

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, April 4, 2019**

Present: George Yancey (Chair); Donald Brooks (Vice Chair); Jason Capelle; Jim Hutchison; James Crozier, BOS Representative

Absent: Jennifer Boyer

Staff Present: R. Bryan David, County Administrator; Sandra Thornton, Principal Planner; Michelle Williams, Administrative Assistant

1. Call to order and determination of quorum:

Chairman Yancey called the meeting to order at 5:58 pm

2. Approval of agenda:

Mr. Hutchinson made a motion to approve the agenda as presented; motion seconded by Vice-Chairman Brooks. Motion carried 4-0.

3. Approval of minutes:

A. March 7, 2019 regular meeting:

Mr. Capelle made a motion to approve the minutes as presented; motion seconded by Mr. Hutchinson. Motion passed 4-0.

4. Public comment:

Chairman Yancey opened the floor for public comments. No one came forward, public comment closed.

5. Public hearings

a. REZ 19-01:

Ms. Thornton advised initiated by the Board of Supervisors to correct split zoning and eliminate inconsistent industrial zoning: three (3) parcels in Unionville and one in Mine Run. Two (2) of the parcels are currently zoned R1 + C1, one parcel I2 and A, and the fourth zoned commercial. She advised the recommended future land use in Unionville is Village, and the parcel in Mine Run is Agricultural 2. Staff recommended approval of the rezonings as presented.

Chairman Yancey advised he received a call from one of the property owners who agreed with the rezoning. He advised the reason for the rezoning is to make corrections to zoning created decades ago.

Mr. Hutchinson made a motion to approve the rezoning; motion seconded by Vice-Chairman Brooks. The motion passed 4-0

b. **REZ 19-02:**

Ms. Thornton advised this application was submitted on behalf of property owner Bond, by authorized agent Drew Taylor, seeking to rezone Tax Map Parcel 44-42 from Industrial to Agricultural, for the purpose of building a residence and the potential keeping of animals, other than household pets. The property is between the railroad right-of-way and Woodcrest subdivision off Old Gordonsville Road.

Ms. Thornton advised the Comprehensive Plan's recommended land use for this property is Economic Development, and the pipestem to the road is zoned Town/Suburban. The property is currently vacant and someone has been mowing the hay for quite some time. It is in the midst of Industrial zoned property, and adjacent to Woodcrest subdivision which is zoned General Residential (R-2).

She advised staff recommended the rezoning of the application not be approved, as presented because it is not in conformance with the surrounding zoning classifications or future use map in the Comprehensive Plan.

Vice-Chairman Brooks asked why staff disapproves. Ms. Thornton advised the rezoning would not be consistent with other current surrounding zoning classifications and is not consistent with the Comprehensive Plan recommendation for the area which is Economic Development.

Chairman Yancey pointed out that per the staff report, including the entire parcel in the General Residential District (R-2) would be more appropriate

Mr. Crozier pointed out the parcel is directly behind Central Virginia Regional Jail.

Mr. Capelle advised it is also directly adjacent to Virginia Tech Agriculture Research Station and across the street from the largest contiguous farm in the state of Virginia, so he did not agree it could not be Agricultural.

Ms. Thornton confirmed she spoke with the Director of Economic Development. He stated that inventory of industrially zoned property near the railroad tracks state-wide is limited and the presence of this current zoning and proximity to the railroad does give the County a competitive advantage with business recruitment.

Mr. David explained the "keeping of animals", other than companion animals, was triggering the question of classification. Chairman Yancey advised the application does not indicate what type of animals or how many.

Extensive discussion ensued.

When there were no questions or comments, Chairman Yancey closed the public hearing.

Mr. Capelle made a motion to approve the rezoning to Agriculture; motion seconded by Mr. Hutchinson. The motion passed 4-0.

Vice-Chairman Brooks asked what would be the downside to the county if the rezoning is approved. Ms. Thornton advised area multiple zonings and current uses that are in conflict with the County's adopted planning documents. Mr. David advised there is no downside except the practice of going from Industrial to Agriculture without some level of scrutiny by the Planning Commission. .

The Planning Commission recommended approval of REZ 19-02
Vote 4-0

- c. **SUP 19-01:** Proposed amendment to an existing Special Use Permit to allow the addition of a structure on Tax Map Parcel 35-6A.

Ms. Thornton advised the applicants are proposing the addition of a 12' x 28' trailer on their property to house six (6) rescue dogs that would not be housed with boarded animals in their existing kennel. She advised staff recommends approval of the proposal which is an amendment to an existing special use permit.

Mr. Crozier advised the application is strictly for boarding of dogs.

Property Owner Austin Nammack advised he has been in business since 2003. He is requesting a trailer for the temporary housing of rescue dogs, until such time as permanent homes are found for these dogs. Mr. Nammack advised the rescue dogs would be separated from the boarded dogs.

Vice-Chairman Brooks asked about vicious animals since the County does not want to recycle violent animals. Mr. Nammack advised the rescue groups vet the animals and gave his word he would never accept violent animals. This service is for the rescue dog community and is not for profit.

Ms. Thornton discussed rewording some of the conditions to the existing SUP so that in the future the owner would be able to add additional small units to the property without having to come back before the Planning Commission. Ms. Thornton made suggestions to amend the prior special use permit. Chairman Yancey agreed to removing specificity in the resolution.

Mr. Crozier came forth as a citizen and described the boarding facility as a "pet hotel" and advised the Nammacks are wonderful neighbors. He explained the restrictions on the Special Use Permit from 2009 were imposed by the owners as they were concerned about doing the right thing.

Vice-Chairman Brooks made a motion to recommend the approval of the resolution of the existing Special Use Permit; motion was seconded by Mr. Hutchinson. The motion passed 4-0.

The Planning Commission recommended approval of SUP 19-01.
Vote 4-0

d. **STA 19-01:**

Proposal to amend Sec. 54-121 of the Orange County Subdivision Ordinance regarding approval, construction, and maintenance standards for roads.

Ms. Thornton referenced the presentation given by County Attorney Eric Lansing at a private meeting, and County Attorney Thomas Lacheney's memo of Feb 13, 2019, and advised she had nothing to add.

She explained the reason for the amendment is to clarify the board's intent concerning private roads and the Planning Commission's review of such. The amendment advises that private roads are not considered a right by the county, but if there is a demonstrable hardship, the county is providing provisions whereby private roads may be considered by the Planning Commission.

There were no questions and no public comment.

Vice-Chairman Brooks made a motion to approve; motion was seconded by Mr. Hutchinson. The motion passed 4-0.

6. Work session:

a. **GIS Presentation – Jim Whipp, GIS Analyst**

Jim Whipp, GIS Analyst, presented the County's Geographic Information System (GIS).

Mr. Whipp will develop an Institutional Land Use Map & Comprehensive Plan dashboard to be presented at the next meeting May 2, 2019.

b. **Glamping Presentation – Rusty Speidel**

Rusty Speidel, owner of Outside Stay, gave a presentation on glamping. The goal of his company is to try to help rural property owners create an additional value, by giving them high-end, upscale places for people to stay, and to monetize the property they may not already be using, and promotes economic development and tourism for the County.

The Planning Commission will have further discussion at their next meeting, on May 2, 2019, to discuss potential text amendments.

c. **Proposed amendment to Subdivision Ordinance Sec. 54-123 Road Maintenance Agreements for Existing Private Roads**

Ms. Thornton advised the County Attorney requested the Planning Commission review the proposed text amendment to subdivision ordinance 54-123 in reference to private roads. She explained the amendment would provide that if there is a recorded Road Maintenance Agreement on an existing private road, and no

extension of the private road is required, the subdivision agent may approve the subdivision.

Mr. Capelle asked, what is a recorded road maintenance agreement and what constitutes a private road? And did we just create a way for someone who already has a private road to get around having to come for approval.

Ms. Thornton advised a driveway serves 2 lots, and 3 or more lots would be considered a private road.

Mr. Capelle then asked if any road in the County, that is not a state road, regardless of how it was constructed; if there is a private road and there is a maintenance agreement recorded in the Clerk's office, at what point would it be recorded. He stated, "There is an odd thing going on".

Mr. Capelle advised he owns 33 acres with a road that goes thru it, serving his house and his neighbor's house. He then asked if he went to the Clerk's office tomorrow to record a road maintenance agreement with his neighbor, did he just create a way to cut his land into 2 acres, and put a house on every one, and not have to come to the Planning Commission to get private road approval? Vice-Chairman Brooks advised yes, based on what he is saying here, but there are other requirements, such as only having the road serve 10 lots.

Mr. Davis suggested deferring this matter until the planning Commission's next meeting when the County Attorney can be present.

Vice-Chairman Brooks made motion authorizing staff to advertise public hearing, motion was seconded by Mr. Capelle. The motion passed 4-0.

d. Proposed amendment to Subdivision Ordinance SEC 70-567 Planned Development

Mr. David suggested these text amendments also be open to public hearing.

Mr. Brooks made motion authorizing staff to advertise public hearing for SEC 70-567, all agreed by stating Aye

7. New Business

No new business was presented.

8. Old business:

a. CPA 18-02: Revised Mapping for the Orange County Comprehensive Plan update

The Planning Commission requested a draft Institutional Land and Use map to be presented at next month's meeting

b. Proposed Zoning Ordinance amendments – revised definition of “campground,” add definition of “travel trailer” and/or “recreational vehicle”

Vice-Chairman Brooks suggested continuing discussion along with glamping at May 2, 2019 meeting (see item 6.b. notes), all agreed

c. Board of Supervisors Report – Jim Crozier

Supervisor Crozier reported the fiber optics broadband project is moving along, and Orange County’s new Broad Band Manager starts May 6, 2019. The Public Safety Building should begin foundation work the following week. Staff at the Berryhill EMS station should be occupied within the week. The Germanna Wilderness Area has a tremendous amount of work going on, dealing with multiple issues from wastewater to roads. The work is more on a staff level at this time.

Mr. Capelle inquired when broadband will be available. Mr. Crozier stated again the new Broad Band Manager will start May 6 and he will be providing information in the future.

d. Planning Services Report – Sandra Thornton

Ms. Thornton advised the Commission of a private road application expected to be included on the May 2, 2019 meeting agenda

9. Commissioner comments

Chairman Yancey had no comments.

10. Next meeting date – May 2, 2019

11. Adjourn

Mr. Capelle made a motion to adjourn; motion seconded by Mr. Hutchinson. Meeting adjourned at 8:32 p.m.


George Yancey, Chair


Sandra B. Thornton
Planning and Zoning Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.