



# Board of Supervisors

## NON-AGENDA ITEM REPORT

Meeting Date: TBD

**TO:** Orange County Board of Supervisors

**FROM:** Joshua C. Gillespie, AICP, Planning and Development Services Director 

**THROUGH:** Theodore L. Voorhees, County Administrator 

**SUBJECT:** REZ 21-02 (Wilderness Crossing) and relation with the Germanna Wilderness Area Plan

### Background

Case REZ 21-02 (Wilderness Crossing) proposes rezoning of twenty (20) parcels totaling 2,618.5 acres from Agricultural (A), General Industrial (I-2), Limited Residential (R-1), and General Commercial (C-2) to Planned Development – Mixed Use (PDM). The subject parcels are located in the Subarea 4 (Wilderness Run) planning area of the Germanna-Wilderness Area. The rezoning application was reviewed by Orange County's Application Review Committee (ARC), was presented by the applicant to the invited public at an applicant-led Town Hall (~70 persons attended) and briefed by staff to the Planning Commission at a work session. Staff was also asked to make a list of items comparing the rezoning application Generalized Development Plan (GDP), Design Guidelines (aka pattern book), and proffered conditions to the Germanna-Wilderness Area Plan (GWAP).

### Discussion

The Board of Supervisors adopted the Germanna-Wilderness Area Plan (GWAP) on July 14, 2015, after a planning effort focusing on the county's primary development area. The plan was formulated to be deliberate, public, transparent, and reflective of the desires and needs of the county for the Germanna-Wilderness Area.

The adoption of the GWAP followed a visioning initiative involving the Board of Supervisors, the Planning Commission, and the Economic Development Authority that began the summer of 2013. These bodies jointly developed and adopted distinctive themes as part of the GWAP vision, including the one chosen to represent the essence of the vision: *A Place to Live, Work, and Play with a higher standard of design and development which is a self-contained, complete community that is appealing to current and prospective residents and is a place clearly differentiated from other places. It will be a dynamic destination that results in an economic engine for the entire County.*

The following text selected from the GWAP relates considerations for plan implementation by the County and others:

*The vision of this plan is hinged on four key considerations:*

- 1. Promoting connectivity;*
- 2. Providing ample conservation areas and open space;*
- 3. Setting standards and expectations for attractive and harmonious development;*

*4. Encouraging and supporting economic growth and development.*

*The GWAP future land use maps attempt to present a sustainable balance between these key considerations, while preserving the character of existing communities.*

...

*In order to implement the GWAP, certain milestones will need to be reached. These include: the drafting of the individual master plans for transportation, infrastructure and historic/cultural resources; the drafting of Zoning Ordinance and Subdivision Ordinance amendments to implement the land use goals; and implementation of the economic development branding and marketing strategy. The timely expansion of infrastructure (i.e. adequate public facilities), while not an individual milestone, will represent the successful ongoing implementation of this plan. As part of the Comprehensive Plan, periodic review of the GWAP will be both required and necessary for sustained success, as well as for ensuring that the county continues to meet its set goals and objectives.*

Implementation milestone to date 2021:

- a) Transportation master plan – No
- b) Infrastructure master plan – No
- c) Historic/cultural resources master plan – No
- d) Zoning Ordinance amendments – Yes. New zoning districts created:
  - a. Planned Development – Business (PDB)
  - b. Planned Development – Mixed Use (PDM)
  - c. Planned Development – Traditional Design (R-5)
- e) Subdivision Ordinance amendments – Yes. Amendments in 2018 revisions relate to interconnections and other layout standards, consistent with GWAP considerations.
- f) Implementation of the economic development and branding strategy – Ongoing.

Evaluation of the REZ 21-02 proposal for consistency with the GWAP compares the four key considerations (promoting connectivity, ample conservation and open space, standards and expectations for attractive and harmonious development, encouraging and supporting economic growth and development) and the specific future land use plans for Subarea 4 where the REZ 21-02 properties are located to the REZ 21-02 application.

GWAP Policy Statements and desired Future Conditions for consideration of the REZ 21-02 application are listed below in italics. Staff comments are in blue where provided.

- Check boxes are open  when in staff's opinion the proposal is not expected to fulfill this condition or it is unclear how the condition would be fulfilled.
- Check boxes are filled  when in staff's opinion the proposal is expected to fulfill this condition.

LAND USES AND ZONING  
POLICY STATEMENTS TO SHAPE FUTURE CONDITIONS

- ① Capitalize on the extensive amount of natural constraints to create opportunities to provide recreational use areas and open space.
- ② Establish flexible zoning techniques, such as planned unit development (PUD) zoning districts, to accommodate mixed residential and commercial activities.
- ③ Utilize the Route 3 Corridor District to limit access points along the highway in order to encourage and guide planned development along a new roadway within the transportation corridor preservation area. The district will also be used to maintain the integrity of Germanna Highway (Route 3) as an integral transportation corridor.
- ④ Coordinate future development with the provision of adequate public facilities and services, and plan for the impacts and necessity of reserving and/or acquiring property for these facilities within this subarea.
- ⑤ Ensure that property within planned developments and other areas is appropriately allocated among a mix of uses such that there is adequate residential, commercial, industrial, recreational and institutional property to promote a sustainable, attractive and harmonious community.

LAND USES AND ZONING  
Future Conditions – The 50 Year Vision

**Housing:**

- ⊗ *Clustered residential along with open space.*
  - Residential development around environmentally constrained areas designated for open space is not consistently clustered, and varies in type around ridges, slopes, and streams with many residential roads serving disconnected and isolated development areas.
- ⊗ *Mixed-density housing (detached and attached) in conjunction with commercial uses via planned development.*
  - Mixed-density housing (detached and attached) is separated and sometimes distant from commercial uses.
- ⊗ *Multi-family residential.*
  - Multi-family residential is present in the plan.

**Commercial:**

- ⊗ *A blend of innovative commercial development approaches within planned developments sited in a coordinated manner along the future transportation corridor preservation area to include: intensive planned commercial, a town center, and planned mixed use.*

- Commercial closest to Goodwin Drive appears to be auto-oriented and lacking pedestrian connections to the nearby town center and mixed use areas.
- ⊗ *Expanded retail goods and services and professional services (medical, etc.) across from the main entrance for Lake of the Woods on the north side of Germanna Highway (Route 3) along Goodwin Drive (Route 1059) and its future expansion in a traditional commercial development that adheres to the vision for this subarea.*
  - Do the retail goods and services and professional services (medical, etc.) along Goodwin Drive (Route 1059) and its future expansion in a traditional commercial development adhere to the vision for this subarea?
- ⊗ *Clustered businesses located in both intensive planned and traditional commercial developments around the future realignment of the Constitution Highway (Route 20) and Germanna Highway (Route 3) intersection.*
  - Apartments, open space and town homes are planned around the future realignment of the Constitution Highway (Route 20) and Germanna Highway (Route 3) intersection.
- ⊗ *Recreational-related businesses located near the Rapidan River.*
  - Recreational-related businesses are not present in the plan.
- ⊗ *Corporate office campus.*
  - A corporate office campus is not clearly identified on the plan.

**Hospitality-Related Uses:**

- ⊗ *Hotel and event center.*
  - Hotel is one potential use. No condition requires it.

**Healthcare-Related Uses:**

- ⊗ *Patient care and treatment.*
  - Could be located in the planned Commercial/Industrial Development area. No condition requires it.
- ⊗ *Medical device/instrument technology manufacturing.*
  - Could be located in the planned Commercial/Industrial Development area.
- ⊗ *Healthcare educational/training center campus in conjunction with area colleges/universities (including but not limited to the University of Virginia, Mary Washington University, Germanna Community College, Hospital Corporation of America, and Sentara Healthcare).*
  - Could be located in the planned Commercial/Industrial Development area.

**Public Uses:**

- ⊗ *At least one (1) large significant natural basin utilized as a water reservoir to supplement the water existing supply west of the subarea.*
  - No reservoir is shown.
  
- ⊗ *New water and wastewater treatment plants in close proximity to the Rapidan River.*
  - No new water and wastewater treatment plants are shown.
  
- ⊗ *A satellite public safety office centrally located within this subarea.*
  - A satellite public safety office is shown in the Town Center. The Sheriff's Office has commented that this office is not warranted or desired.

**Open Space/Recreational:**

- ⊗ *Active and passive park development to encourage the development of outdoor recreational commercial service businesses (canoe livery, etc.).*
  - A regional park with sports fields (active recreation) is planned adjoining the historic site along Route 3. No public access is shown for water recreation to support outdoor recreational commercial service businesses.
  
- ⊗ *Identify potential areas for multi-use paths and/or sidewalks connecting commercial and residential uses.*
  - Potential trails and/or sidewalks connecting commercial and residential uses are shown. The plan and proffered conditions do not provide conditions identifying who will develop trails, when trails are planned to be built, and the party(ies) responsible for repairs and maintenance.

(+Access to Parks and Recreation areas, not an item in the Germanna-Wilderness Area Plan)

- The Generalized Development Plan includes an Open Space and Recreation sheet with a note that "All residential properties to be within 1,000 ft [feet] of a recreational area no smaller than 10,000 gross square feet." This condition is not included in the proffered conditions.

**Zoning Strategies:**

- ⊗ *Planned Unit Development is a type of building development and also a regulatory process. As a building development, it is a designed grouping of both varied and compatible land uses, such as residential, commercial, light industrial, institutional, or some combination (mixed) of these uses, all within one contained development.*

- ☒ The Planned Development – Mixed Use zoning district is intended to facilitate this type of planned unit development.
  
- ⊗ *Land owners and developers will be provided with a “toolbox” of design and development standards for this subarea which complement adjacent land uses and development; promotes interconnectivity between developments; introduces appropriate natural buffering; and, gives regulatory flexibility to allow the co-location of residential, commercial, institutional, and light industrial land uses.*
  
- ☒ The Planned Development – Mixed Use zoning district is intended to facilitate this type of planned unit development while recognizing zoning level conceptual plans must be implemented by phases over time and through consistent and coordinated site level development.

INFRASTRUCTURE  
POLICY STATEMENTS TO SHAPE FUTURE CONDITIONS

- ① *All new development will utilize public water and wastewater.*
- ② *Promote inter-connectivity of roads, sidewalks, and paths between existing and future development within this subarea and adjacent subareas.*
- ③ *New roads will be built and maintained to Virginia Department of Transportation standards.*
- ④ *Access management policies will be utilized along Germanna Highway (Route 3) to increase safety and travel efficiency and to ensure its viability as an integral transportation corridor for the area.*
- ⑤ *Preserve designated future transportation corridors.*

INFRASTRUCTURE  
FUTURE CONDITIONS – THE 50 YEAR VISION

- ⊗ Transportation improvements will integrate safety, capacity, efficiency, and multiple modes and will be sufficient to meet projected demands.
  - Transportation improvements planned include roadways, sidewalks, and trails for multiple modes of travel. While detailed information is not available to determine the safety, capacity, and efficiency of the planned systems, it is clear that additional opportunities exist to interconnect with surrounding properties. The phasing and timing of planned transportation infrastructure is not included in the application or in proffered conditions.
- ⊗ Utility improvements including the extension of water, wastewater, stormwater, telecommunications (including wireless, cable, and digital subscriber lines, and fiber-optic), electricity, and natural gas will be available to meet projected demands.
  - Without a utilities master plan, utility improvements will be addressed section by section.
- ⊗ Appropriate infrastructure will be available to support public access to the Rapidan River along with complementary and environmentally sensitive riverfront development.
  - No infrastructure is shown to facilitate public access to the Rapidan River, or to provide complementary and environmentally sensitive riverfront development.
- ⊗ Trails are developed in the conservation and open space areas to connect to adjacent developments.

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- Trails shown to connect to adjacent developments within the development of the subject properties area not shown connecting to adjacent properties, except for one side path at the Future 25 Acres School Site.
- ⊗ At least one surface water impoundment to meet the future demands for water and wastewater services.
  - No surface water impoundment is shown on the subject properties.
- ⊗ Goodwin Drive (Route 1059) is extended in order to accommodate additional residential and commercial development.
  - One connection is shown as an extension of Goodwin Drive into a Commercial/Industrial Development area, with two (2) stub connections through adjoining property not in this proposal controlled by others at TM # 01300000000120. Likewise, a stub from the planned Goldmine Parkway is shown to property controlled by others at TM # 01300000000140.

## Proffered Conditions

Information not present

### **I. General Information.**

*The Applicant, and its respective successors and assigns, hereby agrees that the development of the Property, subsequent to approval of the rezoning application to which these proffers are attached, will be in general conformance with that certain generalized development plan titled “Generalized Development Plan – Wilderness Crossing” prepared by Sullivan, Donahoe & Ingalls, dated January 15, 2021, as last revised \_\_\_\_\_,*

### **II. Land Use.**

**D. Phasing of the Development.** *The Project will be developed in the following general phases, all subject to market conditions and forces:*

- 1. Phase 1: to include approximately \_\_\_\_\_ Residential Uses and \_\_\_ square feet of Commercial Uses*
- 2. Phase 2: to include approximately \_\_\_\_\_ Residential Uses and \_\_\_ square feet of Commercial Uses;*
- 3. Phase 3: to include approximately \_\_\_\_\_ Residential Uses and \_\_\_ square feet of Commercial Uses; and*
- 4. Phase 4: to include the remainder of the Residential Uses and remainder of available square footage for the Commercial Uses.*

*Notwithstanding anything to the contrary under this proffer statement, the phasing plan provided under this Section II D. may be amended by the Applicant from time to time to address market conditions and it is anticipated that the Commercial Uses will be developed after the Project has generated adequate Residential Uses concentration, which will occur during the later phases of the Project.*

**III. Transportation.** *For purposes of developing the Property and subject to the final review and approvals from both the Virginia Department of Transportation (“VDOT”) and the County, the Applicant will construct certain transportation improvements (“Transportation Improvements”) in general conformance with the GDP. Should any of the following individual improvements occur by others, then the Applicant shall have no further obligations with respect to such improvement constructed by others. All Transportation Improvements will be constructed, as required, during the four (4) phases of the development of the Property provided as follows:*

**[APPLICANT IS STILL REVIEWING PROPOSED IMPROVEMENT PLAN]**

**VI. Exhibits.** *All of the following exhibits are included as a material part of these Proffers and attached hereto:*

- A. *“Generalized Development Plan – Wilderness Crossing” prepared by Sullivan, Donahoe & Ingalls, dated January 15, 2021, as last revised \_\_\_\_\_2021, and marked as **Exhibit A**;*

Provisions allowing the applicant to alter the conditions without Board approval.

*II.C.(12) - Notwithstanding anything to the contrary under these Proffers, the Applicant may modify or adjust the aforesaid mix of uses under the Land Use Plan to address future market conditions, final design requirements and unforeseen development constraints.*

*II.D. **Phasing of the Development.** The Project will be developed in the following general phases, all subject to market conditions and forces:*

- 1. **Phase 1:** to include approximately \_\_\_\_\_Residential Uses and \_\_\_ square feet of Commercial Uses*
- 2. **Phase 2:** to include approximately \_\_\_\_\_Residential Uses and \_\_\_ square feet of Commercial Uses;*
- 3. **Phase 3:** to include approximately \_\_\_\_\_ Residential Uses and \_\_\_ square feet of Commercial Uses; and*
- 4. **Phase 4:** to include the remainder of the Residential Uses and remainder of available square footage for the Commercial Uses.*

*Notwithstanding anything to the contrary under this proffer statement, the phasing plan provided under this Section II D. may be amended by the Applicant from time to time to address market conditions and it is anticipated that the Commercial Uses will be developed after the Project has generated adequate Residential Uses concentration, which will occur during the later phases of the Project.*

*II.D.[Out of sequence, this should be E] (6) - Notwithstanding anything to the contrary under these Proffers, the Applicant may modify or adjust the Design Guidelines described herein to address future market conditions, final design requirements and unforeseen development constraints.*

*“Notwithstanding” in these uses invalidates the purpose and effect of the proffered zoning conditions and staff recommends the removal of the provisions that include the invalidating terms.*

#### Financial Impact

For further discussion.

#### Recommended Action

**For the Board of Supervisors’ information. While no action is necessary, staff recommends expediting Board and Commission reviews by considering the following options:**

- work session with the Board of Supervisors**
- work session with the Planning Commission**

- **joint work session by the Planning Commission and BoS**
- **work sessions should be completed prior to a scheduled public hearing on this case.**

**Potential work session dates at scheduled meetings:**

<b>BOS scheduled meetings</b>	<b>PC scheduled meetings</b>
	October 7, 2021
October 12, 2021	October 21, 2021
October 26, 2021	November 4, 2021
November 17, 2021	November 18, 2021
December 7, 2021	December 2, 2021
December 21, 2021	December 16, 2021

Attachments

None, application materials are published online at <http://orangecountyva.gov/903/REZ-21-02-Wilderness-Crossing>

cc: Members, Orange County Planning Commission  
Members, Orange County Application Review Committee (ARC)