

At a regular meeting of the Caroline County Planning Commission, held Thursday, February 23, 2023, in the Community Services Center Auditorium, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

Present

Dr. Carol Horton
 Percell Minor
 Robert Schwartz
 George Wieber
 Richard Williams

Absent

J.D. Young

Also Present

Leon Hughes, Director
 Craig Pennington, Planner

Chairman Schwartz called the Regular Meeting to order at 7:00 p.m.

Mr. Pennington read the Public Hearing Protocol.

Chairman Schwartz motioned and Mr. Wieber seconded to move item TXT-02-2023 to the first item on the agenda.

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

****Motion carries****

PUBLIC HEARING

TXT-02-2023 - An Ordinance to amend the Zoning Ordinance of Caroline County by amending Article XV (Supplemental Regulations), Section 8 (Development Standards), to amend Paragraph P. The purpose of this amendment is to modify the development standards for Rural Resorts to decrease the required minimum acreage for the special exception from 200 acres to 150 acres under the same ownership.

Mr. Pennington explained the proposed text amendment, TXT-02-2023, to the Zoning Ordinance of Caroline County is to amend the required acreage for a Rural Resort from 200 acres to 150 acres. This is in association with SPEX-06-2022 which has applied for a rural resort on properties encompassing 178 acres.

P. Standards for Rural Resorts (changes to Item 1 and Item 4 only.)

1. ~~The minimum parcel size shall be 200 acres.~~ Minimum acreage for the special exception shall be **200 150 acres under the same ownership.**
4. The number of lodging units allowed is as follows:

ACREAGE	MAX NUMBER OF GUEST ROOMS
150 200 - 249 ACRES	25 ROOMS
250 - 499 ACRES	50 ROOMS
500 - 749 ACRES	75 ROOMS
750 - 999 ACRES	100 ROOMS
1,000 + ACRES	150 ROOMS + 1 ADDITIONAL ROOM PER 25 ACRES OVER 1,000

Chairman Schwartz opened the Public Hearing/Closed. No speakers.

Planning Commission Comments/Questions

Mr. Wieber

- Clarified the text amendment is a result of a special exception application that does not meet the minimum acreage requirement.

Mr. Wieber motioned and Mr. Minor seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of TXT-02-2023, I recommend that TXT-02-2023, be forwarded to the Board of Supervisors with a recommendation of approval.

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

****Motion carries****

SPEX-06-2022 – New Earth Virginia, LLC, Owner/ Duquette, Jordan, Applicant: Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV (Rural Preservation), Section 5.36 of the Caroline County Zoning Ordinance on a portion of tax map nos. 55-A-79 and 70-A-13 consisting of 172.5 acres, more or less. This property is located at 14186 Devils Three Jump Road, Milford, Virginia, Mattaponi Voting District. Proposed Use: Rural Resort. The 2030 Comprehensive Plan designates this area as Rural Preservation.

Mr. Pennington provided the staff report

Discussion

The applicant is requesting approval of a Rural Resort on tax map numbers 55-A-79 and 70-A-13. This facility proposes to use traditional methods of natural farming of the property to educate clients on their mental and physical health through nutrition and various forms of meditation. Clients would not need referrals from doctors and would seek out this facility the same way a person would seek a therapist for support. The facility will use Sauna Therapy, Hyperbaric Oxygen Therapy, Cryotherapy, sensory deprivation tanks for therapy purposes along with glucose monitoring and DNA and blood panels for assistance with nutritional needs for better mental and physical health. The facility would treat anxiety, eating disorders, depression, and other mental health diagnoses through these natural practices as well as team building activities.

While improvements are proposed for accessory buildings to be utilized for massage, yoga, or meditation houses, all proposed structures are contained within the property and would not be visible from surrounding roads or properties. Noise and traffic impacts would be minimal as only standard conversation is expected from within the property, and the attendees would not be frequently entering and leaving the property.

Comprehensive Plan

the Comprehensive Plan shows this area as Rural Preservation. This use is consistent with a special exception permit in the RP Zoning district.

Suggested Conditions

Staff is offering the following suggested conditions:

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. The facility shall be limited to 25 overnight rooms.

3. Occupancy load shall be determined by the building official at time of permitting.
4. All noise/sound shall comply with Chapter 68 of the Caroline County Code, including the maximum DbA limits established for the Rural Preservation zoning district, which shall not be exceeded.
5. All arrivals of guests shall occur after 7AM and no departures of guests shall occur after 8PM.
6. 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 prior to commencing operation.
7. This Special Exception shall be reviewed by the Board of Supervisors two years after-issuance of the certificate of occupancy
8. This Special Exception is issued solely to New Earth Virginia, LLC and shall be non-transferable.

The Applicant did not give a presentation – Jordan Duquette was in attendance on behalf of the Applicant to answer questions.

Chairman Schwartz opened the Public Hearing

John Earl Mattaponi Voting District In favor.

Chairman Schwartz closed the Public Hearing.

Planning Commission Questions/Comments

Mr. Minor

- Comments received from neighbors?
 - No

Dr. Horton

- Will medications be administered?
 - Mr. Duquette responded that no prescription medications would be administered, only herbal supplements.

Chairman Schwartz

- Are those teaching nutrition certified as instructors and if so, by whom?
- In response to calls he has received expressing concern about the possibility of marijuana being grown on the property, he is recommending a condition that no plants with THC including hemp be grown on the property.
 - Mr. Duquette responded that they will be hiring certified nutritionist but does not know the certifying organization. Nutritionist will create meal plans for those attending the resort using results from the blood panel (done by a third party)
 - They had considered growing a field of hemp but decided against it.

In response to comments/questions from Mr. Minor and Chairman Schwartz, Mr. Pennington clarified the maximum number of rooms permitted by ordinance is 25 based on the acreage of the request. Multiple beds in a room would be permitted.

Mr. Minor:

- Requested clarification on Condition # 7
 - Mr. Pennington responded, as written, one review two years after issuance of a certificate of occupancy. The Planning Commission can modify.

Mr. Wieber

- Recommends they add another review two years after the first review.
 - Mr. Duquette agrees with the change in the condition.

Mr. Wieber motioned (amended by Mr. Schwartz) and Mr. Minor seconded whereas Special Exception request SPEX-06-2022 for New Earth Virginia, LLC 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-06-2022 be forwarded to the Board of Supervisors with a recommendation of approval with the following modifications:

Modify Condition #7: This Special Exception shall be reviewed by the Board of Supervisors at two years and four years after-issuance of the certificate of occupancy.

Add Condition #9: No plants containing THC, including hemp, shall be grown on the property.

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

****Motion carries****

TXT-01-2023 - An ordinance to amend the Zoning Ordinance of Caroline County, Virginia, by amending Article XV, Supplemental Regulations, Section 24, Overlay Districts, by 1) repealing and replacing Section 1- Chesapeake Bay Preservation Area to amend language related to the Chesapeake Bay Program Review and; 2) adding Section 2 - Floodplain Districts, to require the issuance of permits for development, and to provide conditions for variances to the terms of the ordinances

Mr. Pennington provided the staff report:

Staff is bringing forward for a public hearing a proposed text amendment to Article XV, Section 24 of the Zoning Ordinance to repeal and replace Section 1- Chesapeake Bay Preservation Area to amend language related to the Chesapeake Bay Program Review and to add Section 2-Floodplain Districts.

FEMA has updated the Flood Insurance Rate Maps and prior to the effective date of May 23, 2023, localities must adopt the floodplain regulations incorporating the new maps. The draft ordinance, based upon the Department of Conservation's model ordinance.

Currently the Floodplain Ordinance is included in Chapter 45 of the Code of Caroline and will be repealed in a separate action by the Board of Supervisors.

Chairman Schwartz opened the Public Hearing/Closed. No speakers

Planning Commission Comments/Questions

Mr. Wieber

- He is concerned as to how the revisions could be a large financial burden on some citizens (lake communities in particular) and would like to see the actual maps for clarity.

Mr. Wieber motioned and Dr. Horton seconded that whereas, the general welfare and good zoning practices warrants, I move to defer TXT-01-2023 to the next meeting for further discussion.

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

Motion carries

ANY & ALL MATTERS

Authorization to Advertise for Public Hearing - TXT-03-2023 Special Events Facility Standards

Mr. Pennington explained that the the Board of Supervisors directed staff to create standards for Special Events Facilities located in Caroline County including the provision to allow for a specific number of events that could be open to the public or ticketed events. Currently Special Events are limited to invitation only events. Staff has provided a number of standards that coincide with conditions that have been placed on most of the Special Events Facilities that have been approved in Caroline County. Staff is requesting that the Planning Commission review the standards for any additions or subtractions and authorize advertisement of a public hearing.

Mr. Wieber motioned and Mr. Minor seconded to authorize advertisement of a public hearing for TXT-03-2023 as presented.

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

Motion carries

Authorization to Advertise for Public Hearing - Proposed text amendments to Repeal of Sand & Gravel Operations

Mr. Penning explained that the Board of Supervisors has directed the Planning Department to create an ordinance regarding Minerals. During this time, staff feels it is necessary to repeal sand and gravel uses from the Zoning Ordinance and is requesting the Planning Commission authorize advertisement of a public hearing to consider repeal of the following:

Article IV Rural Preservation, repeal Section 5.3, Sand & Gravel Extraction & Sales.

Article X M-1 Industrial Section 3.3 Crushed Stone Operations

Article X M-1 Industrial, Section 3.5 Sand & Gravel Operations

Dr. Horton motioned and Mr. Minor seconded to authorize advertisement of a public hearing for the proposed amendments.

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

Motion carries

Authorization to Advertise for Public Hearing - Proposed text amendments to Article XV, Section 24 Chesapeake Bay Amendments

Mr. Penning explained that the Department of Environmental Quality had provided additional edits to the Chesapeake Bay Ordinance and staff is requesting authorization to advertise a text amendment related to those edits.

Dr. Horton motioned and Mr. Minor seconded an authorization to advertise the proposed text amendment for public hearing.

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

Motion carries

ADJOURNMENT

Mr. Wieber motioned and Mr. Minor seconded the motion to adjourn to the March 23, 2023 regular meeting.

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

** Motion carries **

The meeting adjourned at 8:00 p.m.

Respectfully Submitted,
B. Leon Hughes,
Director of Planning & Community Development