

**TOWN OF MIDDLETOWN
PLANNING COMMISSION MEETING MINUTES
October 28, 2024 | 7:00 P.M.**

The Town of Middletown Planning Commission meeting was held on Monday, October 28, 2024, at 7:10 p.m. in the town council chambers located at 7875 Church Street, Middletown VA.

Planning Commission Members Present

Chairman Mark Klein
Anothony Boring
William Kircher
Angela Morelock
Vice Chair Rebecca Anderson

Others Present

Jim Clevenger, Presedent Winchester and
Middletown Model Railroad Association
Ty Lawson, Legal Representation, Steel Dog
Development
Harsh Sethi, Steel Dog Development and Property
Owner

Planning Commission Members Absent

Jeffery Pennington, Council Liaison

Staff Present

Amanda Kerns, Senior Planner NSVRC
Town Manager Les Morefield
Michael Helm, Town Attorney

1. Set Agenda

Chairman Klein proposed moving agenda item 11A (discussion on the Winchester Model Railroad Club project) before unfinished business item 10. Vice Chair Anderson motioned to amend the agenda as suggested, and Commissioner Kircher seconded. All members voted in favor, and the motion carried. Commissioner Kircher then moved to approve the amended agenda, seconded by Vice Chair Anderson. All members were in favor, and the agenda was approved.

2. Approval of Previous Meeting Minutes

Chairman Klein called for a motion to approve the September 23, 2024, meeting minutes. Minor corrections were noted, including spelling corrections under "Unfinished Business." Commissioner Boring motioned to approve the minutes with corrections, seconded by Vice Chair Anderson. All members voted in favor, and the minutes were approved.

3. Public Comments

Barbara Scarlett- Mrs. Scarlett urged the Planning Commission to deny the special use permit for the proposed facility, citing concerns about increased truck traffic, noise, and congestion. She argued that the business is more appropriate for an industrial park or highway-adjacent location and highlighted findings showing similar facilities are not typically located near homes, national parks, or historic sites. Mrs. Scarlett emphasized that the project would harm the environment, degrade the Town's historic and natural resources, and detract from the area's character. She called on the Commission to preserve Middletown's history and community identity.

Barbara Houdershell - Mrs. Houdershell, owner of Monte Vista, opposed the proposed Steel Dog facility, citing harm to the Town's historic character, safety risks for pedestrians, and negative impacts on property values and Belle Grove. She raised concerns about noise, pollution, crime, and compliance with state zoning regulations and questioned enforcement of proposed buffers and regulations.

Patty Gwosdecke - Mrs. Gwosdecke opposed the proposed development, emphasizing its misalignment with Middletown's historic character. She raised concerns about increased traffic, safety risks for children and cyclists, and the impact on Belle Grove's events and resources. She cited existing issues with tractor-trailers at Sheetz and traffic flow at Wayside, arguing that the development would diminish the Town's charm and appeal without providing clear benefits.

Jack Anderson - Mr. Anderson opposed the proposed development, citing safety concerns for children on Route 11 and criticizing the involvement of Steel Dog lawyers in drafting the zoning text amendment, which he argued prioritizes the developer over the Town. He warned that the amendment could lead to more industrial developments, jeopardizing Middletown's historic identity. He questioned the rationale for changing zoning laws for a project not currently permitted and noted unanimous negative community feedback. Mr. Anderson urged the Commission to reject the project and called the combined rezoning, text amendment, and special use permit process rushed and poorly planned.

Mike Guevremont – submitted comment to Town Clerk via email and read into the public record by staff. The email is included with these minutes.

4. Chairman Comments

Chairman Klein acknowledged recent preservation successes in the Middletown area, including the Shenandoah Valley Battlefield Foundation's efforts, and congratulated Belle Grove Plantation on a successful recent event.

5. Report from Planning and Zoning Administrator

Ms. Kerns provided an update on the redevelopment of the Holtzman property, noting that the Town is awaiting an updated submission reflecting final VDOT approval. She also recapped the October 7th Plan Review Committee meeting, where the review of the Capital Improvement Plan began. Additionally, she reminded the Commissioners that RFP responses for the Comprehensive Plan update are due by November 15th and should be available for review at the next meeting.

6. Update from Council Liaison Jeffrey Pennington

Absent – No updates

7. Unfinished Business

Ms. Kerns provided an update on the appointment of a new Planning Commissioner, stating that Mr. Plummer had met all Town requirements but the Town had not yet received confirmation of his compliance with County requirements. She informed the Commission that this was brought to the Town Council's attention during their previous work session, but no discussion followed. Staff plans to follow up with Council at the next work session meeting.

Staff introduced an updated draft of the short-term rental ordinance, explaining that recent state-level changes necessitated updates to ensure compliance. These updates included creating two distinct definitions to differentiate between *homeshares* and *short-term rentals*. The Commission discussed the appropriate zoning districts for each use and whether they should be permitted *by right* or require a *special use permit*. Chairman Klein called for a motion to authorize a public hearing. Commissioner Borgin moved to authorize a public hearing to receive public comments on the proposed zoning ordinance changes for short-term rentals and homeshares, including the provision requiring special use permits for short-term rentals in R-1 zoning districts. The motion was seconded by Commissioner Kircher and passed unanimously.

In response to comments from Planning Commissioners and the public, Ms. Kerns clarified details about the proposed zoning text amendment. She explained that the language was developed collaboratively

between her and the Town Attorney to ensure mutual satisfaction, emphasizing that it was not written entirely by the applicant.

Chairman Klein initiated a discussion on authorizing public hearings for the rezoning, zoning text amendment, and special use permit applications related to the proposed Steel Dog development. A brief discussion followed, during which staff, the Town Attorney, and Commissioners addressed questions to clarify the action being considered. Commissioners sought assurance that they were not approving or making final decisions at this stage. Mr. Helm confirmed that the current action was solely to authorize public hearings. He also clarified that elements of the application could still be revised until the Town Council made a final decision.

With this understanding, Commissioner Kircher made a motion to authorize three separate public hearings for the Steel Dog-related rezoning, proposed text amendment, and special use permit application at the next Planning Commission meeting. Commissioner Boring seconded the motion, which carried with three Commissioners voting in favor and Vice Chair Anderson voting against.

8. New Business

Staff introduced a proposed zoning text amendment to include definitions for *institutional uses* and *museums* and to allow these uses *by right* in the B-1 district. Ms. Kerns explained that the amendment stemmed from a collaborative effort between the Town and the Winchester and Middletown Model Railroad Association to establish a museum and office headquarters for the non-profit on Town-owned property. She noted that museums are currently not permitted in the B-1 district, despite being a common use in similar localities, especially in historic districts. During her research, Ms. Kerns also discovered that *institutional uses* were not defined in the zoning ordinance and recommended adding them while updating the regulations.

Jim Clevenger, President of the Winchester and Middletown Model Railroad Association, provided an overview of the organization's mission and their commitment to serving as community stewards in Middletown. A brief discussion followed.

Chairman Klein called for a motion to authorize a joint public hearing between the Planning Commission and Town Council. Vice Chair Anderson moved to authorize the joint public hearing to receive public comment on the proposed zoning text amendment to add institutional uses and museums as *by-right* uses in the B-1 zoning district, along with corresponding definitions. The motion was seconded by Commissioner Morelock and passed unanimously.

9. Announcements

Staff reported that no Plan Review Committee meeting was currently scheduled and that the topic would be revisited at the next meeting once proposals for the Comprehensive Plan update had been submitted. Chairman Klein noted a conflict with the standing November meeting date, and Commissioner Kircher added that many people travel during Thanksgiving week, which could affect attendance. He suggested that, if public hearings were to be held, they should take place the week before Thanksgiving. Following a brief discussion, the Commission agreed to reschedule the November meeting for Thursday, November 21st, at 7:00 PM.

10. Adjournment

Chairman Klein adjourned the meeting at 8:54 p.m.

Amanda Kerns,
Senior Planner, NSVRC

Mark Klein
Chairman