

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 November 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, 2007 November 1.

ATTENDANCE

Beverly McKay, Chair; Jay Arnold; 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; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

ABSENT

Barbara Batterton and George L. Ohrstrom, II, Vice Chair

CALL TO ORDER

Chair McKay called the meeting to order at 9:07 a.m.

APPROVAL OF AGENDA

The agenda was unanimously approved, as amended, to add Mr. Karl Anderson under reports for the Board of Septic Appeals

Yes: Arnold, Caldwell, Daniel, McKay, McKelvy (motion), Nelson, Smart (second), and Wade

No: No one

Absent: Batterton, Dunning, and Ohrstrom

APPROVAL OF MINUTES

The work session meeting minutes for 2007 September 28 were approved.

Yes: Arnold, Caldwell, Daniel, McKay, McKelvy (motion), Nelson, Smart (second), and Wade

No: No one

Absent: Batterton, Dunning, and Ohrstrom,

The special meeting minutes of 2007 October 1 were approved.

Yes: Arnold, Caldwell, Daniel, Dunning, McKay, McKelvy, (motion) Nelson, Smart, (second) and Wade

No: No one

Absent: Batterton and Ohrstrom

The briefing minutes of 2007 October 1 were approved.

Yes: Arnold, Caldwell, Daniel, McKay, McKelvy (motion), Nelson, Smart (second), and Wade

No: No one

Absent: Batterton, Dunning, and Ohrstrom

The regular meeting minutes of 2007 October 5 were approved.

Yes: Arnold, Caldwell, Daniel, McKay, McKelvy (motion), Nelson, Smart (second), and Wade

No: No one

Absent: Batterton, Dunning, and Ohrstrom

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 said the applicant was not present as he is in the hospital. He also said that more information is needed, which should be available for the next Planning Commission meeting. He said the plan shows 22 parking spaces, but that some of the spaces should be eliminated to make a smoother traffic pattern and to allow for a picnic table.

The Chair opened the public hearing. There being no one from the public wishing to make a comments, he asked if the Commission had further comments.

Mr. Russell said Steven Shirley of Enders Funeral Home had contacted him with concerns that patrons of the business will park at the funeral home and walk across the road for service.

Mr. Dunning entered the meeting.

Mr. Russell also said that question had been raised regarding pedestrian access from the adjacent County Park. Mr. Russell said that he understood the hours of operation will be approximately noon to 10:00 p.m.

The Commission voted unanimously to postpone action and continue the public hearing until the next Commission meeting so that the issues discussed can be addressed.

Yes: Arnold, Caldwell (second), Daniel, Dunning (motion), McKay, McKelvy, Nelson, Smart, and Wade

No: No one

Absent: Batterton and Ohrstrom

SPECIAL USE / SITE PLAN – SET PUBLIC HEARING

Gerald Jones, Jr., requests approval of a Special Use and Site Plan for limited vehicular repair in an existing garage on the property located at 633 Shenandoah River Lane, Tax Map #37A1-((3))-26, Greenway Magisterial District, zoned Forestal Open-Space Conservation (FOC). SUP-07-06

Mr. Russell reviewed this request. He said this type of business was once allowed as a Home Occupation but now is allowed only as a Special Use. He said the subject property contains a fairly new home and drainfield. Two letters from neighbors were submitted in support of this request.

Mr. Jones was present to represent the request.

The Commission voted unanimously to set public hearing on the above-described matter for 2007 December 7.

Yes: Arnold, Caldwell, Daniel (second), Dunning, McKay, McKelvy, Nelson, Smart (motion), and Wade

No: No one

Absent: Batterton and Ohrstrom

MAJOR SUBDIVISION – PUBLIC HEARING

Wendell J. Johnson, Sr., requests approval for a three-lot subdivision for Tax Map 26-((A))-115B located in the 18,500 block of Blue Ridge Mountain Road, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (FOC) S-07-06

Mr. Russell explained this request. He stated most of the Planning Commission had been in this area in previous years. He recommended approval on condition that Health Department shows drainfield correctly.

Mr. Dunning stated that he feels this is strip development at its worst and it is a bad example of development.

The Chair opened the public hearing.

An anonymous letter was submitted to the Commission opposing the request.

The applicant, Wendell Johnson, answered questions about the arrangement of the proposed property lines, setbacks, and vegetative buffers.

Lisa Sutherlin, adjoining property owner, had questions about the holes being dug up near her property. Mr. Johnson stated that these holes are just test holes.

Mr. Dunning stated that the Planning Commission needs to visit the area with the adjoining property owners.

The Commission voted unanimously to postpone action and continue the public hearing.

It was agreed that interested members of the Commission will meet on Tuesday the 20th at 1:00 p.m. at the Courthouse to go visit the subject property.

Yes: Arnold, Caldwell, Daniel, Dunning, (motion) McKay, McKelvy, Nelson, Smart, (second) and Wade

No: No one

Absent: Batterton and Ohrstrom

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 stated the boundary line adjustment is no longer necessary. Janet Hitchen was present and answered questions from the commission.

The Commission unanimously approved the request of Ms. Hitchen.

Yes: Arnold, Caldwell, Daniel, (second) Dunning, McKay, McKelvy, Nelson, Smart, (motion) and Wade

No: No one

Absent: Batterton and Ohrstrom

MINOR SUBDIVISION

Custis Elsea, (James Montgomery, Agent), requests approval for a two-lot subdivision and maximum lot size exception for Tax Map 28-((A))-44B, located in the 500 block of Carters Line Road, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-07-12

Mr. Russell explained this request. He recommended approval of the maximum lot size exception, based on the property not being used for agricultural use, and approval the subdivision request.

The request of Mr. Elsea for a two-lot subdivision and maximum lot size exception was unanimously approved.

Yes: Arnold, Caldwell, Daniel, Dunning, (motion) McKay, McKelvy, (second) Nelson, Smart, and Wade

No: No one

Absent: Batterton and Ohrstrom

REPORTS

Board of Supervisors – Pete Dunning

Mr. Dunning said the Board of Supervisors has set public hearing for the Virginia National Golf Course Clubhouse request. He also reported that the Board had approved the Special Use and Site Plan request for the new high school.

Sanitary Authority – Pete Dunning

Mr. Dunning said there was nothing of note to report.

Board of Septic & Well Appeals – Pete Dunning

Mr. Anderson was present regarding the appeal on his BSA item, to allow an open loop geothermal heating/cooling system. Chair McKay stated that the appeal was not approved because it did not conform to County Ordinances, but that he thought review of these regulations may be appropriate and should be discussed by the Planning Commission.

Mr. Anderson spoke about this issue. He stated his concerns about the environment. He said he wanted to replace his current heating system with the most earth friendly system he can afford. He stated the water that is used in this system does not change; it is not contaminated. He said open loop systems are banned in Clarke County, but that they are more efficient to run. He said is going to install a closed loop system now so as to complete construction before cold weather. He said he is voicing his opinion for the benefit of future residents in the County that would like to do the open-loop system. He is asking the Commission to amend this ordinance. Mr. Dunning stated that this needs to be researched further. Mr. McKay asked Commissioner Nelson to get involved with this and get with David Nelms, USGS, to research this possibility.

Board of Zoning Appeals – Anne Caldwell

Nothing to report.

Historic Preservation Commission – Cliff Nelson

Mr. Nelson stated that the next HPC meeting is scheduled for 2007 November 27.

Conservation Easement Authority – Pat McKelvy

Ms. McKelvy reviewed the properties being considered by the Authority for easement donation.

Enforcement Officer – Nancy Olin

Ms. Olin reviewed her progress reports for 2007 September 27 thru 2007 October 26.

Other

Mr. Johnston noted that the Planning Commission will be discussing and setting a public hearing at its next meeting on a Site Plan for a proposed Handy Mart convenience store at Waterloo.

There being no further discussion, the meeting was adjourned at 10:40 a.m. to reconvene at its next regularly scheduled meeting on 2007 December 7.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary