

**CLARKE COUNTY
PLANNING COMMISSION
Minutes
2008 April 4 – 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 April 4.

ATTENDANCE

Beverly McKay, Chair; George Ohrstrom, Vice Chair; Jay Arnold; Barbara Batterton; Anne Caldwell; A. R. Dunning, Jr.; Pat McKelvy; Cliff Nelson; Kathy Smart; Chip Steinmetz; and Bob Wade;

STAFF

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

CALL TO ORDER

Chair McKay called the meeting to order at 9:03 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

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

No: No one

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing minutes of 2008 March 4.

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

No: No one

The Commission voted unanimously to approve the regular minutes of 2008 March 7 with one correction.

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

No: No one

SITE PLAN – CONT'D 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 2.2-acre portion of Tax Map Parcel 28-A-20A, zoned Highway Commercial, CH, Greenway Magisterial District. SP-07-10

Mr. Russell explained this request. He stated that this is a continued public hearing. He said there are some issues that need to be resolved with VDOT. He distributed a letter to the Planning Commission from VDOT addressing these issues. He recommended continuing the public hearing until the 2008 May 2 Planning Commission meeting in order to allow the applicant time to resolve these issues. After discussion with staff and the Commission, Chair McKay asked for public comments.

Mr. Claytor, the applicant, was present and had questions regarding the length of time it is taking to move forward with this project. He stated that he feels VDOT wants all the work on the entire 10 acres done by him. He stated that he does not feel he should be responsible for the entire area.

Sandy White, Planner for Greenway Engineering, representing the applicant, was present and stated he would like to get with VDOT for a meeting. He stated there needs to be an intermediate plan made.

Mr. Russell stated that he sees no problem with moving forward at the May meeting. Commissioner Dunning stated VDOT needs to push forward on this matter. Mr. Russell stated he would discuss this matter with Charles Johnston, Planning Director for Clarke County, and would set up a meeting with VDOT, Mr. Johnston, Mr. Claytor and Mr. White.

There being no further 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 Planning Commission on 2008 May 2.

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

No: No one

**SPECIAL USE PERMIT AMENDMENT / SITE PLAN AMENDMENT -
SET PUBLIC HEARING**

Community Housing Partners (Samantha Brown, Agent) requests approval of a Special Use Amendment and Site Plan Amendment for a special trade contractor located at 1329 Fish Paw Road, Tax Map #7-((A))-1A, Longmarsh Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SUP-08-01, SP-08-03.

Mr. Russell explained this request. He stated that the subject property has a special use permit for vehicular repair. He stated that the applicant is a non-profit organization and is requesting an amendment to that special use to allow for a special trade contractor limited to providing energy services to low income families. After discussion with the staff and Commission, Chair McKay called for a motion.

Bill Beachey, Vice President of Energy Services for Community Housing Partners, was present and gave a brief discussion regarding the non-profit organization. He distributed some literature to the Planning Commission regarding the goals of Community Housing Partners.

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Planning Commission on 2008 May 2.

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

No: No one

MINOR SUBDIVISION

William Charles Turkel requests approval for a two-lot subdivision for Tax Map 25-((A))-25, located at 96 Kent Farm Lane, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (FOC). MS-08-03

Mr. Russell explained this request. He stated that the applicant has met all requirements as required by the Clarke County Zoning and Subdivision Ordinances and that there are no outstanding issues with this request. After discussion with the staff and the Planning Commission, Chair McKay called for a motion.

The Commission voted to approve preliminary and final plat on this request.

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

No: No one

Abstained: Caldwell

MINOR SUBDIVISION

Dale and Jennifer Cossette, request approval for a two-lot subdivision for Tax Map 3-((A))-8, located at 1691 Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-08-05

Mr. Russell explained this request. He stated that the previous owners of this property had installed a kitchen and a bedroom in an old milking parlor. The applicant is using this area as storage. He has agreed to remove the kitchen and bedroom from the milking parlor. He stated that the applicant has met all requirements as required by the Clarke County Zoning and Subdivision Ordinances.

The Commission voted unanimously to approve this request on condition that the applicant will remove the kitchen and bedroom from the milking parlor before the Health Department and Zoning Administrator signs the plats.

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

No: No one

MINOR SUBDIVISION

Marie W. Parker (Kendall Wisecarver, Agent), requests approval for a two-lot subdivision and maximum lot size exception for Tax Map 13-((A))-25E, located at 3138 Senseny Road, Chapel and Longmarsh Magisterial Districts, zoned Agricultural-Open Space-Conservation (AOC). MS-08-06, MLSE-08-02

Mr. Russell explained this request. He stated that the dwelling is a pre-1980 and therefore qualifies for an automatic maximum lot size exception. He stated that the applicant has met all requirements as required by the Clarke County Zoning and Subdivision Ordinances.

The Commission voted to approve preliminary and final plat on this request.

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

No: No one

REPORTS

Board of Supervisors – **Pete Dunning**

Nothing to report

Sanitary Authority - **Pete Dunning**

Nothing to report

Board of Septic & Well Appeals – **Pete Dunning**
Nothing to report

Board of Zoning Appeals – **Anne Caldwell**

Commissioner Caldwell stated that there is a meeting scheduled for 2008 April 24 at 10:00 a.m. She stated that Site Logistics (Walter Carter, Agent), the applicant, is appealing the Zoning Administrator's determination regarding uses in the Commercial Highway Zoning District at 12531 Lord Fairfax Highway.

School Construction – **Cliff Nelson**

Commissioner Nelson stated that the school construction committee has met twice since the last Planning Commission meeting. He stated that the committee is still looking at two other sites in addition to the existing school site. He said the results from these sites should be in by 2008 April 9.

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that a public hearing was held on 2008 March 25. He said the applicant, John Taylor, requested demolition of an existing structure in the White Post Historic District located behind 279 White Post Road. He stated the Commission denied this request. He said that the next meeting of the Commission is scheduled for 2008 May 27 at the Olympic Flame Restaurant in Berryville for the annual presentation of the Commission's Historic Preservation Awards.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated that an open application period for soliciting easement applications would be on going until 2008 April 15.

Natural Resource Activities – **Alison Teetor**

Ms. Teetor showed a power point presentation on ground water. She said the March rains have had an impact, but ground water levels are still significantly low. She stated that the County is definitely in a pre-drought stage for this Summer. She said the new Clarke County website will be on line next week.

Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 2008 February 27 thru 2008 March 27 were reviewed.

Other

Nothing other to discuss.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:10 a.m. until the next regular meeting of the Commission on 2008 May 2.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary