

Clarke County

**PLANNING COMMISSION
REGULAR MEETING MINUTES
2012 FEBRUARY 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, 2012 February 3.

ATTENDANCE

George Ohrstrom, II; Chair; Robina Bouffault, Clay Brumback, Scott Kreider, Tom McFillen, Cliff Nelson, John Staelin, Chip Steinmetz, Richard Thuss and Jon Turkel.

ABSENT

Anne Caldwell

STAFF

Jesse Russell, Acting Planning Director and Zoning Administrator; Alison Teetor, Natural Resource Planner and Debbie Bean, Recording Secretary.

Called to Order

Mr. Russell, as acting clerk to the Commission, called the meeting to order at 9:04 a.m.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Russell asked for nominations of Chair to the Commission.

The Commission voted unanimously to elect Commissioner Ohrstrom as Chair to the Planning Commission for 2012.

Yes: Bouffault (seconded), Brumback, Kreider, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (moved) and Turkel

No: No one

Absent: Caldwell

Unavailable for Vote: McFillen

Chair Ohrstrom asked for nominations of Vice Chair to the Commission.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2012.

Yes: Bouffault, Brumback, Kreider, Nelson (seconded), Ohrstrom, Staelin, Steinmetz, Thuss and Turkel (moved)

No: No one

Absent: Caldwell

Unavailable for Vote: McFillen

COMMITTEE ASSIGNMENTS FOR 2012

Chair Ohrstrom distributed a document to the Planning Commissioners. He stated that the document is in regard to the Board of Supervisors requesting that the Planning Commission study the possibility of development at the intersection at Double Tollgate and the continuation of the planned development at the Waterloo Intersection. He said that a sub-committee is needed to study this request. He said he was hoping that Commissioners, Brumback, Bouffault, McFillen, Staelin and Thuss would serve on this sub-committee. All of the Commissioners mentioned above agreed to serve on the sub-committee.

The Commission voted unanimously to approve the 2012-committee assignments with the addition of the sub-committee for study on the possibility of development in the Double Tollgate and Waterloo intersections area.

Yes: Bouffault, Brumback, Kreider (seconded), Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (moved) and Turkel

No: No one

Absent: Caldwell

Unavailable for Vote: McFillen

Commissioner McFillen entered the meeting.

2012 MEETING SCHEDULE

The Commission voted unanimously to approve the meeting schedule for 2012 as presented.

Yes: Bouffault, Brumback, Kreider, McFillen, Nelson (seconded), Ohrstrom, Staelin, Steinmetz (moved), Thuss and Turkel

No: No one

Absent: Caldwell

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Bouffault, Brumback (moved), Kreider, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (seconded) and Turkel

No: No one

Absent: Caldwell

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of 2011 November 29.

Yes: Brumback, Kreider, McFillen, Nelson, Ohrstrom, Steinmetz, Thuss (moved) and Turkel (seconded)

No: No one

Absent: Caldwell

Abstained: Bouffault and Staelin

The Commission voted unanimously to approve the regular meeting minutes of 2011 December 2 with two corrections.

Yes: Brumback (moved), Kreider, McFillen (seconded), Nelson, Ohrstrom, Steinmetz, Thuss and Turkel

No: No one

Absent: Caldwell

Abstained: Bouffault and Staelin

MINOR SUBDIVISION

Alexander R. Iden and Thomas C. Iden, Jr., Successor Trustees request approval for a two-lot minor subdivision and maximum lot size exception for Tax Map #14-A-67 located at 381 Springsbury Road, Buckmarsh Election District, zoned Agricultural Open-Space Conservation (AOC). MS-11-07

Mr. Russell explained this request. He said that the applicant is requesting approval of a two lot subdivision. He stated that included on the survey plat is a boundary line adjustment that is administratively approved and will not need action by the Planning Commission. He said that the maximum lot exception on a pre-1980 house is automatically approved by the County Ordinance for homes existing prior to adopting sliding scale zoning in 1980. He said that the Health Department has approved the drainfields and well sites. He stated that the resistivity test has been conducted and approved by County geotechnical engineer Dan Rom. He stated that VDOT has approved the entrances for the proposed lots. He said that the applicant has met all requirements of the Subdivision Ordinance. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request.

Yes: Bouffault, Brumback, Kreider, McFillen (moved), Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (seconded) and Turkel

No: No one

Absent: Caldwell

MAJOR SUBDIVISION – PUBLIC HEARING

Elizabeth and Oliver North request approval of a seven-lot major subdivision of Tax Map Parcels 25-A-20 and 25-A-20A, located in between River Road and Ebenezer Road and addressed as 867 River Road, zoned Forestal Open-Space Conservation (FOC), Millwood Election District. S-12-01

Mr. Russell explained this proposal. He stated that the applicant is requesting preliminary and final plat approval for a major subdivision of two tracts of land. He said that the existing primary home will be accessed by the existing private driveway off of River Road. He stated that the other lots on both Tract 1 and Tract 2 will be accessed off Ebenezer Road on the existing entrance and roadway through the property. He stated that VDOT has approved both accesses. He said that the private driveway on Tract 1 will remain a private driveway and serve only the 100.16 acre remainder with the existing primary dwelling. He stated that the private access easement for all others lots from Ebenezer Road has been approved for sight distance and is required to construct a subdivision entrance per VDOT requirements. He said that the applicant has provided a road profile for the entrance as well as for the existing roadway through the farm to the proposed lots. He stated that Chester Engineers has reviewed the road profile and Erosion and Sediment Control plan and has offered comments. He said that the applicant will be revising the road profile per Chester Engineers comments. He stated that the Health Department has approved the primary and reserve septic site for all lots and dwellings. He said that the well sites have been located and approved by the Health Department. He stated that only Lot B is less than 6 acres in size and subject to lot design guidelines. He said that the applicant is trying to

purchase the adjacent property so as to do a boundary line adjustment/merger with Lot B which would meet the design guidelines for lot configurations. He said that the applicant has met all requirements of the subdivision ordinance although engineering review by the county is still proceeding. Chair Ohrstrom stated that he and Vice-Chair Caldwell visited the site. After discussion with staff and the Commission, Chair Ohrstrom called for public comments.

Scot Marsh, of Marsh & Legge Land Surveyors, agent for the applicant, was present and answered questions from the Commission. Commissioner McFillen stated that there must be a road maintenance agreement in the final plat before approval and signed off by the Zoning Administrator. Mr. Marsh and Mr. Russell agreed and stated that it would be in the final plat.

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

The Commission voted unanimously to approve the preliminary plat with the conditions that the final plat be revised to show Tract 2 Lot as "one existing dwelling" and that the Road Profile with the Erosion and Sediment Control Plan be revised per County engineering comments.

Yes: Bouffault (seconded), Brumback, Kreider, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz, Thuss (moved) and Turkel

No: No one

Absent: Caldwell

SPECIAL USE/SITE PLAN

Verizon Wireless requests approval of a Special Use and Site Plan for constructing a monopole on the property located in the 100 block of Mount Carmel Road, Tax Map Parcel 39-A-71, Chapel Election District, zoned Forestal Open-Space Conservation (FOC). SUP-12-01

Mr. Russell explained this request. He stated that the applicant is requesting approval of a special use permit and site plan for a 99' monopole on the east side of Mt. Carmel Road and accessed through Mt. Carmel Church's existing entrance at a distance of approximately 800 feet to the east. He said that the proposed monopole will replace an existing monopole on the opposite side of Mt. Carmel Road. He said that the existing monopole will be dismantled after the new pole is operational. He stated that the existing monopole was approved several years ago and the line of sign limited reception and transmission. He said that the Chair, Vice Chair and staff met on site with Verizon. He stated it was determined by the committee that the site is so well located that there is no negative visual impact to adjacent properties or to travelers on Mt. Carmel Road and Route 50 and therefore a balloon test is not necessary.

David Lasso and Stephanie Petway, agents for Verizon, were present to answer questions from the Commission. Several Commissioners had concerns regarding how many trees would have to be removed at the new site. Commissioner Steinmetz questioned if the existing site will be returned to its natural state after the monopole is removed. Mr. Lasso stated that conditions can be added for approval.

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

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Commission on 2012 March 2.

Yes: Bouffault, Brumback, Kreider (seconded), McFillen (moved), Nelson, Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

No: No one

Absent: Caldwell

DISCUSSION

Cool Spring Battlefield Park Update

Alison Teetor gave a discussion and slide show regarding the proposed Cool Spring Battlefield Park that is currently under consideration by the Board of Supervisors. She said that the Northern Virginia Regional Park Authority approached the county with a proposal to create a Civil War Battlefield Park on the Virginia National Golf Course. She stated that the Civil War Trust has a contract to purchase the 194 acre property with 2 miles of frontage on the Shenandoah River which is part of the Cool Spring Battlefield. She said that the Civil War Trust is considering placing the property in conservation easement with the Department of Historic Resources and donating the property to the Authority to create and administer a Battlefield Park commemorating the Battle of Cool Spring.

She stated that in order for the property to be part of the Park Authority, the County must join as a member, through adoption of a resolution and agreement to an annual membership fee of \$65,000.00. She said the park would include interpretive displays, walking trails and restoration that would return the property to the 1864 landscape. She stated that the fee will cover all costs associated with the restoration, interpretive displays, continuing administration, and promotion of the Park. She said that the Civil War Trust purchase contract is contingent on the county's approval of membership in the NVRPA.

She said that the Shenandoah Retreat residents would be the most affected by this proposal. She stated that a public meeting was held on January 26th at the Fire Hall. She said that a lot of questions came up that need to be worked out. She stated that residents are concerned that the park will be open 24 hours a day without any staff to monitor the area. She said the Board will have a work session on February 13th to review the status of this proposal. She stated that another public information meeting is proposed for the evening of February 21st only if the answers to these questions are ready from the park authority. She said that the Planning Commission does not take any action on this proposal it goes straight to the Board of Supervisors. If this is approved, work would start this summer.

Board/Committee Reports

Board of Supervisors

- John Staelin

Commissioner Staelin stated that the Board is focusing on the Cool Spring Park and the budget.

Sanitary Authority

- John Staelin

Commissioner Staelin stated that the Sanitary Authority is not a board appointment it is a citizen appointment. He said he has not heard who will be taking A.R. Dunning's place on the Sanitary Authority.

Board of Septic & Well Appeals

- John Staelin

No report.

Board of Zoning Appeals

- Anne Caldwell

No report.

Historic Preservation Commission

- Cliff Nelson

Commissioner Nelson stated that the Commission met on January 24th and the next meeting is scheduled for March 27th.

Conservation Easement Authority

- George Ohrstrom, II

Ms. Teetor stated that the Authority closed on three easements in December which was close to 500 acres. She said that there are three farms currently in the process under our Farm and Ranch Land Protection Program Grant. She stated that one should close in March and the other two by summer.

Staff Reports

Natural Resource Activities

- Alison Teetor

Ms. Teetor said that the Chesapeake Bay TMDL was due to DCR on 2012 February 1. She said that we did submit the TMDL on February 1st and had an opportunity to make corrections for Clarke County, which we did. She stated that they made recommendations that were more realistic so that we did not commit to more than we can achieve. She said that testing was done on the wells adjacent to the J & J Store and they were clean.

Enforcement Officer

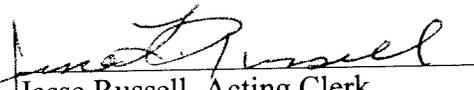
- Nancy Olin

See staff report

There being no further discussion, the meeting was adjourned at 10:45 a.m. until the next regular meeting of the Commission on 2012 March 2.



George L. Ohrstrom, II, Chair



Jesse Russell, Acting Clerk

Minutes prepared by Debbie Bean, Recording Secretary