

EXCERPT FROM NOVEMBER 29, 2019 PLANNING COMMISSION MINUTES

- 4B. **SPEX-06-2018 – Vickstrom, Doug & Sharon, 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 #64-A-29A (part of) consisting of 2 acres, more or less. This property is located at 21560 Anderson Mill Road, Beaverdam, Virginia, Western Caroline Voting District. **Proposed Use: Special Events Facility.** The 2030 Comprehensive Plan designates this area as Rural Preservation.

Craig Pennington, Planner, provided the following Staff Report:

Discussion:

The applicant is requesting approval of a Special Exception Permit for a Special Events Facility pursuant to Article IV Section 5.23 of the Caroline County Zoning Ordinance. The applicant would like to host weddings and other events on their residential property. The proposed facility would include a 70' X 30' pavilion and parking for 100+ vehicles. The house would be available for the wedding party, however, restrooms would be provided by whomever shall be renting the venue.

The abutting properties are of residential use. The property is bounded by the Caroline/Hanover county line to the West, Anderson Mill Road to the East, and undeveloped residential properties to the North and South. The Comprehensive Plan shows this area to remain rural residential.

VDOT has commented that a commercial entrance would be required. The applicant will need to supply an estimated trip count in order to verify this requirement. Additional VDOT comments along with Health Department comments regarding the Office of Drinking Water will be addressed at site plan.

Staff offers the following **conditions** for the Planning Commission to consider, if there is a recommendation of approval:

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 use shall be limited to that portion of the property identified on the General Development Plan, containing approximately two (2) acres.
3. Screening shall be provided in the form of landscaping around the parking areas.
4. All amplified noise shall be directed inward towards the center (House) of the property.
5. Noise shall comply with the noise ordinance located in Chapter 68 of the Caroline County Code.
6. This special exception shall be non-transferable.
7. The special exception shall be limited to the operation of a special events facility to provide facilities weddings, receptions, birthday parties, and similar receptions. No festivals or ticketed events shall be permitted.

8. There shall be no parking permitted outside of the area identified on the General Development Plan submitted with the special exception application.
9. On street parking shall be prohibited.
10. Delivery of food, tents, chairs, supplies, etc. shall not occur prior to 9 a.m. the day before an event and shall be removed prior to 5 p.m. the day after an event.
11. Portable toilets shall be provided pursuant to Virginia Department of Health requirements.
12. The hours of operation shall be *(to be determined by Planning Commission)*.
13. There shall be a review of the application by the Board of Supervisors one year after the date of approval of the site plan and every three years thereafter.
14. Trash will be screened from view of neighboring properties and disposed of properly.
15. Overnight parking of motor/recreational vehicles shall be prohibited.
16. Any exterior lighting used to illuminate the event shall be source shielded and downward facing.
17. The Applicant shall ensure that a valid ABC license is obtained for any event that involves alcohol.
18. There shall be one specifically designated security person on site for every 250 attendees of the event during the hours of that event, if that event includes alcohol and/or live music.

Chairman Stanley invited the applicant to come forward and make a presentation.

Doug & Sharon Vickstrom, Applicants. Mr. Vickstrom explained they have lived in Caroline for over 35 years and they give back to the community. He said they operate a successful business and the area is very well buffered with no neighbors in sight. He stated they want to and plan to operate this business in their retirement. He said they have had events with their church in the past with over 200 people and it has been great and there have been no problems.

Vice-Chair Horton said why don't I go ahead and do a few, that way it kind of makes it more informed for the public hearing, but she had looked through her packet and she might have missed some of these, but do they know yet what type of tax revenue this might create for the County? We don't know yet, right? Sort of falls under small business, maybe.

Mr. Pennington said it will generate some tax revenue but he is not sure of the exact amount.

Vice-Chair Horton said you don't plan on hiring anybody, right? Or any jobs?

Mr. Vickstrom said what they want to offer is an affordable venue such as \$2,000 event type of venue not \$4,000 to \$8,000, something that is affordable for young people or anybody to just get started. He said it is not going to be a big cash revenue for Caroline.

Vice-Chair Horton and staff is recommending – actually, you didn't say how many people – a limit on people, did you?

Mr. Pennington said they did not, but that is a condition that the Planning Commission could add if they feel it is necessary.

Vice-Chair Horton said and we don't know anything about what VDOT is saying about the entrance yet, right?

Mr. Pennington said that VDOT said it would need to be upgraded to a low or moderate volume commercial entrance.

Mr. Vickstrom stated they have already corrected the entrance.

Mr. Pennington said that requires just a trip analysis and the applicant has provided that to VDOT. He said all of that has to be taken care of at site plan and is not an issue at this time.

Vice-Chair Horton said okay. She said so they have got to know how many people and VDOT sends us something when they approve it?

Mr. Vickstrom said they addressed the VDOT issue and have already widened the driveway. He said they have a school bus that turns around in their driveway every morning and he sent pictures of that to help the Commission see how large it is.

Ms. Vickstrom stated the facility would serve a maximum of 125.

Mr. Vickstrom said they have a pavilion they have already built and that is the area they would designate for the wedding.

Chairman Stanley declared the Public Hearing open on SPEX-06-2018, Doug & Sharon Vickstrom, open.

There were no speakers and Chairman Stanley declared the Public Hearing closed.

Chairman Stanley said they do not have County sewage at the site and so they will have to bring in a trailer with restroom facilities for men and women.

Mr. Vickstrom said that is correct.

Chairman Stanley asked if the road was sufficient to handle the number of cars coming in?
Mr. Vickstrom stated that the driveway is fully graveled and is solid.

Chairman Stanley asked if they had a parking plan and who would be directing vehicles.

Mr. Vickstrom stated he would be directing vehicles.

Chairman Stanley stated that Mr. Vickstrom may want to think about that some more with the parking plan. He asked if a security plan was in place.

Ms. Vickstrom said that it is stated in the contract that each bride must provide for an on duty officer.

Mr. Pennington stated that one of the conditions require that they have one security officer on duty per 250 attendees of the wedding. He said the applicant said the maximum attendees would be approximately 125, so that means they have to have at least one security officer at

every event. He said it does not specify that it has to be an on duty officer, they could use a private security company.

Chairman Stanley asked about the temporary lighting.

Mr. Vickstrom said they have not had to use any temporary lighting in the past.

Chairman Stanley asked about the hours of operation to be determined by the Planning Commission and asked what hours would work for them.

Mr. Vickstrom stated that everyone will be out and gone by 10 p.m. and the starting time may be noon for the caterer and 2 p.m. for other vendors.

Vice-Chair Horton said she thinks 9 a.m. to 10 p.m. is reasonable because you have to allow for a lot of set up.

Mr. Pennington said the setup is Condition #10. He said the question is the time for the events.

Ms. Vickstrom said 3 p.m. to 10 p.m. maybe.

Chairman Stanley said the applicant mentioned six events per year to start. He asked would those events be permitted each time or is it just 6 events per year and that's it.

Mr. Pennington said no, they would not need to get any other permits from the Planning Department when they have their events. He said they would have to have inspections if required from the Health Department or Building Department, depending on what they are bringing in for the event. He said they would not need any more zoning permits.

He said at this time, there is no condition that says they are limited to 6 events per year, but should they limit it to a low number and they have more events then staff will have to come back and amend these conditions. He stated they don't want to limit them too much then they will have to come back to the Commission repeatedly.

Vice-Chair Horton asked how many events per year do you think is reasonable for you for – you're working towards this to be your main income, you said?

Mr. Vickstrom said he would like to think just summertime only and close in the wintertime.

Vice-Chair Horton said so you are thinking like 15 or 20 events per years or 20?

Ms. Vickstrom said she does not have a limit, she had not thought about that. She explained they are only open for weekends, Saturday or Sunday.

Ms. Vickstrom said that is only one event per weekend and it would either be a Saturday or a Sunday event, wedding is what they want to specialize in.

Vice-Chair Horton said question for staff, don't we have – at least a couple of these in the County already?

Mr. Pennington said yes, there are a couple of special events facilities in the County.

Vice-Chair Horton said and how many – do you know how often – are they having one almost every weekend or --

Mr. Pennington said they are not having one every weekend. He said most of the ones in the County are larger and comprised of 80 to 100 acres, but they are not necessarily all limited to a number of events.

Vice-Chair Horton said and we're not limiting them to weddings, correct?

Mr. Pennington said its events, but they are not allowed to have any ticketed events or festivals. He said it is mainly receptions and weddings, birthday parties and things like that.

Vice-Chair Horton said she noticed it was smaller, , there's not anybody near them right now, I don't think we would get any complaints.

Mr. Pennington referred to the map that was provided, the closest residents are circled in yellow.

Vice-Chair Horton said they do have one letter, correct?

Mr. Pennington said yes and a second letter was received today that was distributed at the beginning of the meeting.

Vice-Chair Horton said this is not the letter that we received, e-mail?

Mr. Pennington said there should be a second letter that was received today and the previous letter was in the packet.

Vice-Chair Horton said, but regarding this particular property, I only saw one letter.

Ms. Zech explained there is a letter in the Commission packet with a lot of attachments to it and then the letter from today.

Vice-Chair Horton said okay, the hand written one, I remember now.

Mr. Minor asked how the trash would be handled.

Mr. Vickstrom stated the have a dumpster from County Waste that is being used for the existing business and they come every other week.

Mr. Minor asked about Condition #17, who is responsible for the ABC license?

Mr. Pennington said in order for alcohol to be served on site, the applicant would be responsible for getting all appropriate State licenses and that would have to be enforced by the Sheriff's Office and not the Planning Department.

Ms. Vickstrom stated that she did contact the ABC Board and each wedding party is responsible to have their own event, ABC permit. She said they are responsible to have their own insurance, day of event insurance as well as they have their own insurance.

Mr. Minor said so the applicant is not responsible for the ABC license.

Ms. Vickstrom said no, they are not. She said each renter is responsible for license and insurance.

Chairman Stanley said the applicant has to have liability insurance.

Vice-Chair Horton said that is going to be in the contract they sign with you, correct?

Ms. Vickstrom said yes. She said it is industry standard.

Vice-Chair Horton said the other venues that we had in the County, do they have a limit on the amount of people?

Mr. Pennington said not a limit on the amount of people because most of those are on larger acreage and they do have security requirements just like this facility would have. He said they have hours of operation standards as they are trying to determine with this one and hours that vendors can come in, standards, but the amount of people are not regulated.

Vice-Chair Horton said because she would be a little more comfortable, since this is a small property, if they had a certain amount of people they could allow on the property for each event.

Mr. Pennington said that is a condition that the Commission can propose if you feel it is necessary.

Ms. Zech explained there is one where the Commission has done that, it was a smaller venue and it was limited to a certain amount of people based on the drainfield. It was a condition.

Vice-Chair Horton said if we limit the people to, say 250, does that have to be done with a motion or can they suggest that in advance.

Mr. Pennington stated they could do it with a motion.

Chairman Stanley stated he believes there are some questions with this and he would recommend having further discussions and he would prefer to defer this.

Chairman Stanley moved and Vice-Chair Horton seconded to defer SPEX-06-2018 to December 27, 2018 to have time to consider the conditions and get more clarity on plans for security, suggestions for hours of operation and number of people.

Voting yea: Horton, Minor, Smith, Stanley

Abstain: Wieber

(Motion carries)

EXCERPT FROM DECEMBER 27, 2018 PLANNING COMMISSION MINUTES

- 3B. **SPEX-06-2018 – Vickstrom, Doug & Sharon, 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 #64-A-29A (part of) consisting of 2 acres, more or less. This property is located at 21560 Anderson Mill Road, Beaverdam, Virginia, Western Caroline Voting District. **Proposed Use: Special Events Facility.** The 2030 Comprehensive Plan designates this area as Rural Preservation.

Lisa Zech provided the Staff Report:

Request:

The applicant is requesting approval of Special Exception Permit for a Special Events Facility pursuant to Article IV Section 5.23 of the Caroline County Zoning Ordinance.

Update:

The Planning Commission deferred at the November Planning Commission meeting in order to have some questions addressed. The parking attendant, hours of operation, and a limit on guests have been addressed in the revised suggested conditions for approval included below. A map created by staff displaying the designated parking area and number of spaces available using the standard 9' x 18' parking space measurement has been added to the staff report.

Staff offers the following **conditions** for the Planning Commission to consider, if there is a recommendation of approval:

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 use shall be limited to that portion of the property identified on the general development plan, containing approximately two (2) acres.
3. Screening shall be provided in the form of landscaping around the parking areas.
4. All amplified noise shall be directed inward towards the center (House) of the property at a level not exceeding the limit set by the Caroline County noise ordinance at the property lines.
5. Noise shall comply with the noise ordinance located in Chapter 68 of the Caroline County Code.
6. This special exception shall be non-transferable.
7. The special exception shall be limited to the operation of a special events facility to provide facilities for weddings, receptions, birthday parties, and similar receptions. No festivals or ticketed events shall be permitted.
8. There shall be no parking permitted outside of the area identified on the General Development Plan submitted with the special exception.

9. On street parking shall be prohibited.
10. Delivery of food, tents, chairs, supplies, etc. shall not occur prior to 9 a.m. the day before an event and shall be removed prior to 5 p.m. the day after an event.
11. Portable toilets shall be provided pursuant to Virginia Department of Health requirements.
12. The hours of operation shall be: Friday 3 p.m.-11p.m., Saturday 11 a.m.-11 p.m., Sunday 11 a.m.-6 p.m. Vendors shall comply with condition #10.
13. There shall be a review of the application by the Board of Supervisors one year after the date of approval of the site plan and every three years thereafter.
14. Trash will be screened from view of neighboring properties and disposed of properly.
15. Overnight parking of motor/recreational vehicles shall be prohibited.
16. Any exterior lighting used to illuminate the event shall be source shielded and downward facing.
17. The Applicant shall ensure that a valid ABC license is obtained for any event that involves alcohol.
18. There shall be one specifically designated security person on site for every 100 attendees of the event during the hours of that event, if that event includes alcohol and/or live music.
19. Events shall be limited to 200 guests.
20. One (1) person shall be employed as a parking attendant per 100 guests.

Discussion (no change from previous staff report)

The applicant is requesting approval of a Special Exception Permit for a Special Events Facility pursuant to Article IV Section 5.23 of the Caroline County Zoning Ordinance. The applicant would like to host weddings and other events on their residential property. The proposed facility would include a 70' X 30' pavilion and parking for 100+ vehicles. The house would be available for the wedding party, however, restrooms would be provided by whomever shall be renting the venue.

The abutting properties are of residential use. The property is bounded by the Caroline/Hanover county line to the West, Anderson Mill Road to the East, and undeveloped residential properties to the North and South. The comprehensive plan shows this area to remain rural residential.

VDOT has commented that a commercial entrance would be required. The applicant will need to supply an estimated trip count in order to verify this requirement. Additional VDOT comments along with Health Department comments regarding the office of drinking water will be addressed at site plan.

Ms. Zech stated there have been a few changes since the November meeting and Staff added conditions regarding a parking attendant, hours of operation and a limit on the number of guests. She said these changes were in response to Commission members' questions and concerns. She explained that would be Condition #12, #19 and #20.

She stated they did receive one other letter in opposition from an adjacent property owner in Hanover County, they are actually across the river from this parcel.

She said one other thing that Staff provided to the Commission was a map, created by the GIS Analyst, that shows how many parking spaces would fit in the designated parking area using the standard 9 x 18 space. She said they have enough room for a total of 39 cars, roughly, in a single line.

She stated Staff did not have any other information and the Applicants were present for any questions the Commission might have.

Chairman Stanley asked if the Applicant would be okay with the hours of operation being on Friday from 3 p.m. to 10 p.m., Saturday from 11 a.m. to 10 p.m. and Sunday from 11 a.m. to 6 p.m.

The Applicants, Doug & Sharon Vickstrom stated they would be okay with those hours of operation.

Chairman Stanley said he thinks if you cut it off at 10 p.m., generally, it will be end up being 11 p.m. before all the people are gone.

The Applicants agreed.

Chairman Stanley said Staff commented on the parking and asked if those numbers surprised the Applicant or do they think they are going to do a double line of parking.

The Applicant said the drawing they submitted was not to scale, but this whole area can be used for parking because the previous wedding they did years ago, the ceremony was done in the front yard in front of the house and that entire area can be used for parking and is good solid ground.

Chairman Stanley said VDOT has advised a commercial entrance will be required. The Applicants stated they have fulfilled that requirement.

Chairman Stanley said one of the letters the Commission received was from a Michael Mastropaolo who lives in Falls Church, and he mentioned that they are using part of the river and river front land that is owned by him.

The Mr. Vickstrom said that was not correct, the venue is just for their property. He said they have taken care of that certain part that Mr. Mastropalli mentioned for years and if he actually lived there and saw the activity, a lot of people come there to that beach and it was called the Beaverdam Beach, and they have now cleaned it up and is now just for their family and the guy on the other side.

The Mrs. Vickstrom stated you cannot even see the river from where the venue is and so those are unwarranted concerns by the landowner.

Chairman Stanley said he understands but he did want to ask about that.

Vice-Chair Horton stated on this map, you have four acres of property, but only two acres are going to be used for the venue, is that correct?

The Mr. Vickstrom said the house is actually on 5 and a half acres and the area that is all in the grass is about two acres.

Vice-Chair Horton said this is your whole property and you're not really using near the river as part of the venue, correct?

The Applicants said no, not at all.

Chairman Stanley asked Staff about noise monitoring, if they did get a complaint about excessive noise, would the Sheriff's Department handle that complaint.

Ms. Zech said yes, the County Code has a noise ordinance and there are specific criteria and decibels pertaining to certain types of noise, but it would be the Sheriff's Office that would be called for that.

Mr. Smith asked how many decibels would be allowed because he can hear noise from Kings Dominion at his house and he is 7 miles away and they use amplifiers. He noted that they have said they will not be using amplifiers.

The Applicants said correct, they will not be using amplifiers and most of the activity will be inside.

Mr. Smith said he could not see where there would be that much noise from this venue.

Ms. Zech stated the way the ordinance reads, it is based on the type of noise and it goes to the property line. She said the ordinance talks about intermittent noise, continuous noise, et cetera, and she really does not know what the decibel level would need to be for it to be a violation.

Chris Mackenzie, County Attorney, stated he looked it up and it says in a rural district, continuous noise, the limit is 55 decibels, impulsive noise is 90 decibels, and then there is continuous octave band, et cetera. He said he believes those are the limits in the noise ordinance.

Vice-Chair Horton said she has a question of Staff. Should the parking attendants be based on number of cars or number of guests? I'm talking, specifically about #20. Because you're saying 39 cars fit there?

Ms. Zech said according to their calculations, 39 cars in one row. She said they did it on the GIS and so it is not exact either but Vice-Chair Horton is correct, cars could be more of an issue than the number of guests in terms of parking. She said there is a good possibility they are going to have 100 cars.

Chairman Stanley asked if there would be one parking attendant and one security guard.

Ms. Zech said yes, they will not be the same person.

Ms. Zech stated if the Commission wants to change that, perhaps it should say "one per 50 cars" or something like that.

Vice-Chair Horton said for the owners, how many cars do you think you are going to be fitting on your property?

Mr. Vickstrom said he would think an average of two people per car.

Vice-Chair Horton said I mean, do you think you are going to be able to fit 50 cars or more?

Mr. Vickstrom said yes, but they can go with that amount that they have drawn right here, easily, in that field there. He said where the trees are at and it says pavilion, those trees are overgrowing the field and so there are more field that is in that area.

Chairman Stanley said one question he has is your pavilion, where they are planning on having their catering happen.

Mrs. Vickstrom said no, the catering would not happen in the pavilion, it would be on the side and is their own separate kitchen.

Chairman Stanley said so there is a kitchen there and someone would come in and use and so no trucks are going to come in.

Mrs. Vickstrom said that is correct, no trucks and they will be providing the tables and chairs as part of the venue.

Vice-Chair Horton said and the wedding takes place on the front lawn, you said, usually?

The Applicants said yes.

Vice-Chair Horton said okay. Getting back to the parking issue, they won't know how many cars are coming, so unless you set a number of cars, then they will have to say guests. So I guess we'll have to stick with guests unless Staff is recommending a number of cars on the property.

Ms. Zech stated she did not know that they could recommend a number of cars because there has to be flow. She said you are assuming that the cars are coming and going at the same time, but that is not what happens. She said you are going to have them coming and going throughout and you need to have room to back out and turn around and pass each other.

Vice-Chair Horton said so she guesses, best to leave it as it is because it is going to be under review in one year, right? To see how things work out.

Chairman Stanley said his question is, this is a drawing, the survey and map are on the west side of Route 738, Madison District, et cetera, there is also an open field next to the driveway and if they had to use that for some parking, he is assuming if there was a large wedding, would that open field be suitable for parking.

The Applicants said yes, that field would be suitable for parking as well.

Chairman Stanley stated he has not seen the property, but the wooded area looks like it is a good buffer to the river.

Mr. Smith asked about the white pines on the drawing.

The Applicants said the white pines are about 30 feet tall and are on the property.

Vice-Chair Horton said she can say that her daughter was married on our farm on Route 2, it's been 7 years, and this is about what they have. She said so she thinks the amount of attendance and everything is adequate.

Chairman Stanley asked if you go on the other side where the North Anna River runs, is that the Hanover side.

Mr. Vickstrom said yes.

Chairman Stanley said so everything on the other side of Anderson Mill Road would be Caroline.

Mr. Vickstrom said yes.

Vice-Chair Horton said there may be – you all have done this before, so you know, sometimes there are additional permits, depending on what kind of tent they set up and alcohol license, et cetera.

Mrs. Vickstrom said yes.

Chairman Stanley said the Health Department would be out checking the kitchen.

Mrs. Vickstrom said the Health Department has already checked and they have just approved them.

Mr. Dudley moved and Mr. Smith seconded that whereas SPEX-06-2018 for Vickstrom, Doug & Sharon, 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-06-2018 be forwarded to the Board of Supervisors with a recommendation of approval to include the conditions as recommended by Staff.

Chairman Stanley stated Staff recommendations of new hours are part of the motion as well.

Mr. MacKenzie clarified and said that was with Staff Conditions and amendment to Condition #12 so that it now reads: The hours of operation shall be Friday 3 p.m. to 10 p.m., Saturday 11 a.m. to 10 p.m., Sunday 11 a.m. to 6 p.m., Vendors shall comply with Condition #10.

The Applicants agreed.

Voting yea: Dudley, Horton, Minor, Smith, Stanley
Abstain: Wieber

(Motion carries)