

**Orange County Planning Commission
Regular Meeting Minutes
Public Safety Building; Board Meeting Room
11282 Government Center Drive, Orange, Virginia 22960
Thursday, April 6, 2023**

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

Members Absent: None

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

1. Call to Order and Determination of Quorum

Chairman Brooks called the meeting to order at 5:58 p.m. and a quorum was established.

2. Adoption of Agenda

On the motion of Mr. Yancey, seconded by Mr. Bryington, which carried by a vote of 5-0, the Commission adopted the agenda, as presented.

3. Adoption of Minutes

a. February 16, 2023 Regular Meeting

On the motion of Mr. Capelle, seconded by Mr. Yancey, which carried by a roll call vote of 5-0, the Commission adopted the February 16, 2023 Regular Meeting minutes, as presented.

4. Public Comment

At 6:00 p.m., Chairman Brooks opened the floor for Public Comment.

There being no speakers, Public Comment was closed at 6:01 p.m.

5. Public Hearings

a. ZTA 23-01: Josh Frederick, Planning and Zoning Services Manager

A County-initiated Zoning Text Amendment which would amend §70-646 to reduce from 100 feet to 50 feet the building setback requirement for residential lots within the Lake of the Woods subdivision adjacent to Route 3.

Chairman Brooks called Mr. Frederick, the Planning and Zoning Manager, forward to present the staff report and purpose for the text amendment.

Chairman Brooks opened the public hearing at 6:06 p.m.

There were no speakers, the public hearing was closed at 6:07 p.m.

On the motion of Mr. Nicol, seconded by Mr. Bryington, to approve as presented, motion carried by a roll call vote of 5-0.

b. ZTA 23-03: Eric Bittner, Planner

A County-initiated Zoning Text Amendment which would amend §70-567C and §70-567F of the Orange County Zoning Ordinance to conditionally allow greater structure height within the alternative form provision of §70-567C(e).

Chairman Brooks called Eric Bittner, Planner, forward to present staff report and explain why the amendment is being brought forward. Discussion ensued.

Chairman Brooks opened the public hearing at 6:17 p.m.

There were no speakers, the public hearing was closed at 6:17 p.m.

On the motion of Mr. Yancey, seconded by Mr. Bryington, to approve as presented, motion carried by a roll call vote of 4-1, with Mr. Nicol in dissent.

c. SUP 23-01/ SUP-2023-00106: Kyra Davis, Planner

Wal-Mart Real Estate Business Trust has filed for a Special Use Permit (SUP) at 2533 Germanna Hwy, TM 01200000000420, which is zoned General Commercial (C-2) Conditional consisting of 13.52 acres. The recommended future land use is Germanna Wilderness Area Plan (GWAP); Mixed Use Planned Development in Sub Area 1: Spotswood. The Special Use Permit application is to modify the conditions of previously-approved SUP 11-05 for a large retail use, to now permit (a) re-painting of the store facade, (b) modifications to the free standing and building signage used for the store, (c) an expansion of the store to provide space for the staging of customer pick-up of pre-purchased merchandise, and (d) modifications to a portion of the parking area to provide designated space for customers picking-up pre-purchased merchandise.

Chairman Brooks called Kyra Davis, Planner, forward to present staff report and give presentation. The commission asked questions to staff. Rob Beaman, on behalf of Walmart, came forward to answer Commissioners questions. Discussion ensued.

Chairman Brooks opened the public hearing at 6:46 p.m.

There were no speakers, the public hearing was closed at 6:47 p.m.

On the motion of Mr. Nicol, seconded by Mr. Bryington, to approve subject to changes to the concept plan to route pickup traffic around the rear of the building, motion carried by a roll call vote of 5-0.

6. New Business

There was no new business.

7. Old Business

a. REZ 22-03 Wilderness Crossing (Deferred from March 23, 2023 Public Hearing): Eric Bittner, Planner

The Planning Commission will consider an application from Kenny Dotson of KEG III Associates, to rezone property located along north Germanna Highway (Route 3), between Rapidan Rd and the Spotsylvania County-Orange County line, and between Germanna Highway (Route 3) and the Rapidan River to Planned Development-Mixed-Use (PDM). The proposal includes the creation of six land use types, mixed-use development, and proffered conditions. The subject properties and their current zoning are Tax Map Parcels (TMP); 13-16, 13-5B, currently zoned as both A, Agriculture, and C-2, General Commercial; 24-90, currently zoned as C-2, General Commercial and R-1, Limited Residential, Conditional; 13-70, currently zoned as A, Agriculture, I-2, General Industrial, Conditional, and C-2, General Commercial; 13-10, 13-110, 13-130, 13-60, 13-6C, 13-6B, 13-6A, 13-30, 14-10, 13-20, 13-3A, 13-16B, 24-20, 24-2A, currently zoned as A, Agriculture ; 13-190, 13-20, zoned as I-2, General Industrial, Conditional. The total area of the proposed development is ±2,618.4 acres and is part of Sub-Area 4 of the Germanna-Wilderness Area Plan.

Chairman Brooks called Eric Bittner, Planner, forward to present staff report and took questions from the commission and to discuss the changes in the proffer statement.

Charlie Payne came forward on behalf of applicant and further explained the changes made to the proffer statement were based on the comments from the Public Hearing. Discussion ensued.

Mr. Frederick was called forward by Chairman Brooks to answer questions regarding GWAP and to explain why staff supports project. Mr. Frederick gave a detailed explanation. Discussion ensued.

Mr. Nicol made a motion to deny. Motion died for lack of a second.

On the motion of Mr. Yancey, seconded by Mr. Bryington, following discussion, on a motion to amend current motion to approve as presented using the recommended language provided by staff. Chairman Brooks gave a disclosure statement regarding his affiliation to the Pilgram Baptist Church. Discussion ensued.

Motion carried by a roll call vote of 3-2, with Mr. Capelle and Mr. Nicol in dissent.

8. Reports

a. Board of Supervisors Report: R. Mark Johnson, Board of Supervisors Liaison

Mr. Johnson had nothing to report.

b. Planning and Zoning Services Report: Josh Frederick, Planning and Zoning Services Manager

Mr. Frederick informed Commission on upcoming matters and when they would start working on the Comp Plan review. Discussion ensued.

9. Commissioner Comments

Chairman Brooks called Eric up and thanked him for a good job on such a large project. The Commissioners thanked the public for all their comments, the applicants, fellow Commissioners and staff, for their work in bringing this all together.

10. Next Meeting Date: May 4, 2023 Regular Meeting

11. Adjourn

On the motion of Mr. Capelle, seconded by Mr. Brooks, which carried by a vote of 5-0, the Commission adjourned its meeting at 8:46 p.m.



Donald Brooks, Chairman



Susan Crosby, 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.