

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2008 January 11 – 9:00 a.m.
BOARD OF SUPERVISORS MEETING ROOM**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, 2008 January 11.

ATTENDANCE

Beverly McKay, Chair; Jay Arnold; Barbara Batterton; Ann Caldwell; A. R. Dunning, Jr.; Pat McKelvy; Cliff Nelson; Kathy Smart; Bob Wade.

ABSENT

Mary Daniel and George Ohrstrom, II

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 10:35 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Arnold, Batterton, Caldwell, Dunning (moved) McKay, McKelvy, Nelson Smart (seconded), and Wade

No: No one

Absent: Daniel, Dunning, and Ohrstrom

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing minutes of 2008 January 8.

Yes: Arnold, Batterton, Caldwell, McKay, McKelvy, Nelson, Smart (moved), and Wade (seconded)

No: No one

Absent: Daniel, Dunning, and Ohrstrom

ELECTION OF CHAIR and VICE CHAIR

Mr. Johnston asked for nominations of Chair to the Commission. Commissioner McKelvy nominated Commissioner McKay for the position of Chair of the Planning Commission for 2008.

The Commission voted unanimously to elect Commissioner McKay as Chair of the Planning Commission for 2008.

Yes: Arnold, Batterton (seconded), Caldwell, McKay, McKelvy, Nelson, Smart (moved), and Wade

No: No one

Absent: Daniel, Dunning, and Ohrstrom

Mr. Johnston asked for nominations of Vice Chair to the Commission. Commissioner Arnold nominated Commissioner Ohrstrom for position of Vice Chair of the Planning Commission for 2008.

The Commission voted unanimously to elect Commissioner Ohrstrom as Vice Chair of the Planning Commission for 2008.

Yes: Arnold (moved), Batterton (seconded), Caldwell, McKay, McKelvy, Nelson, Smart, and Wade

No: No one

Absent: Daniel, Dunning, and Ohrstrom

MEETING DATE FOR 2008

The Commission voted unanimously to approve the meeting dates for 2008 as presented.

Yes: Arnold, Batterton, Caldwell (seconded), McKay, McKelvy, Nelson, Smart (moved), and Wade

No: No one

Absent: Daniel, Dunning, and Ohrstrom

COMMITTEE APPOINTMENTS FOR 2008

The Commission voted unanimously to approve the committee appointments as presented.

Yes: Arnold (seconded), Batterton, Caldwell, McKay, McKelvy, Nelson, Smart (moved), and Wade

No: No one

Absent: Daniel, Dunning, and Ohrstrom

SPECIAL USE / SITE PLAN – CON'T PUBLIC HEARING

Gerald Jones, Jr., requests approval of a Special Use and Site Plan for Limited Vehicular Repair in an existing garage on the property located at 633 Shenandoah River Lane, Tax Map #37A1-((3))-26, Greenway Magisterial District, zoned Forestal Open-Space Conservation (FOC). SUP-07-06

Mr. Russell explained this request. He stated that staff sent letters to resident on Shenandoah River Lane for their comments regarding this request. He said that per the Planning Commission's request the 2008 December 7 meeting, a written opinion was received from Jamea A. Racer with Battletown Appraisers, Inc. regarding this proposed project and was included in the Planning Commission's information package. He stated that at the present time there has been three letters received in the Planning Department opposing this request. Commissioner Wade and Commissioner Smart visited the site. Commissioner Wade presented pictures to the Commission, which he had taken at the site. He stated there are currently 11 vehicles on site. Commissioner Wade stated he is not looking at this request as negatively as he did previously since visiting the site. Commissioner McKelvy does not support this request as it is accessed by a private oad and maintained by the adjacent property owners. After discussion with staff and the Commission, Chair McKay asked for public comments.

Frank Journey, a resident at 1742 Old Oak Lane, 26-year resident of Shenandoah Farms, stated he is involved with the homeowners association. He stated the road maintenance falls on the homeowners. He stated that Mr. Jones is an honest and good businessman.

He said it is a shame that this is putting neighbor against neighbor. He stated he fully supports Mr. Jones to open his business.

Roberts Hobbs, a resident at 680 Shenandoah River Lane, voiced his oppositions to this request. He stated after talking with some neighbors, there is a concern that this business may have a negative profitability on the sale of their homes. He stated the traffic is also a concern. He asked the Commission members how he or she would feel if this business was across from their homes.

Dave Lober, a resident at 1370 Shenandoah River Lane, stated that he is in favor of this request and he feels it will help the community to have a business like this in the neighborhood.

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

Commissioner Dunning entered the meeting.

Commissioner Wade suggested letting the applicant operate this business for one year and see what happens. Commissioner Dunning stated “as Planning Commissioners, we have to do what is the best for the County”. He said this would affect the property value of the adjoining homeowners. Commissioner Batterton stated she feels this business should not be in a neighborhood. Commissioner Smart stated she feels the same way as Commissioner Batterton and that the business is very visible in the neighborhood. Commissioner Nelson stated he understands the applicant wanting the business at his home because he has small children, but he does not agree with the business being in a neighborhood.

The Commission voted on a motion to recommend to the Board of Supervisors the denial of the request.

Yes: Batterton, Dunning, McKelvy, and Nelson

No: Caldwell, McKay, Smart, and Wade

Abstain: Arnold

Absent: Daniel and Ohrstrom

Mr. Johnston said the matter would be placed before the Board of Supervisors with this vote. The motion failed to pass because of the tie vote.

SITE PLAN – PUBLIC HEARING

Robert Claytor, H. N. Funkhouser & Co. (Agent: David Falkenstein, Greenway Engineering) requests approval of Site Plan for 6,867 sq ft gas/convenience store on a 2.1-acre portion of Tax Map Parcel 28-A-20A, zoned Highway Commercial, CH, Greenway Magisterial District. SP-07-10

Mr. Clayton inquired as to whether he could go ahead with a land disturbance permit. He would like to get the project started in early spring. It was the consensus of the Committee to allow Mr. Claytor to proceed with the land disturbance permit.

Mr. Johnston explained this request. He said that the applicant submitted revised plans on 2007 December 21 and they are being reviewed. He stated that planning staff met with

VDOT representatives and the applicant's engineers on 2008 January 3. He said that at that meeting, the scope of the Traffic Impact Analysis was established and it was determined that more data collection would be necessary. He stated that no written comments have been received from VDOT since that meeting. After discussion with staff and the Commission, Chair McKay asked for public comments.

David Falkenstein and Sandy White, with Greenway Engineering, the applicant's engineers, were present and explained the status of this project.

Ken Rice, with H.N. Funkhouser, representing the applicant, was present and state he would like to see this request move forward, but realizes they need to work with VDOT.

Ms. Teetor stated she has been reviewing the storm water issues.

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

The Commission voted unanimously to continue the public hearing until 2008 February 1 meeting in order to allow time for the applicant to receive and address comments from VDOT and respond to further comments from View Engineers, Soil & Water Conservation District and County staff.

Yes: Arnold, Batterton, Caldwell, Dunning (moved), McKay, McKelvy, Nelson, Smart, and Wade (seconded)

No: No one

Absent: Daniel and Ohrstrom

MAJOR SUBDIVISION – CONT'D PUBLIC HEARING

Anne C. Morgan, requests approval for a three-lot subdivision, maximum lot size exception, and boundary line adjustment for Tax Map 29-((A))-7, located at 85 Iron Rail Lane, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-07-07, MLSE-07-02, BLA-07-17

Mr. Russell explained this request. He stated that this request was postponed at the 2007 December 7 meeting in order to determine the location of a perennial spring and its proximity to one of the proposed drainfields. He stated that is has been determined that the proposed drainfield would have been too close to the spring and the applicant is attempting to relocate the proposed drainfield to meet County setback requirements. He stated recommendation is to postpone the public hearing until the 2008 February 1 meeting. After discussion with staff and the Commission, Chair McKay asked for public comments.

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

The Commission voted unanimously to postpone action and continue the public hearing until the next regular meeting of the Commission on 2008 February 1.

Yes: Arnold, Batterton, Caldwell, Dunning, McKay, McKelvy, Nelson, Smart (moved), and Wade (seconded)

No: No one

Absent: Daniel and Ohrstrom

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of:

Zoning Ordinance Sections:

3-A-2, Forestal-Open Space-Conservation District (FOC), so as to clarify that the requirement that subdivisions contain residual parcels with a minimum area applies to parcels that existed as of the date (2005 June 21) when this requirement was established;

3-A-3, Rural Residential District (RR), so as to state that land areas covered by access easements shall not be included in maximum or minimum lot area or any density calculations, or be used to meet open space requirements;

6-B, When Site Plans Are Required, so as to state that a site plan shall be submitted when a change of use of an existing structure requires conformance to current site plan requirements such as parking, landscaping, signage, lighting, storm water control, etc.;

Subdivision Ordinance Section:

10-D, Boundary Line Adjustments, so as to state that in the Forestal-Open Space-Conservation Zoning District, no required residual parcel, established in accord with Zoning Ordinance Section 3-A-2-b, shall be reduced in area by a boundary line adjustment. TA-07-06

Mr. Johnston explained this request. He stated that these are corrections and enhancements to current amendments. After discussion with staff and the Commission, Chair McKay asked for public comments.

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

The Commission voted unanimously to recommend to the Board of Supervisors approval of the above proposed text amendments.

Yes: Arnold, Batterton, Caldwell, Dunning, McKay, McKelvy, Nelson, Smart (moved), and Wade (seconded)

No: No one

Absent: Daniel and Ohrstrom

REPORTS

Board of Supervisors – **Pete Dunning**

- Planning Fee Increases

Mr. Johnston stated that the Planning Department application fees were last modified two years ago. He stated that Mr. Russell called adjoining Counties to compare our fees to theirs. Mr. Johnston stated that this item will go before the Board of Supervisors on 2008 January 15.

Sanitary Authority - **Pete Dunning**

Commissioner Dunning stated that the Sanitary Authority is moving ahead with a improvement to the Boyce Sewage Treatment Plant.

Board of Septic & Well Appeals – **Pete Dunning**

Nothing to report

Board of Zoning Appeals – Anne Caldwell

Commissioner Caldwell briefly discussed the case regarding Mr. Kirk's flagpole. She stated that the Judge stands by his first opinion and that he does not think the flagpole is a structure. Commissioner Wade is concerned that if this case goes any further it will cost a lot of money. The Commission determined that they need Bob Mitchell's opinion on this subject and they would continue this discussion at the 2008 February 1 meeting.

Historic Preservation Commission – Cliff Nelson

Commissioner Nelson stated that the next meeting is scheduled for 2008 January 22 at 8:30 a.m. in the Board of Supervisor's room.

Conservation Easement Authority – Pat McKelvy

Commissioner McKelvy stated that three new applications are being reviewed which will be discussed at the next meeting on 2008 January 18.

Natural Resource Activities – Alison Teetor

- Preparation for drought – develop plan, ordinances
- Preparation for USGS groundwater study summary – how are we using the data
- Conservation Easement Authority – end of year easement recordation, map update

Ms. Teetor stated the government is asking counties to assemble information on drought stages. She stated that several Planning Commission members attended the presentation at the Board of Supervisors meeting on 2008 January 14 by Dave Nelms.

Enforcement Officer – Nancy Olin

Ms. Olin's progress reports for 26 November 2007 thru 7 January 2008 were reviewed.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 11:30 a.m. until the next regular meeting of the Commission on 2008 February 1.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary