

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
7 July 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 7th day of July 2006.

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 Robert 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 9:05 a.m.

APPROVAL OF AGENDA

The agenda for 7 July 2006 was unanimously approved.

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

No: No one

APPROVAL OF MINUTES

The briefing minutes for 30 May 2006 were unanimously approved.

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

No: No one

The regular minutes for 2 June 2006 were unanimously approved with editorial corrections.

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

No: No one

SET SPECIAL MEETING

The Planning Commission discussed having a special meeting in late July or early August in order to review any issues the Commission feels should be handled before the regular meeting on 1 September 2006.

The Commission voted unanimously to have a special meeting on 28 July 2006 at 9:00 a.m.

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

No: No one

REZONING – CONTINUED PUBLIC HEARING

Bobby T. Hudnall, Life in the Word Church of Jesus Christ, Inc. (William Thompson, Jr., Owner) requests a Rezoning from the Agricultural-Open Space-Conservation (AOC) to Rural Residential (RR) Zoning District, of a 1.5182 acres portion of Tax Map 28-A-27, 14401 Lord Fairfax Highway, Greenway Magisterial District. RZ-06-01

Mr. Russell explained this request. He stated the applicant is still trying to resolve the details of the Deed of Gift of land from William Thompson, Jr. He stated the applicant's attorney informed him they have come to an oral agreement and that the Deed of Gift will be forth coming. He stated he has not received a copy of the Deed of Gift as of today. He said that since a special meeting has been set by the Commission for 28 July 2006, he recommends to postpone action and continue the public hearing until 28 July 2006 in order to allow time for the applicant to provide a copy of the Deed of Gift. After discussion with staff and the Commission, Chair McKay asked for public comments.

Bobby T. Hudnall, Reverend, Life in the Word Church of Jesus Christ, Inc., the applicant, was present and stated that the work is on going and that the July meeting will have no hardship on them as there is so much more work to be done.

Dorothy Moore, trustee of the Mount Olive cemetery, was present and stated the cemetery committee would like to see the drainfield towards the parking lot and not towards the cemetery. She said the committee would like this be a condition upon approval.

H. M. Brooks, trustee of the Mt. Olive cemetery, was present and asked the Planning Commission to hold up any decision on how the drainfield will go in. He presented a copy of a legal document to the Commission and asked that this document be entered into the record. He said the document is a Deed for the cemetery property and it states neither of the parcels hereby merged may be sold or conveyed separately except in conformity with any then-applicable subdivision laws.

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

The Commission voted unanimously to postpone action and continue the public hearing until the special Commission meeting on 28 July 2006 in order to allow time for the applicant to provide a copy of the Deed of Gift.

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

No: No one

SPECIAL USE / SITE PLAN – SET PUBLIC HEARING

Laurie L. Volk Trust (Robert Johnston, Agent) requests approval of a Special Use Permit and Site Plan for a veterinary equine clinic located in the 1000 block of Summit Point Road, Tax Map Parcel 8-((A))-55D, Longmarsh Magisterial District, zoned Agricultural Open Space Conservation (AOC). SUP-06-02

Mr. Russell explained this request. He stated the applicant is requesting approval of a special use permit and site plan for an equine veterinary clinic. He said the subject property is in conservation easement with VOF. VOF has stated that the proposed use is considered agricultural and therefore allowed. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing for the special meeting on 28 July 2006 at 9:00 a.m.

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

No: No one

MAJOR SUBDIVISION – PUBLIC HEARING

Kenneth Wunstel requests approval for a three-lot subdivision for Tax Map Parcel 33-((A))-1, located at 4327 Ebenezer Road, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). S-06-01

Mr. Russell explained this request. He stated the applicant is requesting preliminary and final plat approval of a 3 lot major subdivision. He said that all requirements of the Subdivision Ordinance have been met. He stated the topography lines on the plat indicate that the maximum grade is 15% for the proposed access easement although an on site inspection seemed to show a lesser grade. He stated that staff has contacted the surveyor for more exacting grade measurements. He said the surveyor has now relocated the access easement to another area. 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 approve this request on condition a Deed of Dedication with road maintenance is provided before the Zoning Administrator signs the plats.

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

No: No one

MINOR SUBDIVISION

Roy Delph requests approval for a two-lot subdivision for Tax Map 14B-((A))-8, located at 6982 Lord Fairfax Highway, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-06-09

Mr. Russell explained this request. He stated the applicant has met all the requirements of the Subdivision Ordinance. He said the subject property contains two pre-1980 homes and the applicant is separating the dwellings unto their own lots. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition the applicant provides a Deed of Dedication before the Zoning Administrator signs the plats.

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

No: No one

MINOR SUBDIVISION

David and Jane Anderson request approval for a two-lot subdivision for Tax Map 26-((A))-2, located at 432 Retreat Road, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (AOC) MS-06-10

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

The Commission voted unanimously to approve this request on condition the applicant provides a Deed of Dedication before the Zoning Administrator signs the plats.

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

No: No one

MINOR SUBDIVISION

Carl S. Hales, Dino Morgoglione, Senseny Road Rentals, LLC and Dennis W. Singhas request approval for a two-lot subdivision and maximum lot size exception for Tax Map 12-((A))-1, located at 5154 Senseny Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-06-11

Mr. Russell explained this request. He stated the applicants had a road constructed before any erosion and sediment was presented. He stated the applicant should provide an erosion and sediment control plan for review by LFS&WC. He stated the applicant has met all other requirements for the Subdivision Ordinance. After discussion with staff and the Commission, Chair McKay called for a motion.

Carl Hales, one of the owners of the property, was present and apologized for building the road without an erosion and sediment control plan. He stated he was unaware that he needed to have an erosion and sediment control plan.

The Commission voted unanimously to postpone action on this request until the special Planning Commission meeting on 28 July 2006 in order to allow time for the applicant to submit an Erosion and Sediment Control Plan.

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

No: No one

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the Clarke County Zoning Ordinance, Section 6-H-11, Lighting Standards for Site Development Plans, so as to more clearly restate this standard for commercial development to read: “All exterior light fixtures shall be of a type that are downcast and shielded such that all light emitted is projected below a horizontal plane running through the lowest part of the fixture. The direct light from exterior light fixtures shall not be visible off the subject property. No exterior light fixture shall be installed at a height greater than 25 feet above the ground under the light fixture.” TA-06-02

Mr. Johnston explained this item. He stated that the Planning Commission has had a committee working on this issue. He said the proposed language would make the ordinance more specific. 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 to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance amendment so as to clarify and restate the lighting standard for commercial development.

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

No: No one

TEXT AMENDMENT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3, so as to add an Additional Regulations to the Rural Residential Zoning District, and delete section 4-H-3-d, Height Limitations, so that:

- 1. the height limit for accessory structures in the Rural Residential Zoning Districts would be reduced from 24 to 12 feet,**
- 2. accessory structures would not be allowed in the front yard of a single-family dwelling, and**
- 3. no addition shall be made to an existing single family dwelling within that dwelling's front yard with the exception of a deck or porch. TA-06-04**

Mr. Johnston explained this request. Commissioners Ohrstrom and Smart stated that item 3 in the above amendment should be removed. The rest of the Commission agreed, as they concluded the proposed limitation would be too intrusive. 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 to recommend to the Board of Supervisors approval of the proposed Zoning Ordinance amendment with the deletion of item 3.

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

No: No one

REPORTS

◆ Board of Supervisors – Pete Dunning

Commissioner Dunning stated things are getting very active in Waterloo for potential commercial development. Twelve acres in the southeast corner are being proposed for building several businesses.

◆ Comprehensive Plan Review Committee – George L. Ohrstrom, II

Commissioner Ohrstrom gave a brief discussion regarding the first meeting of the committee on 29

June 2006. He stated the Committee is hoping to get the plan to the Board of Supervisors by the end of the year.

◆ Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated the grant that Alison Teetor has been working on has been issued.

◆ Historic Preservation Comm. – **Cliff Nelson**

Nothing to report.

◆ Natural Resource Activities – **Alison Teetor**

Nothing to report.

◆ Sanitary Authority (second Tuesdays, 10:30 a.m.) - **Alison Teetor**

Commissioner Dunning stated the Authority has adjusted the rates to a more realistic level.

◆ Board of Septic & Well Appeals – **Alison Teetor**

Nothing to report.

◆ Board of Zoning Appeals - **Jesse Russell**

The lawsuit with Jerry Kirk is going thru the process. No Court date has been set.

◆ Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 1 June thru 30 June 2006 were reviewed.

◆ Other

Mr. Johnston reviewed the exploratory sketch plan submitted by the Salvation Army for a 22 lot residential subdivision of their 400 acre property.

There being no further discussion, the meeting was adjourned at 11:25 a.m. until the next meeting on 28 July 2006 at 9:00 a.m.

Beverly McKay, Chair

Charles Johnston, Clerk

Minutes prepared by
Debra L. Bean
Recording Secretary