

BOARD OF SUPERVISORS MINUTES

JANUARY 22, 2019

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 22, 2019, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James K. White, Chairman; James P. Crozier, Vice Chairman; R. Mark Johnson; S. Teel Goodwin; and Lee H. Frame. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY19 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
48110001-43255	GIS Services	\$ 10,100.00	\$ (4,100.00)	\$ 6,000.00
41252001-43255	Contract Services - GIS	0.00	4,100.00	4,100.00
30034005-34030	FBI OT Reimbursements	0.00	(1,489.00)	(1,489.00)
43120001-41200	Wages - Overtime	156,835.00	1,489.00	158,324.00
30030002-33625	Donations - Triad	(1,677.00)	(750.00)	(2,427.00)
43177002-46800	Guardian Pendant Expenses	1,075.00	750.00	1,825.00
30045040-36050	Fire Programs	(85,200.00)	(9,169.00)	(94,369.00)
43250001-45500	Training Expenses	85,200.00	9,169.00	94,369.00
30030006-33500	Donations - Animal Shelter	(119,676.46)	(720.00)	(120,396.46)
30030006-33500	Donations - Animal Shelter	(119,676.46)	(2,284.00)	(121,960.46)
30030006-33500	Donations - Animal Shelter	(119,676.46)	(825.00)	(120,501.46)
43520003-43115	Prof. Serv. - Emergency Vet	132,731.46	3,829.00	136,560.46
30026501-32425	Friends of the Lib. Donations	(3,775.94)	(600.00)	(4,375.94)
47311001-46462	Books - Adult - Other Vend.	3,022.00	100.00	3,122.00
47311001-46800	Library Prog. Expenses	3,950.00	500.00	4,450.00
30033501-33250	Miscellaneous	(52,587.00)	(5,827.00)	(58,414.00)
48150007-46800	Prog. Exp. - ED Workshops	1,500.00	5,827.00	7,327.00
30033502-33250	Miscellaneous	(1,000.00)	(20,000.00)	(21,000.00)
49310001-47312	To Cty. Capital Project	898,592.00	20,000.00	918,592.00

30051003-39100	Transfer from General Fund	(898,592.00)	(20,000.00)	(918,592.00)
49400000-48005	Capital Project Development	245,711.00	20,000.00	265,711.00
30045004-35975	FA - DCJS for Sheriff	0.00	(219.00)	(219.00)
43120006-46800	Forfeited Asset Expenses	24,356.00	219.00	24,575.00
30052010-39900	Appropriated Fund Balance	(1,762,813.00)	(35,000.00)	(1,797,813.00)
30025001-31600	Charges for Waste Disposal	(350,000.00)	(40,000.00)	(390,000.00)
44240001-43240	Leachate Management	83,695.00	75,000.00	158,695.00
TOTALS		\$ (1,867,906.86)	\$ 0.00	\$ (1,867,906.86)

RE: RENEWAL OF THE CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS FOR POWER COTS

As part of the Consent Agenda, the Board approved Cooperative Contract # 5012015 with Prince William County for power cots, chairs, and related equipment for a one (1) year term, as presented.

RE: RENEWAL OF THE CONTRACT WITH CULPEPER PETROLEUM-SOUTHERN STATES

As part of the Consent Agenda, the Board authorized staff to renew the contract with Culpeper Petroleum-Southern States for a one (1) year term, the third of four (4) possible renewals, as presented.

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- December 18, 2018 Worksession
- December 18, 2018 Regular Meeting

RE: NEW BUSINESS

RE: REQUEST FOR LETTER OF SUPPORT FOR RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES' GRANT FUNDING

Alyson Simpson, Chief Deputy Clerk, presented a letter from Rappahannock-Rapidan Community Services requesting the Board's consideration to send a letter of support regarding their request for grant funding through the Commonwealth of Virginia's FTA Section 5310 Program. She noted the grant would be used to purchase five (5) vehicles for various transportation needs.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized the County Administrator to send a letter of support to Rappahannock-Rapidan Community Services on behalf of the Board of Supervisors regarding their request for grant funding from the Commonwealth of Virginia to purchase a total of five (5) vehicles to be used in their various transportation programs, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: LAKE OF THE WOODS ADAPTIVE WATERSPORTS; REQUEST FOR PERSONAL PROPERTY TAX EXEMPTION

Alyson Simpson, Chief Deputy Clerk, explained that the Board had received a request for personal property tax exemption from Lake of the Woods Adaptive Watersports, an organization recognized as a 501(c)3 and classified as a public charity. She added that the subject personal

property included a Chevrolet Tahoe, boat, and trailer, and would include only such personal property titled to the organization. Ms. Simpson indicated the approximate annual taxes would be \$330.75, and that the Board could determine whether they wanted to schedule a Public Hearing to consider the request further.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized staff to schedule a Public Hearing on Tuesday, February 12, 2019, to receive public comment on and consider the request from Lake of the Woods Adaptive Watersports for personal property tax exemption, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director / Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: WEBSITE REDESIGN COMMITTEE

R. Bryan David, County Administrator, explained that the Board had previously discussed a scheduled redesign of the Orange County website as part of the original contract with CivicPlus. He noted that the discussion focused on a wide-range of thoughts and ideas on needed improvements, as well as those features from the current website that should be retained. Mr. David suggested that an ad hoc committee be formed to allow members of the Board to work with staff on the website redesign and help develop prototypes for consideration by the full Board.

By consensus, the Board appointed Vice Chairman Crozier and Supervisor Johnson to the "ad hoc" Website Redesign Committee to work with staff on the various components of the website redesign, as presented.

RE: FOUR COUNTY PLAYERS BACKSTAGE EXPANSION PROJECT

R. Bryan David, County Administrator, presented a request to the Board from Four County Players to enclose and extend the open theater-level deck located at the rear of the existing building. He explained the project would provide an enclosed area, not exposed to the elements, and would provide more efficient theater productions. Mr. David indicated that revisions to the building's lease were made in 2017 to allow for improvements by Four County Players, at its own expense and contingent upon approval by the Board of Supervisors, for which he was seeking preliminary approval at this time.

Discussion ensued among the Board regarding: a review of the scope of the project; and the County permitting process.

By consensus, the Board provided preliminary approval of the Four County Players' Backstage Expansion Project, with the understanding the following steps were required to be completed before the Board of Supervisors could consider granting final approval:

- i. Contact the Barboursville Ruritan's leadership regarding the project; coordinate with the Barboursville Ruritan leadership to determine whether the project may affect any utility or access easements to the organization's building; and, if such impacts are identified, resolve those impacts to the satisfaction of the Barboursville Ruritan leadership.
- ii. Proceed with preparing and submitting the County's required site plan for review and approval, including review by the Barboursville Village Overlay District (BVOD) Advisory Committee, erosion & sediment control plans, if necessary, and building plans.

RE: HEALTHY WATERSHEDS PROJECT UPDATE

R. Bryan David, County Administrator, provided an update to the Board on the County's participation as a pilot locality for the Healthy Watersheds Project, a Virginia Department of Forestry initiative. He explained that a community workshop was held by the consultants to hear from stakeholders concerning forest conservation in Orange County, as it related to local land use policies. Mr. David indicated a report from the consultant would be forthcoming, followed by possible input from the Planning Commission.

The Board took the information regarding the Healthy Watersheds Project under advisement, and there was no action taken at this time.

RE: BOARD COMMENT

Supervisor Goodwin requested the Public Hearing for the Rapidan Road (Route 615) through truck traffic restriction be moved to the March 12, 2019, Public Hearing, which would begin at 7:30 p.m. He explained that a commitment with his employer had him out of town on the previously-scheduled date.

Supervisor Johnson noted an article from 1951 in the Orange Review, which he found while doing research, that detailed interesting events from a Board meeting regarding various transportation efforts.

Supervisors Frame, Goodwin, and White announced their plans to seek re-election as the District Three, District Five, and District Two Supervisors, respectively, during the election in November.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- October 24, 2018 Rappahannock-Rapidan Regional Commission (RRRC) Minutes
- December 11, 2018 Culpeper Soil and Water Conservation District (CSWCD) Minutes
- July 19, 2018 Rapidan Service Authority (RSA) Minutes
- September 20, 2018 Rapidan Service Authority (RSA) Minutes
- October 29, 2018 Health Center Commission Minutes
- VDOT Monthly Report for January
- Letter from Virginia DEQ Regarding Regional Water Supply Plan
- Thank You Letter from Piedmont Regional Dental Clinic
- Welcome Sign Project Update

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. Frame, which carried by a vote of 5-0, the Board appointed David Francis as an At-Large Representative on the Rappahannock-Rapidan Community Services Board (RRCSB), filling the unexpired three-year term of William Hepler, with said term commencing immediately, and expiring on December 31, 2019.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of January 2019, February 2019, and March 2019.

RE: SCHEDULE A JOINT MEETING WITH THE VIRGINIA COOPERATIVE EXTENSION

By consensus, the Board authorized staff to advertise for and schedule a joint meeting with the Virginia Cooperative Extension on Tuesday, March 12, 2019 at 6:00 p.m.

RE: RECONVENE CLOSED MEETING

On the motion of Mr. Johnson, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board reconvened Closed Meeting at 5:23 p.m.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:02 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 7:02 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:02 p.m.

RE: PUBLIC HEARING #1; SUP 18-01; SELF-STORAGE FACILITY

Sandra Thornton, Principal Planner, presented the staff report and Special Use Permit (SUP) request from Joseph Daniel, Jr., which included information on the location and specifications of the subject property, the request to construct and operate a self-storage facility on Tax Map No. 12-36 and 12-45, the recommended conditions for approval, and recommended action by the Planning Commission.

Butch Davies, representative for the applicant, provided brief comments on the SUP, including implementation of the conditions; and a slight modification regarding the use of masonry.

At 7:09 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

SUP 18-01; SELF-STORAGE FACILITY

The Board of Supervisors will consider a special use permit application by Joseph Daniel Jr., on behalf of Michael Morch, for the construction and operation of a self-storage facility on Tax Map No. 12-36 and 12-

45, both of which are zoned General Commercial (C-2). Both parcels account for an approximate combined acreage of 8.29 and are located adjacent to Route 3 within Subarea 2 of the Germanna-Wilderness Area Plan. The future land use guidelines for the property are "Conservation & Open Space Recreation" and "Mixed Use Planned Development" with "Transportation Corridor Preservation-Corridor A" traversing the northern portion of the property.

There being no speakers, Chairman White closed the Public Hearing at 7:09 p.m.

Discussion ensued among the Board regarding: future consideration for retention of the existing trees as a buffer, given the age and condition of some of the trees.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

**ORDINANCE APPROVING SUP 18-01 TO ALLOW THE CONSTRUCTION AND OPERATION
OF A SELF-STORAGE FACILITY ON TAX MAP NO. 12-36 AND 12-45,
REQUESTED BY JOSEPH DANIEL, JR.**

WHEREAS, Joseph Daniel, Jr., on behalf of Michael Morch, applied for a Special Use Permit to construct and operate a self-storage facility on property referenced as Tax Map No. 12-36 and 12-45, containing a total of approximately 8.29 acres, pursuant to Section 70-483 (10) of the Orange County Zoning Ordinance; and

WHEREAS, the Department of Planning and Zoning recommended conditional approval of this Special Use Permit; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Special Use Permit request on December 6, 2018; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit 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, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as modified during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Special Use Permit request on January 22, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of January, 2019, that the Orange County Board of Supervisors hereby approves SUP 18-01 for Tax Map No. 12-36 and 12-45 for a Special Use Permit to construct and operate a self-storage facility, subject to the four (4) conditions and eight (8) sub-conditions, as set forth below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Conditions for Approval

**As adopted in Ord. No. 190122 - PH1
by the Orange County Board of Supervisors**

on January 22, 2019

SUP 18-01: Joseph Daniel, Jr.

*To construct and operate a self-storage facility
"Locust Grove West Self-Storage Facility"*

Tax Map No. 12-36 and 12-45

The conditions of this Special Use Permit ("SUP") shall apply to the properties identified on County Tax Map No. 12-36 and 12-45, as well as any future division or consolidation of said properties, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application 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. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated July 18, 2018.
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 property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits.
3. Uses – This SUP shall permit the construction and operation of a self-storage facility on Tax Map No. 12-36 and 12-45, or any consolidation of these two parcels.
4. Standards and Conditions –
 - a. Tax Map No. 12-36 shall be combined with Tax Map No. 12-45 via plat approval by the County prior to site plan approval for this project.
 - b. The design standards for the self-storage facility shall substantially conform to the building elevations shown on the general concept plan submitted with this application.
 - c. Existing trees located within 100' of the Route 3 right-of-way shall be preserved, excluding those needed to be removed as part of the construction process.
 - d. The rear yard requirement for this site shall be 100', meaning no structures may be constructed within 100' of the rear property line. Furthermore, existing trees located within this area are to be preserved.
 - e. The allowable exterior materials for the self-storage facility and any structures accessory to this use shall be as follows:
 - i. Brick;
 - ii. Stone;
 - iii. Glass (i.e. windows; not as a predominant material);
 - iv. Stucco or synthetic stucco, provided that the material shall not be allowed within 24 inches from grade;
 - v. Color impregnated decorative block;

- vi. Wood or metal as an accent material, provided that no more than 20% of any individual exterior façade shall consist of that material and that all the materials shall be finished for exterior use;
 - vii. Architectural precast concrete panels; and
 - viii. Horizontal siding (not including non-architectural vinyl siding).
- f. The exterior color scheme for the self-storage facility and any accessory structures shall not contain a primary use of bright, intense, fluorescent, or otherwise visually-striking colors.
 - g. Uncoated chain link fencing visible from any public right-of-way is prohibited.
 - h. Any proposed sign for the self-storage facility shall be monument style and a maximum of twelve (12) feet in height. The exterior materials for the sign shall consist mainly of those materials referenced in Standard (e).

RE: PUBLIC HEARING #2A; REZ 18-03; ASSISTED LIVING FACILITY

Sandra Thornton, Principal Planner, presented the staff report and Rezoning request from Mansour Azimipour, which included information on the location and specifications of the subject property, the request for rezoning from General Commercial (C-2) to Multi-Family Residential (R-4) on Tax Map No. 12-38, the voluntary proffers offered by the applicant, and the recommended action by the Planning Commission.

Discussion ensued among the Board regarding: concern regarding age-restriction on the use of the facility, as offered in the proffer statement; and clarification of an entrance from Route 3, as the proffers and site plan were conflicting.

Mansour Azimipour, applicant, provided a brief statement regarding his Rezoning request, reviewing the details of the rezoning request, the application process, the location of the subject property, and the proffers he offered. Additionally, he provided clarification on the age-restriction and access to the facility, as previously requested by the Board.

Discussion ensued among the Board regarding: flexibility in the building sizes currently shown on the proposed site plan.

At 7:24 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

REZ 18-03 / SUP 18-02; ASSISTED LIVING FACILITY

The Board of Supervisors will consider an application by Sabra LLC for a zoning map amendment for Tax Map No. 12-38. The zoning map classification for the subject parcel is proposed to change from General Commercial (C-2) to Multi-Family Residential (R-4). Contingent upon zoning map amendment approval, Elgan LLC, on behalf of Sabra LLC, has submitted a special use permit application for the construction and operation of an assisted living facility on the subject parcel. The proposed facility will consist of four buildings: three assisted living homes (approximately 7,000-8,000 square feet each), and one adult day care house (approximately 3,000-4,000 square feet). The subject parcel is approximately 6.79 acres and is located at the intersection of Route 3 and Somerville Road (Route 711) within Subarea 2 of the Germanna-Wilderness Area Plan. The future land use guidelines for the property are "Mixed Use Planned Development" with "Transportation Corridor Preservation-Corridor A" traversing the middle of the property.

The following individual spoke:

- Doug Rogers, 113 Birchside Circle, Locust Grove

There being no further speakers, Chairman White closed the Public Hearing at 7:25 p.m.

Discussion ensued among the Board regarding: the possibility of rejecting Proffer 1.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board tabled Public Hearing #2 regarding REZ 18-03, taking no action on the request.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC HEARING #3; REZ 18-04; NEWMAN

Sandra Thornton, Principal Planner, presented the staff report and Rezoning request from F. Douglas Newman, which included information on the location and specifications of the subject property, the request for rezoning a portion of Tax Map No. 33A-((1))-B from Agricultural (A) to Limited Residential (R-1), and the recommended action by the Planning Commission.

At 7:31 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

REZ 18-04; NEWMAN

The Board of Supervisors will consider an application by F. Douglas Newman for a zoning map amendment for a portion of Tax Map No. 33A-((1))-1B. The zoning map classification for the portion of the subject parcel currently zoned Agricultural (A) is proposed to change to Limited Residential (R-1), such that the entire parcel will be zoned R-1. The parcel is 2.599 acres in total, and the area subject to rezoning is 2.031 acres. The property is located approximately 206 feet from the intersection of Black Walnut Run Road (Route 602) and Lafayette Drive (Route 741). The parcel is in the "Village" future land use designation of the 2013 Orange County Comprehensive Plan.

There being no speakers, Chairman White closed the Public Hearing at 7:31 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING REZ 18-04 TO REZONE APPROXIMATELY 2.031 ACRES
FROM AGRICULTURAL (A) TO LIMITED RESIDENTIAL (R-1)
FOR A PORTION OF TAX MAP NO. 33A-((1))-1B

WHEREAS, F. Douglas Newman has requested the rezoning of a portion of property identified as Tax Map No. 33A-((1))-1B, totaling approximately 2.031 acres, from Agricultural (A) to Limited Residential (R-1), such that the entire 2.599-acre split-zoned parcel would be similarly-zoned; and

WHEREAS, the Department of Planning and Zoning recommended approval of the Rezoning request, which was considered a corrective action to address the split-zoning; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Rezoning request on December 6, 2018; and

WHEREAS, the Planning Commission considered whether the Rezoning request 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, the Planning Commission reviewed the Rezoning request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the Rezoning request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Rezoning request on January 22, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Rezoning request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of January, 2019, that the Orange County Board of Supervisors hereby approves REZ 18-04 to rezone approximately 2.031 acres from Agricultural (A) to Limited Residential (R-1), for a portion of property referenced as Tax Map No. 33A-((1))-1B.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC HEARING #2A; REZ 18-03; ASSISTED LIVING FACILITY (Continued)

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board agreed to reconvene and reconsider the Public Hearing regarding REZ 18-03.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Thomas Lacheney, County Attorney, indicated Mansour Azimipour, applicant, had voluntarily submitted a revised Proffer 1, which was presented to the Board.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING REZ 18-03 TO REZONE APPROXIMATELY 6.79 ACRES FROM GENERAL COMMERCIAL (C-2) TO MULTI-FAMILY RESIDENTIAL (R-4) FOR TAX MAP NO. 12-38

WHEREAS, Mansour Azimipour, on behalf of Sabra, LLC, has requested the rezoning of property identified as Tax Map No. 12-38, totaling approximately 6.79 acres, from General Commercial (C-2) to Multi-Family Residential (R-4); and

WHEREAS, the Department of Planning and Zoning recommended approval of the Rezoning request, subject to the proffers submitted by the applicant; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Rezoning request on December 6, 2018; and

WHEREAS, the Planning Commission considered whether the Rezoning request 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, the Planning Commission reviewed the Rezoning request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the Rezoning request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Rezoning request on January 22, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Rezoning request, as modified during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of January, 2019, that the Orange County Board of Supervisors hereby approves REZ 18-03 to rezone approximately 6.79 acres from General Commercial (C-2) to Multi-Family Residential (R-4), on property referenced as Tax Map No. 12-38, subject

to the three (3) proffered conditions set forth herein and reflected within the summary of proffered conditions, as shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Summary of Proffered Conditions

**As adopted in Ord. No. 190122 - PH2a
by the Orange County Board of Supervisors
on January 22, 2019**

REZ 18-03: Sabra, LLC

Tax Map No. 12-38

1. The occupancy and use of the property shall be limited to an Assisted Living Facility.
2. All units will utilize public water and sewer service.
3. Land clearing shall only occur to the extent necessary to install the development as shown on the submitted site plan. A wooded riparian buffer at least 50' from either side of the stream (if applicable) shall be retained except as may be needed for storm water management facilities, utilities, or a road crossing. Complete clearing of the parcel shall not occur.

RE: PUBLIC HEARING #2B; SUP 18-02; ASSISTED LIVING FACILITY

Following approval of REZ 18-03, the Board considered SUP 18-02, a Special Use Permit (SUP) application, which was advertised for and submitted contingent upon approval of REZ 18-03.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING SUP 18-02 TO ALLOW THE CONSTRUCTION AND OPERATION OF AN ASSISTED LIVING FACILITY ON TAX MAP NO. 12-38, REQUESTED BY ELGAN, LLC

WHEREAS, Ken Tomayko, on behalf of Elgan, LLC, applied for a Special Use Permit to construct and operate an assisted living facility on property referenced as Tax Map No. 12-38, containing a total of approximately 6.79 acres, pursuant to Section 70-423 (1) of the Orange County Zoning Ordinance; and

WHEREAS, this application was submitted contingent upon the Board of Supervisors' consideration and approval of REZ 18-03, an application by Sabra, LLC to rezone the subject property from General Commercial (C-2) to Multi-Family Residential (R-4); and

WHEREAS, the Department of Planning and Zoning recommended conditional approval of this Special Use Permit; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Special Use Permit request on December 6, 2018; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit 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, the Planning Commission reviewed the request and, having previously recommended approval of REZ 18-03, determined that the request was consistent with the considerations above, and, as

such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Special Use Permit request on January 22, 2019; and

WHEREAS, after deliberation, and having previously approved REZ 18-03, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request, as modified during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of January, 2019, that the Orange County Board of Supervisors hereby approves SUP 18-02 for Tax Map No. 12-38 for a Special Use Permit to construct and operate an assisted living facility, subject to the four (4) conditions and six (6) sub-conditions, as set forth below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Conditions for Approval

**As adopted in Ord. No. 190122 - PH2b
by the Orange County Board of Supervisors
on January 22, 2019**

SUP 18-02: Elgan, LLC

To construct and operate an assisted living facility

Tax Map No. 12-38

The conditions of this Special Use Permit ("SUP") shall apply to the properties identified on County Tax Map No. 12-38, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application 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. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein, the documents submitted with the application dated July 23, 2018, and the revised preliminary site plan dated January 14, 2019.
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 property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits.
3. Uses – This SUP shall permit the construction and operation of an assisted living facility on Tax Map No. 12-38.
4. Standards and Conditions –
 - a. Access to the property shall not be provided via Route 3 (Germanna Highway).

- b. Existing trees located within 100' of the Route 3 right-of-way shall be preserved, excluding those needed to be removed as part of the construction process or for stormwater management.
- c. The exterior color scheme for the assisted living facility and any accessory structures or permanent signs shall not contain a primary use of bright, intense, fluorescent, or otherwise visually-striking colors.
- d. Uncoated chain link fencing visible from any public right-of-way is prohibited.
- e. Any proposed sign for the assisted living facility shall be monument style and a maximum of twelve (12) feet in height. The exterior materials for the sign shall consist mainly of brick, stone, color impregnated decorative block, or architectural precast concrete panels.
- f. The proposed site shall be generally designed to incorporate the future construction of Transportation Corridor A, which is planned to connect to the intersection of A & K Boulevard and Somerville Road (Route 711).

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:37 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator