



# Clarke County Planning Commission

MINUTES – Ordinances Committee Meeting

Thursday, September 19, 2024 – 2:00PM

Berryville/Clarke County Government Center – A/B Meeting Room

ATTENDANCE:			
Randy Buckley (White Post)	✓	Frank Lee (Berryville)	✓
Ron King (Buckmarsh)	✓	Gwendolyn Malone (Berryville)	✓
George L. Ohrstrom, II (Ex Officio)	✓		

**NON-VOTING PARTICIPANTS PRESENT:**

- **Board of Supervisors** – Terri Catlett, Bev McKay
- **Industrial Development Authority (IDA)** – Bill Waite, Marcy Cantatore
- **Economic Development Advisory Committee (EDAC)** – Mark Gribble, Johnny Milleson

**STAFF PRESENT:** Chris Boies (County Administrator), Michelle Ridings (Director of Economic Development & Tourism), Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/ Zoning Administrator)

**CALL TO ORDER:** By Mr. Stidham at 2:00PM.

**1. Approval of Agenda**

Members approved the agenda by consensus as presented by Staff.

**2. Approval of Minutes – April 18, 2024 Meeting**

On page 5 of 77, Commissioner Lee asked about the meaning of “terms of art” in the last sentence of the first paragraph. Mr. Stidham replied that this means we always want to use terms that are defined in the Zoning Ordinance. Members had no additional questions or comments.

Members voted unanimously to approve the April 18, 2024 meeting minutes as presented by Staff.

Motion to approve May 15, 2023 meeting minutes as presented by Staff:			
Buckley	AYE (moved)	Lee	AYE
King	ABSENT	Malone	AYE (seconded)

Supervisor McKay entered the meeting.

**3. New Business**

**A. Discussion, Development of New Double Tollgate Zoning District**

Mr. Stidham began the discussion by asking the Committee members, non-voting members, and staff to introduce themselves. Mr. Boies gave a brief overview of the project and background on the current ownership and use of the former Camp 7 properties. He described Rappahannock Electric Cooperative’s (REC) recent rezoning and purchase of a 65-acre lot for future development of a regional headquarters, noting that after completion will be one of the highest tax-generating

businesses in the County. He said the Virginia National Guard owns the largest lot that they intend to develop as a regional training facility, adding that they intend to partner with the County in the development of public utilities. He said that Staff has been working to complete the County's purchase of the 40-acre lot. He said that he expects to close on the property in the near future and it will be deeded to the IDA for economic development purposes.

Mr. Boies stated that it is this Committee's charge to develop a new zoning district for the County's 40-acre lot. He remarked that this shows how thoughtful the County is to assemble a group of this size to work on a new zoning district for development of this lot. He added that the County has always had good planning practices and this group brings the community's values to the table to determine the correct fit for this property. He noted that a citizen recently asked why we do not develop this lot as a new County park, adding that this parcel developing will help us to preserve other parts of the County by balancing our tax base.

Mr. Stidham referenced the work plan on page 11 of 77. He said he envisions at least three meetings initially with the possibility of scheduling more if needed. He then reviewed the work plan items to be completed over the next three meetings. He said that this Committee will develop the vision for this zoning district that will provide Staff with direction to draft the text amendment language to create the district. He added that by December, Staff hopes to have enough direction to develop an initial draft that the Committee will review in January. He then explained the text amendment review process for the benefit of the non-voting members. He also said that before the Planning Commission schedules a formal public hearing, the text amendment will be informally reviewed by the Board of Supervisors to confirm that the Committee, Commission, and Board are all on the same page moving forward.

Mr. Stidham suggested having a brief discussion on the July site visit to the Camp 7 property. Supervisor McKay suggested changing the name of the access road, "Ray of Hope Lane," noting that it was probably more appropriate when the property was used as a prison. Supervisor Catlett said that it was nice to tour the building and found it to be in better shape than she expected. Mr. Milleson noted that Ms. Ridings has organized a tour of the Inland Port facility on October 16 for the EDAC. Ms. Ridings said that Committee members and non-voting participants are welcome to attend. Mr. Camp noted the presence of the power lines as a potential limiting feature and also wondered how stormwater management would be designed. Chair Ohrstrom asked if the site is flat and Mr. Camp replied yes. Mr. Stidham added that it is also in karst terrain. Mr. Waite asked if it would cause more problems if we tried to use the existing infrastructure versus replacing it, and also asked whether this would raise environmental issues. Commissioner King noted the possibility of asbestos in the building. Commissioner Lee said he was surprised as to how structurally sound the building is and thinks it would be adaptable for some kind of use in the future. Chair Ohrstrom added that the sewage needs to be upgraded but that is underway. Mr. Waite said we need to determine whether retaining the existing building adds value in marketing the property. Mr. Boies noted that Ms. Ridings is applying for grant funding through the GO Virginia program to conduct a site assessment of the property.

Ms. Cantatore asked if there are any issues with the access easement including what you can do with it. Mr. Boies replied that one of the hold-ups in finalizing the purchase is having the access easement accepted for Virginia Department of Transportation (VDOT) maintenance as a public road. He said he anticipates having the access easement finalized with the property purchase and then

continuing to work with VDOT to have the road accepted into the State maintenance system. He also noted that an assessment of the power and gas line utility easement has not been completed yet and added that this would be completed with the overall site assessment.

Mr. Camp asked if there is funding available to re-develop the building. Ms. Ridings replied that the Industrial Revitalization Fund provides grants to re-develop vacant and blighted buildings. She added that the prison building would be eligible and that grant awards are typically from \$500,000-\$800,000. Mr. Camp asked about brownfields funds and Mr. Boies replied that the State has identified funding to assist with things like sinkhole remediation or cleanup of the old wastewater plant.

Mr. Stidham reviewed background information provided in the Staff memo regarding the Double Tollgate Area Plan and guidance applicable to this project. He reviewed the Plan Area map and sub-area descriptions and noted that the County's 40-acre lot falls within Sub-Area C. He noted that the Committee will need to decide whether the new zoning district would be acceptable in other parts of the Plan Area. Chair Ohrstrom asked whether the Department of Military Affairs is exempt from County zoning regulations as are other State and Federal-owned properties. Mr. Stidham replied that they are exempt from local zoning authority. Chair Ohrstrom asked if it does not matter what we do with the zoning district in regards to the State-owned properties. Mr. Stidham replied that from a planning perspective it would be applicable if the State-owned properties were ever transferred to private ownership. Supervisor McKay asked about ownership of a small area at the northeastern corner of the Double Tollgate intersection. Mr. Stidham replied that he believes that is part of the VDOT right-of-way.

Mr. Stidham reviewed the Area Plan's objectives and strategies that are applicable to development of the new zoning district, adding that this language provides parameters for the Committee to follow. He noted that the Committee will need to select uses that are compatible with the scale and character of the Plan Area. Supervisor Catlett asked what the scope of "regionally-serving commercial uses" is in Objective 3 Strategy A. Mr. Stidham replied that it would be greater in scope than local or neighborhood-serving uses and would attract customers and workers from nearby jurisdictions. Supervisor Catlett asked if it would be as large in scope as the mid-Atlantic region. Mr. Stidham replied no and said it would be more like the Northern Shenandoah Valley region in scope.

Mr. Stidham reviewed the Comprehensive Plan's guidance applicable to this project starting on page 19 of 77. Regarding Objective 10 Policy 3, he noted that this language includes factors that need to be considered in evaluating potential uses for the district and that coming up with a complete list of factors will be important to developing the new zoning district. He noted additional possible factors that are referenced in Policies 8, 9, and 13 listed on page 20 of 77.

Chair Ohrstrom said that we are tentatively calling this zoning district a "business district." He asked if we are doing this as a business park or an industrial park and is there a difference. Mr. Stidham replied that it depends on what the Committee envisions being developed here. He added that in the upcoming visioning session, he will go around the table and ask each of the members what they would like to see included in the district. He also said that members may have different visions with some wanting something similar to the Clarke County Business Park. Chair Ohrstrom asked if the County's Business Park is more like an industrial park. He added that he considers a business park

to be similar to what is found in Short Pump area west of Richmond containing mostly office buildings and no industry. He said that manufacturing buildings are very different from office buildings. Mr. Stidham noted that localities have different visions for business parks and noted that the Appomattox County Business Park is zoned for heavy industrial uses such as asphalt and concrete plants. He said that we should not get too hung up on what we call it and should focus on developing a common vision for the district. Chair Ohrstrom said that what we call it will be important to the public's perception. He added that if we rezone it as an industrial park, the public will think of concrete plants and if we rezone it as a business park, they will think of office buildings. Commissioner King said it would be helpful to have definitions. Mr. Stidham said that we will be coming up with a purpose statement for the district at our next meeting that will be necessary before we start to develop the rules. Mr. Waite said that he can envision including both light industrial uses and business functions. Chair Ohrstrom noted that you only have one 40-acre lot to work with right now but that could change in the future. Mr. Waite asked whether we should consider allowing one industry to take the entire 40 acres and would that bring us the most tax revenue. He added that pharmaceuticals was suggested as a potential industry and asked whether that would be considered as part of the zoning. Commissioner King asked whether we should contact the Virginia National Guard to see if they would be willing to sell their property and Mr. Boies responded that they already have plans to develop it as a regional training facility. Mr. Stidham suggested that naming the district may be what we do as the last step in the process.

Mr. Stidham reviewed the procedure for creating the new zoning district as described in the Staff memo. He said that creating a vision for the district is the first step including determining the types of uses and how intensive the uses should be. Supervisor McKay asked what we classified REC's regional office as and Mr. Stidham replied that it is considered to be a "public utility facility." He said that REC's facility would include offices and a work area for utility vehicles and equipment. He added that if this were a similar private sector use, it would probably be classified as a light industrial use.

Mr. Stidham explained the differences between allowing uses by-right and by special use permit approval. Mr. Waite asked if there is a more detailed review process for by-right uses. Mr. Stidham replied that Clarke County requires submission of a detailed site development plan for both by-right and special uses, noting that some counties do not require site development plan submission until after approval of the special use permit. Commissioner King asked if through this process we will be dividing the 40-acre lot into parcels or would we be allowing future purchasers to determine what size lots they will need. Mr. Stidham said this will ultimately be a decision for the County and private sector purchasers to determine but for this process, we can conceptualize how a commercial subdivision or business subdivision could be regulated under the new zoning district rules. He also said that you could create a process where once the development plan is approved, later approvals to subdivide lots go through a relatively simple administrative process. He added that our Subdivision Ordinance is geared towards residential subdivisions. Mr. Boies noted that Staff has discussed hiring an economic development consultant to provide guidance on how to market and develop the property.

Mr. Stidham said that another important task will be to create use regulations for the uses that will be included in the new district, noting that this will help to inform potential developers that will be deciding whether their projects can fit in the district. He reiterated that the Committee will have to

decide whether the district can be applied in other parts of the Plan Area. Members had no additional questions or comments on the district development process.

Mr. Stidham began the visioning session by explaining the roundtable discussion for each participant to discuss in general terms their initial visions for the district.

Mr. Gribble said that he attended the field trip to the Camp 7 property and thought that a distribution and warehousing facility would be a good use because of the proximity to the Inland Port and major highways (I-66 and I-81). He said access to the property would be fairly simple. He added that goods can come in from overseas through the Inland Port without having to pay taxes, then have assembly capabilities close to the site that are under customs bond and not subject to tariffs.

Chair Ohrstrom said that he has heard that warehousing does not generate significant tax revenue because the goods in the building are in transit and cannot be taxed. He said the only thing you can tax is the real estate and the machinery and tools. Mr. Gribble said that he wondered how much tax revenue is generated by the Home Depot distribution center near the Walmart in Frederick County. Mr. Boies said that the County assesses tax on all real property and that businesses pay a property tax on all business vehicles and some equipment. He added that the County has a machinery and tools tax that is applied to equipment that is used in the business's production activities. He also said that business personal property such as office computers are taxed. He noted that warehousing typically does not generate significant tax revenue unless there are fabrication activities or expensive equipment used for the distribution activities. He added that it takes \$1 million in equipment value to generate \$12,500 in taxes for the County. He said the County collects \$255,000 per year in machinery and tools tax. Supervisor McKay asked if machinery and tools are depreciated according to a schedule and Mr. Boies said yes. Chair Ohrstrom said that he does not envision heavy industry at this location such as a concrete plant or a business with a lot of heavy trucks. He said that a manufacturing facility that relies on goods from the Inland Port might be a great use.

Supervisor Catlett said that she wants uses that generate tax revenue and support the agricultural industry. She also said that it would be good to attract uses that would provide employment opportunities from graduates of Clarke County High School.

Vice-Chair Buckley said service businesses that have fleets of vehicles that would be taxable would be good uses to consider. He added that these are usually low impact on the environment and have limited customer traffic. He gave the examples of Broy and Son Pump Service and Viasat where the traffic is from their business and not from customers, adding that every vehicle driven in and out would be taxable by the County. He also said that agricultural support businesses are important to him but he did not know what types of businesses would be interested in this location. Chair Ohrstrom noted that there are internet-based companies that do fabrication and shipping from a single location. Commissioner Malone asked if they are agricultural companies and Chair Ohrstrom replied yes in addition to other types of companies.

Commissioner Lee said he sees light manufacturing as a possible use so we can get the machinery and tools tax revenue. He also sees potential for corporate offices and wants to maximize tax revenue with the least amount of investment by the County. He said he does not see heavy industry as a use and thinks it would dissuade light industrial and other business types. He added that he would like to see small businesses and service businesses.

Ms. Cantatore asked if everyone is happy with the way the Clarke County Business Park has developed and the revenue that it generates, adding that it might make sense to model the district after the Business Park. Several members agreed that this could be an approach and Mr. Stidham added that the Business Park filled up more quickly compared to other business parks around the area.

Mr. Milleson said he agrees with including service businesses and also suggested laboratories. He noted that there are several industrial buildings off of US 522 on the way to Front Royal and it would be good to know what those businesses are. Supervisor Catlett noted a new building near the airport and did not know whether it has tenants yet.

Mr. Waite said he agrees with a lot of what is being said. He added that he wonders if we can take advantage of providing ancillary or related services that we can promote for existing businesses in neighboring counties. He said he agrees that there should not be any heavy industrial uses and did not know what types of those uses could be accommodated on 40 acres. Chair Ohrstrom noted glass manufacturing as a heavy industrial use that can generate significant tax revenue but is also intensive and can generate a lot of pollution. Mr. Waite noted that we need to identify uses that generate the highest tax revenues. He added that food services could be an option and it could be tied into our agricultural industry. He also noted that we do not want industries that would add significant traffic to that area. Mr. Camp asked what he meant by food services. Mr. Waite cited food distribution as an example and said he wants to see a uses that complement other businesses and allow both to grow. He added that we want the property to be revenue and job generating and may want to see a situation in which the County retains ownership of the land and leases it out to tenants.

Commissioner King said he is also opposed to heavy industrial and would support light industrial uses. He said it would be a good idea to use ideas from the County Business Park.

Supervisor McKay said that he would like to see a small-scale butcher shop like Gore's and noted that there is a huge need for that. He said there is a long wait for farmers to get their livestock butchered. He also said that farm support businesses like tractor dealerships should be considered. He noted that we are strategically located between Harrisonburg and the Shippensburg, PA area to host a tractor dealership. He said we also need to remember that we have available land in Waterloo zoned Highway Commercial that is not selling and we need to consider that in determining the uses in this district. Mr. Stidham noted that in developing the scope for the new zoning district, we may want to consider whether it could be applied in Waterloo. Supervisor McKay replied that it cannot be too water and sewer intensive. Mr. Gribble commented that he has heard farmers often have to wait several months to get their livestock processed. Chair Ohrstrom noted that his cousin operates a meat processing facility in Fauquier that is not on public water and public sewer, adding that they do use a lot of water and generate a lot of waste. Supervisor McKay added that these facilities often separate out the waste proteins as they have a tremendous amount of value.

Vice-Chair Buckley said that he thinks the Clarke County Business Park was developed well and asked if there are any existing businesses there that are required to have an environmental permit. Mr. Stidham replied that Trelleborg has an air permit because they have stacks. Vice-Chair Buckley said that we should avoid uses that require those types of permits.

Mr. Stidham distributed the draft use evaluation checklist and reviewed it for the Committee. He said this is a fluid document that can be modified through this process and it should be used for the participants' homework assignment to evaluate potential uses. Regarding outdoor lighting, Chair Ohrstrom asked whether warehousing facilities are a daytime operation or do they run through the night. Mr. Gribble replied that they usually operate throughout the night and also have deliveries. Chair Ohrstrom noted that they will probably require a lot of outdoor lighting and cited a new distribution center being constructed in Frederick County. Mr. Stidham noted that we currently have stringent outdoor lighting requirements which can only do so much with a very large illuminated building.

Supervisor McKay asked about the gas line that goes through the Camp 7 properties and asked if an industry can tap into it. Mr. Stidham replied that he did not know. He added that if the line cannot be tapped directly, a pump station would have to be constructed to allow it to be tapped. He noted that these pump stations can be on the scale of an electric utility substation. Chair Ohrstrom asked if we are envisioning a data center on this property and noted that 40 acres is not large enough. Several participants said no.

Mr. Stidham explained the homework assignment for the participants to complete for the next meeting. He said he would like the participants to develop a list of preferred uses or use types, uses that you do not want to see in the district, and general thoughts on design standards. He noted that the remainder of the packet contains various resources to help the participants with the assignment and he reviewed each one. In regards to the Business Park (BP) District regulations, Chair Ohrstrom asked if the BP District is basically for industrial parks. Mr. Stidham replied that it depends on what you consider to be an industrial park. He then noted the County's former industrial zoning districts as an example of the differences between light, heavy, and business industrial zoning. He also reviewed Fauquier County's Planned Commercial Industrial Development zoning district.

Mr. Waite asked if we should rule out any public service uses that the County may need in the future such as schools and fire stations. Mr. Boies replied that we have no identified needs for that area and Supervisor Catlett noted that this is a good thought.

Mr. Stidham reviewed the last document containing the current Zoning Ordinance uses that could be applicable to the proposed zoning district. He added that some of the uses are crossed out to indicate Staff's recommendation that they probably should not be considered for inclusion in the district. Chair Ohrstrom asked if we are envisioning the district to include commercial uses like movie theaters and restaurants. He cited the Alamo movie theater and restaurant complex in Frederick County as a development that has become a serious revenue generator, and he asked if we want something like that in Double Tollgate. Mr. Waite said that he researched prisons that have been converted to other uses and noted that many have been converted to restaurants or boutique-type hotels. He said this made him wonder whether the prison building should be kept for some marketing value. He added that he would consider this as an option. Vice-Chair Buckley said that there are a lot of houses in Frederick County in this immediate area and relatively few restaurants for the number of houses. Chair Ohrstrom said that the restaurant in Lake Frederick is the only one in this immediate area. Mr. Gribble noted an old institution in West Virginia that was converted to a food court and art studios. Mr. Waite said we can create a mix of uses with a focus on maximizing tax revenue. Chair Ohrstrom noted that restaurants and heavy industrial uses should not be mixed.

Supervisor McKay asked if the Zoning Ordinance allows for a company-operated cafeteria. Mr. Stidham replied that we would have to create regulations to allow that in the commercial zoning districts but it is allowed in the Business Park District. Vice-Chair Buckley noted that many of the large businesses west of Richmond have cafeterias for their employees.

Mr. Stidham noted that there may be a demand for flex space in which a developer constructs a shell building that can house an office, contractor, craftsman, brewery, or other uses. He said the developer would go through the zoning process once for the building and thereafter any new use in the building would only require a change of use permit from the Building Department. Mr. Gribble suggested a teleworking center where office space can be rented out and shared.

Supervisor Catlett asked how the participants will be able to determine what the tax revenue may be for each of the uses they select. Mr. Stidham said that Mr. Boies and Ms. Ridings can help with that information. Mr. Boies noted that 75% of the top tax-generating businesses for machinery and tools tax and real estate tax are located in the Business Park which is where we want them. He said that retail tax generation is complicated because the County shares a portion of the state sales tax with the Towns. Supervisor Catlett asked if participants should do the visioning of uses on their own and then can find out more information on tax generation for the uses at the next meeting. Mr. Boies said that you want businesses that use a lot of expensive technology in their processes and noted that the State has recommended pharmaceuticals as a potential use. Ms. Ridings added that the State also recommended cold storage as a possible logistical business that is in high demand along with food and beverage processing. She also said that up to 8 businesses could be accommodated on the 40-acre lot along with \$100 million in capital expenditures with light industrial uses, 50-80 direct jobs within a 45-minute commute, and a median salary of \$63,000.

Regarding restaurants, Mr. Boies said that the County has a meals tax that would apply. He noted that we do not want to compete with properties proposed for development at the intersection, adding that there is no industrial zoning on those properties that we would be looking to add at this location. He also said that Staff will be happy to evaluate any uses that the Committee is considering. Ms. Ridings suggested considering uses like day care centers that can support workers at the industrial businesses. Ms. Cantatore noted that commercial kennels are crossed out on the uses list and asked about doggy day care centers. Mr. Stidham replied that doggy day care centers could be approved under a different use so long as the animals are not being kept overnight.

Mr. Stidham explained that the uses for the Business Park (BP) zoning district are based on the North American Industrial Classification System (NAICS) manual. Supervisor Catlett asked if there is a new edition of the NAICS manual that may have new uses included. Mr. Stidham replied that most of the changes are subtle but there are definitely new technology uses included that were not in the 1997 version of the manual.

Mr. Stidham said for the next meeting, participants should compile their uses list and can send them to him ahead of time if they want to. He said he will have a laptop and projector at the meeting to compile the participants' list of uses during the discussion.



B. Schedule Next Meeting

Members agreed to schedule the next three meetings as follows:

- Thursday, October 10 at 1:00PM
- Thursday, November 14 at 3:00PM
- Tuesday, January 14 at 2:00PM

Mr. Stidham said that we will not schedule a December meeting unless we determine later that one is needed.

4. Old Business -- None

**ADJOURN:** Meeting was adjourned by consensus at 3:36PM.

A handwritten signature in black ink, appearing to read 'B. Stidham', written over a horizontal line.

Brandon Stidham, Clerk