



Clarke County Planning Commission

MINUTES – Work Session

Tuesday, May 2, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

^E – Denotes electronic participation

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager / Zoning Officer), Lorien Lemmon (Preservation Planner / GIS Coordinator)

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

CALL TO ORDER: By Mr. Stidham at 3:00PM.

1. Approval of Agenda

Mr. Stidham introduced the Planning Department’s newest employee, Lorien Lemmon, who joins as the Preservation Planner and GIS Coordinator.

The Commission had no additions to the agenda as presented by Staff.

2. Review of May 5 Business Meeting Agenda Items

A. Conflicts of Interest

Mr. Stidham noted the two conflicts of interest with the Carter Hall application for Vice-Chair Buckley and Commissioner Dunning. He said that since Chair Ohrstrom was absent and with the Vice-Chair Buckley unable to discuss the application, that a motion is required to appoint Commissioner Kreider as temporary chair for the Carter Hall application discussion. Vice Chair Buckley moved to approve this motion, seconded by Commissioner Malone.

Motion to approve Scott Kreider as temporary Chair for the May 2, 2023 Planning Commission Work Session:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE		

B. Agenda Review

Mr. Camp reviewed the staff report for the Carter Hall application. He noted the revised site development plan, statement of justification, and the removal of events, conservatory building, stormwater pond, and pool. He also noted that the country inn guest rooms would be reduced from fifteen to twelve. He explained the various draft conditions put into place and recommendations by Staff.

There were no questions from the Commission.

On behalf of Carter Hall Estate LLC, David Frank of Penoni, said they do not see any issues with the conditions Staff recommends with the exception of two items. He said they would like to increase the number of participants in the main house from fifteen to sixty due to house tour possibilities, adding that Condition 7B that the limitation to fifteen participants in the main house. He continued that condition 8 restricts all special events under Chapter 57, however, they would like it to be revised so that special events are prohibited unless approved by the Board of Supervisors.

Commissioner Glover asked Staff if there is an expiration date proposed for this with special use permit. Mr. Stidham replied that we have not applied expiration dates to special use permits in the past. Commissioner Glover then asked if they could potentially have an event every day of the year. Mr. Stidham responded that the events would have to be related to the mission of the non-conforming use. Mr. Camp said it is essentially the same use as they have currently.

Commissioner Lee asked if the conditions would prohibit weddings even if the number of participants increased to sixty. Mr. Stidham replied that the event would have to be related to the mission of the non-profit which would exclude commercial assembly activities such as weddings.

Commissioner Glover asked if there has been any public feedback about the changes to which Mr. Camp said he has spoken to a handful of people who did not seem concerned.

Commissioner Staelin asked if he was correct in that if the country inn was allowed to have twenty-four people in the main house and an accessory use with potentially sixty people which equates to eighty-four people total. Mr. Frank clarified that the sixty participants are inclusive of the twenty-four guests. Mr. Frank said it would be acceptable for Staff to change the wording to read, "sixty total participants and guests of the Country Inn." Mr. Camp said that the Building Official has yet to set a maximum occupancy for any of the rooms thus far.

In regards to the public's noise and traffic concerns, Commissioner Staelin asked if special events could be restricted or eliminated altogether seeing as the Board of Supervisors would likely never approve an a large event. He also asked if amplified music could also be restricted. In response, Mr. Stidham reviewed the Special Events Ordinance in the County Code regarding outdoor events that are open to the public. He said a small special event is for 150-499 persons and dovetails with the minor commercial public assembly primary use and the accessory use becomes the country inn which is capped at 149. He said zoning approval is required if there are six or more events but prior to that a special event permit is required. He added that special event permits are not required if they are under 150 persons. Commissioner Kreider commented that he likes the way condition 8 is currently written and would prefer no changes.

In representing the Millwood area, Commissioner Catlett said the majority of people seemed pleased with the country inn concept but as there were so many concerns surrounding the events portion of the application that she would prefer not to rush into an approval. Mr. Frank commented that he hopes Carter Hall is part of the Millwood plan and that he hopes the venue would be considered should there ever be a community event even if in the next thirty years.

Commissioner Lee said he thought the Board of Supervisors made their thoughts clear and that he does not see a problem with the exemption request as long as it is used for a non-profit institution.

Commissioner Staelin commented that as it is broadly written at the moment, the venue could have loud concerts with approval and is not limited to Millwood community events. Mr. Stidham added that with the condition, the applicant would not be able to apply for a special event but that without the condition, the applicant would still have the ability to apply for a special events. Additionally, Mr. Stidham said there were some amendments to the Special Events Ordinance recently where all events of any size are to be reviewed by the Board of Supervisors

Commissioner Glover said that it would only take three board members to vote for an event to occur and that he would prefer something in writing now to prevent large events in the future.

When asked by Commissioner Kreider whether the Commission will vote during the Business Meeting with or without the amendments, Mr. Stidham responded that it is their discretion as to which conditions they want to send forward – as recommended by Staff, with the applicant’s recommended changes, or they can apply their own changes.

Commissioner Glover commented that the public has not had time to think about the changes and asked if it could be considered as a new application to restart the process. Mr. Stidham said it is an amendment to the same use and that he would not consider that to be a new application.

Commissioner Lee asked if the Board could make any changes they wish to which Mr. Stidham replied yes and that the Commission is sending forward a recommendation.

There were no further questions from the Commission.

Mr. Camp reviewed the staff report of minor subdivision MS-23-05 for Nathan Markee and that Staff recommends approval.

Mr. Stidham continued the review of the upcoming Business Meeting agenda to include the upcoming agenda items from May through October.

C. Status of Deferred Applications

Mr. Stidham said there are three deferred applications at the moment. He continued that the solar farm application has submitted their revisions to DEQ and to their attorney who thinks it will be ready for review in June. He added that the applicant of the Bullard campground special use permit application is still determining whether or not they are ready. The third, he said, is a new minor subdivision with a maximum lot size exception on Tilthammer Rd.

Mr. Stidham said that although he is unable to go into the details at this time, he does believe there will be a conditional zoning application submitted soon with proffered conditions.

3. Old Business

A. Continued Discussion, Campground Regulations Text Amendment (TA-23-01)

Mr. Stidham said the Commission tasked him to look into whether this amendment would adversely affect camping takes place along the Appalachian Trail (AT) particularly the Bears Den campground. He said he found that the property is not owned by the federal or state government and, therefore, would not be exempt from zoning regulations. He added that it is owned by the Appalachian Trail Commission and that the hostel was approved in 1984 by special use permit. Mr. Stidham continued that the campground has five campsites and that they do charge a fee for overnight camping in which the entire site can be rented for a group. He said the campground does not have county approval from what he can tell unless they can find an old approval that is not in our records. He continued that if the rules were to change to prohibit commercial campgrounds, they will be operating as a prohibited use as they charge an overnight camping fee and that they would not be grandfathered or non-conforming as they have not obtained any sort of county approval under the current regulations.

Mr. Stidham said that under the current rules that are in effect, Bears Den campground would be out of compliance as they have five campsites and that anything with more than two needs to have a special use permit. He said that the worst case scenario is that they come forward before the rules change and apply for a campground special use permit under the current rules.

Mr. Stidham said there are two shelters that are along the AT that are on federal property which would be exempt. He noted Staff is not recommending making any sort of allowances or changes at this time to the text amendment.

Commissioner Glover asked about the Lions Club to which Mr. Stidham replied that they have had a number of zoning approvals over the years and that they operate more as a campground than they do a summer camp since they operate year-round.

Mr. Stidham said he has it on the upcoming agenda to set public hearing, however, he would only recommend doing so if the Commission is comfortable and has no further questions as there is no pressing need.

Commissioner Glover asked how much it would cost to apply for the special use permit. Mr. Stidham replied the special use permit fee is \$825 but that they would also need to do a site plan in which there is an additional fee.

Commissioner Catlett asked what someone should do if they have concerns about a resident setting up a campsite. She asked how does one find out the proper approval process to pitch a tent, RV, or even a yurt. Mr. Stidham responded that a case would need to be built with sufficient evidence and that assistance from the original complainant may be needed. He said one would come forward and complete a complaint form to start and that Mr. Camp would send a letter to the property owner addressing the potential violation. Commissioner Catlett then asked if it is still a violation even if the tent or structure was vacant for several weeks. Mr. Stidham said that Mr. Camp would contact the

property owner to make them aware of the violation and then we continue to monitor the situation. He said the situation that will get the most traction is one where someone is living in a camper.

There were no further questions from the Commission.

4. New Business

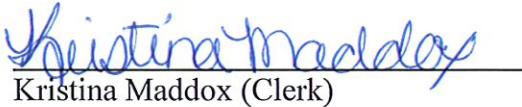
A. Distribution of 2022 Planning Department Annual Report

Mr. Stidham noted the Annual Report in the packet for the Commission's reference.

ADJOURN

The Work Session adjourned by consensus at 3:55PM.


Randy Buckley (Vice-Chair)


Kristina Maddox (Clerk)