

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 July 6 – 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, 2007 July 6.

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; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda as modified and with one grammatical correction.

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

No: No one

Absent: Daniel, Dunning and Wade

The Planning Commission voted unanimously to convene into closed session pursuant to Section 2.2.3711-(A)(7), (A)(29) of the Code of Virginia (1950), as amended, for consultation with legal counsel regarding specific legal matters requiring the extension of time for the proposed High School application.

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

No: No one

Absent: Daniel and Wade

Commissioner Dunning entered the closed session

The members of the Planning Commission being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, the Commission voted unanimously to reconvene in open session.

Chair McKay stated that on behalf of the Planning Commission, an extension of time has been unanimously approved to the School Board until 16 August 2007 in order to allow enough time for the outstanding issues to be resolved on the proposed High School.

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

No: No one

Absent: Daniel and Wade

APPROVAL OF MINUTES

The special meeting minutes for 2007 May 23 were unanimously approved.

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

No: No one

Absent: Daniel and Wade

The briefing minutes for 2007 May 29 were unanimously approved.

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

No: No one

Absent: Daniel and Wade

The regular meeting minutes for 2007 June 1 were unanimously approved.

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

No: No one

Absent: Daniel and Wade

The special meeting minutes for 2007 June 5 were unanimously approved.

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

No: No one

Absent: Daniel and Wade

The special meeting minutes for 2007 June 20 were unanimously approved.

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

No: No one

Absent: Daniel and Wade

School Board discussion

Mr. Johnston handed out written comments and a geophysical report from John Reno with PHR&A, project engineer for the proposed High School. Mr. Johnston gave a brief discussion regarding the geophysical map.

Cooley School discussion

Mr. Johnston explained the proposed gym for Cooley School. He stated the school does not have a site plan as it was built 40 years ago. He explained where the proposed gym would be located. He stated that school officials have a long term plan to change the existing high school to an elementary school and the Cooley school will be used for the primary school. He stated that the Planning Commission does not have a regular

meeting in August and he asked the Planning Commission to authorize the Chair and Vice Chair to set a public hearing for the 2007 September 7 Planning Commission meeting if the application was complete.

The Commission voted unanimously to authorize the Chair and Vice Chair to set a public hearing for the 2007 September 7 Planning Commission meeting for a proposed Special Use/Site Plan amendment for a Cooley School Gym on condition that application is complete and there is physical verification of the location of the existing sewer main.

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

No: No one

Absent: Daniel and Wade

MINOR SUBDIVISION

Frank S. Pierson, Jr. and Amelia D. Bailey request approval for a two-lot subdivision for Tax Map 25-((A))-29B, located at Saw Mill Hill Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-07-04

Mr. Russell explained this request. He stated that the applicant has requested to postpone action on this item until the 2007 September 7 Planning Commission meeting.

The Commission voted unanimously to postpone action on this request until the next regular meeting of the Planning Commission on 2007 September 7.

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

No: No one

Absent: Daniel and Wade

MINOR SUBDIVISION

William C. 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-07-06

Mr. Russell explained this request. He stated the applicant has met all the requirements as required in the Clarke County Subdivision Ordinance. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request with the following conditions:

- 1) Provide a deed of dedication and road maintenance agreement;
- 2) Provide sight distance by removing the dead evergreen trees north of Kent Lane;
- 3) Provide sight distance by removing several trees and branches to the south of Kent Lane as directed by the Zoning Administrator; and
- 4) To revise plat to note both percentages and acreage in regard to the required 65% open space.

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

No: No one

Abstained: Caldwell

Absent: Daniel and Wade

MINOR SUBDIVISION

Karla K. Mueller requests approval for a two-lot subdivision for Tax Map 25B-((3))-4, located at 525 Old Ferry Lane, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (FOC) MS-07-07

Mr. Russell explained this request. He stated the applicant is proposing to create separate parcels for the two existing dwellings. He stated that both lots should have approved primary and reserve drainfield sites, and well sites. Lot 1 (Old Ferry Lane) contains an existing primary and 100% reserve drainfield. Lot 2 (Ross Lane) contains a primary drainfield. The proposed reserve drainfield area will require a variance from the Board of Septic Appeals in July. After discussion with the staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition that the Board of Septic Appeals grant a variance for the reserve drainfield.

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

No: No one

Absent: Daniel and Wade

REZONING – SET PUBLIC HEARING

- a. William and Margaret Elliott request the Rezoning of Tax Map Parcel 30-A-10 from the Agricultural-Open Space-Conservation (AOC) to the Rural Residential (RR) Zoning District located at 1105 Bishop Meade Road, and**
- b. Clarke County Planning Commission will consider the rezoning of Tax Map Parcels 30-A-10A, 9, and 8 from the Agricultural-Open Space-Conservation (AOC) to the Rural Residential (RR) Zoning District located at 1133, 1161, and 1171 Bishop Meade Road. RZ-07-01**

Mr. Russell explained this request. He stated that the applicant is requesting a rezoning of their property that contains 4.7 acres and two dwellings from Agricultural Open Space Conservation (AOC) to Rural Residential (RR) and that planning staff recommends that additional adjacent small area parcels also be rezoned as their use is more consistent with the Rural Residential Zoning District. Chair McKay selected a committee to visit the site on 2007 July 19 at 9:00 a.m. at the Black Penny consisting of himself, staff, Commissioners Batterton, Caldwell, and Smart. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for this request at the next regular meeting of the Planning Commission on 2007 September 7.

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

No: No one

Absent: Daniel and Wade

REZONING / SPECIAL USE AMENDMENT – SET PUBLIC HEARING

National Capital Golf, LLC and Solstice, LLC (Scot Lessler, agent) requests approval of:

- a. a rezoning of an approximate .46 acre portion of Tax Map Parcel 17A1-A-1 from Forestal-Open Space-Conservation (FOC) to Rural Residential (RR), adjacent to the properties described below,**
- b. amendment of the Special Use for a Golf Course on Tax Map Parcel 17A1-A-1B to include:**
 - 1. the above referenced parcel to serve as a vegetated buffer,**
 - 2. the .26 acre Tax Map Parcel 17A1-30-1-1, zoned Rural Residential (RR), known as the “Terrace Area”,**
 - 3. the 1.57 acre Tax Map Parcel 17A1-A-1A, zoned Rural Residential (RR), containing the historic**

house known as “The Retreat”, to be used for:

- a. a restaurant for golf course members and their guests with a maximum seating capacity of 74,
 - b. meetings facilities with a maximum permanent design capacity of 149 people and,
 - c. temporary facilities for special events for not more than 350 people;
- c. amendment of the Site Plan for the above described uses on the above described parcels and the addition of covered cart barn behind the existing clubhouse;
all located at or adjacent to 1492 Parker Road, Buckmarsh Magisterial District. SUP-07-02 RZ-07-02

Mr. Johnston stated that this request is for the amendment of the site plan for the golf course project now known as Virginia National, and formerly known as “Battleground at Cool Spring” and as “Golflinks” (SU-89-03). He said the applicant is requesting an rezoning of a small adjacent parcel and an expansion of the Special Use and Site Plan to include that parcel and the 1.57 acre parcel containing the 1799 house “The Retreat”.

Ms. Teetor stated they are in compliance with the regulations of the conditions originally placed in 1991.

Scot Lesler, the applicant, was present to answer questions from the Planning Commission. Alan Sowers, Superintendent of the Golf Course, representing the applicant was present to answer questions from the Planning Commission.

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

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Commission on 2007 September 7.

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

No: No one

Absent: Daniel and Wade

COMPREHENSIVE PLAN AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the Clarke County Comprehensive Plan so as to revise and update the Capital Improvements Program Implementing Component of the Plan.

Mr. Johnston explained this request. 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 approval of the proposed amendment to the Comprehensive Plan.

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

No: No one

Absent: Daniel and Wade

REPORTS

Board of Supervisors – **Pete Dunning**

Commissioner Dunning stated that the Text Amendment regarding the flood and emergency ordinance is scheduled for public hearing on 2007 July 17.

Sanitary Authority – Pete Dunning

Commissioner Dunning stated an estimate was given for the upgrade of the Boyce treatment plant for \$3 million .

Board of Septic & Well Appeals – Pete Dunning

Commissioner Dunning stated there is a meeting scheduled for 2007 July 26 regarding variances for Cathy and Jeff Ruszczyk and Karla Mueller.

Board of Zoning Appeals – Anne Caldwell

Nothing to report.

Historic Preservation Commission – Cliff Nelson

Nothing to report.

Conservation Easement Authority – Pat McKelvy

Commissioner McKelvy stated that a reception was held in honor of the donors to the Conservation Easement Authority at the home of Chair Mackay-Smith. She stated that they have received three more easements. She complimented Ms. Teetor, Mr. Johnston, Ms. Kalbian and the committee for their hard work.

Natural Resource Activities – Alison Teetor

Ms. Teetor stated she is working on ordinances with Mr. Johnston regarding storm water.

Enforcement Officer – Nancy Olin

Ms. Olin's progress reports for 2007 June 1 thru 2007 June 30 were reviewed.

There being no further discussion, the meeting was adjourned at 11:30 a.m.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary

