

At a meeting of the Caroline County Planning Commission, held Thursday, April 22, 2021, in the Community Services Center, located at 17202 Richmond Turnpike, Milford, Virginia, at the hour of 7:00 p.m.

Present

Gary Dudley
Dr. Carol Horton
Percell Minor
Robert Schwartz
George Wieber

Absent

Leon Smith

Also Present

Michael A. Finchum – Director of Planning & Economic Development
Chris Mackenzie – County Attorney – VIA ZOOM
Craig Pennington - Planner
Lisa L. Zech – Administrative Assistant/Planning Tech

CALL TO ORDER

Chairman Wieber called the meeting to order at 7 p.m. and introduced Planning Commission members and staff.

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES (FEBRUARY 25, 2021)

Dr. Horton moved and Vice-Chair Minor seconded to approve the February 25, 2021 meeting minutes as presented.

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

** Motion carries **

3. PUBLIC HEARINGS

Lisa Zech read the Public Hearing protocol.

- 3A. RZ-02-2021 – Quality Land Group, LLC, Owner/Applicant:** Request a Rezoning from RP, Rural Preservation (density of one dwelling unit per 10 acres of land) to M-1 Industrial (no specified density), on Tax Map #85-A-52A, consisting of 10 acres, more or less. This property is located at 23039 Richmond Turnpike (Route 301), Mattaponi Voting District. **Proposed Use: Industrial.** The 2030 Comprehensive Plan designates this area as being Rural Preservation/Flood.

Craig Pennington, Planner, provided the following Staff Report:

Request:

The applicant is requesting approval of Rezoning of Tax Map parcel 85-A-52A from Rural Preservation to M1 Industrial for a contractor equipment, storage, and sales facility and an office.

Discussion

The applicant is requesting approval of Rezoning of Tax Map parcel 85-A-52A from Rural Preservation to M1 Industrial for a contractor equipment, storage, and sales facility and office. The applicant

currently utilizes a home office to operate Quality Grounds as a landscaping business in Caroline County. The parcel noted on this application currently houses a storage facility for the equipment used by Quality Grounds. The owner would like to move his entire operation to this location.

In order to operate as a contractor equipment, storage, and sales facility the property must be rezoned to M-1. The RP Zoning District allows for this use as a Special Exception if the owner of the business lives on the property. The applicant does not reside at this location, therefore, a rezoning to M-1 would allow for this use.

The site currently has five (5) barn type structures located on the property to house equipment. Further expansion of the site is encumbered by the Resource Protection Area on most of the parcel. There is room towards the southeast of the property where another structure could be located, but none is planned at this time.

Agency Comments

The Virginia Department of Health commented that the drainfield should be inspected to determine if it is adequate for the number of employees and the Applicant should contact the Office of Drinking Water to determine if the business falls under their regulatory authority.

Comments have not been received from VDOT at the time of this writing but the parcel currently has an approved VDOT entrance to the facility.

Technical review comments were not requested from the other Departments/Agencies because minimal changes are expected to the use of the site should the rezoning be approved.

Comprehensive Plan

The Comprehensive Plan designates this property as being rural preservation and outside of a growth area. M-1 zoning for this parcel is not consistent with the Caroline Comprehensive Plan, however, this use is allowed in an RP Zoning District as a Special Exception if the owner lives on the property.

While contractor equipment, storage, and sales facility is compatible with the RP Zoning District, Many M-1 uses, permitted "by-right" or by Special Exception permit may not be appropriate for the site and/or area. A number of uses may be encumbered by the Resource Protection Area, which covers most of the parcel.

Proffers

No Proffers have been submitted with this rezoning.

Mr. Pennington stated that this week and last week, Staff received three calls from adjacent property owners and all three of those calls were okay with the rezoning and did not have any comments.

Chairman Wieber asked about the Applicant living on the property.

Mr. Pennington stated that RP zoning allows for this use if the Applicant lives on the property. He said if the Applicant was living on the property, he could do this as a special exception instead of a rezoning; however, he does not reside at this property or plan to reside at this property and so, therefore, it has to go to Industrial for the same use that is allowed in the RP District if he lived there.

Chairman Wieber asked if it would be an issue if he lived on the property.

Mr. Pennington said it would not be a rezoning and it would just be a special exception request.

Mr. Schwartz said it used to be the Luck Stone Sand & Gravel property and asked if it was RP Zoning when Luck Stone went in and began operation.

Mr. Pennington said yes, they did not do a rezoning because Luck Stone was there prior to those requirements. He stated the property has always been rural preservation even when Luck Stone was operating.

Mr. Schwartz stated that he understands the business logic of putting everything in one location, but the problem he is having is that they have set parameters for rural preservation. He said to now come and rezone this 10 acres, to him, means they are going outside the box that the Comprehensive Plan, Planning Commission and the Board of Supervisors set up years ago with certain goals in mind. He said he considers this to be spot zoning and he would be more receptive to this if the Applicant lived on the property.

He said the Applicant said in his application that he was about 1/8 mile from three other businesses, et cetera, and he doesn't know how long those businesses have been in operation.

He spoke about the close proximity to other businesses and it was not 1/8 mile but 3/10 of a mile. He said it was not consistent with the Comprehensive Plan and he was having a bit of difficulty with this.

Chris Mackenzie, County Attorney, stated that he was happy to go over some of the legal issues that Mr. Schwartz raised, for example, spot zoning and what that means and doesn't mean, but Mr. Schwartz may want to let the Applicant give a presentation first, public comment and then he can address any issues that Mr. Schwartz wants to address.

Chairman Wieber asked the Applicant to come forward and give a presentation.

Mike Parker, Owner of Quality Land Group and Quality Grounds, stated he has been in the County for 43 years and owned and operated Quality Grounds in the County since 2001. He said he purchased the property in 2009 and in 2017 he hired a Law Firm to apply for a zoning change. He said he paid close to \$10,000 in fees, they did a minor subdivision, soil work for the drainfield and the Law Firm told him everything was taken care of and their zoning was approved. He said he did not know any different and has been operating the property as a contractor storage yard and also applied to get a business license there.

He stated Mr. Pennington advised him there was a problem and he could not get a business license to that address. He said he went back to the Law Firm, again they assured him everything had been taken care of; however, after checking with County Staff, the Law Firm had dropped the ball.

He said he is here today to say they are a business, they employ 12 full-time employees in the County, has never been late on taxes, and the Luck Stone plant listed on the tax map, has been taxed at the commercial rate since 2009. He said he went to the Commissioner of the Revenue, Mark Bisson, asking about being charged taxes at the commercial rate and Mr. Bisson said it was a zoning question.

Dr. Horton asked how long the equipment had been stored on the property.

Mr. Parker said they moved in 2009 but stored sand and gravel, topsoil, mulch, that type of thing.

Dr. Horton asked where the employees were now.

Mr. Parker stated that since 2017, the employees have been meeting there.

Dr. Horton asked if they have been paying commercial taxes since 2009.

Mr. Parker said yes.

Mr. Pennington stated the tax rate is set by the Commissioner of the Revenue's Office, and if they decide it is commercial use, they can tax it for commercial use even if the zoning is not. He said the Planning Department does not get into that aspect of what you are being taxed and it does not have to coincide with zoning. He said Mr. Parker is correct that they have been charged the commercial tax rate.

Dr. Horton asked if they were legally allowed to store equipment.

Mr. Pennington said yes, this rezoning is because he wants to fully operate out of the site.

Chairman Wieber said so even if the Applicant does not live there, he can still store his equipment there.

Mr. Pennington stated that is permitted as a storage facility.

Mr. Dudley asked Mr. Parker if he was assuming that all of the property was rezoned.

Mr. Parker said no, he was only asking for 10 acres to be rezoned in 2017 and that is all the land they are using. He said it is the same area Smith used and Luck Stone used.

Dr. Horton stated this was not grandfathered in because Luck Stone was a different business.

Mr. Pennington said that is correct, it was prior to zoning in the County. He said when zoning came into the County, you could apply to rezone or keep as a grandfathered use. He said they did not ask for industrial and so once operation ceased, it was just RP property. He said Mr. Parker was not grandfathered in since he started using it in 2009.

Vice-Chair Minor stated that somebody messed up.

Mr. Pennington said in 2017 when Mr. Parker had contacted an attorney to rezone the property but they did not do it and instead did a minor subdivision. He said Mr. Parker is trying to clean up the rezoning that never happened.

Chairman Wieber asked if this came to light in 2017.

Mr. Pennington said no, it came to light when Mr. Parker applied for a business license to move his office to the site.

Dr. Horton asked how far Mr. Parker lived from the property.

Mr. Parker stated he lives about five miles away, at the intersection of Mount Vernon Church Road and Reedy Mill Road.

Chairman Wieber opened the Public Hearing on RZ-02-2021, Quality Land Group, LLC, Owner/Applicant, at 7:20 p.m.

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

Mr. Schwartz asked Chris Mackenzie, County Attorney, if this was a spot zoning issue and if they were leaving themselves open to any trouble down the road.

Mr. Mackenzie spoke about the issue of spot zoning and said it was relevant to any rezoning and this is no different from any other rezoning. He said spot zoning, in reality, is a fairly rare occurrence. He said what needs to happen for something to be spot zoning, which is not permissible, is that there is no benefit to the general public, to the County, to anybody and only benefits the property owner. He said the important thing to bear in mind there, of course the property owner is going to be benefitted by rezoning. He said the question that has to be asked to insure that it is not spot zoning is, what are the other benefits? Does it benefit the County? The General public? Health, safety & welfare? Are there any other general benefits to this rezoning and if so, then it is not spot zoning. He said you can look at the Comprehensive Plan, history of the parcel, history of the use, et cetera, to see whether there are other benefits instead of just solely to the property owner.

Chairman Wieber stated when Luck Stone was there it was an established facility, a working business, whether or not it was in the Comprehensive Plan, it was allowed. He said he is concerned there is a piece of land that was being used for business and by denying this application, what benefit would that do for this piece of land and as far as the County is concerned, none. He said he does not think what they are asking for is an adverse use.

Mr. Schwartz said he shares Chairman Wieber's opinion. He said certainly if they are combining the two locations to make business sense, then he is all for it. He said he does not want to get in a box that they stub their toe on somewhere else.

Chairman Wieber stated that they already are an existing location, they have had no complaints and Luck Stone was an okay facility.

Dr. Horton said they already have trucks, he just wants to move the main operation there. She said it has been in operation for a long time, but they still have to be careful. She said she would like to know more about what the Health Department commented, i.e., the drainfield should be inspected, drinking water, et cetera.

Mr. Pennington stated that if this is approved, a building permit will be necessary and VDH comments would be taken care of as part of the building permit as would other agency comments. He said the Building Department needs verification from VDH that it is okay to operate.

Mr. Dudley stated they cannot get an Occupancy Permit unless agency comments are taken care of.

Mr. Pennington said that was correct.

Mr. Schwartz moved and Vice-Chair Minor seconded that whereas rezoning request RZ-02-2021 for Quality Land Group, LLC, Owner/Application, 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 RZ-02-2021 be forwarded to the Board of Supervisors with a recommendation of approval.

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

* Motion carries *

- 3B. TXT-01-2021** - An Ordinance to amend the Subdivision Ordinance of Caroline County by Amending Section 2 Definitions to amend the definition of "Subdivision". The purpose of this amendment is to exempt property acquired or created by the Board of Supervisors from the definition of a subdivision with regard to future division of the property.

Mr. Pennington provided the following Staff Report:

Request:

Staff is bringing forward for Public Hearing a text amendment to modify the definition of "Subdivision" as found in Article II of the Subdivision Ordinance.

Discussion

Staff is presenting for Public Hearing TXT-01-2021 that modifies the definition of Subdivision in Article II of the Subdivision Ordinance so that property acquired or created by the Board of Supervisors does not constitute a subdivision with regard to future division of the property.

This text amendment has been brought about by the County's efforts to secure land for a new fire station in the Sparta Area. At the March 9th meeting, the Board of Supervisors referred the proposed amendments to the Planning Commission for consideration and recommendation to the Board.

The amendment is as follows with the proposed modification in *blue italics*:

TXT-01-2021: An Ordinance to amend the Subdivision Ordinance of Caroline County by amending Section 2, Definitions as follows

SUBDIVISION: A division, subdivision, or re-subdivision of a lot, tract, or parcel of land situated wholly or partly within the boundaries of the County into two (2) or more lots, tracts or parcels of land for the purpose, whether immediate or at some future time, of the transfer of ownership of any of these, or for the purpose of the erection of a building or other structure on any one of them. *Any lot, tract, or parcel of land created and acquired by the Board of Supervisors whether through condemnation or purchase agreement with the underlying property owner shall not constitute a subdivision for purposes of this ordinance.*

Chairman Wieber opened the Public Hearing on TXT-01-2021 at 7:30 p.m.

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

Mr. Pennington explained the language being added. He said the way the ordinance reads right now, every parcel existing as of 1989 is allowed one subdivision of land to sell, et cetera. He said a parcel of land was subdivided off of someone's parcel to then sell to the Board of Supervisors then the way the ordinance reads right now, they would not be able to subdivide their land again. He stated what this ordinance is doing is, if the Board of Supervisors is trying to buy land from the owner and subdivides that land off, that owner would still have the right to subdivide their land one time in the future.

Dr. Horton asked how many times someone could subdivide.

Mr. Pennington said one time and then the County could buy as many parcels as they wanted from them. He said it is basically saying that if the County is buying land, then you retain subdivision rights.

Mr. Schwartz said so that means the property owner would not be penalized.

Mr. Pennington said correct, this is what this ordinance does.

Vice-Chair Minor moved and Mr. Schwartz seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, I recommend that TXT-01-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

3c. TXT-02-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article XII, Lot Area & Other Dimensional Requirements, Section 2, Exemptions & Reductions, to exempt public facilities or utilities of Caroline County from lot size or other requirements as found in this section.

Mr. Pennington provided the following Staff Report:

Request:

Staff is bringing forward for Public Hearing a text amendment to modify Article XII, Lot & Other Dimensional requirements to exempt public facilities or utilities of Caroline County from the lot size and other requirements.

Discussion

Staff is presenting for Public Hearing TXT-02-2021 that modifies Article XII Lot Size & Other Dimensional Requirements, Section 2 Exemptions & Reductions, to exempt public facilities or utilities of Caroline County from the lot size and other requirements as found in this Article.

This text amendment was precipitated by the County's efforts to secure land for a new fire station in the Sparta Area. At the March 9th meeting, the Board of Supervisors referred the proposed amendments to the Planning Commission for consideration and recommendation to the Board.

The amendment is as follows with the proposed modification in Blue (italics):

TXT-02-2021: An Ordinance to Amend the Zoning Ordinance of Caroline County by amending Article XII, (Lot & Other Dimensional Requirements), Section 2, (Exemptions and Reductions) as follows

Public facilities and public utilities ***of the governing body***, as defined in Article II, ~~may~~ ***shall*** be exempted from ~~or have~~ the requirements of Article XII, Section 1. ~~above modified subject to Special Exception approval in accordance with Article XVII, Sections 6 – 11 of the Caroline County Zoning Ordinance.~~

Chairman Wieber asked if this amendment was being done for the same purpose as the previous text amendment.

Mr. Pennington said that was correct.

Dr. Horton asked for a definition of "governing bodies".

Mr. Pennington stated that "governing bodies" would be Caroline County Board of Supervisors.

Michael A. Finchum, Director of Planning & Community Development, added "or one of their authorized entities".

He stated he wanted to give the Commission a concrete example of the benefit of this ordinance amendment and he is going to refer to our utility system. He said if they are familiar with a public sewer system, you have a gravity system which everything flows downhill, but if you also have force mains where you have a pump station that has to force that sewage up hill wherever you have a pipe installed that you have got to go up and over a contour to get to another gravity line. He said the way this current ordinance is written, if a pump station was located in the RP Zoning District, your minimum lot size for a pump station that might be 20 x 20, would be 10 acres of land and you would have to meet the setbacks for an RP Zoned 10 acre lot, et cetera. He stated without this amendment they would have to acquire, potentially, a 10 acre lot to meet the ordinance requirements.

Chairman Wieber said so this allows a governing body to adjust some of these restrictions that might occur when it is not necessary.

Mr. Finchum said correct. He said for example, the reference to the potential fire station site, the County really does not need 10 acres for a fire station.

Dr. Horton said so if she votes yea, she is exempting them from requirements of Article XII.

Mr. Finchum said that was correct, the minimum lot size.

(Commissioners discussing what Article XII, Section 1 contains)

Chairman Wieber declared the Public Hearing open on TXT-02-2021 at 7:44 p.m.

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

Mr. Dudley moved and Mr. Schwartz seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, I recommend that TXT-02-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

3D. TXT-03-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Repealing Article XV, Supplemental Regulations, Section 6-Flood Hazard Zones. This section was replaced by Chapter 45, Article II of the Code of Caroline.

Mr. Pennington provided the following Staff Report:

Request:

Staff is bringing forward for Public Hearing a text amendment to repeal Article XV, Supplemental Regulations, Section 6, Flood Hazard Zones.

Discussion

Staff is presenting for Public Hearing TXT-03-2021 that repeals Article XV, Section 6 Flood Hazard Zones, and removes it from the Zoning Ordinance.

In April 2016, The Board of Supervisors adopted a new Flood Plain Ordinance incorporating it into Chapter 45 of the Code of Caroline thereby rendering Section 6 of the Zoning Ordinance void.

As a matter of "housekeeping" and to avoid confusion, Section 6 should be repealed from the zoning ordinance.

The text amendment is as follows:

TXT-03-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Repealing Article XV, Supplemental Regulations, Section 6-Flood Hazard Zones. This section was replaced by Chapter 45, Article II of the Code of Caroline.

Mr. Finchum stated that the Board of Supervisors adopted the new floodplain ordinance and put it into Chapter 45 of the Code of Caroline (Environmental Chapter). He said the Chesapeake Bay will be migrated over to Chapter 45 eventually, repealing provisions in Ordinance that are no longer applicable.

Chairman Wieber said so they are eliminating these completely.

Mr. Finchum said they are eliminating them entirely from the zoning ordinance.

Chairman Wieber declared the Public Hearing open on TXT-03-2021 at 7:50 p.m.

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

Mr. Schwartz moved and Vice-Chair Minor seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of this request, I recommend that TXT-03-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

3E. TXT-04-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article II, Definitions, to repeal and replace the definition of "Car Wash". The purpose of this amendment is to qualify that a car wash is intended to provide services to motor vehicles with a maximum registered gross weight of less than 7,500 lbs.

3F. TXT-05-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, B-1 Business, Section 2, Uses Permitted by Right, to add paragraph 33 "Car Wash" as a permitted use in the B-1 zoning district.

- 3G. TXT-06-2021** - An Ordinance to amend the Zoning Ordinance of Caroline County by amending Article XV (Supplemental Regulations), Section 8 (Development Standards), to add Paragraph X. The purpose of this amendment is to establish Development Standards for a Car Wash.

Mr. Pennington provided the following Staff Report:

Request:

Staff is bringing forward for Public Hearing three text amendments that modify the definition of carwash, establish carwash as a permitted use in the B-1 zoning district and create development standards.

Discussion

Staff is presenting for Public Hearing three text amendments related to an automatic carwash.

TXT-04-2021 repeals the existing definition and replaces it with a new definition that established a maximum gross weight for vehicles using the facility. TXT-05-2021 adds car wash as a by-right use in the B-1 Business Zoning District and TXT-06-2021 creates development standards for a car wash.

The amendments are as follows:

TXT-04-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article II, Definitions, to repeal and replace the definition of "Car Wash". The purpose of this amendment is to qualify that a car wash is intended to provide services to motor vehicles with a maximum registered gross weight of less than 7,500 lbs.

Existing Definition to be repealed:

Car Wash: A structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical devices.

Proposed Definition:

Car Wash, Minor: A structure or portion thereof, containing facilities for washing motor vehicles with a registered gross weight less than 7,500 lbs. using production-line, automated or semi-automated methods for washing.

TXT-05-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by Amending Article IX, B-1 Business, Section 2, Uses Permitted by Right, to add paragraph 33 "Car Wash" as a permitted use in the B-1 zoning district.

TXT-06-2021 - An Ordinance to amend the Zoning Ordinance of Caroline County by amending Article XV (Supplemental Regulations), Section 8 (Development Standards), to add Paragraph X. The purpose of this amendment is to establish Development Standards for a Car Wash as follows:

X. Development Standards for a Carwash

1. Queuing for car wash bays shall not impede site ingress/egress or site mobility.

2. An oil water separator shall be installed in the drainage system, which shall be installed and maintained in accordance with manufacturer's specifications and standards.
3. Site design/construction shall ensure that any water runoff from the facility does not impact entrances/exits or abutting roads with ponding/icing.
4. All parking shall be in designated parking spots. No parking signs shall be installed elsewhere around the site.
5. Solid waste receptacles shall be provided and emptied regularly as needed.
6. Landscaping/berms shall be installed in accordance with Highway Corridor Overlay District standards to mitigate headlight impacts to road traffic.
7. Where a carwash is accessory to a commercial fueling facility, it shall be located to the side or rear of the principal use/structure.

Chairman Wieber asked about the oil separator.

Mr. Pennington said that the oil separator would be brought up by DEQ for the stormwater development of the site. He said if the site ended up being less than an acre, they would not get DEQ comments and so that standard is just to insure that they are going to meet environmental matters.

Chairman Wieber declared the Public Hearing open on TXT-04-2021, TXT-05-2021 and TXT-06-2021.

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

Vice-Chair Minor moved and Chairman Wieber seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of TXT-04-2021, I recommend that TXT-04-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

Mr. Dudley moved and Vice-Chair Minor seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of TXT-05-2021, I recommend that TXT-05-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

Dr. Horton moved and Chairman Wieber seconded that whereas the public necessity, convenience, general welfare and good zoning practices warrants the approval of TXT-06-2021, I recommend that TXT-06-2021 be forwarded to the Board of Supervisors with a recommendation of approval as presented.

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

** Motion carries **

4. ANY & ALL MATTERS

AUTHORIZATION TO ADVERTISE FOR PUBLIC HEARING

- TXT-07-2021: Article XV, Section 15 Modification to Highway Corridor Overlay District Boundaries

Mr. Finchum provided the following overview:

Staff is requesting authorization to advertise a text amendment (TXT-07-2021) for Public Hearing at the May 27th Planning Commission meeting that expands the boundary of the Highway Corridor Overlay District.

The proposed amendment expands the HCOD boundary in two locations:

- Route 639 (Ladysmith Road), west of Lake Land'or to the intersection of Route 738 (Partlow Road). The boundary will continue on Route 738 (Partlow Road) from the intersection with Route 639 to the Spotsylvania County line.

He stated this ordinance amendment was discussed with a Supervisor for the Western Caroline District and it is intended as a protective measure to tie into the Solar Ordinance amendments that the Planning Commission previously forwarded to the Board of Supervisors. He said it will provide some additional protection to that corridor related to any potential solar facilities that might want to locate in that area.

He said they have a number of small businesses in that area that the Board of Supervisors has approved, a vineyard, special events facility, archery facility in Chilesburg, and they want to make sure that they protect the businesses in that corridor from potential visual impacts from solar facilities, et cetera.

- Route 606 (Stonewall Jackson Road) from the intersection of Route 632 (Edgehill Academy Road) to the Spotsylvania County line.

He stated the second amendment would be to Route 606, which is Stonewall Jackson Road, would be to establish a Highway Corridor Overlay District from the Spotsylvania County line to the intersection of Edgehill Academy Road.

He said there has been some development interests in that area and the Planning Commission will be receiving a rezoning application in the not too distant future. He said Staff is working on a Comprehensive Plan amendment specific to that area. He said in discussing the issues with the Supervisor, Staff thought it was appropriate to bring an ordinance amendment for that section of road also.

He stated so the request would be to authorize a Public Hearing at the May 27th meeting on these amendments.

Dr. Horton asked if this was going to protect it the same in both areas.

Mr. Finchum said yes, you would have the same standards. He said there is a reference in the solar regulations to visual impacts of the HCOD, but in terms of access, landscaping improvements, all those would be common to both areas.

Chairman Wieber asked how far is Partlow Road.

Mr. Finchum said it was probably about six miles.

Dr. Horton asked about Route 606.

Mr. Finchum said it would be from Edgehill to the Spotsylvania County line.

Mr. Schwartz moved and Chairman Wieber seconded to authorize Staff to advertise for Public Hearing on TXT-07-2021 for May 27, 2021.

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

** Motion carries **

5. ADJOURNMENT

- Motion to adjourn to May 27, 2021 regular meeting.

Mr. Dudley moved and Dr. Horton seconded to adjourn at 8:05 p.m.

Voting yea: Horton, Minor, Schwartz, Wieber

** Motion carries **

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