

# Clarke County

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**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JULY 6, 2012**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, July 6, 2012.

## **ATTENDANCE**

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Tom McFillen, Cliff Nelson, John Staelin, Chip Steinmetz, Richard Thuss and Jon Turkel.

## **ABSENT**

Clay Brumback and Scott Kreider

## **STAFF**

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

## **Called to Order**

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

## **APPROVAL OF AGENDA**

The Commission voted unanimously to approve the revised agenda.

**Yes:** Bouffault (seconded), Caldwell, McFillen, Nelson (moved), Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

**No:** No one

**Absent:** Brumback and Kreider

## **APPROVAL OF MINUTES**

The Commission voted unanimously to approve the briefing meeting minutes of May 29, 2012.

**Yes:** Bouffault (seconded), Caldwell, McFillen, Nelson, Ohrstrom, Staelin, Thuss (moved) and Turkel

**No:** No one

**Absent:** Brumback and Kreider

**Abstained:** Steinmetz

The Commission voted unanimously to approve the regular meeting minutes of June 1, 2012 with one minor correction.

**Yes:** Bouffault, Caldwell, McFillen (moved), Ohrstrom, Steinmetz (seconded), Thuss and Turkel

**No:** Nelson

**Absent:** Brumback and Kreider

**Abstained:** Staelin

**SPECIAL USE/SITE PLAN - CONT'D PUBLIC HEARING**

**Verizon Wireless requests approval of a Special Use and Site Plan for constructing a monopole on the property located in the 100 block of Mount Carmel Road, Tax Map Parcel 39-A-71, Chapel Election District, zoned Forestal Open-Space Conservation (FOC). SUP-12-01**

Mr. Russell gave a brief discussion on this request. He said that at the May meeting, the Planning Commission postponed action until the July meeting at the request of the applicant. He said that the applicant needed time for the engineers to relocate the access road and not pursue an easement through the Church parking lot as the means of access. He stated that Mount Carmel Church had indicated to staff that they had concerns regarding their well and the possibility of the applicant using explosives to remove rock for the proposed access road. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

David Lasso, agent for Verizon, was present and explained that representatives from Verizon were with him today and will answer questions regarding this request. He said that the access road has been changed and VDOT approved the change for low volume traffic to the site.

Commissioner Staelin asked who will be allowed to use the access road. Mr. Lasso said that Mr. & Mrs. Thomas, Verizon and the Church would have access to the road. Mr. Lasso said there are items that still need to be resolved but he asked the Planning Commission to consider approving this request with conditions.

Mr. Russell said that since this is a Special Use Permit conditions can be placed on the road. He said that the Planning Commission and the Board of Supervisors will need to consider this.

Commissioner Turkel asked if there was anyone from the Church present.

Pastor Adams of Mount Carmel Church was present and said that the Church is small and it is also historic. She said the Church had to hire a lawyer because of this request and it is money that they do not have. She stated that the Church would like for the applicant to reimburse them for their legal fees. Commissioner Turkel asked Pastor Adams what she would like to see the Planning Commission do on this request. He said that her voice counts and the Planning Commission wants to take that into consideration. He asked her if she wants a road to go through the Church parking lot. Pastor Adams said she would prefer a road not go through the Church parking lot under any conditions.

Mr. Lasso said they will consider the re-payment to the Church for the legal fees. He said that they have looked at every option for other sites and they will cost far more money.

Debra Riddle with Verizon was present and said she could limit construction activities. She said they could put a note on the site plan that there will be no construction work on Sundays.

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

The Commission voted to recommend approval to the Board of Supervisors the Special Use Permit and Site Plan on the following conditions:

- 1) Address all Chester Engineer comments prior to the BOS approving the Special Use Permit and Site Plan;
- 2) Revise Site Plan to correct the tree removal designations;
- 3) Revise Site Plan to add note that there will be no construction work on Sundays;
- 4) Revise Site Plan to note that that no blasting will be used in the construction of the road and monopole compound and erection of the monopole;
- 5) Waive the vegetated buffer requirement for that portion of road that narrows down to such a point that a vegetated buffer cannot be installed on satisfaction and agreement by Mount Carmel Church.

**Yes:** Bouffault (seconded), Caldwell, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Thuss (moved)

**No:** Turkel

**Absent:** Brumback and Kreider

### **MINOR SUBDIVISION**

**Roderick and Ann Marie DeArment request approval for a one-lot minor subdivision for Tax Map #21-A-79B located at the southeast corner of the intersection of Bellevue Lane and Old Winchester Road, White Post Election District, zoned Agricultural Open-Space Conservation (AOC). MS-12-01**

Mr. Russell explained this request. He said the applicant is requesting approval of a 2-lot minor subdivision. He said the property is located at the intersection of Old Winchester Road and Bellevue Lane. He stated that Bellevue Lane is an existing and VDOT approved private access easement. He said that Lot 1 is approved for access off Bellevue Lane and that Lot 2 proposes access off of Bellevue Lane. He stated that the septic and well site have been reviewed and approved by the Health Department. He said that a resistivity test has been conducted and approved. He stated that the proposed Lot 2 meets County design guidelines. He said the applicant has met all requirements for the subdivision ordinance. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request.

**Yes:** Bouffault (moved), Caldwell, McFillen, Nelson, Ohrstrom, Staelin, Steinmetz and Thuss (seconded) and Turkel

**No:** No one

**Absent:** Brumback and Kreider

### **TEXT AMENDMENT – SET PUBLIC HEARING**

**Proposed text amendment to add new language, §10-E Merger; Vacation, to the Clarke County Subdivision Ordinance. The purpose of the text amendment is to require any merger of parcels or vacation of existing lots to be reviewed and approved via final plat by the Zoning Administrator for compliance with County ordinances. TA-12-04**

Mr. Stidham explained this proposed text amendment. He said the purpose of this proposed amendment is to reconcile a technical issue between the Zoning and Subdivision Ordinances regarding mergers of parcels and vacation of existing lots. He said that currently there is no ordinance

requirement that Planning Staff review and approve a plat when a property owner proposes to merge two or more existing lots. He said that with the absence of Planning Department review, there are conflicts with Section 3-D-8 of the Zoning Ordinance. He stated this section requires dwelling unit rights to be reallocated according to the table found in Section 3-D-2 when lots are merged or vacated. He said that there is no requirement that the Planning Department review and approve a merger or vacation plats prior to recordation and therefore Planning staff cannot maintain an accurate accounting of dwelling unit rights on these affected parcels. He stated that if this text amendment is approved the conflict between the ordinances would be resolved and all plats for merger and vacation would have to be reviewed and approved by the Planning Department prior to recordation. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this proposed text amendment for the next regular meeting of the Commission on September 7, 2012.

**Yes:** Bouffault, Caldwell (moved), McFillen, Nelson, Ohrstrom, Staelin, Steinmetz (seconded), Thuss and Turkel

**No:** No one

**Absent:** Brumback and Kreider

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

**Keystone Baptist Church (John Lewis, Agent) requests approval of an amendment to the site plan for the purpose of constructing a 15,000 square foot addition to the Church, located at 15 Keystone Lane, Tax Map Parcels 6-((1))-16 and 6-((1))-17, Russell Election District, zoned Agricultural Open-Space Conservation (AOC) SP-12-05**

Mr. Russell explained this request. He said that the applicant is proposing a 15,000 sq. ft. multi-purpose room addition to the existing Church. He stated that the applicant submitted a site plan for this in January 2006 but due to Health Department issues, the site plan was placed on hold until now. He said they have now met the Health Department requirements for septic. He said the property is located on Route 7 and Moose Road. He stated that there is an existing entrance off of Route 7 although the applicant proposes to widen the entrance and adding more turn lane. He said that most VDOT issues have been addressed but the site plan has been sent again to VDOT for any additional comments. He stated that the engineer has addressed some of the issues in regard to stormwater management but were not fully addressed. He said that the new site plan has been forwarded to County consultant engineers for further review. He stated that the property has a public well for the Church patrons. He said the septic has been engineered to meet the existing and proposed usage and has been approved by the Health Department. He stated that since the next regular meeting of the Planning Commission is not until September 7, 2012 it will give the applicant time to resolve any issues.

The Commission voted unanimously to set public hearing for this proposal until the next regular meeting of the Commission on September 7, 2012.

**Yes:** Bouffault (moved), Caldwell, McFillen, Nelson (seconded), Ohrstrom, Staelin, Steinmetz, Thuss and Turkel

**No:** No one

**Absent:** Brumback and Kreider

### **Board/Committee Reports**

Board of Supervisors

– John Staelin

Commissioner Staelin stated that Berryville Graphics is planning an expansion which will bring in higher paid jobs and more tax revenue.

Sanitary Authority

No report.

Board of Septic & Well Appeals

– John Staelin

No report.

Board of Zoning Appeals

– Anne Caldwell

No report.

Historic Preservation Commission

– Cliff Nelson

Commissioner Nelson stated that the Commission agreed to cancel the regular meeting scheduled for July 24<sup>th</sup> and to hold the next regular meeting on September 25<sup>th</sup>.

Conservation Easement Authority

– George Ohrstrom, II

Chair Ohrstrom stated that Winkie Mackay-Smith had her annual donor thank you reception dinner in June which was enjoyed by all.

### **Staff Reports**

Natural Resource Activities

– Alison Teetor

No report.

### **Other**

Other

- a. Double Tollgate Report
- b. Follow up, Comprehensive Plan Update discussion

Commissioner Caldwell stated that the Double Tollgate Committee worked very hard on the Double Tollgate Report she distributed to the Commission. She said if there are no changes in the draft of the Double Tollgate Report it will move on to the Board of Supervisors. Commissioner Steinmetz stated he is very appreciative of the thoroughness of the report. Commissioner Caldwell said it is proceeding but with more limitations than possibilities.

The Commission voted to recommend the Double Tollgate Report to the Board of Supervisors for review.

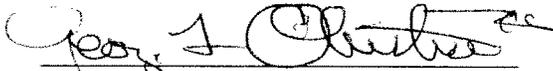
**Yes:** Bouffault, Caldwell, McFillen (moved), Nelson, Ohrstrom, Staelin, Steinmetz (seconded) and Turkel

**No:** Thuss

**Absent:** Brumback and Kreider

Mr. Stidham stated that staff will be coordinating the Comprehensive Plan update and will report back to the Planning Commission. He said that initially briefing meetings will be workshop meetings on the Comprehensive Plan update.

There being no further discussion, the meeting was adjourned at 10:30 a.m. until the next regular meeting of the Commission on September 7, 2012.

  
George L. Ohrstrom, II, Chair

  
Brandon Stidham, Planning Director

Minutes prepared by Debbie Bean, Recording Secretary