

CLARKE COUNTY
Planning Commission
Minutes
2010 September 3 – 9:00 a.m.

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

Chair Ohrstrom called the meeting to order at 9:05.

ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Barbara Batterton; Clay Brumback, A.R. Dunning, Jr., Tom McFillen, Beverly McKay, Cliff Nelson, Chip Steinmetz, and Richard Thuss.

ABSENT

Bob Wade

STAFF

Charles Johnston, AICP, Planning Director; and Jesse Russell, Zoning Administrator.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda

Yes: Batterton, Brumback, Caldwell (second), McKay, McFillen, Nelson (moved), Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Dunning and Wade

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of 2010 June 29.

Yes: Batterton, Brumback, Caldwell (moved), McKay, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss (second)

No: No one

Absent: Dunning and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2010 July 2.

Yes: Batterton (second), Brumback, Caldwell (moved), McKay, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Dunning and Wade

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amend of the Zoning Ordinance:

Sections 3-A-1-a-1, 3-A-2-a-1, 3-A-3-a-1, Special Uses in the AOC, FOC, and Rural Residential Zoning Districts so as to delete ‘Assisted Living Facilities’,

Sections 3-A-1-a-2, 3-A-1-a-2, 3-A-1-a-2 Accessory Uses and Structures in the AOC, FOC, and Rural Residential Zoning Districts so as to allow a ‘Temporary Family Health Care Structure’,

Section 3-C-2, Supplementary Regulations for uses in Various Districts so as to establish regulations for a ‘Temporary Family Health Care Structure’ and to delete the reference to Assisted Living Facilities in the supplemental regulations for Home Occupations,

Sections 9-B-13, definition of the term ‘Assisted Living Facility’ so as to delete this term,

Section 9-B-60, definition of the term ‘Single Family Dwelling’ so as to include the term ‘Assisted Living Facility’ as defined in Virginia Code Section 15.2-2291 so that Assisted Living Facilities (for up to eight

individuals with mental illness, mental retardation, or developmental disabilities or no more than eight aged, infirm or disabled persons, and with one or more resident counselors or other staff persons) to be considered residential occupancy by a single family and to not have conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption. TA-10-07

Commissioner Dunning entered the meeting.

Mr. Johnston explained the request. He stated that its 2010 session the Virginia General Assembly took two actions that required localities to amend their zoning regulations. The first issue, he said, concerned Assisted Living Facilities, which current County regulations allowed as a Special Use in the AOC, FOC, and Rural Residential Zoning Districts. He said that the amended Virginia Code section 15.2-2291 now requires such use to be considered residential occupancy by a single family and to not have conditions more restrictive than those imposed residences occupied by person related by blood, marriage, or adoption. The second issue, he said, concerns a new Virginia Code section 15.2-2292.1, which requires localities to allow Temporary Family Health Care Structures as accessory structures to single-family homes. He reviewed some of the stipulations that this code section allows localities to enact and that have been included in the proposed amendment.

The Chair asked the Commission for comments or questions before opening the public hearing.

Commissioner Thuss asked whether the Temporary Family Health Care Structures would be considered an additional bedroom for purposes of drainfield capacity and whether additional drainfield capacity would have to be found for houses that had fully utilized their capacity with existing bedrooms. Mr. Johnston said that such structures would be considered an additional bedroom and that unless a property owner sought a temporary pump and haul approval from the Board of Septic and Well Appeals, drainfield capacity would have to be found. Commissioner Thuss said he was concerned that this requirement would have the effect of prohibiting the proposed Health Care Structures. Commissioner McKay asked whether some sort of conditional drainfield permit could be issued that would allow a drainfield connection without an increase in capacity given the temporary nature of the structure. Mr. Russell said that County has not authorized the Health Department to issue conditional permits. Mason Allen, Virginia Department of Health, said the Health Department would work with the County to establish a system of conditional permits or pump and haul provisions for the Health Care Structures. Commissioner McFillen asked if someone could modify their house by removing the closets from a bedroom and redesignating it for some other purpose, as a way to get around the drainfield capacity issue. Gary Pope, County Building Official, said that with the appropriate permits, this could be done.

The Chair asked there were any comments from the public. No one from the public spoke.

The Commission voted unanimously to postpone action and continue the public hearing so as to refer the matter to an ad hoc committee to be named by the Chair and for the committee to consider whether changes to the County Septic Ordinance would be appropriate to accommodate the proposed Health Care Structures.
Yes: Batterton, Brumback, Caldwell (moved), Dunning, McKay (second), McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Wade

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the Zoning Ordinance: Section 9-B-176, definition of the term ‘Tract’, so as to add a phrase to state that if a tract is divided by a public road is located totally in the ten-year floodplain, then the parcel shall be considered a single tract.

TA-10-08

Mr. Johnston explained the request.

The Chair opened the public hearing. No one from the public spoke. The Chair closed the public hearing.

The Chair asked the Commission for comments or questions. There being none, the Commission voted unanimously to recommend approval of the proposed amendment to the Board of Supervisors.

Yes: Batterton (second), Brumback, Caldwell (moved), Dunning, McKay, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Wade

ZONING MAP AMENDMENT (REZONING) – SET PUBLIC HEARING

E. Alexander Lee and Monica Villegas request an 0.0868 acre Rezoning from Neighborhood Commercial (CN) to Rural Residential (RR) on a portion of Tax Map Parcel 30A-((A))-33), located at 24 Tannery Lane, Greenway Magisterial District. RZ-10-01

Mr. Johnston explained the request. He said this was a minor adjustment in zoning district lines so as to allow a transfer of property.

The Chair asked the Commission for comments or questions. There being none, the Commission voted unanimously to set public hearing on the proposed map amendment for the next regular meeting of the Commission on October 1.

Yes: Batterton, Brumback, Caldwell (second), Dunning, McKay, McFillen (moved), Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Wade

TEXT AMENDMENT – SET 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 with high frequency and that move, revolve, twirl, rotate, or flash;

Section 4-I-3, Signs Permitted, as to allow Electronic Display Free-standing and Wall Signs in the Highway Commercial Zoning District with time and light intensity limits;

Section 4-I-9, Sign Definitions, so as to establish definitions for ‘Animated Signs’, ‘Changeable Message Signs’, ‘Electronic Display Signs’, and ‘Time & Temperature Signs’. TA-10-09

Mr. Johnston explained the request. He said that the County should anticipate the impact of new LED technology on sign illumination so as not to allow signs that would be distracting and unsafe and not consistent with the character of the County. He said the two major issues being addressed was the frequency of message change and the intensity of the illumination. He said it would appropriate for a Commission committee to study this amendment to consider the options for these and other issues.

Commission members agreed in general with the need for the regulations and for additional study. The Commission voted unanimously to postpone action so as to refer the matter to an ad hoc committee to be named by the Chair and for the committee to consider the specifics of the amendment.

Yes: Batterton, Brumback, Caldwell (moved), Dunning (second), McKay, McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Wade

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the Subdivision Ordinance: Section 4-G-7, so as to label this section as ‘Term of Validity of Preliminary Plats’ and replace the current text with language consistent with Virginia Code Section 15.2-2260-F&G and Section 1-C-1, Recordation of Plats, so as to shift this section to a new section 4-K, Recordation of Plats, under Section 4, Procedure for Subdivision Approval. TA-10-10

Mr. Johnston explained the request. He said County regulations need to conform to Virginia Code sections 15.2-2260, F&G.

The Chair asked the Commission for comments or questions. There being none, the Commission voted unanimously to set public hearing on the proposed map amendment for the next regular meeting of the Commission on October 1.

Yes: Batterton, Brumback, Caldwell, Dunning, McKay, McFillen, Nelson (moved), Ohrstrom, Steinmetz (second), and Thuss

No: No one

Absent: Wade

ZONING TEXT and ZONING MAP AMENDMENT – SET PUBLIC HEARING

- The Clarke County Board of Supervisors requests the consideration of the amendment of the Zoning Ordinance:
 - Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning District, so as to show “Churches and other places of religious assembly”, “Museums of Historic Structures”, and “Passive Use Public Parks” as specific Special Uses and to delete the Special Use “Institutional Uses”;
 - Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning District, so as to show “Churches and other places of religious assembly” “Museums of Historic Structures”, and “Passive Use Public Parks” as specific Special Uses and to delete the Special Use “Institutional Uses”;
 - Section 3-A-3-a, Permitted Uses and Structures in the Rural Residential FOC Zoning District, so as to show “Churches and other places of religious assembly” as a specific Special Use and to change the Special Use “Institutional Uses” to “Community Services”;
 - Section 3-A-12-a, Permitted Uses and Structures in the Neighborhood Commercial Zoning District, so as to: change the district name to Neighborhood Commercial and Community Services Zoning District, amend the Intent of this district to include the provision of local community services for the residents of the County, show “Churches and other places of religious assembly” as a specific Principal Use, and to change the Principal Use “Institutional Uses” to “Community Services”;
 - Section 3-A-12-c, Yard Setbacks, so as change minimum street setbacks to maximum setbacks on parcels of less than 1.5 acres and no street setbacks for parcels of 1.5 to 3 acres,
 - Section 3-A-12-d, Maximum Height, so as limit structure height to two stories in addition to 30 feet,
 - Section 3-A-13-a, Permitted Uses and Structures in the Highway Commercial Zoning District, so as to show “Churches and other places of religious assembly” as a specific Principal Use and to change the Principal Use “Institutional Uses” to “Community Services”;
 - Section 3-A-13-e, Maximum Height, so as limit structure height to three stories in addition to 40 feet,
 - Section 9-B, Definitions, so as to establish a definition for the terms: “Churches and other places of religious assembly”, “Museums of Historic Structures”, and “Passive Use Public Parks”, to change the term: “Institutional Uses” to “Community Services”, and revise the definition of this use.

The Clarke County Board of Supervisors further requests the consideration of the amendment of the County Zoning District Map to rezone:

from the AOC Zoning District to Neighborhood Commercial and Community Services Zoning District,

Tax Map Parcels:

13-((A))-13A	Humane Foundation	10.0 acres
13-((A))-59	County Maintenance	9.0 acres
13-((A))-59A	County Administrative Services	3.1 acres
13-((A))-61	County School Board	46.7 acres
13-((A))-62	Chet Hobert County Park	107.6 acres
29-((A))-16, 17A	Powhatan School	20.2 acres

from the AOC Zoning District to Neighborhood Commercial and Community Services Zoning District and Historic Access Corridor Overland District, Tax Map Parcel:

15-((A))-7	Grafton School, Inc.	20.3 acres
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and

from the FOC Zoning District to Neighborhood Commercial and Community Services District,

Tax Map Parcels:

37A1-((1))-31, 32, 33
37A1-((1))-34, 35, 36, 37
TA-10-05

Property Owners of Shenandoah Farms
Shenandoah Farms Volunteer Fire Department

1.8 acres
2.5 acres

Mr. Johnston explained the request. He said these amendments were drafted to address concerns by the Board of Supervisors as to the type of institutional uses that are allowed in the FOC and AOC Zoning Districts. He said this was one of several options that had been considered to address the issue and suggested the matter be referred to a Commission committee for consideration and further discussion with the Board.

The Chair asked the Commission for comments or questions. There being none, the Commission voted unanimously to postpone action so as to refer the matter to an ad hoc committee to be named by the Chair and for the committee to consider the specifics of the amendment and discuss the options with the Board of Supervisors.

Yes: Batterton, Brumback, Caldwell (moved), Dunning, McKay (second), McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Wade

Board/Committee Reports

Board of Supervisors

Commissioner Dunning reviewed the land use actions of the Board at its last meeting and commented favorably on the progress being made on the construction of the new high school.

Sanitary Authority

Commissioner Dunning reported on the efforts of the Authority to site a new water tower in the Browntown area of the County and to find a back-up water supply. The Chair noted the Friends of the Shenandoah had found significant improvement in the water quality of Spout Run starting in July as a result of the upgraded Boyce Waster Water Treatment Plant.

Board of Septic & Well Appeals

Commissioner Dunning said he had nothing to report.

Board of Zoning Appeals

Commissioner Caldwell said the BZA would be having a meeting on September 7 on a relatively minor request in Millwood.

Historic Preservation Commission

Commissioner Nelson said the HPC had approved a Certificate of Appropriateness for an exterior stair well cover for the Meade Memorial Episcopal Church in White Post and that the next meeting of the Commission had been rescheduled to October 5 and would be held at Clermont.

Conservation Easement Authority

The Chair said the Authority had not met in August, but staff was working on several easements.

Enforcement Officer

Ms. Olin's progress reports for August were reviewed

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:05 a.m. until the next regular scheduled meeting on 2010 October 1.

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by C. Johnston