

**Orange County Planning Commission
Regular Meeting Minutes
Public Safety Building; Board Meeting Room
11282 Government Center Drive, Orange, Virginia 22960
Thursday, January 5, 2023**

Members Present: Donald Brooks, Chairman; Jason Capelle, Vice Chairman; George Yancey; Adam Bryington; and Bryan Nicol.

Members Absent: None.

Others Present: Nicole Gano-Washington, Development Services Director; Thomas Lacheney, County Attorney; Josh Frederick, Planning and Zoning Services Manager; Eric Bittner, Planner; Kyra Davis, Planner; and Alyson Simpson, Planning Commission Secretary.

1. Call to Order and Determination of Quorum

Chairman Brooks called the meeting to order at 6:00 p.m. and a quorum was established.

2. Organizational Meeting

a. Election of Chairman

The floor was opened for nominations for Chairman for 2023. Mr. Yancey nominated Mr. Brooks.

There being no further nominations for Chairman, Mr. Nicol made a motion, seconded by Mr. Yancey, which carried by a vote of 5-0, to close the floor for nominations.

On the motion of Mr. Yancey, seconded by Mr. Capelle, which carried by a vote of 5-0, the Commission elected Mr. Brooks as Chairman for 2023.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

b. Election of Vice Chairman

The floor was opened for nominations for Vice Chairman for 2023. Mr. Yancey nominated Mr. Capelle.

There being no further nominations for Vice Chairman, Mr. Yancey made a motion, seconded by Mr. Bryington, which carried by a vote of 5-0, to close the floor for nominations.

On the motion of Mr. Yancey, seconded by Mr. Nicol, which carried by a vote of 5-0, the Commission elected Mr. Capelle as Vice Chairman for 2023.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

c. Establish Regular Meeting Schedule

On the motion of Mr. Yancey, seconded by Mr. Capelle, which carried by a vote of 5-0, the Commission established its Regular Meeting schedule for 2023, as presented.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

3. Adoption of Agenda

On the motion of Mr. Capelle, seconded by Mr. Bryington, which carried by a vote of 5-0, the Commission adopted the agenda, as modified, to include reordering the Wilderness Crossing Worksession topics.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

4. Adoption of Minutes

a. November 10, 2022 Regular Meeting

On the motion of Mr. Nicol, seconded by Mr. Yancey, which carried by a vote of 5-0, the Commission adopted the November 10, 2022 Regular Meeting minutes, as presented.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

5. Public Comment

At 6:05 p.m., Chairman Brooks opened the floor for Public Comment.

There being no speakers, Public Comment was closed at 6:05 p.m.

6. Public Hearings

a. STA 22-04 / ZTA 22-02

A proposed amendment to Sec. 54-17 of the Subdivision Ordinance and Sec. 70-37 of the Zoning Ordinance that would allow the Subdivision Agent or Zoning Administrator to withhold various development approvals in the event a property is delinquent in taxes, or if the owner is in default of any agreement or requirement.

Josh Frederick, Planning and Zoning Services Manager, presented the staff report, which included information on the following: the purpose of the text amendment; and the proposed amendment language. Mr. Frederick concluded his staff report by indicating the recent recommendation to defer action on this matter.

At 6:07 p.m., Chairman Brooks called the Public Hearing to order.

There were no speakers, and the Public Hearing was left open at this time.

On the motion of Mr. Capelle, seconded by Mr. Nicol, which carried by a vote of 5-0, the Commission deferred action on the matter until its meeting on March 2, 2023.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

b. REZ 22-04

An application from Hugh Wright, Sr., on behalf of Orange Commercial Properties, LLC, to rezone an approximately 1.5-acre portion of property located along Old Gordonsville Road (Route 647) southeast of the Town of Orange, between Woodcrest Drive (Route 735) and Berry Hill Lane, from General Residential (R-2) to General Industrial (I-2). The property is identified as Tax Map Parcel 44-41. The property is recommended for Economic Development and Town/Suburban on the Future Land Use Map, as described in the Orange County Comprehensive Plan.

Eric Bittner, Planner, presented the staff report, which included information on the following: the location and specifications of the subject property; the request to rezone a portion of Tax Map No. 44-41 to General Industrial (I-2) to remove the legacy split-zoning; and staff comments related to the rezoning request. Mr. Bittner concluded his staff report by indicating that staff recommended approval of the request.

Discussion ensued among the Commission regarding: fencing and screening requirements; how those requirements would be met along the access road, given the limited property width at the pipestem; whether the access road was subject to the fencing and screening requirements; erosion and sediment plan and site plan approvals that would be required in the future, even with by-right uses; the potential relocation of a well and casing if the road had to be widened for truck access; clarification on the screening and buffering requirements for industrial uses; the fact that no proffers were offered with the rezoning; the construction specifications that would be required for upgrading the property's access road; the fact that the existing entrance was nonconforming; the zoning history of the parcel, dating back to the original legacy split-zoning; and clarification on the estimated vehicle trips per day included in the applicant's narrative.

Hugh Wright, Sr., applicant, offered brief remarks regarding his rezoning request. He provided clarification on the potential use of the property, citing how the estimated number of vehicle trips per day was calculated.

At 6:36 p.m., Chairman Brooks called the Public Hearing to order.

The following individuals spoke:

- Raymond Parks, 13438 Cox Mill Road, Gordonsville
- Thomas Pratt, 13167 Old Gordonsville Road, Orange
- Janis Rieley, Representative of Rappahannock-Rapidan Community Services

There being no further speakers, Chairman Brooks closed the Public Hearing at 6:46 p.m.

Further discussion ensued among the Commission regarding: anticipated noise levels from the truck traffic; whether there were any limits on the number of trucks to be imposed through the Zoning Ordinance or VDOT; the potential legal challenge with not being able to meet the setback and buffering requirements; covenants and restrictions on the use of the property from the environmental assessments; and clarification from staff on the yard requirements, and ultimately, on the setback and buffering requirements.

On the motion of Mr. Capelle, seconded by Mr. Nicol, which carried by a roll call vote of 5-0, the Commission adopted the following resolution recommending denial, as presented:

WHEREAS, Hugh Wright, Sr., on behalf of Orange Commercial Properties, LLC, applied to rezone an approximately 1.5-acre portion of property located along Old Gordonsville Road (Route 647) southeast of the Town of Orange from General Residential (R-2) to General Industrial (I-2) in order to remove the legacy split-zoning of the parcel; and

WHEREAS, the request was pursuant to Sec. 70-191 *et seq.* and Sec. 70-541 *et seq.* of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission held a duly-advertised Public Hearing on this Rezoning request during its meeting on January 5, 2023; and

WHEREAS, the Planning Commission has determined that this Rezoning, as presented, would not further the purposes of the Comprehensive Plan and the Zoning Ordinance; would threaten the public health, safety, or welfare; would promote incompatibility with its surroundings; would impact the environment or natural, scenic, or historic assets of the County; and would result in substantial detriment to the surrounding property;

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of January, 2023, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good planning and zoning practice, that the Orange County Board of Supervisors deny REZ 22-04 (Orange Commercial Properties, LLC), as presented.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

7. New Business

There were no New Business matters at this time.

8. Old Business

a. Preliminary Plat for Winterberry Creek Subdivision

Eric Bittner, Planner, presented the updates on the Preliminary Plat for Winterberry Creek Subdivision for review and consideration by the Commission. He explained that, since the last meeting in November, 2022, all of the questions of the Commission had been answered and all of the requirements of the Subdivision Ordinance were considered fulfilled at this time.

There was no further discussion among the Commission.

On the motion of Mr. Nicol, seconded by Mr. Bryington, which carried by a vote of 4-0-1, with Mr. Capelle abstaining, the Commission adopted the following resolution of approval, as presented:

WHEREAS, the Planning Commission has been presented with an application for a Preliminary Plat for the proposed Winterberry Creek Subdivision, a development of 100 homes across several tax map parcels located along Willy Miser Lane and Ridgeway Drive; and

WHEREAS, Section 54-31 (f) of the Orange County Code of Ordinances requires Planning Commission review and approval of preliminary plats; and

WHEREAS, if the Planning Commission finds that the proposal meets the requirements of the Orange County Subdivision Ordinance, they shall adopt a resolution of approval; and

WHEREAS, the Planning Commission has considered the Preliminary Plat for the proposed Winterberry Creek Subdivision at a duly-advertised meeting on January 5, 2023;

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of January, 2023, that, after thorough review against the requirements of the Subdivision Ordinance, the Orange County Planning Commission hereby approves the Preliminary Plat for the proposed Winterberry Creek Subdivision, based on public necessity, convenience, general welfare, and good planning and zoning practice, as presented.

Ayes: Yancey, Brooks, Bryington, Nicol. Nays: None. Abstentions: Capelle.

* The Commission took a brief recess at 7:04 p.m. before reconvening at 7:36 p.m.

9. Worksession

a. REZ 22-03 (Wilderness Crossing)

The Generalized Development Plan

Eric Bittner, Planner, began review of the staff presentation related to Wilderness Crossing, specifically beginning with the discussion of the Generalized Development Plan.

Discussion ensued among the Commission, the applicant, the applicant's consultants, and the reviewing agencies, regarding: DEQ's position on the voluntary remediation program for the mines; components of the voluntary remediation program; documented and unknown or undocumented mine sites; the flexibility of the language in the proffers regarding the voluntary remediation program; the desire to see a commitment from the applicant to the voluntary remediation program and/or other similar programs; and remarks from the Department of Energy.

The Circulation / Transportation Plan and Transportation Impact Analysis

Eric Bittner, Planner, continued review of the staff presentation related to Wilderness Crossing, specifically on discussion of the Circulation / Transportation Plan and the Transportation Impact Analysis.

Discussion ensued among the Commission, the applicant, the applicant's consultants, and the reviewing agencies, regarding: construction of Goldmine Parkway and the timing or phasing to remove the development's traffic from Route 3; the proposed roadway design and compliance with the GWAP; changes in the proposed land bays and resulting changes on the Transportation Impact Analysis; the critical need to alleviate traffic on Route 3 and to keep traffic free flowing; reductions in the signalized intersections to be replaced with alternative intersections; the need for VDOT to review the changes in the land bays and determine the impacts on traffic; full access points to the development

versus partial access points; the proposed Route 20 realignment; the connection to Pilgrim Church Road; the internal roadway system and its proximity to Route 3; and the need to establish a hierarchy of the internal roadway types in order to understand size, magnitude, and pedestrian needs and access.

Design Guidelines

Eric Bittner, Planner, continued review of the staff presentation related to Wilderness Crossing, specifically on discussion of the Design Guidelines.

Discussion ensued among the Commission, the applicant, and the applicant's consultants, regarding: the authority of the Wilderness Crossing Review Board; enforcement of the design guidelines; the desire for the applicant to be more receptive to the Commission's feedback on the proposed design guidelines; the lack of creativity in the design guidelines and the desire to be unique and distinguished from other developments; moving the development further off Route 3 and not providing only minimal buffering; alignment of the proposed development with acceptable market conditions; the applicant's desire to be both creative and flexible in the allowable development; and dark sky lighting and compliance.

In concluding the Worksession discussion for the time being, Chairman Brooks allowed each of the Commissioners to make closing remarks. Mr. Nicol thanked the applicant and his team for being in attendance and acknowledged that some of the Commission's feedback could be difficult to hear. Mr. Bryington also thanked the applicant and indicated the need to settle the pending questions related to voluntary mine remediation. Mr. Yancey commented on his involvement with development of the GWAP and stated that he was familiar with other similar developments. He remarked that many discussions were taking place, but it didn't feel like achievements were being made on the application. Mr. Capelle indicated he was pleased with the progress on the proffers related to the mine remediation and he hoped to have the language cleaned up and resolved. He expressed the need to discuss the accuracy and reality of the Fiscal Impact Analysis and how to offset costs of the development so that citizens did not subsidize the development in perpetuity. Mr. Brooks thanked staff, particularly Mr. Bittner, for their contributions to the Worksession and acknowledged the size of the project and the need to get it right for Orange County. He expressed the desire to provide a guaranteed buffer to the historic asset of Pilgrim Church.

Kenny Dotson, applicant, thanked the Commission for its feedback and for the opportunity to participate in the Worksession.

10. Reports

a. Board of Supervisors Report

There was no Board of Supervisors Report at this time.

b. Planning and Zoning Services Report

There was no Planning and Zoning Services Report at this time.

11. Commissioner Comments

There were no additional comments from the Commission.

12. Next Meeting

The Commission was reminded of its next meeting on January 19, 2023.

13. Adjourn

On the motion of Mr. Capelle, seconded by Mr. Yancey, which carried by a vote of 5-0, the Commission adjourned its meeting at 9:56 p.m.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.



Donald Brooks, Chairman



Alyson Simpson, Planning Commission Secretary

While 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.