brooks, seconded by Mr. Tucker that the minutes of September 6, 2012, be approved as presented. Motion carried 5-0.

Chairman Goodwin asked for additions to or deletions from the minutes of September 20, 2012.

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

5. Public Comment

There was no public comment.

Chairman Goodwin formally welcomed Tom Lacheney, County Attorney.

6. Old Business

A. Board of Supervisors Report – Jim White

Mr. White briefed the Commission on current activity of the BOS. Mr. White stated G.W. Gray has been appointed the Building Official for Orange County. Mr. White also briefly talked about the unemployment rate for Virginia and the county. Mr. White stated activities at the landfill are moving forward.

B. Planning and Zoning Report – Gregg Zody

Mr. Zody briefed the Commission on the Planning and Zoning monthly report. Mr. Zody stated the BOS will discuss timelines at their meeting scheduled for Tuesday, October 23, 2012.

Chairman Goodwin asked Mr. Zody to brief the Commission on SUP 12-04: Grelen Nursery, Inc. and Assigns.

Mr. Zody stated Grelen Nursery, Inc. is seeking a SUP to operate a retail nursery. Mr. Zody stated the applicant's current agricultural operations include nursery stock, orchard trees, vegetables and sod on adjacent parcels. Mr. Zody stated four structures are proposed for use in conjunction with the retail component of the SUP application; the existing market building, a home converted to an agricultural office area containing 1,850 sq ft would serve as the primary retail nursery boutique center. Mr. Zody stated an area within this structure is designated for the sale of pre-packaged foods and assorted beverages and will use on-site grown base ingredients for the food products and certain beverages. Mr. Zody stated the site is served by a private road and per VDOT concerns will be expanded to 14 feet prior to the market opening to accommodate the increase in traffic volume.

Mr. Zody stated staff recommends the Commission forward the application to the BOS with a positive recommendation, based on the findings of fact and the attached conditions.

Chairman Goodwin opened the public hearing at 7:19 p.m.

7:15 P.M. PUBLIC HEARING:

SUP 12-04: Grelen Nursery, Inc. and Assigns, is requesting a special use permit to operate a Retail Store of less than 4,000 square feet per Sec. 70-303(15) for property located on Tax Map Numbers 56-20 and 56-20A, zoned Agricultural, containing approximately 197 +/-

acres, located at 15111 Yager Road, near the south-eastern intersection of Route 655.

Chairman Goodwin asked for speakers.

Mr. Dan Gregg, President and Co-owner stated they purchased Oakland Dairy Farm about 10 years ago and Grelen Nursery has been in business for 20 plus years. Mr. Gregg stated he has spoken with many visitors over the years and everyone talks about what an awesome view they have from the property. Mr. Gregg stated they will be building the business on the “WOW” factor. Mr. Gregg stated other products need to be sold on the property in order to be able to make the expansion work and cannot operate on a “pick your own”. Mr. Gregg stated he has spoken with neighbors and have answered and addressed their questions and concerns.

The following speakers spoke on the request:

- Jay Billie, 12256 Montford Road, Orange, VA
- Jack Snyder, 12574 Chicken Mtn. Road, Orange, VA
- Ed Harvey, 10078 Jacksontown Rd. Somerset, VA
- John Jaske, 20019 Springhill Lane, Rapidan, VA

The speakers spoke in favor of the SUP application.

There being no further speakers, Chairman Goodwin closed the public hearing at 7:40 p.m.

Commissioner Hutchison abstained from discussion the Grelen Farm SUP application.

The Commission held a short discussion on the request. Chairman Goodwin suggested that a condition be placed that would require that 49% of the product sold would be other than farm products and also the CSWCD requirement for a buffer. The Commission discussed the two conditions suggested by Chairman Goodwin and decided against adding them to the proposed conditions.

Commissioner Brooks asked Mr. Gregg if he is ok with the proposed conditions. Mr. Gregg stated he is ok with the conditions as proposed.

A motion was made by Mr. Yancey, seconded by Mr. Brooks to forward SUP12-04 to the BOS with a recommendation for approval with conditions stated October 18, 2012.

Mr. Brooks was concerned with the resolution stating Nursery but report and applicant stating market.

Motion amended to change Nursery to Market in resolution. Vote on amended motion carried 4-0, Mr. Hutchison abstained. Vote on motion to approve and send forward to the BOS, carried 4-0, Mr. Hutchison abstained.

RESOLUTION RECOMMENDING APPROVAL

MOTION: Yancey

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SECOND: Brooks

Res. No. 12-12

RE: SUP 12-04 – SPECIAL USE PERMIT (SUP) FOR GRELEN NURSERY, INC. AND ASSIGNS TO OPERATE A RETAIL NURSERY OF LESS THAN 4,000 SQUARE FEET GROSS FLOOR AREA AND PROVIDE ASSOCIATED “AGRICULTURALLY-BASED” ACTIVITIES ON PROPERTY KNOWN AS TAX PARCELS 56-20 & 56-20A.

WHEREAS, Grelen Nursery, Inc. and Assigns, requested the Orange County Planning Commission to consider a Special Use Permit (SUP) to allow the operation of a retail ~~nursery~~ market of less than 4,000 square feet gross floor area on 195+/- acres, currently zoned A, Agricultural; and

WHEREAS, prior to the operation of a retail ~~nursery~~ market of less than 4,000 square feet gross floor area an SUP must be obtained from the Board of Supervisors; and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Special Use Permit on October 18, 2012; and

WHEREAS, the Department of Planning and Zoning staff has recommended approval of the Special Use Permit subject to certain conditions; and

WHEREAS, the Planning Commission has reviewed the request for the Special Use Permit and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Agricultural Conservation, and, as such, recommends approval of the operation of a retail ~~nursery~~ market of less than 4,000 square feet gross floor area on the subject property; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends to the Orange County Board of Supervisors **approval** of SUP 12-04, allowing Grelen Nursery, Inc. and Assigns to operate a retail ~~nursery~~ market of less than 4,000 square feet gross floor area on the subject property identified as Tax Map #'s 56-20 & 56-20A, subject to the attached conditions dated October 18, 2012 as proposed by staff and amended by the Commission on October 18, 2012.

Votes:

Ayes: Goodwin, Brooks, Yancey, Tucker

Nays: None

Abstained from Vote: Hutchison

Absent from Meeting: None

SUP 12-04, Grelen Nursery, Inc. and Assigns:

To operate a Retail Nursery, Market as well as provide associated
"Agriculturally-Based" Activities
Orange County T.M. # 56-20 and 56-20A
Date: October 18, 2012

The conditions of this Special Use Permit shall apply to parcel Tax Map # 56-20 and 56-20A (the "Subject Property"), and compliance is the responsibility of the applicant, owners and assigns ("Applicant"). If the conditions of this special use permit or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved conditions, the more restrictive provisions shall apply, unless specifically modified, waived or otherwise specified by these conditions. Violation of these conditions, in whole or in part, shall be cause for revocation of the special use permit by the Board of Supervisors pursuant to §15.2-2309(7) VA Code Ann.

1. Controlling Documents:

Controlling documents shall be the conditions as set forth herein and materials submitted a part of the application for the special use permit.

2. Compliance:

Use and development of the Subject Property shall be in conformance with these conditions. The Zoning Administrator shall determine 'conformance.' The Applicant shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, and zoning permits.

3. Uses: (by-right uses shall not be denied by this special use permit and may be exercised)

a. Agriculturally-based activities as set forth below:

Retail Nursery;
Educational classes;
U-Pick operation;
Display gardens;

b. Retail Nursery use within four structures (existing market building, greenhouse, potting shed, u-pick shed) which, in total, does not exceed 4,000 square feet of retail space for the sale of the following on-site grown items and accessory products:

- Jams, jellies, salsas, fruit butters, ice-cream, smoothies, and sauces made from on-site grown fruits, honey, herbs, and vegetables;
- Pre-packaged food products made from on-site grown fruits, herbs and produce, i.e. dried, frozen, canned, bottled;

- On-site prepared soups, salads, and baked goods using site-grown products;
 - Seasonal products (site-grown Christmas trees – pre-cut and cut-your-own, wreaths, greens, and hand-made ornaments);
 - Beverages;
 - Accessory nursery items including pots, statues, urns, soils, gardening tools and soil products, and gardening gifts;
 - Educational materials including books and brochures;
- c. Special Events for less than 100 hundred attendees on a weekly basis with catering services as required, such as garden club meetings, lectures, book signings, company retreats, family reunions or similar types of events.
4. Signage for the use shall be in accordance with the rules and regulations contained in the Orange County Zoning Ordinance.
5. Performance Standards:
- a. Lighting Requirements:
The parking area will not be lit, except for the security light on the south side of the building as specified on the plat that was submitted with the Application.
- b. Hours of Operation:
Monday – Friday: 7:00 a.m. – 7:00 p.m.
Saturday: 7:00 a.m. – 9:00 p.m.
Sunday: 10:00 a.m. – 6:00 p.m.
6. Applicant shall coordinate with the Building Department to provide adequate ADA compliant accessibility to accommodate the public.
7. Applicant shall widen Yager Road to a minimum of fourteen feet (14') before opening the facility. Said widening of the road shall comply with all Virginia Department of Transportation requirements as it relates to Yager Road intersecting with Route 655.

The Commission took at short recess at 7:57 p.m. and re-convened at 8:05 p.m.

REZ 12-01: *Bernard and Carolyn Langhorne, requesting a rezoning from Limited Residential (R-1) to General Commercial (C-2) for property located on Tax Map Number 31-74A, containing 2.54 +/- acres, located at 21143 Constitution Highway.*

Mr. Zody briefed the Commission on the application for rezoning. Mr. Zody stated the applicant is seeking a conditional rezoning from Limited Residential (R-1) to General Commercial (C-2) so the applicant can lease the property as an auto repair shop or similar commercial activity. Mr. Zody stated the applicants' mother (in-law) previously owned the site and according to the applicant and the applicants' representative, it was originally constructed as a 2-bay auto repair shop in 1955. Mr. Zody stated between 1955-70's the structure was operated as an auto repair

shop and the 90's as a thrift store.

Mr. Zody stated VDOT needs to review and approve the entrance based on the proposed use prior to approval for occupancy.

Chairman Goodwin asked for speakers for or against the request.

Ms. Helen Marmoll, ESQ attorney for Mr. Langhorne spoke on behalf of the applicant.

Ms. Marmoll stated there are no planned changes to the property. Ms. Marmoll stated Mr. Langhorne purchased the property from the Estate of Florence Crist. Ms. Marmoll stated the zoning change is sought because the basic structure is very suitable for rental as an automotive garage or similar business, but is not appropriate for exclusive use as a residence. Ms. Marmoll stated while the property is zoned R-1; the structure on the property is actually a commercial structure. Ms. Marmoll stated the zoning change to C-2 is sought in order to permit the structure to be used for its intended purpose and for the purpose for which it was originally used.

There was one speaker, Mike Bober, an adjacent landowner spoke in support of the rezoning.

There being no further speakers, Chairman Goodwin closed the public hearing at 8:20 p.m.

The Commission held a short discussion on the application.

A motion was made by Mr. Brooks, seconded by Mr. Tucker that REZ12-01, Bernard and Carolyn Langhorne be sent forward to the BOS as per Resolution recommending approval and to add Langhorne to the RE of the resolution.

RESOLUTION RECOMMENDING APPROVAL

MOTION: Brooks

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SECOND: Tucker

Res. No. 12-13

RE: REZ 12-01 – REZONING APPROXIMATELY 2.452 ACRES FROM LIMITED RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-2): BERNARD AND MARY CAROLYN LANGHORNE (TAX MAP NO. 31-74A)

WHEREAS, Bernard and Carolyn Langhorne has asked the Orange County Board of Supervisors to rezone their property, Tax Map No. 31-74A, totaling 2.452 acres from Limited Residential (R-1) to General Commercial (C-2); and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Rezoning on October 18, 2012; and

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

WHEREAS, the Planning Commission has reviewed the request for the rezoning request and has determined that it is consistent with the Comprehensive Plan future land use designation

of the property as Agricultural, and, as such, recommends approval of the rezoning from Limited Residential (R-1) to General Commercial (C-2) on the subject property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors **approve** REZ 12 -01 to rezone Tax Map No. 31-74A containing 2.452 acres from Limited Residential (R-1) to General Commercial (C-2).

Votes:

Ayes: Goodwin, Tucker, Brooks, Hutchison, Yancey

Nays: None

Abstained from Vote: None

Absent from Meeting: None

The Commission took at short recess at 8:34 p.m. and re convened at 8:39 p.m.

7. New Business

The Commission discussed the proposed timeline for the Comprehensive Plan along with the work that needs to be completed. Mr. Zody stated he would like to add 2 additional weeks to the timeline to bring the comprehensive plan to the Commission. It was decided that December 6, 2012 the Commission will be receiving the “draft” work on the comprehensive plan.

The Commission held lengthy discussion on the proposed titles of district on the “draft” future land use map.

8. Commissioner Comments

There were no commissioner comments.

9. Next meeting

Chairman Goodwin stated with no new public hearings to come before the Commission, the November 1, 2012 Commission meeting will be cancelled.

10. Adjourn

A motion was made by Mr. Hutchison, seconded by Mr. Tucker that the meeting be adjourned. Motion carried with all members voting in the affirmative. Motion carried.

Nigel Goodwin, Chairman

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Gregg B. Zody, Secretary

