

**CLARKE COUNTY
PLANNING COMMISSION
Minutes
2009 February 6 – 9:00 a.m.
Main Meeting Room**

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

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Jay Arnold, Barbara Batterton, A.R. Dunning, Jr., Beverly McKay, Pat McKelvy, Cliff Nelson, Kathy Smart, Chip Steinmetz, and Bob Wade.

STAFF

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Code Enforcement; and Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair Ohrstrom called the meeting to order at 9:02 a.m.

Approval of Agenda

The Commission voted unanimously to approve the agenda.

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

No: No one

Absent: Dunning and McKay

Commissioner McKay entered the meeting

Approval of Minutes

The Commission voted unanimously to approve the minutes of 2008 December 5.

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

No: No one

Absent: Dunning

The Commission voted unanimously to approve the minutes of 2009 January 6.

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

No: No one

Absent: Dunning

The Commission voted unanimously to approve the minutes of 2009 January 9.

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

No: No one

Absent: Dunning

SPECIAL USE PERMIT- CONTINUED PUBLIC HEARING

Georgetown University (Agent: Ron Mislowsky, P.E.) requests approval of a Special Use for an "Institutional Use" and Site Plan for the Calcagnini Contemplative Center, a student/staff educational and religious facility, located at 18715 Blue Ridge Mountain Road, Tax Map #26-((A))-112 & 113, Battletown Magisterial District, zoned Forestal Open-Space Conservation (FOC). SUP-08-01

Commissioner Dunning entered the meeting.

Mr. Russell explained this request. He stated that the County's land use attorney reviewed the "Agreement to Conditions" and made several minor language revisions. He said the revisions have been sent to the applicant for review but no comments have been received back as of January 28. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments. He stated public comments would be limited to 5 minutes.

Ryan Fincham with the Health Department was present and answered questions from the Commission.

Alan Brangman, Georgetown University Architect, was present and answered questions from the Commission.

Gwen Barker, area resident, telephoned the Planning Department on 2009 February 5 at 2:53 p.m. She was unable to attend the meeting today, but wanted to express her comments. She stated that she does not want the historic Hohenheim house to be demolished. She said she has concerns with college students coming into the neighborhood during the weekend. She said she is worried that the traffic will increase and the students will be having a party every weekend. She said she feels there are other ways to use this property.

Douglas Whitehouse, President of the Blue Ridge Civic Association, presented a letter to the Commission and spoke about various items with this request. He stated that the two residents that are contiguous to the property have expressed their concerns with the students that will be on the property and they are worried they will be rowdy and disruptive. He said the petition against this proposal that was presented to the Commission at the last public hearing now has between 40 and 50 signatures on it. He stated that granting a special use for this request would create a precedent to others.

Frank Cefalu, area resident, stated that the sudden love for the historic Hohenheim house on the property is questionable. He asked the Planning Commission to approve the request. He said he feels this request will be an asset to the mountain area. He said there is already an association on the mountain that has events going on frequently. He said we are not going to have something on the mountain that is not already there.

Carol Haynes, adjacent property owner, stated that at the beginning Georgetown was going to keep the existing historic Hohenheim house. She stated she is willing to give funds to have the house moved to her property. She said she would like to know what Georgetown would do to protect the children from hunters that roam the property, as there is no fencing. She also has concerns regarding lighting and how intrusive it will be.

Mr. Brangman stated he would like to comment on some of these questions. He said he was unaware Ms. Haynes was interested in having the existing house moved to her property. He stated that he would be happy to talk to her about this. He said the children are actually young adults and he hoped they act responsibly.

Betsy Fields, a resident in Berryville, urged the Planning Commission to condition the request to protect the historic Hohenheim house on the property.

Mr. Brangman stated they have tried to work out plans to make the house suitable for this request. He stated they have figured in all the costs and it is too economically expensive to prepare the house to meet their needs.

Linda Martz, resident on the mountain, presented a letter and the petition with additional signatures to the Planning Commission. She said that in the letter she is asking the Planning Commission to deny this request.

John Bieschke, Chair of the Clarke County Preservation Commission, reviewed the Preservation Commission letter to the Planning Commission stating its dismay of the plans to demolish the historic Hohenheim house.

Richard Marks, area resident, expressed his concerns about the destruction of the historic Hohenheim house. He said he hopes the applicant is diligent in keeping up with everything they have promised to do. He said that the signed petition indicates the number of residents that do not want this proposal on the mountain. He presented a letter to the Planning Commission with his concerns on this proposal.

There being no further public comments, Chair Ohrstrom closed the public hearing.

Commissioner Wade stated that he visited the area yesterday and that he could not see the proposal from any of the adjacent property owners' properties.

Commissioner Dunning stated he has been on the Planning Commission for a long time and has seen many subdivisions built on the mountain. He said he leans toward Georgetown on this, as they will be making a Payment in Lieu of Taxes and he said he does not see the down side of this project. He said he would hate to see the preservation of the Hohenheim house kill this deal.

Commissioner McKelvy thanked Mr. Brangman for the presentation on this project. She stated that she and Chair Ohrstrom have been aware of this request for the last 13 months because of the Georgetown University easement request that went to the Conservation Easement Authority. She said she does not believe this institution belongs on this property as this is a residential area. She stated she feels the center will continue to grow and that this area is not the place for it.

Ryan Fincham, with the Virginia Department of Health, stated that the capacity size of the drain field is at the limit with this proposal and that they would be unable to increase the number of students in the future.

Commissioner Wade asked Mr. Brangman if Georgetown University would be willing to make the annual increase in the Payment in Lieu of Taxes 5% instead of 3%. Mr. Brangman stated they would consider 5% the amount of Payment in Lieu of Taxes instead of 3%.

Commissioner Nelson stated that Commissioner McKelvy gave good reasons for her feelings on this proposal. He stated that the Planning Commission is required to follow 19 criteria and demolishing the historic Hohenhiem house would not be following these criteria. He said as an historian this is the most

important factor. He stated that he feels he cannot vote in favor of this request.

Commissioner Steinmetz thanked Mr. Brangman for the efforts of Georgetown as the Commission has worked its way forward on this issue. He said that there is and have been other facilities on the mountain. He stated he believes that the proposal is consistent as to what the County wants. He said he understands the reason that Georgetown does not want to preserve the existing house. He said the point that he has an issue with is that they pay the taxes like everyone else.

After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to recommend approval of this request to the Board of Supervisors on the following conditions:

- 1) Those conditions as offered in the Agreement dated 2009 February 4;
- 2) Revision of the site plan to include landscaping in the existing cleared area near Blue Ridge Mountain Road;
- 3) Merge or boundary line adjust the subject parcels to meet County setback requirements contingent upon Board of Supervisors approval;
- 4) Allow the Virginia Department of Health to conduct annual inspections of the septic system, and provide roof pumping of the septic tanks every 2 years and document annual sewerage flows for Health Department records;
- 5) Increase from 3% to 5% the amount the Payment in Lieu of Taxes may increase annually and
- 6) Stipulate that any future modification to the extent of the use or the project site plan would also involve reconsideration of the amount of the Payment in Lieu of Taxes.

Yes: Arnold, Batterton, Dunning, McKay (moved), Smart, Steinmetz, and Wade (seconded)

No: Caldwell, McKelvy, Nelson, and Ohrstrom

Absent: No One

Commissioner Dunning left the meeting.

SPECIAL USE PERMIT / SITE PLAN AMENDMENT – PUBLIC HEARING

The Town of Berryville requests approval of an amendment to the Special Use and Site Plan for the Town Wastewater Treatment Plant so as to expand and upgrade the facility located at 362 Parshall Road, Tax Map Parcel 14-A-68, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation.

Mr. Russell explained this request. He stated that the applicant has provided a site plan and a karst plan. He stated that the applicant is also in the process of conducting a resistivity test. He stated that comments have been received from the County Building Official and Erosion and Sediment Control Inspector. He stated that preliminary comments have been received from the County's consulting engineer. He stated that comments have been requested and are expected from the Virginia Department of Transportation and the County's geotechnical consultant. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Bob Krallinger, P.E., with Whitman, Requardt & Associates, LLP, representing the Town of Berryville, was present and he gave a brief report regarding this request. He explained that a significant upgrade needs to be done. He said they would be creating a new plant to meet all the regulations needed to protect the Chesapeake Bay. He said we are still receiving comments for this request. He stated that the new plant would be built around the existing facility. He said there would be a significant difference in the quality of

the system compared to the old system.

Commissioner Nelson and Commissioner Steinmetz left the meeting. Chair Ohrstrom stated that they left the meeting to attend a Citizen Planning Education Association of Virginia class for certification of Planning Commissioners.

The Commission voted unanimously to postpone action and continue the public hearing until the next regular meeting of the Commission on March 6.

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

No: No one

Absent: Dunning, Nelson and Steinmetz

SPECIAL USE PERMIT – PUBLIC HEARING

Shenandoah Area Agency on Aging and Clarke County Parks and Recreation (John C. Lewis, P.E., Agent) requests approval of an amendment to the Special Use and Site Plan for the facilities at Chet Hobert Park to add a senior center and parks and recreation offices to the Clarke County Recreation Center located on Al Smith Circle, Tax Map #13-((A))-62, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation. SUP-09-01

Mr. Russell explained this request. He stated that the applicant has conducted a resistivity test for the footprint of the proposed Senior Center. He said that a cavern was found approximately 70 feet below surface of the proposed addition. He said the County's consultant geotechnical engineer, Dan Rom, has recommended further evaluation. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

John Lewis, with Painter-Lewis, P.L.C., the agent for the applicant was present to answer questions. He said a test was done at the site last April with borings. He stated he does not feel any more tests need to be done. He said if you look at the proposed footprints you can see there are not many more places to drill. He suggested that the building official inspect the area.

Mr. Russell said there are necessary geophysical tests that need to be conducted and approved by our county consultant engineer.

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

The Commission voted unanimously to recommend approval of this request to the Board of Supervisors on condition that the County's geotechnical engineer approves the Site Plan before the Board of Supervisors take action on the request.

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

No: No one

Absent: Dunning, Nelson, and Steinmetz

REPORTS

Board of Supervisors

– **Pete Dunning**

Mr. Johnston stated the Board approved the Text Amendment regarding Minor Commercial Public Assemblies and other various sections of the zoning ordinance at the January 20 meeting.

Sanitary Authority – **Pete Dunning**
Nothing to report.

Board of Septic & Well Appeals – **Pete Dunning**
Nothing to report.

Board of Zoning Appeals – **Anne Caldwell**
Nothing to report.

Historic Preservation Commission – **Cliff Nelson**
Mr. Johnston stated that the funding for Greenway Court is still being worked on. He said the next meeting is is scheduled for March 24th

Conservation Easement Authority – **Pat McKelvy**
Commissioner McKelvy stated the Authority is still working with the Monastery on placing a portion of its property in easement.

Natural Resource Activities – **Alison Teetor** Stormwater Ordinance update
Nothing to report.

Enforcement Officer – **Nancy Olin**
Ms. Olin's progress reports for 2009 January 5 thru 2009 January 28 were reviewed.

Other
Chair Ohrstrom asked Commissioner McKay to start a committee on the Agriculture Land Plan.

There being no further discussion to come before the Planning Commission the meeting was adjourned at 11:13 a.m. until the next regular meeting on 2009 March 6

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by
Debra L. Bean, Recording Secretary