

Clarke County Planning Commission

MINUTES – Business Meeting

Friday, March 3, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓ ^E
Terri Catlett (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	✓ ¹

1 – Commissioner Lawrence was present but did not participate as the alternate.

E – Denotes electronic participation.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Chris Boies (County Administrator), Kristina Maddox (Office Manager / Zoning Officer)

OTHERS PRESENT: Langdon Greenhalgh (Carter Hall Estate), David Frank (Pennoni)

CALL TO ORDER: By Chair Ohrstrom at 9:00AM.

1. Approval of Agenda

The Commission unanimously voted to approve the agenda as presented by Staff.

Motion to approve the March 3, 2023 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (moved)
Glover	AYE	Staelin	AYE
Hunt	AYE		

2. Approval of Minutes

A. January 31, 2023 Work Session

The Commission unanimously voted to approve the January 31, 2023 Work Session meeting minutes as presented by Staff.

Motion to approve the January 31, 2023 Work Session meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Kreider	AYE
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		AYE

B. February 3, 2023 Business Meeting

The Commission unanimously voted to approve the February 3, 2023 Business Meeting minutes as previously revised.

Motion to approve the February 3, 2023 Business Meeting minutes as previously revised:			
Ohrstrom (Chair)	AYE	King	AYE (moved)
Buckley (Vice-Chair)	AYE	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE		

CONTINUED PUBLIC HEARING

3. SUP-22-02/SP-22-03, Carter Hall Estate, LLC.

Chair Ohrstrom noted Vice Chair Buckley and Commissioner Dunning previously read their conflict of interest statements disqualifying themselves from participating in the deliberation of this matter.

Mr. Camp provided an overview of the Staff report for this special use permit and provided an update from the applicants to request voluntary deferral of the application until April 7, 2023. He said the intent of the deferral is to allow time to significantly change the application to remove the event aspect. He said the applicant plans to resubmit the application by March 17, 2023. He said the draft resubmittal would be brought forward for the Commission’s review in April as long as there were no major issues. He said today marks the fifty-sixth day of the one-hundred day timeline for the Commission to take action on the application and noted should the Commission approve the deferral request, that the timeline would be paused until April 7, 2023. The Commission had no questions or comments.

Langdon Greenhalgh (965 Red Gate Road) said the Carter Hall owners wish to pause the SUP application process and defer their revised application to April 7, 2023. He said they will revise the application for country inn use only and plan to remove event uses, the conservatory, and pool. He continued that he hopes for clarification from the county if conditions will be placed on the country inn SUP regarding the continued grandfathered use of Carter Hall by a non-profit entity for meetings, conferences, and educational trainings. He said that as of September 21, 2022 such uses were granted by the Zoning Administrator as an established right and that any new conditions be made clear. He said many government agencies have already planned meetings and trainings at Carter Hall this year under their continuing use through Carter Hall Center for Conservation.

David Frank (Pennoni) stated they wish to revise the site plan and remove the events component of the country inn use. In detail, he said they plan to remove the conservatory, the conservatory walkways, the proposed garden areas, the pool, and the stormwater facility. He said the plan is essentially entrance improvements on Bishop Meade and drainfield improvements and will identify which buildings will be used for the country inn. He said they have already started discussions with the various agencies and fully expect to obtain approvals on the revisions.

Chair Ohrstrom opened the public hearing at 9:17AM.

Wingate “Winkie” McKay-Smith (1038 Carters Line Rd) said that in the forty years she has lived in the county, she has served sequentially on various committees and has seen well-ordered expansion around the existing infrastructure of our incorporated towns. She said in the last public hearing, she could not fail to notice how needed a plan is for the unincorporated village of Millwood as it faces pressure to expand. She said it will need to include a commercial district expansion area, a village housing expansion area, and a plan to slow the through traffic and provide parking areas. She said she believes the Carter Hall application is in alignment with the future village development. She said the previously permitted 22,236 square foot administration building and part of the grounds would be available to the community and the open land and the spring would be permanently protected by a conservation easement. She said it is her understanding that if the terms of the special use permit for the proposed events were violated, that permit could be revoked. She noted that not if but when development pressure makes it necessary to implement denser rural residential zoning, that the most logical place to rezone is the open space next to the already developed area of the village. She continued that she is in support of the original application as amended and is in support of the proposed conservation easement to protect the remaining open land and spring.

Peggy Duvall (54 Cunningham Ln) said she finds the pushback and negativity from the county government and citizens to Carter Hall’s proposed event use disappointing and is concerned that Carter Hall will now be faced with the need to develop the property. She said she agreed with a fellow citizen in that Millwood is in need of a Comprehensive Plan and suggested that the research presented by Carter Hall ownership as an opportunity in which to build a comprehensive plan. She added one of Carter Hall’s closest neighbors has a licensed shooting preserve that is fifteen feet from her own front windows. She noted that Carter Hall’s current ownership has addressed the issues of sound, light, utilities, and open land and that she has yet to hear a legitimate argument that they have not addressed. She said it is now the duty of the Commission to recognize the gift horse they have been presented for the future of Millwood and Carter Hall.

Chair Ohrstrom stated for the record there is an implementing component plan for all rural residential villages including Millwood that is scheduled to start later this year.

Juliet Mackay-Smith (199 Sugar Hill Rd) said she became an integral part of Millwood and the local community as the owner of Lockes Store for almost two decades. She said she does not believe the elements of conservation put forth by the owners have been highlighted enough in the Carter Hall public debate nor the potential fate of the property should they be denied the opportunity to make their plans financially viable. She noted the three remaining dwelling unit rights (DURs) that are available on the property and the quality of life to the neighboring properties should the land not be in conservation. She added the Staff report did not contain the potential long-term benefits of the proposed plan and that securing a conservation easement on Carter Hall is one of the most compelling assurances that the surrounding area will remain rural in character. While she is aware of the traffic and parking concerns, she said she hopes the proposed project at Carter Hall is a catalyst to engage other stakeholders as a partner to resolve these issues.

Dan Flynn (2014 Millwood Rd) said he is a retired federal employee who worked for the National Bureau of Standards and Technology, which specializes in accurate measurements of many quantities including acoustics. He said this was his specialty for twenty years when he worked in the “sound building.” He said he thought the original plan of the glass conservatory to be problematic as most buildings constructed to accommodate music are typically concrete or brick. Aside from the noise concern, he said there have been eight non-local vehicles who have missed the stop sign at the end of Bishop Meade and crashed into

their home resulting in serious and extensive damage. He said there is a sign at the top of the hill to indicate a stop sign ahead but he thinks it will be difficult to see at night especially if drivers have been drinking.

Charles Snead (1500 Millwood Rd) said Carter Hall ownership said they would not have the funds to operate the country inn and maintain the property without the event income and that if they did not receive their proposal, they would sell the property. He said he wanted to point out that no one in the group has any demonstrated history in running a country inn or any hospitality to good effect. He added that the country inn business is a difficult industry. Additionally, he said the Clarke County citizens need a sufficient amount of time to review the proposal and that Carter Hall Estates can ask for special use permits at any time after they are granted their proposal.

Alex Lee (24 Tannery Ln) said he and others thought the applicants were using the country inn SUP as a platform for hosting events, which created negativity amongst members of the community. He said he did not think Carter Hall addressed all issues satisfactorily and that he welcomes the applicant's decision to remove the event portion from their proposal. He said he looks forward to seeing what the new proposal holds for the country inn but hopes it is not a back door approach for events.

John Lane (1108 Bishop Meade Rd) voiced his traffic, trash, and animal carcass concerns along Bishop Meade as he bikes along the road often, which, he said, is getting to be more difficult. He said he understands the applicants have withdrawn the events from their application but believes the language to be a little vague regarding potential conventions and is also concerned that it is a backdoor approach.

Martin "Marty" Mayfield (905 Bishop Meade Rd) said he is in support of the Carter Hall owners recent proposal to open a fifteen room country inn and finds the proposal to be reasonable and a positive use for the space. He said he appreciates the owners' consideration to place a portion of the property into conservation easement, their intention to educate and engage with the community to study and preserve Millwood history, to encourage community use of the property, and to renovate, protect, and beautify the grounds. Additionally he hopes the proposal will result in employment opportunities and noted that he appreciates the owner's commitment to listen and respond to concerns through which they have demonstrated by modifying their plans. He said the village of Millwood is not only a beautiful place, but that it is a lively and diverse community of people who listen to one another.

Henry Julius (860 Bishop Meade Rd) said he sees this as the tip of the iceberg and believes there is more to the picture than what we are seeing. He said he does not currently support the changes but that he wishes to further study the new proposal and asked who would be responsible to oversee the project.

Janie Mason (675 Bishop Mead Rd) said she is a lifetime member of Millwood and is opposed to the Carter Hall plan. She said they are already inundated with heavy traffic and that additional visitors would further disrupt the community. She said it used to be safe to walk along the roads, quiet and peaceful. She said whatever their plans, that she hoped they would keep the Millwood citizens informed and suggested an advisory group.

Tim and Bridget Overcash (388 Mt Airy Farm Ln) thanked everyone for taking their concerns and the protection of their animals seriously. She said people congregating, the additional cars, trash truck noise, outside radios, and people talking on their cell phones outside are a few of her noise concerns as their property is so close to Carter Hall. She said her additional questions are regarding restaurant and guest possibilities and regulations. She added that she also has traffic concerns and hopes the traffic study can

be done before the Commission has to make their decision. Additionally she noted that gentrification displaced the very people you want to help.

Jim Rieger (479 Red Gate Rd) said he has lived in the area for about thirty years and is in support of the Carter Hall and used to attend meetings there when he worked at a non-profit out of the area. He said it is a lovely meeting space and worked well for that purpose. He also said that traffic is an issue and noted he does not think limiting Carter Hall to the country inn is going to help the issue.

With no further comments from the public, Chair Ohrstrom asked the Commission for their thoughts and comments.

Commissioner Staelin said that while there have been plenty of citizen comments over various Carter Hall concerns including noise, he never heard anyone speak negatively toward Mr. Greenhalgh and that generally people seem to respect and trust him.

Commissioner Glover noted that detailed information is needed up front and that it was only due to the Commission’s inquiries that they started to unravel some of the problematic details. He continued that Mr. Greenhalgh had said he wanted conditions for the SUP made clear to him now, which, to Mr. Glover means today but that in reality it means when the application is presented by the deadline.

Chair Ohrstrom entertained a motion to continue the public hearing and accept the applicant’s request to defer action on the application to the next Planning Commission Business Meeting on Friday, April 7, 2023 at 9:00AM.

The Commission voted 9-0-2 to continue the public hearing of **SUP-22-04/SP-22-03, Carter Hall Estate, LLC** to the next Planning Commission Business Meeting on April 7, 2023.

Motion to continue the public hearing of SUP-22-02/SP-22-03, Carter Hall Estate, LLC and defer action on this application at the next Commission Business Meeting on April 7, 2023 at 9:00AM.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	ABSTAINED	Malone	AYE (moved)
Glover	AYE	Staelin	AYE (seconded)
Hunt	AYE		

The Planning Commission Business Meeting recessed at 9:53am and reconvened at 10:03am.

Chair Ohrstrom urged the Commission to share their thoughts and comments with Staff by next week regarding the nonprofit use for Carter Hall for organization purposes. Commissioner Staelin offered various country inn examples such as if an entire family could rent the entire facility, if they could throw an outside party, etc. Mr. Camp said they are applying for a special use permit as a country inn when asked by Commissioner Glover for clarification and he said that as per county’s regulations, events are allowed as an accessory use to country inns. Commissioner Staelin asked if the nonprofit use is limited or grandfathered to 149 people. Mr. Camp responded that in a situation where they are renting out a space as an event venue it would require a special use permit and is not covered under the zoning approval. He said they would be permitted to hold an event function as part of the nonprofit. Chair Ohrstrom said it would

be difficult to define but he recommends the Commission think about separating events into their own special use permit rather than making them an accessory use. Commissioner Glover asked if there is documentation that clearly defines the grandfathered use of Project Hope to which Chair Ohrstrom replied there is a zoning determination letter. Mr. Camp said they were issued a permit or continuation of a non-conforming use as a benevolent nonprofit organization in addition to the zoning determination letter which defines what they cannot do but noted it does not get into specific details. Mr. Stidham said the special use permit can supersede what they are grandfathered for if the uses intermingle and that if they did nothing the grandfathered use would still allow them to have their conferences and trainings throughout the property. He said that information can be found within the zoning determination letter. He reiterated that if they ask for special use, we can supersede those activities and require certain conditions.

Commissioner Glover asked if a special use permit could have an expiration date. Mr. Stidham responded that we would need to have a very specific reason for placing a time limit and stated the only other time we have done that is for the solar farm facility. He said the other limiting factor of grandfathered cases is that the conferences and trainings have to be associated with the nonprofit entity and that they could be asked to provide a schedule and location.

Mr. Stidham replied that one nonprofit could be operating on the property at a time when asked by Commissioner Catlett who also noted that it seems there are two nonprofits in operation.

Commissioner Lee asked if the total number of conferences on the property could be limited to which Mr. Stidham replied it could not be as it is grandfathered.

There was a discussion between Vice Chair Buckley and Commissioners Glover and Lee regarding how the surrounding counties also contribute to the traffic issues within Clarke County.

MINOR SUBDIVISION APPLICATIONS

4. MS-23-02, 624 Old Waterloo Road LLC.

Mr. Camp presented the Staff report on the 624 Old Waterloo Road, LLC minor subdivision application. He said Staff recommends approval with no conditions. The Commission had no questions or comments.

The Commission voted unanimously to approve MS-23-02, 624 Old Waterloo Road, LLC as presented by Staff.

Motion to approve <u>MS-23-02, 624 Old Waterloo Road, LLC</u> as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE		

5. MS-23-04, Donald & Dianna DeWitt.

Mr. Camp presented the Staff report on Donald and Dianna DeWitt’s minor subdivision application. He said Staff recommends conditional approval pending Virginia Department of Transportation (VDOT) approval in addition to the Planning Commission’s conditional approval policy with the expectation that it is reasonable to expect it to be resolved within twenty-one days. Chair Ohrstrom asked what would happen should VDOT not approve it to which Mr. Camp replied that it would be pending but that he does not expect it to be disapproved. Mr. Stidham said it would be brought back to the Commission for reconsideration. The Commission had no further questions or comments.

The Commission voted unanimously for the conditional approval of **MS-23-04, Donald & Dianna DeWitt** with such condition for approval being verification from VDOT that the new plat conforms with their requirements.

Motion for conditional approval of <u>MS-23-04, Donald & Dianna DeWitt</u> as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Bass	AYE	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

Board and Committee Reports

6. Board and Committee Reports

Board of Supervisors (Terri Catlett)

Commissioner Catlett said the board continues to work on the budget and mentioned they had a presentation by All Points Broadband at their last meeting.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Chair Ohrstrom said nothing currently pending.

Board of Zoning Appeals - BZA (Jeremy Camp)

Mr. Camp said the BZA had an organizational meeting and reappointed Mr. Means as Chair and voted Mr. Brumback as Vice Chair. He also mentioned they may have a variance application coming up soon.

Historic Preservation Commission – HPC (Bob Glover)

Commissioner Glover said they plan to meet this month but there have been no changes since the last Planning Commission other than Ms. Kalbian’s book is to be released. He also noted the Historical Preservation Awards are being discussed.

Chair Ohrstrom asked about the White Post case to which Mr. Stidham said Mr. Mitchell filed a motion the week prior to show cause. He said the judge will then set a court date which will order the property owners to come forward to explain why they have yet to comply with the court order. He added that once a court date is set, the property owner will be served.

Conservation Easement Authority - CEA (George L. Ohrstrom, II)

Chair Ohrstrom said the CEA will have a meeting next Friday and noted they lost their staff support and noted the position is still vacant.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said the electric service providers plan to spend the next year constructing the middle mile. He said a lot of the electrical providers were establishing their own fiber networks for their systems as he thinks they mainly use radio and small satellite dishes to convey the information about the network. He said it is not nearly as reliable as a hardwired connection.

OTHER BUSINESS

7. Projected Upcoming Agenda Items, March – August 2023

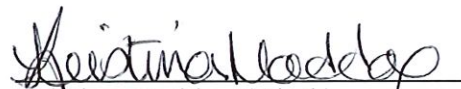
Mr. Stidham said he will be in touch with the Policy and Transportation Committee to schedule another meeting in the next few weeks. He said the April Planning Commission meeting will include the continued Carter Hall public hearing and possibly two special use permits that have been on deferral. He said he listed an inoperable vehicle fines text amendment to the work session agenda after he had a conversation with Anne Williams who was concerned with the current Ordinance verbiage. He said spoke with Mr. Mitchell regarding those concerns but it is not yet clear as to whether or not the committee will need to do a text amendment.

Mr. Stidham said the review of the Rural Lands Plan development will start in the summer when asked by Chair Ohrstrom. He said they will determine whether or not to incorporate the Village plans into the Comprehensive Plan or to go to the original idea of having the Village Plan separate. And, he said, if the committee decides to do them separate which one they prefer to do first – the Village Plan or the Rural Lands Plan.

ADJOURN:

The Commission unanimously voted to adjourn the March 3, 2023 Planning Commission Business Meeting at 10:34AM.


George L. Ohrstrom, II (Chair)


Kristina Maddox (Clerk)