

At a meeting of the Caroline County Planning Commission, held Thursday, January 27, 2022, in the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

Present

Dr. Carol Horton
Percell Minor
Robert Schwartz
Scot Sullivan
George Wieber

Absent

Leon Smith

Also Present

Chris MacKenzie – County Attorney
David Nunnally – Senior Environmental Planner
Craig Pennington - Planner
Lisa L. Zech – Admin. Assistant/Planning Tech

ORGANIZATIONAL MEETING

CALL TO ORDER – ORGANIZATIONAL MEETING

Lisa Zech called the Organizational Meeting to order at 7:00 p.m.

a. Election of Chairman

Lisa Zech called for nominations for Chairman of the Planning Commission for Calendar Year 2022.

Mr. Wieber moved and Mr. Schwartz seconded to appoint Percell Minor as Chairman of the Planning Commission for Calendar Year 2022.

Voting yea: Horton, Schwartz, Sullivan, Wieber

Abstain: Minor

** Motion carries **

Ms. Zech turned the meeting over to Chairman Minor.

b. Election of Vice-Chairman

Chairman Minor called for nominations for Vice-Chairman of the Planning Commission for Calendar Year 2022.

Mr. Wieber moved and Mr. Sullivan seconded to appoint Mr. Schwartz as Vice-Chairman of the Planning Commission for Calendar Year 2022.

Voting yea: Horton, Minor, Smith, Sullivan, Wieber

Abstain: Schwartz

** Motion carries **

c. Adoption of Rules of Order – 2022

Vice-Chair Schwartz stated the only thing he has noticed that he would suggest they change is when an individual presents themselves to make public comment, he would like to change it from name and address to just their name and voting district as the Board of Supervisors do at their meetings.

Vice-Chair Schwartz moved and Mr. Sullivan seconded to adopt the Rules of Order with the changes as stated.

Chris Mackenzie, County Attorney, stated for the record that the amendment to the Rules of Order before the Commission is to Article V, of the Rules of Order, Subsection 5, which would as amended read as follows:

“When members of the public offer comment, they need to clearly state their name and voting district prior to making their comments.”

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

d. Establish Dates and Times for Regular Planning Commission Meetings

Mr. Sullivan moved and Dr. Horton seconded to approve the Dates and Times for Regular Planning Commission Meetings for 2022 as presented.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

e. Close Organizational Meeting

Vice-Chair Schwartz moved and Mr. Wieber seconded to close the Organization Meeting at 7:05 p.m.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

CALL TO ORDER – REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES (NONE AT THIS TIME)**
3. **UNFINISHED BUSINESS**
- 3A. **SPEX-15-2021 – Gramm Properties, LLC, Owner / Everett, Randall, Applicant:** Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV, Section 5.19 (Rural Commercial Recreational Use) of the Caroline County Zoning Ordinance on Tax Map #27-A-57 consisting of 20 acres, more or less. This property is located at 10287 Paige Road (Route 605) approximately one mile east of Edgehill Academy Road (Route 632), Port Royal Voting District. The 2030 Comprehensive Plan designates this property as Agricultural Preservation. **Proposed Use:** Motocross Training School.

Craig Pennington, Planner, stated that the Applicant has requested that this be deferred until the February meeting of the Planning Commission in order to extend the opportunity for a site visit by Commission members.

Mr. Wieber agreed and said he believed they should accept the requested deferral by the applicant.

Dr. Horton moved and Mr. Wieber seconded that whereas the general welfare and good zoning practice warrants, I move to defer SPEX-15-2021 for Gramm Properties, LLC, Owner/Everett, Randall, at Applicant's request, to the next meeting for further discussion.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

Mr. Pennington said Staff would schedule site visits for the second week of February.

4. PUBLIC HEARING

Ms. Zech read the Public Hearing protocol.

Mr. Wieber recused himself due to a conflict of interest.

Mr. Mackenzie clarified that for quorum purposes, Mr. Wieber is making that disqualification under the Conflict of Interest Act.

Mr. Sullivan stated that he will abstain from the discussion and vote because he has a wedding venue and he does not want any perception of conflict of interest.

Mr. Mackenzie clarified that Mr. Sullivan is just abstaining to avoid the appearance of any conflict of interest, but he is not required to take action under the Conflict of Interest Act; however, Mr. Wieber did but his recusal does not affect the quorum.

- 4A. SPEX-18-2021 – Oliff, James, Owner/Applicant:** Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV (Rural Preservation), Section 5.23 of the Caroline County Zoning Ordinance on Tax Map #85-A-6 (part of) consisting of 6.2 acres, more or less. This property is located at 23134 Penola Road, Ruther Glen, Mattaponi Voting District. **The purpose** of this special exception is to expand the footprint of an existing special events facility by repealing and replacing a previously approved special exception (SPEX-06-2019). The 2030 Comprehensive Plan designates this area as Agricultural Preservation.

Mr. Pennington provided the following Staff Report:

Request:

The applicant is requesting a previously approved Special Exception permit to expand the footprint of an existing special events facility by repealing and replacing a previously approved special exception (SPEX-06-2019).

Discussion

The applicant is requesting a previously approved special exception for a special events facility be repealed and replaced to allow an expansion of the facility. In September 2020, the Board of Supervisors approved SPEX-06-2019 for a special events facility on 3.1 acres at 23134 Penola Road. Per the approved General Development Plan, the facility would include two event barns, a tent area, and parking.

The new special exception request expands the area of the special exception to 6.2 acres and will include two event barns, two bath houses, an event preparation building (carriage house), tent area, and parking. A house under construction on the same property will not be part of the special events venue.

The special events area designated on the General Development Plan (GDP) identifies the location of all activities associated with the wedding venue. All special events parking is proposed to be located behind the

crest of the hill on the property and would not be visible from Penola Road.

The subject property, containing 125 acres is bordered by the Mattaponi Springs Golf Course to the North and other residential properties on the remaining borders. A map created by staff that identifies adjacent structures and approximate distances to the proposed facility is included with this staff report.

Agency Comments

VDOT did not offer new comments on this request but comments on the previous request regarding a commercial entrance were addressed by the Applicant.

Comprehensive Plan

The 2030 Comprehensive Plan designates this area Agricultural Preservation (AP). The Plan further states:

This designation is intended to provide areas to encourage economic development and to preserve agricultural land for the viability of the County's agricultural sector. These areas are intended to encourage and promote the orderly and responsible growth of agricultural production activities, including crops, livestock, dairy, poultry and related activities that are harmonious with agricultural activities.

There is very little land actually zoned agricultural preservation in the county. The predominant zoning designation is Rural Preservation, where farming and agricultural uses are permitted. While special events facilities are not a permitted use in the AP District, it is allowed by special exception permit in the RP District, which is the current zoning designation for this property.

Route 601 is designated as a rural local road in the comprehensive Plan. The 2013 Average Daily Traffic Count was 420 vehicles per day (VPD). Between 2013 and 2019, there were fourteen (14) accidents on Route 601, nine with property damage only and five with injuries.

Suggested Conditions

The following conditions were approved with SPEX-06-2019 and Staff is suggesting the conditions remain the same for SPEX-18-2021:

1. The To-Wit (approval letter) for this special exception permit shall be recorded in the Office of the Circuit Court of Caroline County within 30-days of receipt from the Department of Planning and Community Development.
2. All outdoor activities associated with events shall be contained in the area depicted on the GDP as the venue area.
3. Amplified noise/sound shall be limited to the barn or venue area.
4. All noise/sound shall comply with Chapter 68 of the Caroline County Code, including the maximum Db limits established for the Rural Preservation zoning district, which shall not be exceeded.
5. This Special Exception is issued solely to James Oliff and is non-transferable other than to one or more of his immediate family or one or more of his or his family's business ventures.
6. This Special Exception shall be limited to weddings, receptions, birthday parties, anniversary parties, business meetings and similar events. No festivals or ticketed events shall be permitted.

7. There shall be no parking permitted outside of the area identified on the GDP approved with this permit.
8. All delivery and removal of food, tents, chairs, supplies, or other event services shall occur between the hours of 9 a.m. and 5 p.m.
9. The hours of operation shall be restricted to 9 a.m. to 8 p.m. Sunday through Wednesday, 9 a.m. to 10 p.m. Thursday, 9 a.m. to Midnight Friday and Saturday, including time needed for set-up, takedown, and departure of vendors and guests.
10. Trash receptacles shall be out of view from neighboring properties and disposed of properly.
11. Overnight parking of motor/recreational vehicles and/or accommodations shall be prohibited.
12. Any exterior lighting used to illuminate the event facility shall be source shielded and downward facing so as not to exceed 0.5 foot candles at the venue boundary.
13. One security person shall be employed per 100 guests.
14. One designated person shall be employed per 100 guests for traffic control for ingress/egress to the facility, which may be the same person(s) providing security.
15. The holder of this permit shall ensure that all proper licenses are obtained regarding alcoholic beverages.
16. A maximum of 70 total events shall be permitted in any twelve (12) month period. Multi day events shall be considered as 1 event for each day of the multi-day event.
17. Weddings shall be limited to Thursday through Sunday, other events may occur any day.
18. A record of all events held at the facility shall be maintained and made available for review or provided to the Sheriff's Office or the Department of Planning and Community Development upon request, which shall include the date, type of event, number of attendees, and hours of operation.
19. The maximum number of guests attending any one event shall be limited to one hundred fifty (150) with 20 events allowing two hundred (200).
20. The development and use of the property shall be consistent with the GDP submitted with and approved with this application and the minor site plan.
21. A minor site plan in accordance with Article XV, Section 14 of the Caroline County Zoning Ordinance shall be submitted to and approved by the County.
22. A permanent drainfield/on-site sewage disposal system approved by the health department shall be installed prior to commencing operation.
23. The applicant shall install the required VDOT entrance improvements based upon the number of events approved by the Board of Supervisors.

24. This permit shall be reviewed by the Board of Supervisors from the date of the issuance of the certificate of occupancy in year one, year two, year five and then every five years.

He stated the above conditions remain the same; however, Staff offers a Condition #25 that the two event barns cannot be used at the same time.

James Oliff, Applicant, stated there was one barn originally in 2020 when they got the first special exception and they planned a second barn as a wedding preparation barn, et cetera. He said instead of the second barn behind the house, they are now putting in a carriage house and will have carriages on display but it will be used as wedding preparation rooms.

He explained how after they got the first special exception, they were approached by public television to film a show in a rustic barn in Virginia. He said the public television people were afraid that the barn was not large enough on the inside and so they made a quick decision to build a larger barn and the public television show was filmed there, "The Great American Recipe" and it will be shown this summer.

He stated that they have hired a full-time event coordinator, Angela Bowles, and the house is under construction and will have a certificate of occupancy by the end of February and the carriage house as well will also be done by then. He said also with him tonight is Brenda Simmons, General Manager of the Golf Club and they are branding to link both the golf course and barns together in the concept that some wedding parties like to have golf, et cetera. He said also with him tonight is his son, Adam Oliff, Construction Manager on site and interfaces with all the contractors, et cetera.

He said they intentionally in this request, didn't add any additional requirements and kept everything identical to what was agreed upon with first special exception. He said the only thing they are adding is a second barn and they have no issue with the condition about not having two events at one time. He said nothing new is being requested, just another barn. He said they have expanded the footprint because people like to be on a wood line (ceremony site).

Chairman Minor declared the Public Hearing open for SPEX-18-2021.

Tony Pitts, Pitts & Associates, said he was not a resident but he is involved with the construction of the residence. He said he was in favor of this request.

David Storke, Bowling Green, stated he spoke on behalf of Mr. Oliff in 2020 and again he is speaking tonight. He said they want good growth in Caroline and he has seen the facility and it is an asset to Caroline County. He said the new barn can only be a positive addition to what's occurring there.

He stated that every business in the County struggles and every business impacts all other businesses. He said as a councilman in Bowling Green, he would look at the issues and then look at the applicant and ask would the applicant do the right thing. He spoke about his son playing golf at Mattaponi Springs and said it was the best home course.

Albert J. Lilly, Jr., Reedy Church District, stated he was here in opposition to this request and he spoke in opposition previously before the Planning Commission as well as the Board of Supervisors. He said in his opinion, a vote in favor of this project would further diminish and result in the destruction of the Rural Preservation District. He said a vote in favor of

the project is in favor of those who come there to party versus residents of the area. He said a vote in favor benefits those who sponsor and profit from the activities and not the residents. He said a vote in favor is in disregard of the safety of the residents.

He said the application checklist on page 4, mentions several factors. He said this proposal is out of character and there is no established pattern of development, et cetera. He stated there is an impact on adjacent properties such as traffic and noise. He said there would be an impact on safety and welfare of those living in the area, traffic, alcohol and driving after drinking, et cetera.

Kevin Wightman, Bowling Green District, County Building Official, stated that these structures that Mr. Oliff has built, his Department has personally inspected and issued the Certificate of Occupancy. He said he thinks this is a great use. He said Mr. Oliff spoke about the cooking shows that they had this past summer, 30 plus days they filmed out there, multiple traffic, catering trucks, there were no issues whatsoever.

He said that Mr. Oliff has not asked for any additional events and no larger occupancy load. He said what Mr. Oliff has built out there is top notch. He said his youngest son got married and they had to go all the way over to Stratford Hall to have his wedding. He said it would be awesome to have a facility here. He said his dealings with Mr. Oliff and his organization go back to the golf course. He said Mr. Oliff has kept his word and he would recommend approval of this request.

Valerie Gordon, Mattaponi Voting District, stated she is one mile from the facility and most of the residents are not aware of what's going on. She spoke about buses being more than the road can handle and said just because its permitted under this use, doesn't mean it should happen.

She said she was opposed previously because it is a narrow and windy road. She said the venue is not up and running yet, so they do not know the effects of the first special exception. She said there has not been any information on revenue (gross receipts), et cetera. She said they need to look into the impacts that will be caused by this expansion, etc. She asked the Planning Commission to vote no.

Tony Lippa, Sheriff, Bowling Green District, stated that Mr. Oliff is making the property more beautiful so County residents will have a nice venue. He said he is very much in favor of the Planning Commission voting yes for this project.

There were no further speakers and Chairman Minor declared the Public Hearing closed at 7:40 p.m.

Dr. Horton stated they approved the special exception originally because weddings were already allowed at the golf course so it was an expansion (barn).

Mr. Pennington said that was correct, they were allowed to have weddings with the original permit.

Dr. Horton asked if Mr. Oliff has used the barn for weddings.

Mr. Oliff said yes.

Dr. Horton asked if they were talking about using the original barn but having a larger facility.

Mr. Oliff said that was correct, but the activity does not change and it is still capped at 70.

Dr. Horton referred to the rendering and asked if the barns have been built.

Mr. Oliff said yes, both barns are built.

Dr. Horton said so they need to approve this second special exception permit to use the second facility.

Mr. Pennington said yes and explained right now the special exception that was approved in 2020 only encompasses the first barn and the carriage house and the parking area, 3.1 acres. He said this would expand the area of the special exception to 6.2 acres and would continue to have the original approval and the extra 3 acres added to the north.

Dr. Horton asked about the house that was on the property.

Mr. Oliff stated that the house was originally built in 1848 and he tried to save it but was unable to do that. He said the front section of the new house is dimensionally identical to the original home, et cetera. He said they will have a library and study dedicated to Anderson & Wright. He said they are not increasing the volume beyond what was approved and explained that they still have the same limitations, et cetera.

Dr. Horton asked if Mr. Oliff would be asking for more events in the near future.

Mr. Oliff said he would be tempted, but he will have to see what life brings.

Dr. Horton asked about having a tour/site visit.

Mr. Oliff said there is no problem with a visit but he does have a problem with time delays.

Dr. Horton stated the Commission is representing citizens and they have to see what they are dealing with.

Mr. Mackenzie asked Mr. Oliff if he had any response with regard to public comments during the Public Hearing.

Mr. Oliff said again, nothing has changed. He said the number of events, timing of events, et cetera, have not changed. He said they are only giving customers an option as to which barn to use.

Dr. Horton said there is a potential for more events in the future.

Mr. Oliff said yes, but if they feel the need more events, they will have to come back and ask for more; however, he does not think they will use 70 events in a year.

Dr. Horton continued speaking about potential in the future.

Mr. Oliff stated there will be mostly weddings in the barn.

Vice-Chair Schwartz stated that he remembers going to the property and it is beautiful. He said from his recollection there was a barn that had just been completed to be used for equipment/storage towards the rear of what is now a parking lot on the diagram.

Mr. Oliff said no, the equipment barn is much farther back beyond the parking area.

Vice-Chair Schwartz asked about Mr. Oliff wanting to add two bathhouses.

Mr. Oliff said they are bathrooms not bathhouses.

Vice-Chair Schwartz asked about the wedding tent, which a lot of venues do have, and so that is what they are increasing their footprint on would be the two bathrooms, the barn and tent.

Mr. Oliff said mainly the barn. He said he thinks they had a potential tent there but it is not going to be a permanent tent area. He said there may be times when some people want a tent.

Vice-Chair Schwartz asked how many events have they had.

Mr. Oliff said they have had very few events because they've been under construction (house).

Vice-Chair Schwartz asked if there has been an increase in accidents on Penola Road.

Mr. Oliff said that during the public television filming, they had 80 to 100 people every day from August to October as well as catering trucks.

Vice-Chair Schwartz asked Sheriff Lippa if his office had received any calls for drunks, disorderly conduct, et cetera.

Mr. Oliff stated that they had an agreement with the production company that there were to be no alcoholic beverages on site.

Sheriff Lippa stated his office has not had any calls regarding drunk driving, et cetera. He said they have had a logging operation on Penola Road and there have been no accidents from that.

Vice-Chair Schwartz said so no drunks, disorderly people or vandalism.

Sheriff Lippa said there have been no issues.

Chairman Minor referred to the house on the property and said he was not clear what that is going to be.

Mr. Oliff said the house on the property can be rented, wedding parties can stay there for the weekend, et cetera. He said from a safety standpoint that is desirable because people will not be going up and down Penola Road.

Dr. Horton asked if they were approving the use of the barn or use of the house.

Mr. Pennington explained that the house is not part of the special exception permit. He said for the house to be used as an overnight stay for wedding guests, then it would have to be permitted as a bed and breakfast, which would require another special exception permit. He said, however, if you own a house in Caroline County, you can rent your house out to someone, there is no zoning against that.

Vice-Chair Schwartz asked about the condition of no overnight parking.

Mr. Pennington stated there is no overnight parking allowed.

Vice-Chair Schwartz said he was wondering that if people are going to be staying there overnight are they going to be removing their vehicles so there is no overnight parking violation.

Mr. Pennington said if they are attendees of the wedding, they will need to remove their vehicle when the wedding is over and that is what the condition states.

Vice-Chair Schwartz asked Mr. Oliff if he was aware of the no overnight parking condition.

Mr. Oliff said no, he was not aware of that.

Vice-Chair Schwartz stated he remembers one of the conditions is that there be no overnight parking. He said if people are going to be staying at the house overnight, this presents a problem because of the condition about no overnight parking.

Mr. Oliff said he would think it would be appropriate to make an exception for that, that people who are staying in the home are permitted to park overnight and only those people are allowed to park overnight.

Vice-Chair Schwartz said this poses a problem because the Commission has already voted on those provisions and the Board of Supervisors has voted on those provisions and issued the special exception. He said the Planning Commission does not have the authority to grant an exception to that condition.

Mr. Mackenzie said as of right now, for the existing conditions, that is correct. But the conditions are before the Commission now and so the Commission could amend them now if they were so inclined. He said the law as it exists now is the conditions that are approved in 2020.

Vice-Chair Schwartz asked if the Planning Commission has the authority to alter the conditions that have been adopted by the Board of Supervisors.

Mr. Mackenzie said Staff has suggested conditions here and they are expanding the land that would be applied to those conditions and you are amending the existing special exception application. He said so if you wanted to amend the conditions, in addition to expanding the land to which it applies, he thinks that would be procedurally appropriate to amend the conditions and it falls within the realm of the Commission's discretion.

Dr. Horton said they need more information on overnight parking. She said Staff and the applicant need to get together on this.

Mr. Mackenzie stated that in the Commission's packet, Staff suggested conditions that were approved with SPEX-06-2019 remain the same for SPEX-18-2021. He said the condition they are talking about is #11, which says "Overnight parking of motor recreational vehicles and/or accommodations shall be prohibited." He said it would be appropriate, if the Commission so wished, to amend the suggested conditions to whatever the Commission believes would address their concerns. He said it is not in what was originally suggested, but you are allowed to do that if you so choose or proceed without amending conditions.

Vice-Chair Schwartz said if they do amend the conditions, how would that be monitored.

Mr. Pennington said it would be complaint based and the conditions do also call for reviews.

Vice-Chair Schwartz moved and Chairman Minor seconded that whereas Special Exception request SPEX-18-2021 for Oliff, James, Owner/Applicant, appears to be generally consistent with the goals and objectives of the Comprehensive Plan and Future Land Use Map, and whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, I recommend that SPEX-18-2021 be forwarded to the Board of Supervisors with a recommendation of approval with the conditions as suggested by Staff.

Dr. Horton said they are saying with the conditions there is no parking overnight.

Mr. Mackenzie stated the existing condition would remain the same, which is no overnight parking on the property.

Dr. Horton said that does not sound like what the applicant is asking for. She said she thinks they need a delay and more information.

Voting yea: Minor, Schwartz

Voting nay: Horton

Abstain: Weiber, Sullivan

** Motion carries **

5. ANY & ALL MATTERS

6. ADJOURNMENT

- Motion to adjourn to the February 24, 2022 meeting.

The meeting was adjourned at 8:07 p.m.

Respectfully Submitted,
Michael A. Finchum
Director of Planning & Community Development