CLARKE COUNTY
PLANNING COMMISSION
DRAFT MINUTES
2010 December 3

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, December 3rd of 2010.

Chair Ohrstrom called the meeting to order at 9:06 a.m.

ATTENDANCE
George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, Tom McFillen, Cliff Nelson, Chip Steinmetz, Richard Thuss.

ABSENT
A.R. Dunning, Jr., Beverly McKay and Bob Wade

STAFF
Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary.

APPROVAL OF AGENDA
The Commission voted unanimously to approve the agenda
Yes: Brumback, Caldwell (seconded), McFillen, Nelson (moved), Ohrstrom, Steinmetz, and Thuss
No: No one
Absent: Dunning, McKay and Wade

APPROVAL OF MINUTES
The Commission voted unanimously to approve the briefing meeting minutes of 2010 November 2.
Yes: Brumback, Caldwell (seconded), McFillen, Nelson, Ohrstrom, Steinmetz, Thuss (moved)
No: No one
Absent: Dunning, McKay, and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2010 November 5.
Yes: Brumback, Caldwell (moved), McFillen, Nelson (seconded), Ohrstrom, Steinmetz, and Thuss
No: No one
Absent: Dunning, McKay and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2010 November 15.
Yes: Brumback, Caldwell (seconded), McFillen (moved), Nelson, Ohrstrom, Steinmetz and Thuss
No: No one
Absent: Dunning, McKay and Wade

MAJOR SUBDIVISION – SET PUBLIC HEARING
Robert W. Claytor requests approval of a five-lot major subdivision of Tax Map Parcel 28-A-20B, located at 8153 John Mosby Highway, zoned Highway Commercial, CH, Greenway Magisterial District. S-09-01

Mr. Russell explained this request. He stated that the applicant is requesting preliminary and final plat approval for a 5-lot subdivision (not including the Outlot A) for the Highway Commercial zoned property

located in the southeast corner of the intersection of Routes 50 and 340. He said that Lot 1 containing the Handy Mart Store was previously approved in 2009. He said that the applicant filed the application and paid the fees for this subdivision when it was submitted in February 2009 but it did not move forward due to unresolved VDOT issues and the applicant wanted to focus on the Handy Mart Site Plan.

Niki Adhikusuma with Greenway Engineering was present and answered questions from the Commission. He stated that VDOT has been looking at this item for several months and hopefully they will know more at the January Planning Commission meeting. Commissioner Thuss questioned why the area is broken up into different sized pieces. Mr. Adhikusuma stated they try to anticipate what use would work best in a specific location.

There being no further discussion, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this mater for the next regular meeting of the Planning Commission on 2011 January 7.
Yes: Brumback, Caldwell (moved), McFillen, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss
No: No one
Absent: Dunning, McKay and Wade

MINOR SUBDIVISION

The Estate of Joan H. Dunning, (Alexander McKay-Smith, Jr.; Agent) requests approval for a two-lot subdivision for Tax Map Parcel 36-A-4C, located in the 200 block of Sugar Hill Road, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-10-06, BLA-10-11

Mr. Russell explained this request. He stated that in 1989, the applicant placed approximately 371 acres of Farnley Farm in an historic easement with the Virginia Department of Historic Resources (VDHR), but excluded 12.5 acres from the easement. He stated that the 12.5 acre exception to the easement was surveyed and recorded but was not legally subdivided with County approval. He recommended that as a condition of approval, the recorded plats be signed off on by VDHR.

Mr. A. Mackay-Smith, Jr., the applicant, was present to answer questions.

After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request on condition that VDHR sign off on the final plats for recordation and a road maintenance agreement be provided by the applicant and recorded.
Yes: Brumback (seconded), Caldwell, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss (moved)
No: No one
Absent: Dunning, McKay and Wade

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:
Section 4-I-2, Signs Prohibited, so as to prohibit signs that change displays frequently and that move, revolve, twirl, rotate, or flash and to state that no prohibited sign may be illuminated;
Section 4-I-5, Nonconforming Signs and Removal, so as to state that no nonconforming sign shall be replaced; and
Section 4-I-9, Sign Definitions, so as to establish definitions for the terms: 'Animated Signs', 'Changeable Message Signs', 'Electronic Display Signs', and 'Time & Temperature Signs'. TA-10-09

Mr. Johnston explained this amendment. He stated that this amendment updates the current sign regulations so as to address new sign technology. He said that these amendments would preclude signs with high variable messages that change color and with displays or messages that have any sort of movement. He also stated that these amendments would preclude prohibited signs (such as billboards) from being illuminated in any manner or replaced. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Mike Hobert, Chair of the Board of Supervisors questioned the word non-conforming. He stated that the language is inconsistent with prohibited.

The Commission agreed that the words *(and nonconforming)* should be added where the term 'Prohibited Signs' appears and the words *(and prohibited)* should be added where the term 'Nonconforming' appears. Mr. Johnston said that a prohibited sign is only one type of nonconforming sign as there are other types of nonconforming signs other than prohibited signs (nonconforming as to size or location). He said the term 'nonconforming' is redundant when referring to 'prohibited' and the term 'prohibited' limits the term 'nonconforming' when added to it. He recommended that these additional words not be included.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to modify the language of the above text amendment and recommend approval to the Board of Supervisors.
Yes: Brumback, Caldwell, McFillen (seconded), Nelson (moved), Ohrstrom, Steinmetz, and Thuss
No: No one
Absent: Dunning, McKay and Wade

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:
Section 3-A-12-c, Neighborhood Commercial Yard Setbacks, so as change minimum street setbacks to maximum setbacks on parcels of less than 1.5 acres and no required street setbacks for parcels of 1.5 to 3 acres,
Section 3-A-12-d, Neighborhood Commercial Maximum Height, so as to limit structure height to two stories in addition to the current limit of 30 feet,
Section 3-A-13-e, Highway Commercial Maximum Height, so as to limit structure height to three stories in addition to the current limit of 40 feet;
Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to modify the regulations for Country Inns, so as that the maximum number of guest rooms is increased from 12 to 15;
Section 9-B, Definitions, so as to delete a portion of the definition of "Country Inns", transferring this text to Supplementary Regulations. TA-10-13

Mr. Johnston explained this amendment. He stated that the proposal is for the minimum front setback of 35 feet in the Neighborhood Commercial Zoning District becomes the maximum setback for parcels of less than 1.5 acres. He said it is also proposed that there would not be a minimum front yard setback for parcels between 1.5 and 3 acres. He said this is consistent with the pattern of setbacks of existing structures on small parcels in this zoning district. He also said the proposed amendment would limit the number of stories, in addition to the current limit in feet, of structures in the Neighborhood Commercial and Highway Commercial Zoning Districts. He explained that this would better maintain the appropriate scale of structures and the intended character of districts. He said the proposal would be to establish a two-story limit in Neighborhood Commercial and three story limit in Highway Commercial. Finally, he stated the proposed change would increase in the number of rooms allowed for a Country Inn from 12 to 15, improving their potential economic viability. He said the last proposed amendment is to the definitions section to define new terms used in the above-described changes.

After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to recommend approval of the above text amendment to the Board of Supervisors.
Yes: Brumback, Caldwell (moved), McFillen, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss
No: No one
Absent: McKay, Dunning and Wade

ZONING ORDINANCE TEXT – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:
Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
Section 3-A-3-a, Permitted Uses and Structures in the Rural Residential Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
Section 3-A-12-a, Permitted Uses and Structures in the Neighborhood Commercial Zoning District, so as to change the Principal Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly" as a Principal Use;
Section 3-A-13-a, Permitted Uses and Structures in the Highway Commercial Zoning District, so as to change the Principal Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly" as a Principal Use;
Section 9-B, Definitions, so as to change the term: "Institutional Uses" to "Community Services" and revise the definition of this use and to establish a definition for the terms: "Churches and other places of religious assembly", "Museums of Historic Structures", and "Passive Use Public Parks". TA-10-05

Mr. Johnston explained this request. He stated that these amendments are intended to address issues related to different types of institutional uses in the rural areas of the county. He stated that currently there are a variety of institutional uses in the AOC and FOC zoning districts. He stated that this proposed amendment would limit the kind of uses in the rural areas of the county.

Commissioner Thuss feels the county would be a perfect area for a small university or retreat center and therefore he is abstaining from voting on this amendment.

After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to set public hearing on this amendment for the next regular meeting of the Commission on 2011 January 7.
Yes: Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, and Steinmetz
No: No one
Absent: Dunning, McKay and Wade
Abstained: Thuss

Board/Committee Reports

Board of Supervisors – Pete Dunning
Mr. Johnston reviewed the items on the 2010 November 16 Board of Supervisors agenda that were recommended for action by the Planning Commission.

Sanitary Authority – Pete Dunning
No report.

Board of Septic & Well Appeals – Pete Dunning
No report.

Board of Zoning Appeals – Anne Caldwell
Commissioner Caldwell stated that the Elizabeth C. Clark Foundation filed an application appealing the Zoning Administrator's determination regarding a kennel located on the applicant's property. She stated that the Zoning Administrator determined that the kennel on the subject property is a commercial boarding kennel and the applicant said it is not. She said that at the public hearing the Board of Zoning Appeals voted (5-0) to reverse the Zoning Administrator's determination that the kennel at Mt. Airy was a commercial kennel and therefore in violation of the County Zoning Ordinance.

Historic Preservation Commission – Cliff Nelson
Commissioner Nelson stated that the owners of Locksley contacted Ms. Kalbian regarding renovation and tax credits. He said that the Josephine School Community Museum held an open house on October 23rd to inaugurate a new permanent exhibit on slavery in Clarke County and to dedicate the Judge Andree Layton Road Oral History Center. He stated that a contract would be signed soon with Peter Post,a contractor from the Richmond area and low bidder on the Greenway Court rehabilitation project. He stated that work should begin as soon as the contract is signed. He stated that the next meeting is scheduled for 2010 January 25.

Conservation Easement Authority – George Ohrstrom, II
Chair Ohrstrom stated that solicitation letters have been mailed out regarding easement opportunities. He said he will keep the Commission posted with the results of the mail out.

Staff Reports
Natural Resource Activities – Alison Teetor
No report.

Enforcement Officer – Nancy Olin
Ms. Olin's progress reports for 2010 November 5 thru 2010 November 29 were reviewed.

Other
Mr. Johnston stated that he understood that CornerStone Power Development LLC has signed a contract with a local engineer. He said that only the text amendment has been done for the solar power project and that a site plan and special use application is expected.

He stated that on Thursday he met with a state representative regarding public utilities for water and sewer at Double Tollgate. He said that part of this process would result in an update in the Double Tollgate area plan.

There being no further discussion, the meeting was adjourned at 10:25 a.m. until the next regular meeting of the Commission on 2011 January 7.

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by Debbie Bean