

At a meeting of the Caroline County Planning Commission, held Thursday, February 24, 2022, in the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

Present

Dr. Carol Horton
 Percell Minor
 Robert Schwartz
 Scot Sullivan
 George Wieber

Absent

Leon Smith

Also Present

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

CALL TO ORDER – REGULAR MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES (OCTOBER 28, 2021)**

Vice-Chair Schwartz moved and Mr. Wieber seconded to approve the October 28, 2021 minutes as presented.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

3. **SUBDIVISION**
- 3A. **SB-11-2021 – Walton Virginia, LLC, Owner / D.R. Horton, Applicant:** The applicant is seeking Preliminary Plat approval to create 263 residential lots in the South River/Ladysmith Village development on Tax Map Nos. 52-2-1; 52-2-2; 52-2-3; 52-A-32 and 52-A-33.

Craig Pennington, Planner, advised that the Applicant has requested that this be deferred to the next meeting.

Dr. Horton moved and Vice-Chair Schwartz seconded that whereas the general welfare and good zoning practice warrants, I move to defer SB-11-2021 for Walton Virginia, LLC, Owner/D.R. Horton, Applicant, to the next meeting for further discussion.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

4. **UNFINISHED BUSINESS**
- 4A. **SPEX-15-2021 – Gramm Properties, LLC, Owner / Everett, Randall, Applicant:** Request a Special Exception Permit in accordance with Article XVII, Section 13 (Standards for Special Use Permits) and Article IV, Section 5.19 (Rural Commercial Recreational Use) of the Caroline County Zoning Ordinance on Tax Map #27-A-57 consisting of 20 acres, more or less. This property is located at 10287 Paige Road (Route 605) approximately one mile east of Edgehill Academy Road (Route 632), Port Royal Voting District. The 2030

Comprehensive Plan designates this property as Agricultural Preservation. **Proposed Use:** Motocross Training School.

Mr. Pennington provided the following updates to the Staff Report:

Request:

The applicant is requesting a special exception to operate a motocross training facility pursuant to Caroline County Zoning Ordinance Article IV, Section 5.19.

February 24, 2022 Update

Four members of the Planning Commission attended site visits to the property to observe operation of the facility.

Comments were received from VDOT related to sight distance and other requirements which will be addressed at site plan should the request be approved.

No additional information from the Applicant or comment letters from citizens have been received since the January 25th meeting.

Suggested Conditions

Staff offers the following updated conditions for the Planning Commission to consider, if there is a recommendation of approval. Conditions 7 through 10 have been added since the last staff report:

1. The To-Wit for this project shall be recorded in the Office of the Clerk of the Circuit Court within 30 days of receiving the final zoning approval and that the applicant shall provide to the Caroline County Planning and Community Development office a copy of the recorded instrument with the deed book and page number. No site plan or other development permit shall be issued prior to the instrument's recordation.
2. The project shall be in substantial conformance with the Development Plan included with the application submittal except for any minor changes necessary to meet ordinance requirements.
3. This Special Exception permit is subject to a one (1) year review by the Board of Supervisors from the date of approval (or commencement of operations) and every 3 years thereafter.
4. A site plan shall be submitted and approved in accordance with Article XV Section 14 of the zoning ordinance.
5. The Permit shall comply with the noise provisions of Chapter 68 of the County Code.
6. Hours of operation shall be 10 a.m. to 6 p.m. Monday through Friday and 10 a.m. to 5 p.m. on Saturday.
7. *Class size shall be limited to 10 participants per instructor with a maximum class size of 20 participants.*
8. *Classes shall be limited to four (4) 2 hour classes or one (1) 5 hour class per day.*
9. *Personal use of the motocross track shall be allowed during operating hours with a maximum of 10 participants.*
10. *Erosion and Sediment control personnel from the Caroline County Department of Planning & Community Development shall perform an inspection of the track every 6 months for any sediment runoff.*

Mr. Pennington stated that there are two suggested conditions in front of the Commission as possible replacement conditions that were discussed between Staff and the Applicant previously this week. He said that should be a discussion item in moving forward with this project.

Mr. Wieber stated he would like to address one of the comments, he did read through this really carefully and he did go out to the site. He said when you are standing right next to a motorcycle it is kind of loud but not as noisy as he thought it was going to be.

He said with regard to the class size for a total of 30, he wants to make sure one of the classes is on the smaller track, which means that 20 participants would be allowed on the bigger track and 10 on the smaller track. He said he would like to be an adjustment to the stipulations.

He stated he had no problem with the private use Sunday hours. He said he believes both of these conditions should be part of this discussion.

Vice-Chair Schwartz stated that he and Chairman Minor also visited the site and they did go to the edge of the road as the motorcycle was being operated and the only time you could really hear it was within 200' of the entrance. He said a single engine aircraft flew about 2,000 feet overhead and drowned out the sound of the motorcycle. He said he doesn't see noise as a great problem.

He said he also wanted to address the class size and said he was not opposed to the class size or breaking up in groups to use the small and large track. He said at one point, he believes there was a possibility that the applicant would not be able to use these tracks for his personal use.

Mr. Pennington stated that once a special exception is approved, that becomes the use of the property. He said the applicant could use it for personal use within operating hours of the business, because that is when bikes are allowed to be operated on the track; however, Sundays he is not operating, so without the condition allowing him to ride on Sundays, he would not be allowed on Sundays.

Vice-Chair Schwartz said he was not opposed to that condition but would like to point out that if they have classes of 30, i.e., three classes running and then add an additional, possibly, 10 friends who are riding at the same time, now they are up to 40.

Mr. Pennington said the Commission can adjust the condition that personal use of the track cannot take place during the same time as class instruction.

Randall Everett, Applicant, said it is not logical to have personal use on the track when business is going on and he would be fine saying business use Monday through Saturday and personal use on Sunday.

Vice-Chair Schwartz stated he was concerned about separating personal use versus business use as that may create a problem with regard to insurance.

He said otherwise, they were all favorably impressed with the operation there and what it will do and what it can do. He said you are always going to have opposition somewhere.

Dr. Horton stated she wanted to address some concerns of constituents in her district. She asked if there was going to be a campground at the facility.

Mr. Pennington said there is no campground proposed at this time.

Dr. Horton asked about the lighting at the site.

Mr. Pennington said there are no lighting requirements in the ordinance and since it is only going to be operated between the hours of 10 a.m. and 6 p.m., there is no need for lights.

Dr. Horton asked if there could be lights by-right.

Mr. Pennington said by-right they could have a maximum height of 35' but it would have to be angled downward.

Dr. Horton asked if repairs were allowed on site.

Mr. Pennington said if a bike breaks down, they can repair it but this is not a repair shop.

Dr. Horton said so no racing, training only. She asked if this business/property is sold to another owner, what will transfer to the new owner.

Mr. Pennington stated that as written, it could be sold under the same conditions.

Dr. Horton asked what happens if this goes out of business and shuts down.

Mr. Pennington said if it is not operated for two years, then the special exception will be void.

Dr. Horton said the track is already in use and she did visit the facility. She said sometimes they approve some of these things that are already in use because it gives them better control over the facility with conditions. She said the facility is within 3 minutes of I-95.

She said VDOT commented and said it had to have a certain amount of sight distance.

Mr. Pennington said the applicant would have to upgrade the entrance to a moderate commercial entrance, which is just widening the entrance and paving the first 24 feet. He said the applicant would have to provide sight distance and right now, if you get to the end of the driveway, it is fairly wooded along the roadside and they will have to clear a little bit at angles there to make sure the driver can see 150' in either direction, and those were addressed on the site plan.

Dr. Horton said the erosion issues are addressed in Condition #10, but when they did the site visit, they all saw some erosion. She said they have already started doing things on site to resolve the erosion issue.

Dr. Horton said she agrees with 20 riders on the larger track and 10 on the smaller track.

She said they need to add Condition #11 that says no personal use of track during hours of operation.

She agreed that it was not as noisy as they thought it was going to be and it is hidden in the woods.

Mr. Wieber stated that Mr. Nunnally was with them on the site visit and they could see that the erosion was already being addressed.

Mr. Sullivan asked Mr. Everett if he was okay with the change in stipulation on how many people on the small track and the large track.

Mr. Everett said he had no issue because they will use the smaller track for kids.

Mr. Sullivan asked if Mr. Everett would ever ride before 10:00 a.m. before the track actually opens, because he doesn't want to limit Mr. Everett from riding.

Mr. Everett said there could be some rare occasion, but when it is early, the sun blocks some of the jumps and it is harder to see and so, typically, no.

Mr. Sullivan said so no riding before 10:00 a.m.

Mr. Pennington said that was correct and the applicant would have to abide by the hours in the conditions. He said personal use on a weekday would have to be conditioned in.

Mr. Sullivan said he was not opposed to him using the track for his personal use before 10:00 a.m.

Dr. Horton stated the personal use includes the applicant and his friends.

Mr. Pennington said yes, right now he could have as many friends as he wants as long as no money changes hands. He said personal use of your property is not regulated by zoning.

Dr. Horton said she would suggest for personal use, saying applicant only in the conditions.

Mr. Sullivan said he was trying to give him more flexibility to ride.

Mr. Everett said he would appreciate that flexibility because he may go out early to check the track out, et cetera.

Vice-Chair Schwartz said if no classes are being conducted then you and 10 friends could utilize the track.

Mr. Pennington said yes, if approved and he doesn't have any classes, then yes he could use the track for his personal use during operating hours.

Vice-Chair Schwartz asked if there was going to be any commercial repair work done on site. He said these bikes are privately owned by attendees so they are responsible for their own repair.

Mr. Everett said that the only reason the bike will be repaired is in order to get back out and train.

Mr. Pennington clarified and said repairing a bike on site is an accessory to the use. He further explained that as long as people are not bringing him bikes to repair and pick them up and take them elsewhere, that would then be a repair operation.

Chairman Minor asked how the gate will be secured.

Mr. Everett said the gate is just a key code currently.

Vice-Chair Schwartz said he wanted to be clear in the language for the proposed replacement conditions:

He said #7 will change the class size, class size shall be limited to 30 participants, 10 per trainer on the large track and 10 per trainer on the small track, for a maximum total of 30 participants.

Mr. Pennington said Mr. Wieber also added a statement to split that up and so they have to make sure it is split up.

Mr. Pennington said #9 would be personal use of the motocross track would be allowed during operation hours or on Sundays between 10 a.m. and 5 p.m. or for an hour before class for the owner only.

He said #11 would be no personal use of the track while instruction is taking place.

Dr. Horton moved and Mr. Wieber seconded that whereas Special Exception request SPEX-15-2021 for Gramm Properties, LLC, Owner / Everett, Randall, 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-15-2021 be forwarded to the Board of Supervisors with a recommendation of approval with the 11 Conditions as noted by Commissioners and Staff.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

5. PUBLIC HEARING

Ms. Zech stated that she would read the Public Hearing protocol and then she is going to through just a little information on the Capital Improvement Program. She said the School would like to provide a presentation and then they will have the Public Hearing.

5A. 2022/2023 – 2026/2027 Capital Improvement Program: The Capital Improvement Program is the program for guiding Capital Projects and purchases over a five-year period and is based on the Comprehensive Plan. The Capital Improvements Program is developed pursuant to Title 15-2, Chapter 22, Article 5, of the Code of Virginia, 1950, as amended.

Ms. Zech stated that Staff recommends that the Commission hold the Public Hearing, but defer action on the CIP to the March 24th meeting. She said they realize the Commission has only had the information for a few days and the County Administrator's recommendations are not final. She said this is still a work in progress and Staff believes that by March 24th they will have those final recommendations to provide to the Commission.

She provided general information on the Capital Improvement Program.

She stated that the School would like to address the Commission and under the Rules of Order, they have 15 minutes.

Marcia Stevens, Chief Operations Officer, Caroline County Public Schools, stated she was here tonight along with Chris Caldwell, Supervisor of Maintenance and Facilities.

She said they are happy to present a revision to the School Board's adopted CIP for FY 23 for the Commission's consideration. (Copy of presentation provided).

Ms. Stevens explained their process and said it consisted of five steps and starts in September, et cetera.

Chris Caldwell provided a PowerPoint presentation and spoke about the budget requests/proposal and said the highlighted items in red are recommended for the FY-22/23 CIP budget, et cetera.

He said Caroline County Public Schools will continue to look for alternate funding sources to fund some of these projects to lessen the overall burden on the taxpayers.

He explained the School's proposed list, and said the HVAC system installed in 1992 is at the end of its life expectancy, et cetera. He went on to talk about the HVAC grants totaling \$3 million dollars to fund this project, but unfortunately, there have been price increases because of COVID 19, they have added this project to the CIP to help offset inflation costs currently estimated at \$1 million above the current funding sources, et cetera. He stated this is a critical need for CCPS and they are able to fund \$3 million of the project with other sources that will expire in 23/24.

Caroline Middle School opened in 1992 and in the last 30 years, the 221,875 square feet of pavement has been well maintained exceeding the typical life expectancy of 15 years. He said currently the parking lot is deteriorating, et cetera. He said they are seeking funding of \$375,000 to replace this parking lot.

He stated the Maintenance Department is in critical need of continued replacement of utility trucks that have 300,000 miles and ground equipment, et cetera. He said it is becoming more costly to maintain these trucks in a safe and serviceable condition, et cetera.

He said the Lotus Academy and the Caroline High School restrooms need renovations, and with ongoing plumbing issues, lack of ADA accessibility, makes these a high priority. He said these restrooms are also frequently used by citizens during events.

He said in addition, the HVAC in the CTE labs are also in need of improvements for safety of students and staff. He said this request will add heating and air. He said they are hoping to acquire reversion fund monies from FY21 to be able to complete the projects listed on the slide and CCPS would be able to remove those projects from the current 5-Year CIP Plan with reversion money funding.

Chairman Minor opened the Public Hearing on 2022/2023 – 2026/2027 Capital Improvement Program at 7:45 p.m.

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

Dr. Horton asked Mr. Caldwell what kind of renovations they were thinking about.

Mr. Caldwell said the renovations would include removing urinals and bringing more stalls into the men's restrooms and the actual location may switch because of size.

Dr. Horton continued speaking about the renovations.

Mr. Sullivan stated that he really did not have enough time to offer any questions and he would recommend deferring this to the next meeting.

Mr. Sullivan moved and Vice-Chair Schwartz seconded to defer the 2022/2023 – 2026/2027 Capital Improvement Program to the next meeting for further discussion.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

6. ANY & ALL MATTERS

7. **ADJOURNMENT**

- Motion to adjourn to the March 24, 2022 meeting.

Vice-Chair Schwartz moved and Mr. Wieber seconded to adjourn at 8:00 p.m.

Voting yea: Horton, Minor, Schwartz, Sullivan, Wieber

** Motion carries **

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