At a regular meeting of the Caroline County Planning Commission, held Thursday, January 23, 2020, in the Community Services Center Auditorium, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

**Present**

Gary Dudley  
Dr. Carol Horton  
Robert Schwartz  
George Wieber

**Absent**

Percell Minor  
Leon Smith

**Also Present**

Chris MacKenzie – County Attorney  
David Nunnally, Sr. – Environmental Planner  
Craig Pennington - Planner  
Lisa L. Zech – Adm. Assistant/Planning Tech.

**CALL TO ORDER – ORGANIZATIONAL MEETING**

Lisa Zech called the Organizational Meeting to order at 7:00 p.m.

a. **Election of Chairman**

Lisa Zech called for nominations for Chairman of the Planning Commission for Calendar Year 2020.

Mr. Wieber nominated Dr. Horton for Chairman.

*Mr. Wieber moved and Mr. Dudley seconded to appoint Dr. Carol Horton as Chairman of the Planning Commission for Calendar Year 2020.*

**Voting yea:** Dudley, Schwartz, Wieber  
**Abstain:** Horton

* Motion carries *

Ms. Zech turned the meeting over to Chair Horton.

b. **Election of Vice-Chairman**

Chair Horton called for nominations for Vice-Chairman of the Planning Commission for Calendar Year 2020.

Chair Horton nominated Mr. Wieber for Vice-Chairman.

*Chair Horton moved and Mr. Dudley seconded to appoint Mr. Wieber as Vice-Chairman of the Planning Commission for Calendar Year 2020.*

**Voting yea:** Dudley, Horton, Schwartz  
**Abstain:** Wieber

* Motion carries *

c. **Adoption of Rules of Order – 2020**
Vice-Chair Wieber moved and Mr. Dudley seconded to adopt the Rules of Order as presented.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

**d. Establish Dates and Times for Regular Planning Commission Meetings**

Vice-Chair Wieber moved and Mr. Dudley seconded to approve the Dates and Times for Regular Planning Commission Meetings for 2020 as presented.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

Ms. Zech noted for the record that the November and December dates fall on holidays and those meeting dates are to be determined.

**e. Close Organizational Meeting**

Mr. Dudley moved and Vice-Chair Wieber seconded to close the Organization Meeting.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

**CALL REGULAR MEETING TO ORDER**

Chair Horton called the Regular Meeting of the Planning Commission at 7:06 p.m.

1. **PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF MINUTES (NOVEMBER 21, 2019)**

Vice-Chair Wieber moved and Mr. Dudley seconded to approve the minutes of November 21, 2019 as presented.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

**3. UNFINISHED BUSINESS**

3A. **SPEX-06-2019 – Oliff, James, 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 #85-A-6 (part of) consisting of 3.1 acres, more or less. This property is located at 23134 Penola Road, Ruther Glen, Mattaponi Voting District. Proposed Use: Special Events Facility. The 2030 Comprehensive Plan designates this area as Agricultural Preservation.

Craig Pennington, Planner, stated the Applicant for SPEX-06-2019 has requested a deferral of the application to the March 26, 2020 Planning Commission meeting. Staff is suggesting that the deferral request be accepted and all discussion on the special exception be held until the March 2020 Planning Commission meeting.
Chair Horton moved and Mr. Dudley seconded to defer SPEX-06-2019 to the March 26th, 2020 meeting of the Planning Commission as requested by the Applicant.

Voting yea: Dudley, Horton, Schwartz
Abstains: Wieber

* Motion carries *

3b. TXT-14-2019: An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, Section 2, Uses Permitted by Right, by adding the following as a permitted use in the B-1 Business zoning district: Paragraph 32, Trade, Technical & Vocational School (Indoor).

3c. TXT-15-2019: An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, Section 3, Uses Permitted by Special Exception, by adding the following as a use permitted by Special Exception in the B-1 Business district: Paragraph 22, Trade, Technical & Vocational School (Outdoor).

Mr. Pennington provided the following Staff Report:

The Planning Commission has discussed the text amendments for Trade, Technical & Vocational School, Indoor & Outdoor and the definitions thereof at several meetings.

A Public Hearing was held and closed at the November 21st meeting for TXT-14-2019 and TXT-15-2019 which add Trade, Technical & Vocational School and Indoor & Outdoor as a use in the B-1 Zoning District. Action was deferred until the text amendments to modify the definitions as requested by the Planning Commission could “catch-up”.

Staff has crafted revised definitions based on the Planning Commission’s recommendation. The Public Hearing for TXT-19-2019 and TXT-20-2019 to modify the definitions has been advertised for the January 23, 2020 meeting.

Staff is suggesting that since TXT-14-2019 and TXT-15-2019 go hand in hand with TXT-19-2019 and TXT-20-2019 that are later in the meeting as Public Hearings, the appropriate action by the Planning Commission would be to hold the Public Hearing for TXT-19-2019 and TXT-20-2019 and take action on all four amendments.

Vice-Chair Wieber clarified and said so they are going to hold TXT-14-2019 and TXT-15-2019 until the reading of TXT-19-2019 and TXT-20-2019.

Mr. Pennington said that is what Staff is suggesting.

Chair Horton said they need a motion to defer?

Mr. Pennington explained a motion is needed to amend the Agenda to move TXT-14-2019 and TXT-15-2019 to later in the meeting.

Vice-Chair Wieber moved and Mr. Dudley seconded to amend the Agenda and move TXT-14-2019 and TXT-15-2019 to later in the meeting with TXT-19-2019 and TXT-20-2019 and take action on all four text amendments as suggested by Staff.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *
4. **SUBDIVISION**

Mr. Pennington read a memorandum to the Commission reminding them that Planning Commission review of preliminary or final plats are an administrative act and as long as plats meet Caroline County Subdivision Ordinance, they should be deemed approved.


Mr. Pennington provided the following Staff Report:

**Request:**

The applicant is requesting approval of a preliminary plat to create 71 residential dwelling lots.

**Discussion:**

The Applicant is requesting Planning Commission approval of a Preliminary Plat to create 71 residential building lots on Tax Maps 52-A-55, 52-A-56 and 52-A-57, which was rezoned in January 2019 in order to create a town house subdivision. This plat shows the layout of the 71 lots and corresponding VDOT streets that will be located in Maple Grove Subdivision. This subdivision will be an age-restricted neighborhood with off street parking provided for each townhouse.

**Agency Comments**

All agency review comments have been addressed with the revised plat provided.

**Conformance with Proffers & GDP**

Proffers submitted with the rezoning include the right-of-way dedication of 25 feet from the centerline of Durrette Road, depicted on the plat; and the concept plan approved with the rezoning. The plat accurately reflects the GDP approved with the rezoning in January 2019. The third proffer for the rezoning is for the age restriction of the subdivision, which remains the intention of the development.

**Conformance with Subdivision Ordinance**

The plat as revised is in conformance with the Subdivision Ordinance.

Chair Horton said so we approved this subdivision when?

Mr. Pennington said the rezoning was approved in January of 2019 by the Board of Supervisors.

Chair Horton said so the rezoning has been approved and now we are at the stage where we have to approve the plat.

Vice-Chair Wieber said that was correct and it is basically common practice that when this comes around at this time, the Commission has to pass this on to the Board of Supervisors.

Mr. Pennington said no, the Planning Commission is the subdivision agent of the county and so this is the last step for approval of plats.
Vice-Chair Wieber said so they have the right to approve this as they see it now as long as it complies with the subdivision ordinance.

Mr. Pennington said that is correct.

Chair Horton said and you can see on the front, it’s in the Madison District.

Vice-Chair Wieber stated he personally went out and looked at this one and he has no problem with it at all, it is not going to affect traffic and seniors are looking for this type of housing.

Chair Horton said she thought it was right beside Ladysmith Village or pretty close.

Mr. Pennington stated it was across the street from Ladysmith Village next to the YMCA.

Chair Horton said because I went out and looked at it too.

**Vice-Chair Wieber moved and Mr. Dudley seconded to approve SB-04-2019 as presented.**

*Motion carries*

4b. **SB-06-2019 – Bordeaux, John & Billie, Owner/Applicant:**

Preliminary Plat Approval to create 4 residential lots (Villeboro Acres) on Tax Map No. 17-A-71B.

Mr. Pennington provided the following Staff Report:

**Request:**

The applicant is requesting approval of a preliminary plat to create four (4) residential dwelling lots.

**Discussion:**

The Applicant is requesting Planning Commission approval of a Preliminary Plat to create four (4) residential building lots of ten (10) acres each on Villeboro Road. The Planning Commission granted an exception in 2019 to the VDOT road requirement of the subdivision ordinance to allow these lots to be created utilizing shared driveway entrances. The attached plat depicts the lots with two shared driveway entrances as approved by the Planning Commission.

**Agency Comments**

The Health Department performed a subdivision review of the proposed drainfield locations and have supplied a comment letter for the applicant. All agency comments have been addressed with the exception of the 25-foot right-of-way dedication and the well locations. Staff received new plats with the 25-foot right-of-way dedication and are available for the Commission to review; however, the only changes between what Staff has and what the Commission has is the 25-foot dedication is there and the well locations that are there. The two outstanding issues have been addressed on these plats received by Staff.

The final plat does not have to come back to the Planning Commission should the Planning Commission approve the preliminary plat with the
stipulations that the aforementioned items be depicted on the final plat, which they have been depicted on the final plats.

**Conformance with Subdivision Ordinance**

The preliminary plat as revised conforms to the subdivision ordinance with the approved exception of the two shared driveway entrances.

Mr. Pennington stated there was a request from the public that where the driveway entrance is on the eastern most part of the property between Lots B3 and B4, where it is currently depicted it would shine at someone’s house and they are asking that the driveway be moved towards the east and that would alleviate that problem. He said this could be accomplished with an easement for the shared driveway to get to Lot B3.

Vice-Chair Wieber said so they would like it to be moved to Lot B4.

Mr. Pennington said yes, it would be moved to Lot B4 and there would be an easement to get it to B3. He said if the Planning Commission approves the preliminary plat with the stipulation that that can be handled administratively in office on the final plat, then they can still move forward.

Vice-Chair Wieber said the final plat that Staff has does not show that adjusted driveway.

Mr. Pennington said that was correct, that would have to be handled in office, but if the Planning Commission approves the preliminary plat and says that it can be handled administratively in the Planning Department, then they can handle it at that time. He stated it would be up to the Applicant if he wants to move the driveway per that request from the property owner across the street, but he does not have to.

Chris MacKenzie, County Attorney, clarified that it will comply with the Subdivision Ordinance in either case.

Chair Horton said so they are just giving Staff authority to settle this matter?

Mr. Pennington said that was correct.

Chair Horton asked where does the person want to move it?

Mr. Pennington said they would like to move it towards Lot B4 and have an easement that comes to Lot B3.

Chair Horton said just kind of cut in a little bit.

Mr. Pennington said yes. He said the Commission has also been provided a letter from a citizen before the meeting on this subject.

Vice-Chair Wieber said at this time, they don’t know how far they are going to move it on B4.

Mr. Pennington said no and again, it would be up to the Applicant to move it if he wanted to accommodate the neighbor across the street and again, he does not have to. He stated that if the Commission approves the preliminary plat and authorizes Staff to handle this administratively, then this can be taken care of after the Planning Commission.
Vice-Chair Wieber stated after visiting the site, he has no issues with the way this is laid out and if they can allow Staff, at their prerogative, to address this driveway he would recommend this for approval.

Chair Horton and Vice-Chair Wieber had further discussion on adjusting the driveway location, et cetera.

Chair Horton said they did not hear from this person in the Public Hearing.

Mr. Pennington said no, they did not hear from that person but the person who provided the letter is not the person that requested the driveway move, they are two different people. He said the driveway move was actually requested this morning.

Mr. MacKenzie clarified that the Public Hearing was on the exception and there was no opportunity for Public Hearing on the subdivision plat.

Vice-Chair Wieber moved and Mr. Dudley seconded to approve SB-04-2019 with discussions to allow Staff to work with the owner of the property and the person across the street.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

4C. SB-07-2019 – Brookwood Development Corp., Owner/Applicant: – Final Plat Approval to create 50 residential lots (Section 2) in the Brookwood development.

Mr. Pennington provided the following Staff Report:

Request:

The Applicant is requesting approval of a Final Plat for recordation and construction of Section 2 of the Brookwood Development. The Applicant is also submitting an amendment to Section 1 to change the street names previously approved by the Planning Commission. The changes to the street names were requested by neighbors and the Mattaponi District Board of Supervisors representative, Floyd Thomas, who desired street names reflective of the neighborhood character.

Agency & Department Comments

All agency comments were addressed during the preliminary plat process.

Discussion:

The overall preliminary plat for Brookwood Subdivision containing 203 lots was approved by the Planning Commission at the August 2007 meeting. Final plats for individual sections were to be brought to the Planning Commission for final approval as construction plans for each section were approved.

The Planning Commission approved the Final Plat for Section 1 (50 lots) at the July 26, 2019 meeting and the project is currently under construction.

To comply with the Planning Commission’s 2008 Preliminary Plat approval, staff is providing the final plat for Section 2 containing 50 lots. All agency comments have been addressed and the Final Plat is ready for signatures from the reviewing agencies with the Planning Commission’s approval.
Staff is also recommending that the Planning Commission relieve Brookwood Development Corporation from the requirement to return Section 3 and 4 Final Plats to the Planning Commission. This approach would be consistent with the process followed for other subdivisions.

Chair Horton said so Mr. Floyd Thomas has looked through this?

Mr. Pennington said that Mr. Thomas requested that the street names be changed to reflect character of the area. He said so the re-subdivision of Section 1 is included in this plat to change the street names and also to switch a common area and a lot. He further explained that Lot 203 and the common area are being switched.

Chair Horton said and that was also requested by Mr. Thomas?

Mr. Pennington said that was not requested by Mr. Thomas, it was requested by the Developer. He said so this is a plat of Section 2 and the re-subdivision of Section 1 to change the street names and switch a common area and a lot.

Chair Horton asked if they were beside each other?

Mr. Pennington said they were adjacent to each other with a lot in between. He said they couldn’t get a house to set on the lot where it was because of a utility line crossing the lot and the common area had no utility lines and so they made the lot and the common area and the common area a buildable lot.

Chair Horton said she was just curious, why did Mr. Thomas want the road names changed?

Mr. Pennington said a citizen comment at the Board of Supervisors’ meeting requested names reflect the character of the area.

Chair Horton said that makes sense. So back pages is where the switch takes place?

Mr. Pennington said yes.

Vice-Chair Wieber asked Mr. Pennington what he said about Section 3.

Mr. Pennington explained that in 2008 the Planning Commission approved a preliminary plat but wanted all final plats to come back to the Planning Commission before they were approved. He said that is not standard operating procedure and so Brookwood has complied with the 2008 request from the Planning Commission and brought Section 1 back to the Commission as a final plat and is now bringing Section 2 back to the Commission for a final plat.

He stated that since they have complied with the first two sections, Staff feels that we should relieve them of that 2008 request to make it more consistent with the rest of the subdivision ordinance.

Vice-Chair Wieber said so that is Staff’s recommendation?

Mr. Pennington stated that Staff’s recommend is to relieve them of the request.

Mr. MacKenzie suggested there be two Motions, one for the Section 2 plat and one for whether to amend the prior approval to eliminate the requirement of coming back for Sections 3 and 4.

Mr. Dudley moved and Vice-Chair Wieber seconded to approve Section 2 and the re-subdivision of Section 1, SB-07-2019.
Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

Chair Horton moved and Vice-Chair Wieber seconded to amend the 2008 Preliminary Plat approval to remove the requirement that the final plat for Sections 3 and 4 be brought back before the Planning Commission.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

5. **PUBLIC HEARINGS**

Lisa Zech read the Public Hearing protocol.

5A. **SPEX-09-2019 – Ladysmith Professional Building, LLC c/o Starr Management, Owner/ Keys Academy, Applicant:** Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IX (B-1 Business), Section 3.4 of the Caroline County Zoning Ordinance on Tax Map #52D-2-15 consisting of 3.7 acres, more or less. This property is located at 8051 Prosperity Way, Ruther Glen, Madison Voting District. **Proposed Use: Training Center for Handicapped Persons.** The 2030 Comprehensive Plan designates this property as being within the Ladysmith Community Plan as Community Business.

Mr. Pennington provided the following Staff Report:

**Request:**

The applicant is requesting approval of a Special Exception permit for a Training Center for Handicapped Persons pursuant to Article IX, Section 3.4 of the Caroline County Zoning Ordinance.

**Discussion:**

The applicant is requesting approval of a Special Exception permit for a Training Center for Handicapped Persons pursuant to Article IX, Section 3.4 of the Caroline County Zoning Ordinance. KEYS Academy schools are private day, co-educational schools licensed by the Commonwealth of Virginia to serve special education students in grades K-12 who have classifications of disabilities. There are three KEYS Academy schools currently in operation in Virginia located in Culpeper, Charlottesville, and Augusta. KEYS Academy offer services, which provide tools for students to mature socially, emotionally, and academically. This location of KEYS Academy would serve the counties of Caroline, Hanover, Spotsylvania, King William, King George, King and Queen, and Essex.

The Applicant is proposing to use the 2nd floor of the existing Ladysmith Professional Building located in Ladysmith Industrial Park. The hours of operation would be 7:30 a.m. – 4:30 p.m. KEYS Academy will utilize a drop off/pick up area located on the right side of the building with staff attendants.

The Board of Supervisors have authorized an expedited Public Hearing process for this special exception. Should the Planning Commission act upon this request tonight, the Public Hearing at the Board of Supervisors will be conducted at the January 28, 2020 meeting.
Agency Comments

There were no agency comments regarding the use of the existing building. Caroline County Schools has provided a letter in support of the project located in the packet.

Comprehensive Plan

The 2030 Comprehensive Plan designates this area as Community Business and this use is consistent with the Comprehensive Plan.

Suggested Conditions:

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. This Special Exception shall be subject to a three (3) year review by the Board of Supervisors.

3. The drop off/pick up staging area shall be contained to the north side of the structure.

4. A sketch plan shall be provided with the Zoning Use Permit to illustrate the staging of vehicles for drop off/pick up as not to impede flow into the parking lot for daily business being conducted by the other residents of the Ladysmith Professional Building.

Chair Horton asked the Applicant to come forward and make a presentation.

Robyn Puryear, Vice-President of Educational Services, said she has a brief presentation to include pictures. She said Charlene Gray is with her and has worked for Caroline County Public Schools for the past 13 years and has been hired as the new Director for this school if this is approved.

She stated she was also here with Danny Carter and Jim Toomey, from Starr Management who are the owners and landlord of the property.

Ms. Puryear said she is from KEYS Academy and they serve special education students. She said their mission is to provide a unique learning experience that allows students to realize their potential and live with safety, dignity and direction, et cetera. She stated that they serve students ages 5 through 22, so usually it is kindergarten through 12th grade, but they also serve students if their IEP needs allow them to be instructed through the age of 22.

She explained the main classification categories they serve are emotional disabled, autism, other health impaired, speech, language and significant learning disabilities. She said they have very, very small environments and their classroom size generally is 8 to 10 students. She continued to explain what KEYS Academy offers students, how they came to be in existence and how students get to go to KEYS Academy. She stated their goal is to serve students near or in their home community and explained the counties they serve.

She shared pictures of their three schools with Commission members and said they would follow the Caroline County Public Schools calendar. She stated they are proposing to open with a license for 24 students in the first year and increase the license if necessary to 32 students. She further
explained they are licensed by the Virginia Department of Education and are accredited by the Virginia Association of Independent Special Education Facilities, et cetera.

Chair Horton opened the Public Hearing at 7:45 p.m. on SPEX-09-2019, Keys Academy.

Danny Carter, with Starr Management, stated he has worked extensively with Ms. Puryear for the last few months getting this project in a position to open in July. He said Starr Management is committed to this school, in the form of doing the build out. He said he is excited about it as a County resident because when you look at the children that have the need for this type of education, it is phenomenal that they will have it close to home. He stated that this school will be a savings to the School System with regard to transportation, having them 10 or 15 minutes away makes a big difference.

He stated the one question he has is with regard to the review of the special exception permit every three years and asked if there was any wiggle room on that.

Chair Horton stated she does not think they can take any questions at this time and they have to wait until the Public Hearing is closed.

Mr. Carter said he would like to see that changed and is a concern because they are looking at the investment in the building on their part, they are looking at a longer lease than three years.

He said he has visited the school that KEYS Academy operates in Culpeper and spent a few hours walking through it and seeing how they operate. He said it is a great operation, small classes, and staff very committed to their responsibilities to these children. He said he trusts that the Planning Commission will see the need and approve this special exception request.

There were no further speakers and Chair Horton declared the Public Hearing closed at 7:50 p.m.

Vice-Chair Wieber said when the presentation was being given, they are initially going to start with 24 students and asked if the facility was going to be totally built out and everything finished.

Ms. Puryear said yes, Mr. Carter has assured her that their goal is to have it built out by the beginning of June 2020 and leave some wiggle room time for any tweaks and adjustments that need to be made. She stated they must submit their license to the Virginia Department of Education at least 90 days in advance of opening and she tries to give them 120 days, so she will be submitting their license if this goes through, by March 1st, 2020. She said if all goes through, they will be ready to start with staff in July and the students in August.

She stated the key to placing special education students is you need time for the communities and the IEP meetings to take place prior to placement, et cetera.

Vice-Chair Wieber stated that he thinks this is a great thing and he is really happy they can do something like this where some of these poor children are getting bounced around.

He asked Mr. Carter if he actually believed they could do this by July.

Mr. Carter said yes, they are in a position to apply for permits next week and they are comfortable with having it done in probably 90 to 120 days.
Mr. Schwartz commended Ms. Puryear and everyone involved in this effort. He said these kids are very special and it takes a very special person to work with them and give them the help they need.

Ms. Puryear stated they have an incredible staff and they have to have a passion for it to work day in and day out with children that get escalated easily and have a lot of challenges with communication. She said they have a really good track record of being able to return them back to public schools and that is their goal. She said if they cannot return them back to public schools then they can graduate them from their facility with a standard diploma. She stated they are really happy that Ms. Gray is going to be their Director because she lives right here in the community and knows a lot of the staff, et cetera.

Chair Horton said she does have a few questions because she used to be a school principal.

Ms. Puryear said she used to be a school principal as well.

Where does the money come from to fund this school?

Ms. Puryear said the funding comes from the Children’s Services Act which is part of the IDA, all children with IEP’s have to have their educational needs met federally. She said locally and state, the funding comes from the Children’s Services Act.

Chair Horton said so it is public funding. I notice speech was on there, can they come just for speech or just one class or is everybody full-time, or is there some part-time?

Ms. Puryear said good question, all of their students are enrolled full time and speech and language is usually a secondary disability.

Chair Horton said so you are not going to have to be involved any with insurance companies, insofar as paying for the students --

Ms. Puryear said no and again, all of the supplemental services, whether speech, language, occupational therapy, et cetera, are all funded through the Children’s Services Act and local agencies.

Chair Horton said so the qualifications of the teachers- they have to have State certification?

Ms. Puryear said yes, all teachers are licensed by the Virginia Department of Education. Ms. Puryear stated their goal is to have a full special education license and at least half of Staff to have a Master’s Degrees in secondary education, et cetera.

Chair Horton said and there are periodic evaluations of students and so forth?

Ms. Puryear said yes.

Chair Horton said referrals to doctors?

Ms. Puryear said yes and explained other meetings and evaluations because of IEP requirements.

Chair Horton said since you mentioned security, I did have a question about that because you’re going age 5 to 22?

Ms. Puryear said generally, five to 18.
Chair Horton said okay and by five, I’m assuming you mean like the cutoff date of September 30th --

Ms. Puryear said yes. So if they are eligible for kindergarten in the Public Schools then they are eligible for kindergarten at their school.

Chair Horton said so with that diversity of age, there may be some security concerns, so how do you deal with that?

Ms. Puryear said their staff are trained in everything from emergency management, de-escalation and restraints. She said they are mandated reporters and are trained in a little bit of everything. She stated they work closely with the Sheriff’s Department, communities, and invite them in to meet the students and understand some of their triggers and reactions in a crisis and also to have their students have a positive relationship with Emergency Management, et cetera.

Chair Horton said, you kind have the ages kind spread out, correct?

Ms. Puryear said yes.

Chair Horton said so older students then middle and then younger students?

Ms. Puryear explained they generally start the first year with an elementary classroom, then a middle school and then high school classroom, et cetera. She said the older students act as models for the younger kids. She said instructional is separated because needs are different.

Chair Horton said and do you have an area or what is your plan, say a student goes off and is acting out, needs a quiet area for a while, do you have a plan in place for that?

Ms. Puryear said yes, all built in. She said they have cool down rooms in the facility.

Chair Horton said and it’s an area where somebody can supervise them?

Ms. Puryear said always. Ms. Puryear said yes, as part of their processes and policies, they always have a line of sight with students.

Chair Horton said do students provide their own transportation?

Ms. Puryear said no, the Public School Systems provide transportation usually County cars, vans from the public schools. She said if there is a need, possibly a school bus, but it is usually small cars or vans. Parents could drop them off.

Chair Horton said there’s an elevator in that building, correct?

Ms. Puryear said yes, they have to meet the ADA requirements.

Chair Horton said now, I’m turning to Staff, is this something that goes forward to the Board of Supervisors?

Mr. Pennington said yes, it’s been expedited by the Board of Supervisors and it could go to the Board on Tuesday if there is a motion by the Commission tonight.

Chair Horton said and – just because the question was brought up, the three year review, that’s pretty standard for us.
Mr. Pennington explained that the Commission or the Board of Supervisors may amend the conditions as necessary. He said the standard review is actually one year in most cases, sometimes it is a three year review; however, the review is based on compliance with the conditions. He said at the review, as long as the conditions have been met, which in this case the only condition is drop off/pick up area not to impede daily flow of traffic to the building, as long as the conditions have been met then the review is passed and there are no more reviews and can only be revoked if conditions are not complied with.

Vice-Chair Wieber stated he was comfortable with this and thinks it is just terrific and he would leave the review time for the Board of Supervisors.

Chair Horton I’m comfortable with letting them decide on it. I think everything here is good.

(Discussion regarding review time between Commissioners)

Ms. Puryear asked if it would be every three years there will be a review.

Mr. Pennington said no, it is a one-time review and if the review passes, you never have to go back to the Board of Supervisors. He explained that the only way that they can revoke the permit is if the conditions are not complied with. He said the only conditions are not to impede traffic to the building with drop off/pickup, so it should be okay.

Ms. Puryear spoke about the pickup and drop off area and said they should be fine.

Chair Horton said these reviews are just to protect citizens. But you all have got so many State standards – I don’t think you’ll have any problems.

Vice-Chair Wieber said it is far enough out of the traffic flow there will be no issue going in and out.

Mr. MacKenzie clarified and said the review would be a check but they always have to comply with the conditions.

Chair Horton said can I have one more question, let’s see – what textbooks are you all using?

Ms. Puryear said all of their curriculum is bought online that is 100% aligned with the standards of learning in Virginia. She continued explaining the curriculum and said their focus is to work as groups.

Chair Horton said so it sounds like you’re dealing more with mental disability than physical.

Ms. Puryear said no, they will deal with emotional disabilities, Autism spectrum, high anxiety, Asperger’s, et cetera. She further explained that some of the students have mental health challenges through genetics, et cetera.

Chair Horton said I think this falls in line with the current thoughts in education because there was a time that they were put all together. But there is so much diversity among students in regards to how they learn, so now this trend is mostly, give them a special classroom where they can excel.

Ms. Puryear further spoke about strategies to work with children with specific behaviors.
Vice-Chair Wieber moved and Mr. Schwartz seconded that whereas special exception request SPEX-09-2019 for KEYS Academy, 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-09-2019, KEYS Academy, with conditions as stated, be forwarded to the Board of Supervisors with a recommendation of approval.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

3b. **TXT-14-2019:** An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, Section 2, Uses Permitted by Right, by adding the following as a permitted use in the B-1 Business Zoning District: Paragraph 32, Trade, Technical & Vocational School (Indoor).

3c. **TXT-15-2019:** An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, Section 3, Uses Permitted by Special Exception, by adding the following as a use permitted by Special Exception in the B-1 Business District: Paragraph 22, Trade, Technical & Vocational School (Outdoor).

5b. **TXT-19-2019:** An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article II, Definitions by amending the definition of Trade, Technical & Vocational School (Indoor). The purpose of this amendment is to establish qualifications for this use.

5c. **TXT-20-2019:** An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article II, Definitions by amending the definition of Trade, Technical & Vocational School (Outdoor). The purpose of this amendment is to establish qualifications for this use.

Mr. Pennington stated that the second and third Public Hearings will be heard at the same time tonight.

He provided the following Staff Report:

The Planning Commission has discussed the text amendments for Trade, Technical & Vocational School (Indoor and Outdoor) and the definitions thereof at several meetings. A Public Hearing was held and closed at the November 21st meeting for TXT-14-2019 and TXT-15-2019, which add Trade, Technical & Vocational School, indoor and outdoor, as a use in the B-1 Zoning District. Action was deferred for the text amendments to modify the definitions as requested by the Planning Commission, so that they could catch up.

Staff has created revised definitions based on the Planning Commission’s recommendation. The Public Hearing for TXT-19-2019 and TXT-20-2019 to modify the definitions has been advertised for January 23, 2020 meeting.

Mr. Pennington read the text amendments.

He stated TXT-19-2019 is to amend the zoning ordinance of Caroline County by amending Article II, Definitions, by amending the definition of Trade, Technical and Vocational School (Indoor) as follows:

An accredited license or certified school providing specialized vocational education courses and/or training leading to licensures, certification and/or accreditation in an area of study in which all...
instruction, practice, demonstration and other related activities are conducted wholly within a building.

He stated TXT-20-2019 amends the definition of Trade, Technical and Vocation School (Outdoor) as follows:

An accredited license or certified school providing specialized vocational education courses and/or training leading to licensure or certification in an area of study in which all or part of the instruction, demonstration, practice and other related activities are conducted outdoors.

Chair Horton said we do the Public Hearing on these – both of them together, at the same time?

Mr. MacKenzie said yes, you can hold the Public Hearing together and vote separately on each one.

Mr. Pennington said they will need four motions, one for each text amendment.


There were no comments and Chair Horton declared the Public Hearing closed.

Mr. Wieber stated that he believes Staff has added the additional verbiage requested by the Planning Commission.

Vice-Chair Wieber moved and Chair Horton seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, TXT-14-2019, I recommend that TXT-14-2019 be forwarded to the Board of Supervisors with a recommendation of approval.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

Mr. Dudley moved and Vice-Chair Wieber seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, TXT-15-2019, I recommend that TXT-15-2019 be forwarded to the Board of Supervisors with a recommendation of approval.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

Mr. Schwartz moved and Mr. Dudley seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, TXT-19-2019, I recommend that TXT-19-2019 be forwarded to the Board of Supervisors with a recommendation of approval.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *
Chair Horton moved and Mr. Schwartz seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, TXT-20-2019, I recommend that TXT-20-2019 be forwarded to the Board of Supervisors with a recommendation of approval.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

6. Any and All Matters

Mr. Pennington stated that Staff is requesting that they go to Public Hearing on two Text Amendment regarding signs. He explained the highlighted portion is what is being added to Article 14, Section 6, Signs Permitted in B-1, M-1 and Planning Unit Development Districts.

He said Paragraph 2B, Section 4, where the subject M-1 Industrial Park contains 300 or more contiguous acres under unified ownership, then an additional development identification sign shall be permitted for each road frontage up to a maximum of 4 signs provided the aggregate area of all signs shall not exceed 600 square feet. He explained that this amendment was brought about by a request from an organization that wanted more than one sign at their entrance. He said Staff looked at the ordinance and where unified ownership has over 300 acres, Staff decided that they could have an extra sign on the road frontage that they have.

Vice-Chair Wieber said the only change to this regulation is because of road frontage.

Mr. Pennington said currently, businesses or business parks are only allowed one sign. He said a request was made for someone to have a sign on each side of their entrance, which is not currently allowed by the ordinance. He stated Staff penned this text amendment to allow an industrial park of significant size to have an extra sign at their entrance depending on the required road frontage and acreage.

Chair Horton said right now, you are saying that it’s only one?

Mr. Pennington explained that right now, companies or industrial parks are only allowed one sign.

Chair Horton said what you’re saying is that they can have four if they are 300 acres plus?

Mr. Pennington said they are allowed to have up to four and the aggregate area of all four signs shall not exceed 600 square feet. He said so if they have multiple entrances on multiple roads, they could have up to four signs but it would be limited in square feet.

Mr. Pennington said this would allow for two signs at each entrance so that if they had the road frontage on two separate roads, they could have two signs at each entrance.

Vice-Chair Wieber said so two signs on each roadway they are building, public streets.

Mr. Pennington stated it could be a private drive into their industrial complex but they would be allowed two signs at each of their two entrances off of two separate roads.

Chair Horton said so only two signs per entrance?
Mr. Pennington said that is correct.

Chair Horton asked why do they need two signs at one entrance?

Mr. Pennington said that was a request, one sign on each side of their entrance.

(Chair Horton and Mr. Pennington continue to discuss location of signs).

Mr. Schwartz said for example, one sign could be designating the name of the business and another one saying loading dock, et cetera.

Mr. Pennington said they are not allowed to dictate wording on signs any longer, they are only speaking about what could be on the signs.

Vice-Chair Wieber said each sign could be at least 32 square feet.

Mr. Pennington said that is correct and industrial park signage can actually be larger than 32 square feet, but they could be 32 square feet.

Chair Horton said I mean, I could be wrong, I – I’m still not, because we’ve been through – I think most of us were here when we talked about signs over and over and we went through all of this. I’m not quite sure why we need two signs at an entrance.

Mr. Pennington said Staff is just asking for authorization to advertise for a Public Hearing and they can have discussion at the Public Hearing and the requestor may be able to come in and speak.

Vice-Chair Wieber stated that based on that comment, he thinks it is okay to authorize Staff to advertise for Public Hearing. He said he would like to hear why they need the signs because they are trying to hold down the amount of signage.

Chair Horton said because they’re trying to reduce the clutter and also not distract the driver so much.

Vice-Chair Wieber said they have some of these larger industrial sites that they have rezoned and he can envision those kind of things where you’re going to have 600,000 square feet of building area. He said he was a little concerned because they did fight for a long time to hold down the amount of signage in the County.

Chair Horton moved and Vice-Chair Wieber seconded to authorize Staff to advertise for Public Hearing at the February meeting.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

7. ADJOURNMENT

• Motion to adjourn to the February 27, 2020 regular meeting

Mr. Dudley moved and Vice-Chair Wieber seconded to adjourn at 8:30 p.m.

Voting yea: Dudley, Horton, Schwartz, Wieber

* Motion carries *

Respectfully Submitted,
Michael A. Finchum
Director of Planning & Community Development