

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
2007 October 5 – 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 October 5.

**ATTENDANCE**

Beverly McKay, Chair; George L. Ohrstrom, II, Vice Chair; Jay Arnold; Barbara Batterton; Anne Caldwell; Mary Daniel; A.R. Dunning, Jr.; Pat McKelvy; Cliff Nelson; Kathy Smart; 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 9:08 a.m.

**APPROVAL OF AGENDA**

The agenda was unanimously approved.

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

**No:** No one

**Absent:** Dunning

**APPROVAL OF MINUTES**

The briefing meeting minutes for 2007 September 4 were unanimously approved.

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

**No:** No one

**Absent:** Dunning

The regular meeting minutes of 2007 September 7 were unanimously approved with one correction.

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

**No:** No one

**Absent:** Dunning

**REZONING / SPECIAL USE AMENDMENT – 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,**
  - 1. the .26 acre Tax Map Parcel 17A1-30-1-1, zoned Rural Residential (RR), known as the “Terrace Area”,**

- 2. 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. 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, zoned Rural Residential.  
SUP-07-02 RZ-07-02**

Commissioner Dunning entered the meeting.

Mr. Johnston explained this request. He stated a revised site plan was submitted on September 28<sup>th</sup> showing lighting and signage in conformance with County regulations. He stated that the site plan committee (Caldwell, Nelson, Ohrstrom, Smart) and staff visited the site and Holy Cross Monastery on September 28<sup>th</sup>. He said during this visit a deejay played music while decibel readings were made at the site and the Monastery. He stated that at this visit the committee determined that the noise levels should not have a negative impact on adjoining property owners in the Retreat or at the Monastery. The committee members noted that changes in wind patterns and other weather features would probably affect noise levels. After discussions with staff and the Commission, Chair McKay asked for public comments.

Bill Collins, Chair and Chief Executive Officer of National Capital Golf, was present and answered questions about the noise level. He stated they have done extensive research with other communities regarding events and the noise levels.

Abbott Robert Barnes from the Monastery was present to answer questions.

Commissioner Smart stated that tests should be performed over the course of the next year to determine noise levels from weddings and outdoor events that may occur on the site and that the regulation of noise established on the site plan should be revisited by the Commission at the end of this time period.

Commissioner Daniel and Ohrstrom complimented Mr. Collins on the concise way in which this request is being handled. Commissioner Daniel stated her concern is what will happen in the future.

Abbot Barnes stated he thinks that the proposed plan to reconsider noise regulations in one year is a reasonable solution.

Jean Hess, President of Shenandoah Retreat Land Corporation, was present and stated that she thinks reconsideration of the noise levels in one year is a good idea.

Connie O’Neal, said she has lived and worked in the Retreat since 1975. She stated that other community organizations and neighbors sponsor outside events and that the noise would come from sources other than just for the proposed request. She stated she feels it will have to be monitored very carefully.

Commissioner McKelvy asked whether there would be golf memberships. Mr. Collins stated he would like to have 100 family memberships in the next three years.

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

The Commission voted unanimously to recommend approval of this request to the Board of Supervisors with the following conditions:

1. that the noise regulations be reviewed, and modified as determined necessary by the Planning Commission, a year after approval of the amended Site Plan so as to determine their effectiveness in not creating a nuisance for area property owners;
2. final Virginia Health Department approval of the design, and
3. item 3b to read: meetings facilities with a maximum permanent design capacity of 149 people (including the 74 restaurant patrons).

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

**No:** No one

### **SPECIAL USE / SITE PLAN – PUBLIC HEARING**

**Valley Drilling (Dennis Singhas, owner) requests the approval of a Special Use and Site Plan for a special trade contractor limited to well drilling with maintenance building, office building and limited exterior storage area, located at 862 John Mosby Highway, Tax Map Parcel 39-((A))-44, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-07-03**

Mr. Russell explained this request. He stated the applicant has revised the site plan to include additional landscaping along the entrance, exterior storage area, and the front of the maintenance building. He stated the applicant has addressed VDOT and the County's engineer comments and forwarded the revisions to both. After discussion with the Commission and staff, Chair McKay asked for public comments.

Jon Erickson, the applicant's engineer, was present and stated that the existing house is in very bad shape. He stated that the applicant has suggested donating the house to the Fire Department for burning practice.

Commissioner McKelvy complimented the engineer on the presentation of his work.

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

The Commission voted unanimously to recommend this request to the Board of Supervisors on condition that:

1. the existing house not be burned, if demolished, so as to not injure adjacent trees, and
2. to complete revisions to the site plan per the County consulting engineer's comments and Lord Fairfax Soil and Water Conservation District comments.

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

**No:** No one

### **SPECIAL USE / SITE PLAN – PUBLIC HEARING**

**Blue Ridge Custom Woodworks, (David Lockley, Agent)) requests approval of a Special Use and Site Plan for a custom woodwork shop containing 9,717 sq. ft. located at 468 Old Waterloo Road, Tax Map #21-((A))-52, Chapel Magisterial District, zoned Highway Commercial (CH). SUP-07-04**

Mr. Russell explained this request. He stated that the applicant, the County's consulting engineer, and staff met on site on 2007 September 27 to discuss stormwater issues and how to best to resolve them. He stated that the site plan will be revised per comments by the County's engineer regarding stormwater. After discussion with the Commission and staff, Chair McKay asked for public comments.

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

The Planning Commission voted to recommend approval of this request to the Board of Supervisors on condition that the site plan be revised per comments by the County's engineer regarding stormwater.

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

**No:** No one

### **SITE PLAN AMENDMENT –SET PUBLIC HEARING**

**Harry Turner (Willie's Ice Cream Stand) requests approval of a Site Plan amendment for a 190 square foot aluminum trailer to be used as an ice cream stand located at 1025 W. Main Street, Tax Map #13-((A))-67, Longmarsh Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SP-07-08**

Mr. Russell explained this request. He stated that the applicant is requesting a 190 sq. ft. ice cream stand with access off Main Street. He said it would be located on property that contains an existing commercial use. He stated that this commercial use is deemed to be an approved special use as it pre-existed the property's AOC zoning.

Harry Turner, the applicant, was not in attendance at today's meeting.

Stuart Dunn, the applicant's surveyor, was present to answer questions. Mr. Russell asked Mr. Dunn to notify Mr. Turner that he needs to install curb and gutter in one small area and that Mr. Turner needs to attend these meetings or this request will be continually postponed or denied. Mr. Russell asked Mr. Dunn to get the revisions in before the November public hearing.

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

The Commission voted unanimously to set public hearing for the next regular meeting of the Planning Commission on 2007 November 2.

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

**No:** No one

### **MINOR SUBDIVISION**

**Janet M. Hitchen requests approval for a two-lot subdivision and boundary line adjustment for Tax Map 30-((A))-70, located at 102 Tilthammer Mill Road, Chapel Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-07-10**

Mr. Russell explained this request. He said the applicant is requesting approval for a two-lot minor subdivision and a boundary line adjustment that is administratively approvable. He stated that the entrance that is proposed has major concerns that need to be addressed. After discussion with the Commission and staff, Chair McKay called for a motion.

The Commission voted unanimously to postpone action on this request in order to allow time for Mr. Russell to talk with the applicant regarding the concerns of the entrance and to have a speed test conducted.

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

**No:** No one

## **MINOR SUBDIVISION**

**Swimley Road Enterprises, LLC, requests approval for a two-lot subdivision for Tax Map 3-((A))-4, located at 2283 Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-07-11**

Mr. Russell explained this request. He stated that the Health Department and VDOT have approved this site. He said the applicant has met all requirements of the Subdivision and Zoning Ordinance for final plat approval. After discussion with the Commission and staff, Chair McKay called for a motion.

Kenny Unger, the applicant, was present to answer questions.

The Commission voted unanimously to approve this request on condition that a deed of dedication with a road maintenance agreement is provided before the Zoning Administrator signs the survey plats.

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

**No:** No one

## **REPORTS**

Board of Supervisors – **Pete Dunning**

Mr. Johnston stated that the public hearing on the high school request has been set for 2007 October 23 at 7:30 p.m. at the John Enders Fire Company Social Hall.

Sanitary Authority - **Pete Dunning**

Nothing to report.

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

Commissioner Dunning stated that there is a meeting scheduled for 2007 October 11 at 9:00 a.m. in the Board of Supervisors Room.

Board of Zoning Appeals – **Anne Caldwell**

Commissioner Caldwell stated there is a meeting scheduled for 2007 October 9. She said the Judge ruled in favor of the estate of Jerry Kirk regarding the flagpole issue.

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that the Board of Supervisors approved a contract with Maral Kalbian to conduct the work on the North Blue Ridge National Register District Nomination.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated the Authority continues to have applications submitted. She stated the Authority will be presenting power-point presentations to community organizations to inform the public about conservation issues. The first presentation is scheduled for 2007 October 18.

Natural Resource Activities – **Alison Teetor**

- Farm and Ranchland Protection Grant activities
- Conservation Easement Authority – purchase and donation easements, file updates
- Stormwater Ordinance development
- Septic Ordinance Amendments
- Zoning Ordinance update

Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 2007 August 27 thru 2007 September 27 were reviewed.

Other

Mr. Johnston stated there are two items on the horizon; a site plan for a restaurant in Millwood and a convenience store/small shopping center in Waterloo.

There being no further discussion, the meeting was adjourned at 11:00 a.m. until the next regular meeting on 2 November 2007.

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Beverly B. McKay, Chair

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Charles Johnston, Clerk to the Commission

Minutes prepared by  
Debra L. Bean, Recording Secretary