

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 March 14 – 3:00 p.m.
BOARD OF SUPERVISORS MEETING ROOM**

A special meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Wednesday, the 14th day of March 2007.

ATTENDANCE

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

ABSENT

Barbara Batterton

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 3:08 p.m.

APPROVAL OF AGENDA

The agenda for 14 March 2007 was unanimously approved.

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

No: No one

Absent: Batterton and Daniel

<u>MAJOR SUBDIVISION/BOUNDARY LINE ADJUSTMENT</u>	}	
<u>PUBLIC USE IN ACCORD WITH COMPREHENSIVE PLAN</u>	}	<u>SET PUBLIC HEARING</u>
<u>SPECIAL USE</u>	}	
<u>SITE PLAN</u>	}	

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 Daniel entered the meeting.

Mr. Johnston explained this request. He distributed a geophysical survey showing the resistivity tests for the area under the proposed building from Forrest Environmental Services. He distributed comments from the Town of Berryville, VDOT, and e-mail from Dan Rom, with Piedmont Geotechnical. He also distributed letters from Allegheny Power and Patrick and Marta Mulrone, adjacent property owners, sent in a letter regarding the proposed project.

Brain Hanlon, with Brailsford & Dunlavey, Vice President and Project Executive of the proposed High School, was present and stated that he feels confident everything will be completed and resolved within 100 days. Mr. Hanlon stated it would take approximately two weeks to complete the outstanding issues.

Christy Dunkle, Planner with the Town of Berryville, stated they are waiting on the land use application. She stated they couldn't have VIEW Engineering review this proposal until they receive this application.

Dave Jelinek, area resident, was present and distributed a letter to the Planning Commission with his concerns regarding this project. Chair McKay read this letter to the audience.

The Planning Commission decided that after the Briefing Meeting on 3 April 2007, they would visit the proposed site.

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

The Planning Commission voted unanimously to set public hearing for this item, as the submitted information appeared to respond to all the topics required for a complete special use and site plan application, for 11 April 2007 at 7:30 p.m. in the John Enders Fire Company Social Hall, 9 South Buckmarsh Street, Berryville, Virginia.

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

No: No one

Absent: Batterton

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of:

1. the County Zoning Ordinance,

- a. **Section 3-C, Supplementary Regulations, so as to add a section for Private Access Easements limiting the number of lots that may be served by such easements to nine (thereby requiring 10 or more lots to be served by a public right of way) in the AOC and FOC Zoning Districts and not more than two lots in any other zoning district, and**
- b. **Section 9-B, Definitions, establish a definition of Private Access Easements, and**

2. the County Subdivision Ordinance,

- a. **Section 2-B, Definitions, so as to modify the definition of Private Access Easement so as to conform to the proposed definition of this term in the Zoning Ordinance, and**
- b. **Section 8-J-1, Private Access Easements, General Regulations, so as to reference the proposed amendment to the Supplementary Regulations in the Zoning Ordinance. TA-07-03**

Mr. Johnston stated that at its last meeting, the Planning Commission recommended that the County Subdivision Ordinance be amended to limit the number of lots that may be served by a private access easement to nine, thereby requiring that 10 or more lots be served by a public right of way. The county's land use attorney recommends that this provision be placed in the Zoning Ordinance with the necessary definitions and references in the Subdivision Ordinance as described above. After discussion with staff and the Commission, Chair McKay called for a motion.

The Planning Commission voted unanimously to set public hearing for this item for the next regular meeting of the Commission and April 6.

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

No: No one

Absent: Batterton

TEXT AMENDMENT - RECONSIDERATION

The Clarke County Planning Commission is considering the request of Valley Drilling, Inc for 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 (replacing the current provision for "Building Contractor, limited to woodworking and storage") and to amend Section 3-C-2-c, Supplementary Regulations, which currently establishes a maximum

structure size of 1,800 sq ft. and no exterior storage to also allow such a use accessed by a Primary Highway, with more than 5,000 vehicle trips a day, (Rts. 7, 50, 340, 522), to have a maximum structure size of 3,000 sq ft. and to require structures larger than 1,800 sq ft, to have a the 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. TA-07-02

Mr. Johnston explained this item. He stated upon further consideration of this item, the planning staff is suggesting there be some flexibility on the provision for no exterior storage. After discussion with the staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to reconsider this item in order to modify the language of allowing more flexibility on the provision for no exterior storage.

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

No: No one

Absent: Batterton

The Commission voted unanimously to recommend approval to the Board of Supervisors of a modified amendment, providing for more flexibility on the provision for no exterior storage.

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

No: No one

Absent: Batterton

2006 Annual Land Use Report

Mr. Johnston gave a brief overview of the report.

Other

- Mr. Johnston distributed information on Virginia Fair Housing rules.
- Mr. Russell gave a brief discussion regarding a meeting he attended regarding new state winery regulations.

There being no further discussion, the meeting was adjourned at 4:20 p.m. until the next regular meeting on 6 April 2007 at 9:00 a.m.

Beverly McKay, Chair

Charles Johnston, Clerk

**Minutes prepared by
Debra L. Bean
Recording Secretary**