

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 March 2 – 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, the 2nd day of March 2007.

ATTENDANCE

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

ABSENT

Mary Daniel and Bob Wade

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 9:06 a.m.

APPROVAL OF AGENDA

The agenda for 2 March 2007 was unanimously approved.

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

No: No one

Absent: Daniel, Dunning, and Wade

APPROVAL OF MINUTES

The briefing minutes for 30 January 2007 were unanimously approved.

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

No: No one

Absent: Daniel, Dunning, and Wade

The regular minutes for 2 February 2007 were unanimously approved with corrections.

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

No: No one

Absent: Daniel, Dunning, and Wade

**MAJOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT }
PUBLIC USE IN ACCORD WITH COMPREHENSIVE PLAN} – SET PUBLIC HEARING
SPECIAL USE/SITE PLAN }**

The Clarke County School Board (The Salvation Army, property owner) requests approval of a:

- (1) Major Subdivision and Boundary Line Adjustment,**
- (2) Determination that the proposed new High School is “substantially in accord with the adopted Comprehensive Plan” per Virginia Code Section 2232,**
- (3) Special Use for an 800 student new High School (with future expansion to 1000 students) in the AOC Zoning District, and**
- (4) Site Plan for an 800 student new High School (with future expansion to 1000 students), located at 642 Westwood Road, Tax Map Parcels 13-((A))-13, 56, 59 & 59A, Longmarsh Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). SUP-07-01; S-07-02**

Commissioner Dunning entered the meeting.

Mr. Johnston explained this request. He stated the School Board is requesting approval for a High School to be built at 642 Westwood Road. Mr. Johnston referred to the site plan and explained where the proposed High School will be located. He stated that even though it is a two-lot subdivision, it is considered a major subdivision due to the dedication of public right of way. He stated that Chip Schutte, representing the High School responded to the 19 criteria used to evaluate special use requests. Brian Hanlon, Project Executive for the proposed High School, said he had revised some of these responses. Mr. Hanlon stated that Eleanor Smalley, Superintendent, Clarke County Public Schools, submitted a letter confirming that the School Board intends to negotiate with the owner of the property at the southwest corner of the Ramsburg Lane/Westwood Road intersection to obtain a sight distance easement and with the owners of property affected by the proposed stormwater facilities to obtain drainage easements. He said that that the letter also states that if such negotiations are not successful, the School Board will utilize its power of eminent domain to secure such easements.

Commissioner Nelson asked questions regarding the map of the resistivity work done on the property. Mr. Johnston stated VDOT did not have positive comments on their review of the Site Plan. He stated that the Allegheny Power easement to its Berryville Substation would be moved and that there was no indication as to whether this was feasible economically or technically. Mr. Johnston said there was no indication that the location of the proposed road to the Salvation Army residual property was acceptable to the Army. He said that the Town of Berryville had not begun their formal review of the water and sewer proposals as the review application and fee had not been submitted, but that the Town had informally reviewed the plans and had several issues and questions that were addressed in the submitted materials. He said that many of the adjacent property owners had been contacted, and it was not known whether the condemnation process would be implemented. Finally, he said there were major inconsistencies between sheets of the site plan and between the proposed subdivision plat and the site plan.

The Commission voted unanimously to set a special meeting of the Planning Commission on 14 March 2007 at 3:00 p.m. in order to allow time for the applicant’s engineer to address all issues described above so that the application would be sufficiently complete to set a public hearing for the 6 April 2007 Planning Commission meeting.

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

No: No one

Absent: Daniel and Wade

SITE PLAN / SPECIAL USE PERMIT – PUBLIC HEARING

Verizon Wireless (Edward Bruce VanKeuren, property owner) requests approval of a Special Use and Site Plan for a 95-foot monopole for telecommunications and base compound located at 653 Mount Carmel Road, Tax Map #39-((A))-74, Chapel Magisterial District, zoned Forestal Open-Space Conservation (FOC). SUP-06-03

Mr. Russell explained this request. He said that the Planning Commission met on site for a balloon test that was conducted by the applicant on 22 February 2007. He said the Planning Commission had requested that the applicant create the proposed monopole camouflaged as a pine tree. He stated that after viewing the applicant's presentation, the Planning Commission agreed that camouflaging and extending the monopole from 95 feet to 100 feet in height and allowing an array type antennae could help increase space for antennae co-location thus reducing future requests for additional monopoles in this area of the County. He said that the Planning Commission agreed that by camouflaging the monopole as a pine tree it would be less noticeable in this area of the County. After discussion with staff and the Planning Commission, Chair McKay asked for public comments.

Dave Lasso, representing Verizon, was present to answer questions. He gave a power point presentation for the Planning Commission, which showed the area where the proposed monopole will be located. Eric Bohn and Scott Freeman, representing Verizon, were also present to answer questions.

Jim Leach, area resident, stated that birds of prey like to go to the highest point and nest. He asked if this would interfere with the antennae reception and whether the nest would be removed. Mr. Lasso said they do not interfere and that the nest would remain.

There being no further public comments, Chair McKay closed the public hearing.

The Planning Commission voted unanimously to recommend approval of this item to the Board of Supervisors and that it be a 100-foot tree pole and camouflaged as a pine tree.

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

No: No one

Absent: Daniel and Wade

BOUNDARY LINE ADJUSTMENT and TWO MAJOR SUBDIVISIONS – PUBLIC HEARING

Richard Dimmel (R.Z. Bane, Owner) requests approval of:

- **Boundary Line Adjustment of Tax Maps 1-((A))-3 and 1-((A))-4 located in the 1800 block of Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). BLA-07-03**
- **three-lot subdivision and maximum lot size exception for Tax Map 1-((A))-3, located in the 1800 block of Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-07-03**
- **four-lot subdivision for Tax Map 1-((A))-4, located in the 1800 block of Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-07-04**

Mr. Russell gave a brief discussion of the above items. He explained the boundary line adjustment. He stated that since this proposed boundary line adjustment is an elementary part of the proposed subdivisions, staff considered it beneficial that the Planning Commission be able to see the entire

picture. He explained the major subdivision for tax map 1-((A))-3. He stated the applicant is requesting approval for doing a 3-lot subdivision and maximum lot size exception. He explained the major subdivision for tax map 1-((A))-4. He stated the applicant is requesting approval for a four-lot subdivision. He said there are still some unresolved issues. He stated his recommendation is to postpone action and continue the public hearing until these issues are resolved. After discussion with staff and the Commission, Chair McKay asked for public comments.

Eric Arkfeld, adjacent property owner, distributed a letter he prepared to the Planning Commission. He stated he has concerns with the storm water management. He also said he is concerned with the number of trees that will be removed for this project.

Katherine Gibb, adjacent property owner, was present and had questions about the road. She stated that drainage problems are a major concern for them.

Jim Leach, adjacent property owner, stated he has concerns with drainage.

Chris Rogers, area resident, asked if the lots are accessed through Clarke County, where are emergency vehicles dispatched from, Clarke County or West Virginia?

Keith Seekford, adjacent property owner, had questions about the existing easement and what will happen to it. He asked if it would be abandoned for the West Virginia side?

Commissioner Dunning stated the water runs towards Swimley Road. He said that when there is this many lots being subdivided the storm water issues need to be addressed.

Commissioner Caldwell stated she thinks that the Planning Commission should visit the site.

Mr. Dimmel, the applicant, was present and answered questions from the property owners and Commission.

The Planning Commission decided to meet on 14 March 2007 at 1:30 p.m. to visit the site.

There being no further public comments, Chair McKay closed the public hearing.

The Commission voted unanimously to postpone action and continue the public hearing on the above three items until the 6 April 2007 Planning Commission meeting in order to allow the Planning Commission time to visit the site.

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

No: No one

Absent: Daniel and Wade

BOUNDARY LINE ADJUSTMENT

Robin Hayes requests approval for a Boundary Line Adjustment and Maximum Lot Size Exception of Tax Maps 6-((A))-6 and 6-((A))-6B located at 1631 Wrights Mill Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). BLA-07-01

Mr. Russell explained this request. The applicant is asking the Planning Commission to approve a boundary line adjustment and maximum lot size exception between tax map #6-((A))-6 and

#6-((A))-6B. He stated that the parcel belonging to the applicant was created in 2004. He said that at the time of subdivision the applicant attempted to create the lot along Wrights Mill Road to fill in the gap between two existing lots. He stated that the drainfield sites were attempted to be located in this area but were denied by the Health Department. He stated that the applicant's lot had to be moved further back off the road thus leaving an irregular residual. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

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

No: No one

Absent: Daniel and Wade

MINOR SUBDIVISION

Roy Delph requests approval for a two-lot subdivision for Tax Map 14B-((A))-8, located at 6982 Lord Fairfax Highway, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-09

Mr. Russell explained this request. He stated that this request was approved at the July 2006 meeting. The applicant failed to record the survey plat within 6 months as required by State Code and County Ordinance. The applicant is requesting that the Planning Commission act on this request again. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

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

No: No one

Absent: Daniel and Wade

TEXT AMENDMENT – PUBLIC HEARING

Valley Drilling, Inc requests that the Planning Commission consider an amendment to the Clarke County Zoning Ordinance, Sections 3-A-1-a-3b and 3-A-2-a-3b so as to allow 'Contractors' with a Special Use Permit in the AOC and FOC Zoning Districts and to amend Section 3-C-2-c, Supplementary Regulations, so as to limit such uses to:

- 1. parcels with 10 acres or greater area,**
- 2. a minimum building setback of 200 feet from all property lines,**
- 3. structures of not more than 1,800 sq ft on parcels fronting on secondary highways and primary highways of 5,000 or fewer vehicle trips a day and structures of not more than 3,000 sq ft on parcels fronting on primary highways with more than 5,000 vehicle trips a day, and**
- 4. no exterior storage. TA-07-02**

Mr. Johnston explained this request. He stated the Commission felt the wording should be modified regarding structures larger than 1,800 square feet to have a minimum parcel size of 10 acres and the minimum building setbacks of 200 feet from all property lines, rights of way, and access easements with limited exterior storage. 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 proposed amendment as amended.

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

No: No one

Absent: Daniel and Wade

TEXT AMENDMENT – CONTINUED PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Subdivision Ordinance, Section 8-C, S Design Requirements for Streets, and Section 8-J-1, General Regulations for Private Access Easements, so as to:

- 1. state that any private access easement not constructed to VDOT standards will not be eligible for VDOT maintenance nor eligible for VDOT improvement funds to make it eligible for VDOT maintenance,**
- 2. limit the use of private access easements to not more than two lots not in the AOC and FOC Zoning Districts and not more than nine lots that are in the AOC and FOC Zoning Districts, (thereby requiring the construction of a public road built to VDOT standards when that road serves 10 or more lots),**
- 3. require access easements to have an asphalt surface when they serve 5 or more parcels,**
- 4. require improvements to existing private access easements serving new subdivision parcels, and**
- 5. change other technical engineering standards for the construction of private access easements. TA-06-10**

Mr. Johnston explained this item. He said that at the last meeting of the Planning Commission on 2 February 2007, the Planning Commission voted to postpone action and continue the public hearing until the 2 March 2007 Planning Commission meeting, in order to obtain a written opinion from Robert Mitchell, Jr., the County's land use attorney, regarding the impact of this proposed amendment. He stated that the written opinion from Robert Mitchell, Jr., was received on 23 February 2007. He said Mr. Mitchell recommended changes to clarify the text amendment. After discussion with staff and the Commission, Chair McKay asked for public comments.

Chris Rogers, area resident, submitted written comments to Mr. Johnston regarding this amendment, which Mr. Johnston replied to. He asked for clarity with some of the text in the amendment, which Mr. Johnston explained.

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

The Commission voted unanimously to recommend to the Board of Supervisors approval of the proposed amendment as amended.

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

No: No one

REPORTS

Board of Supervisors – **Pete Dunning**

Mr. Johnston stated the public hearing for the Comprehensive Plan is scheduled for 20 March 2007 at 6:30 p.m.

Sanitary Authority - **Pete Dunning**

Mr. Dunning stated that a convenience store with gas pumps is proposed at the intersection of 340 and 50. He stated that the site plan should be arriving soon.

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

Commissioner Dunning stated that on 12 March 2007 at 10:00 a.m. the Board of Supervisors will hear an appeal of a Board of Septic Appeals denial of a variance request concerning the Slemmer property located at 987 Clifton Road (for a de facto five bedroom house with a one bedroom drainfield).

Comprehensive Plan Elements

- Transportation Committee (Batterton, Caldwell, Smart, Ohrstrom, plus Bates, Conrad, Everly)
- CIP Committee (Daniel, Dunning, plus Day, Rich)

Mr. Johnston stated there have been two meetings. He stated that VDOT is being very cooperative.

Board of Zoning Appeals – **Anne Caldwell**

Nothing to report

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that the next meeting is scheduled for 27 March 2007 at 8:30 a.m. in the Board of Supervisors room.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated that they are continuing to get offers and the committee is doing the monitoring of properties. Ms. Teetor stated they are working with Bill Truban on Mesilla and some property owners on Swift Shoals Road that has 3 dwelling unit rights.

Natural Resource Activities – **Alison Teetor**

Ms. Teetor gave a brief description on the following items that she is currently working on:

- Farm and Ranchland Protection Grant activities
- Conservation Easement Authority – purchase and donation easements, file updates
- Zoning Ordinance Conversion
- Flood Plain Ordinance update

Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 1 February 2007 thru 28 February 2007 were reviewed.

Other - Mr. Johnston stated that east of Dinosaur Land an auto repair business is being proposed. He asked the Planning Commission if they would be interested in forming a spelling bee team for the literacy program in April 2007. Commissioners Nelson, Ohrstrom and Smart volunteered.

There being no further discussion, the meeting was adjourned at 12:45 p.m. until the next regular meeting of the Planning Commission on 6 April 2007 at 9:00 a.m.

Beverly McKay, Chair

Minutes prepared by
Debra L. Bean, Recording Secretary
Clarke County Planning Commission

Charles Johnston, Clerk to the Commission

Regular Meeting 3/2/2007

Page 7