

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 December 7 – 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 December 7.

ATTENDANCE

Beverly McKay, Chair; George L. Ohrstrom, II, Vice Chair, Jay Arnold; Anne Caldwell; Barbara Batterton, 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 9:04 a.m.

APPROVAL OF AGENDA

The agenda was unanimously approved, as amended, to add item 9A, discussion of the Cooley Gym and the High School projects.

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

No: No one

The briefing minutes of 2007 October 31 were unanimously approved.

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

No: No one

The regular meeting minutes of 2007 November 2 were unanimously approved.

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

No: No one

SITE PLAN AMENDMENT – CONT'D PUBLIC HEARING

Harry Turner (Willie's Ice Cream Stand) requests approval of a Special Use and 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-07-05

Mr. Russell explained this request. He stated that since the November meeting the applicant has applied for a septic walkover inspection from the Health Department and he has hired Carroll Construction to provide an entrance plan per VDOT requirements. He stated that his recommendation is to change the parking for this proposed request to reverse the parking to the same side as the proposed structure. After discussion with staff and the Commission, Chair McKay asked for public comments.

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

Commissioner Dunning suggested staff contact the St. Bridget of Ireland Catholic Church, property owner at 1020 West Main Street, to inform them of this proposal.

The Commission voted unanimously to approve this request on condition of reversing the parking plan and approval from VDOT for the entrance plan.

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

No: No one

SPECIAL USE / SITE PLAN – 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 explained this request. He stated there have been some discussions regarding the hours of operation. Commissioner Dunning stated that he is concerned with the business being in a residential area. He said that if Mr. Jones would sell this property, the special use /site plan would be sold with it. Commissioner Wade stated he is very concerned with protecting the mountain area as much as possible. Chair McKay stated that he visited the property and that the garage is a two bay and it is fairly protected behind the applicant's home. After discussion with staff and the Commission, Chair McKay asked for public comments.

Mr. Jones, the applicant, was present to answer questions.

Cheryl Spencer, property owner in the area, provided a letter to the Planning Commission stating she is highly in favor of this request.

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

The Planning Commission voted unanimously to continue the public hearing on this request until the next regular meeting of the Commission on 2008 January 11 in order to research this item further and to allow time to send a letter to the neighbors that are located on Shenandoah River Lane and request a response from them with their opinion

regarding this request. The Commission also requested hiring an appraiser to provide them with a general opinion to the operation of this business and if it will have an adverse impact on neighboring property values.

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

No: No one

SITE PLAN – SET PUBLIC HEARING

Robert Claytor, H. N. Funkhouser & Co. (Agent: David Falkentstein, Greenway Engineering) requests approval of Site Plan for 6,867 sq ft gas/convenience store on a 2.1-acre portion of Tax Map Parcel 28-A-20A, zoned Highway Commercial, CH, Greenway Magisterial District. SP-07-10

Mr. Johnston gave a brief explanation as to the applicant's request for a 6,867 sq. ft. gas/convenience store on a 2.01-acre portion of a 12-acre parcel in the southeast corner of the Waterloo Route 50/340 intersection. 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 2008 January 11.

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

No: No one

MAJOR SUBDIVISION – CONT'D 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 that the Commission postponed action on this request at the 2007 November 2 meeting in order to allow the Planning Commission time to visit the site. He stated that the applicant has agreed to increase the vegetated buffers as recommended by the Planning Commission. He stated that staff has met with the applicant's surveyor to revise the plat in accordance with Commissioner recommendations. After discussion with staff and the Commission, Chair McKay asked for public comments.

Richard Marks, property owner in the area, was present and had questions regarding the entrance approved by VDOT. He expressed his concerns with doing a 100-foot buffer and then removing 50% of the vegetation.

Sigrid Polari, property owner in the area, was present and discussed her concerns with the steepness of the driveways.

There being no further public comments, Chair McKay called for a motion. The Commission voted unanimously to approve this request on condition that the final plat be revised showing the access easement as it actually exists and that the applicant has agreed not to thin any trees within the agreed to 100-foot buffer on lots 5 & 6.

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

No: No one

MAJOR SUBDIVISION/MAXIMUM LOT SIZE EXCEPTION/BOUNDARY LINE ADJUSTMENT - PUBLIC HEARING

Anne C. Morgan, requests approval for a three-lot subdivision, maximum lot size exception, and boundary line adjustment for Tax Map 29-((A))-7, located at 85 Iron Rail Lane, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-07-07, MLSE-07-02, BLA-07-17

Mr. Russell explained this request. He stated that the Health Department has approved the soils and is reviewing the survey plats in regard to survey tie downs. He said that VDOT has approved the entrances. He stated that a resisitivity test has been completed and approved. After discussion with staff and the Commission, Chair McKay asked for public comments.

Edward Strosnider, adjoining property owner, asked questions about set-back regulations.

Joyce and Michael Hayton, daughter and son-in-law of Edward Strosnider, adjoining property owner, has concerns about the property being developed.

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

The Commission voted unanimously to postpone action and continue the public hearing on this request until the next regular meeting of the Commission on 2007 January 11 in order to allow time for the Commission to examine the set-backs for the well, septic and spring.

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

No: No one

DRAFT PLANNING ACTIVITIES FOR 2008

Mr. Johnston gave a brief discussion about the activities for 2008. He spoke about the Berryville Area Plan. He stated that work session meetings are scheduled for 6:00 p.m. in the Town Council Chambers on every other Wednesday. He stated that the Commission will be working on the water issues plan and the noise ordinance in 2008.

TEXT AMENDMENTS – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of:

Zoning Ordinance Sections:

3-A-2, Forestal-Open Space-Conservation District (FOC), so as to clarify that the requirement that subdivisions contain residual parcels with a minimum area applies to parcels that existed as of the date (2005 June 21) when this requirement was established;

3-A-3, Rural Residential District (RR), so as to stated that land areas covered by access easements shall not be included in maximum or minimum lot area or any density calculations, or be used to meet open space requirements;

6-B, When Site Plans are required, so as to state that a site plan shall be submitted when a change of use of an existing structure requires conformance to current site plan requirements such as parking, landscaping, signage, lighting, storm water control, etc.; and

Subdivision Ordinance Section:

10-D, Boundary Line Adjustments, so as to state that in the Forestal-Open Space-Conservation Zoning District, no required residual parcel, established in accord with Zoning Ordinance Section 3-A-2-b, shall be reduced in area by a boundary line adjustment. TA-07-06

Mr. Johnston gave a brief discussion regarding the above four text amendments. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for the next regular meeting of the Commission on 2008 January 11.

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

No: No one

DISCUSSION / UPDATE - High School and Cooley Gym

Mr. Johnston gave a brief discussion regarding the status of the Cooley Gym project. He stated there is a minor change to the site plan, which has been revised.

Robina Rich Bouffault, gave an update regarding the status of the High School. Mr. Johnston stated there has been no activity on finalizing the site plan and subdivision plat for signature, but there has been issues regarding the landscaping. Chair McKay said he would like the subdivision plat to come back to the Planning Commission if changes are made. Mr. Russell stated that the Salvation Army subdivision would not be on the January agenda. He stated that the earliest it will be on the agenda would be in February assuming all the information is in.

REPORTS

Board of Supervisors – Pete Dunning

Mr. Johnston stated that the following items were approved by the Board of Supervisors at the 20 November 2007 meeting:

1. Special Use/Rezoning/Site Plan for National Capital Golf, LLC
2. Special Use Permit for Valley Drilling, and
3. Special Use Permit for Blue Ridge Custom Woodworks

Sanitary Authority - Pete Dunning

Commissioner Dunning gave a brief discussion regarding the actions of the Sanitary Authority.

Board of Septic & Well Appeals – Pete Dunning

Commissioner Dunning gave a brief discussion regarding thermal heating.

Board of Zoning Appeals – Anne Caldwell

Ms. Teetor gave a brief discussion on the court case regarding the drainfield capacity via the number of persons living in a dwelling. She stated that the case was dismissed as the Judge stated that the family lived in the dwelling before the ordinance was in force.

Historic Preservation Commission – Cliff Nelson

Commissioner Nelson stated the Commission met at Clermont Farm on 2007 November 27.

Conservation Easement Authority – Pat McKelvy

Commissioner McKelvy stated that Winkie Mackay-Smith, Chair of the Conservation Easement Authority, gave a power point presentation to the Lions Club in regard to conservation easements and it was very well attended. She stated that financial support would be helpful and appreciated from public officials. Ms. Teetor stated that we currently hold 40 easements on hold and 8 more that will be recorded this month and 2 more new applications.

Natural Resource Activities – Alison Teetor

- Conservation Easement Authority – purchase and donation easements, file updates
- Septic Ordinance Amendments, Court

Ms. Teetor distributed a paper from Dave Nelms, Groundwater Specialist, regarding the severe drought that we are experiencing. She stated that Mr. Nelms has indicated that we will need 23 inches of precipitation this winter to bring the groundwater back to the normal level.

Enforcement Officer – Nancy Olin

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

There being no further discussion, the meeting was adjourned at 12:00 p.m. until the next regular scheduled meeting of the Planning Commission on 2008 January 11.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary