

**CLARKE COUNTY  
PLANNING COMMISSION  
MINUTES  
6 October 2006**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, the 6th day of October 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; Alison Teetor, Natural Resource Planner; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

**CALL TO ORDER**

Chair McKay called the meeting to order at 9:00 a.m.

**APPROVAL OF AGENDA**

The agenda for 6 October 2006 was unanimously approved.

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

**No:** No one

**Absent:** Dunning

**APPROVAL OF MINUTES**

The briefing minutes for 29 August 2006 were unanimously approved.

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

**No:** No one

**Absent:** Dunning

The regular minutes of 1 September 2006 were unanimously approved with one grammatical correction.

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

**No:** No one

**Absent:** Dunning

Commissioner Dunning entered the meeting.

**SITE PLAN AMENDMENT –PUBLIC HEARING**

**Big Daddy Detail & Auto Sales, Inc. (Agents: Brett Fuller / Jeremy Collins; Property Owner: Jerry Kirk) request approval of a site plan amendment for a detail and auto sales business on the property identified as Tax Map #29-((A))-2, located at 8204 John Mosby Highway, zoned Highway Commercial (CH), Greenway Magisterial District. SP-06-10**

Mr. Russell explained this request. He stated that the Health Department conducted a walkover inspection of the existing drainfield and found no failures were occurring. He said that he contacted DEQ regarding the possible impact on the environment from car washing and detailing. He stated that Keith Fowler of DEQ said that due to the size of the detailing business proposed no permitting would be required. He said Mr. Fowler recommended that the applicant use proven environmentally friendly soaps and cleaning supplies. Mr. Russell stated there might be some issues with the water overflow. After discussion with staff and the Commission, Chair McKay asked for public comments.

Cliff Athey, attorney representing Jerry Kirk, the property owner, was present and stated they are asking the Planning Commission to approve this application. He stated there are issues that Mr. Kirk is concerned about: 1) the closing of the driveway adjacent to the intersection and 2) the necessity of a site plan. First, he said Mr. Fuller has the right to agree with the terms the County is requesting, to block the subject driveway, however, Mr. Kirk reserves the right to use this driveway until VDOT goes thru the proper process to close it. Second, he questioned the necessity of a site plan, as the proposed use did not require any additional parking. Commissioner Dunning said the use would need almost 50 spaces to display vehicles; this is more than on the property currently.

Brett Fuller, the applicant, was present and said that the only detailing activity would be for vehicles being sold from the proposed auto sales business. He said that the detailing portion of the proposed auto sales would be limited to not more than three cars a day. He stated he plans to install a catch basin to handle the overflow of water for the detailing portion of the business. He said they use only environmental friendly products when detailing vehicles.

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

The Commission voted on the approval for the site plan amendment for auto sales and limited car detailing incidental to the auto sales on the conditions that the wastewater from detailing cars be biodegradable and retained on the property and that this use of the drainfield is approved by the Health Department.

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

**No:** No one

**Abstained:** Arnold

### **MINOR SUBDIVISION**

**Curtis E. Harvey and Sherrie L. Bosch request approval for a two-lot subdivision for Tax Map 25D-((1))-12, located at 225 Oak Leaf Lane, Battletown Magisterial District, zoned Forestal-Open Space-Conservation (FOC) MS-06-14**

Mr. Russell explained this request. He stated that the applicant had requested a postponement at last months meeting in order to settle some VDOT issues. Mr. Russell stated that since that time, the applicant has cleared vegetation along Route 7 and VDOT has approved the sight distance from Longwood Lane. The applicant has also made revisions to the plat regarding location of the private access easement serving proposed lot 12B. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

**Yes:** Arnold, Batterton, Caldwell, Daniel, Dunning (moved), McKay, McKelvy, Nelson, Ohrstrom, Smart (seconded) 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 3-5-E, Stream Overlay Protection District, so as to increase the planting size requirements of trees and shrubs. TA-06-11**

Mr. Johnston explained this item. He stated that after reviewing this amendment, staff has asked that this item be withdrawn so that other sections in the ordinance can be revised regarding revegetation requirements. He stated that since this item has been advertised, public comments would be appropriate. After discussion with staff and the Commission, Chair McKay opened the public hearing.

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

The Commission voted unanimously to withdraw this item.

**Yes:** Arnold, Batterton, Caldwell (moved), Daniel, Dunning, McKay, McKelvy (seconded), Nelson, Ohrstrom, 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 3-C Supplementary Regulations, Section 4 General Regulations, Section 9-B Definitions, so as to:**

- 1. allow temporary modular classrooms in addition to temporary modular offices;**
- 2. limit portable structures to 90 days and require them to comply with all structure setbacks and establish the definition of portable structure;**
- 3. not allow more than one sink nor more than one toilet and no bathing facilities in an accessory structure;**
- 4. shift some of the regulations for Country Inns from the Definition section to the Supplementary section of the Zoning Ordinance and limit the requirement that Country Inns be in a single family dwelling, or a structure attached to a single family dwelling, to the AOC and FOC Zoning Districts; TA-06-12**

Mr. Johnston explained this request. Commissioner Dunning stated that item #4 is too restrictive. Mr. Johnston stated this issue was revised by the Board of Supervisors not the Planning Commission or staff. Mr. Johnston stated the amendment can be modified with less restrictive language. The Commission agreed that the policy committee will review this amendment. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing on this item with modifications for the next regular meeting of the Commission on 3 November 2006.

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

**No:** No one

**TEXT AMENDMENT – SET PUBLIC HEARING**

The Clarke County Planning Commission will consider recommending to the Board of Supervisors an amendment to the Code of Clarke County so as to:

1. require exterior light fixtures in the Agricultural, Forestal, and Rural Residential Zoning Districts of the County to be down cast, shielded, and installed no higher than 25 feet above the ground fixtures;
2. require freestanding pole lighting on private property to follow setback requirements for structures;
3. require exterior lighting on private property to be turned off between 11:00 PM and sunrise, except for motion sensor lighting;
4. allow without regulation:
  - a. lights of 100 watts or less in the Rural Residential Zoning District,
  - b. 60 watts or less in the Agricultural-Open Space-Conservation and Forestal-Open Space-Conservation Zoning Districts,
  - c. decorative holiday lighting,
  - d. emergency lighting,
  - e. lighting for special events that are approved by the Board of Supervisors,
  - f. lighting of the flag of the United States, and
  - g. lighting of public sports fields,

All existing exterior lighting would be required to comply with the provisions of this ordinance within 3 years of its adoption. TA-06-03

Mr. Johnston explained this request. Mr. Johnston stated that more technical information regarding light pollution is available at [www.darksky.org](http://www.darksky.org). After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing on this item for the next regular meeting of the Commission on 3 November 2006.

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

**No:** No one

**DOMINION/ALLEGHENY 500 kV POWER LINE STUDY– Project Update, George Ohrstrom**

Mr. Ohrstrom gave a brief discussion regarding the power line study. A power point presentation was shown on the U.S. Department of Energy’s “National Electric Transmission Congestion Study” from the Piedmont Environmental Council dated 27 September 2006. A resolution and a letter were presented to the Planning Commission for their input.

The Commission voted to endorse the resolution.

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

**No:** No one

The Commission voted to authorize the Chair and Vice Chair to sign the letter with editorial corrections.

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

**No:** No one

### **REGIONAL DROUGHT PLANNING – Presentation, Alison Teetor**

Ms. Teetor gave a power point presentation on “Planning for Drought”. The Commission had a brief discussion after the presentation.

### **PRIMARY HIGHWAY PRIORITIES - DISCUSSION**

Mr. Johnston gave a brief discussion on the primary highway priorities. He stated there was a Planning Commission Transportation Committee meeting this morning and it was discussed about the need for a stop light at Shepherds Mill Road in addition to the other seven priorities. After a brief discussion, the Commission suggested reversing the order of Item #5 and Item # 6 on the Highway Improvement Priorities list. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted to recommend approval to the Board of Supervisors the Highway Improvement Priorities list with the exception of reversing the order of Item #5 and Item #6.

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

**No:** No one

### **REPORTS**

#### ◆Board of Supervisors – Pete Dunning

Mr. Johnston discussed the items from the BOS Agenda on 12 September 2006. He stated that the joint government center is slated to break ground in the Spring of 2007 with a proposed move in date in 2008.

#### ◆Conservation Easement Authority – Pat McKelvy

Ms. Teetor stated the conservation easement authority would be doing a newsletter and sending it out to the community.

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

Mr. Johnston stated that the Historic Preservation Commission met on 21 September 2006 and the next meeting is scheduled for 16 November 2006.

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

- Salvation Army Property

Commissioner Caldwell stated the Board of Zoning Appeals upheld the Zoning Administrator’s determination that the 2.76-acre area on the property identified as Tax Map 13-A-13 is not a separate parcel of land.

#### ◆Subdivision Committee – Arnold/McKelvy/Ohrstrom/Wade

- Salvation Army Subdivision

Mr. Johnston reviewed the proposal.

◆Site Plan Committee – Arnold/Caldwell/Nelson/Smart

- New Clarke County High School

Chair McKay stated the site plan for the proposed high school has not been received yet. He said if the Planning Commission receives this proposal in December, the Planning Commission will set the public hearing in January and then the Planning Commission would have a public hearing in February. He stated that if the Planning Commission approves the proposal at the public hearing, the proposal will be recommended to the Board of Supervisors to set the public hearing in March, 2007 and then the Board of Supervisors will have the public hearing in April, 2007.

◆Natural Resource Activities – Alison Teetor

Ms. Teetor gave a brief description on the following items that she is currently working on:

- Closeout Millwood Sewer Project
- Presented at Karst Conference, Shepherdstown, WV
- Attended Virginia Outdoors Foundation Board of Directors meeting, Charlottesville
- Attended quarterly State PDR directors meeting, Hanover
- Initiate Monitoring and Inspection for County Easements
- Farm and Ranchland Protection Grant activities
- Developing proposal for regional drought awareness web site with USGS
- Assisted with CCSA issues relating to Millwood Sewer Project
- Stream Protection Overlay District violations
- Flood Plain mapping update

◆Sanitary Authority - Alison Teetor

Nothing to report.

◆Board of Septic & Well Appeals – Alison Teetor

Chair McKay stated there was a meeting on 28 September 2006. He stated a request for a septic variance on property owned by Glen Poe was approved. He said a request for a septic variance for Quarles Petroleum was postponed.

◆Enforcement Officer – Nancy Olin

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

Mr. Johnston mentioned that he would have Nancy to research the options that inoperable vehicles should be in the County Code versus the Zoning Ordinance.

◆Other

There was a brief discussion regarding the annexation for the Town of Berryville.

There being no further discussion, the meeting was adjourned at 11:50 a.m. until the next meeting on 3 November 2006 at 9:00 a.m.

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**Beverly McKay, Chair**

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**Charles Johnston, Clerk**

Minutes prepared by  
Debra L. Bean  
Recording Secretary

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