

**CLARKE COUNTY
PLANNING COMMISSION**

Minutes

2009 May 1 – 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, May 1.

ATTENDANCE

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

ABSENT

A. R. Dunning, Jr. and Robert Wade

STAFF

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

CALL TO ORDER

Chair Ohrstrom called the meeting to order at 9:05 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

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

No: No one

Absent: Dunning and Wade

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing minutes of 2009 March 3 with a correction.

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

No: No one

Absent: Dunning and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2009 March 6 with corrections.

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

No: No one

Absent: Dunning and Wade

MAJOR SUBDIVISION – CONT'D PUBLIC HEARING

Robert W. Claytor requests approval of a seven-lot major subdivision of Tax Map Parcel 28-A-20A, located at 8153 John Mosby Highway, zoned Highway Commercial, CH, Greenway Magisterial District. S-09-01

Mr. Russell explained this request. He stated that since the March meeting, the applicant has requested in writing to indefinitely postpone the seven-lot subdivision request and has resubmitted a

request for a two-lot subdivision, which would not require an engineered road profile at this time. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to postpone this request indefinitely on condition that an engineered road profile for the required public road on the subject property accompany any future subdivision requests.

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

No: No one

Absent: Dunning and Wade

MAJOR SUBDIVISION – PUBLIC HEARING

Robert W. Claytor requests approval of a two-lot major subdivision of Tax Map Parcel 28-A-20A, located at 8153 John Mosby Highway, zoned Highway Commercial (CH), Greenway Magisterial District. S-09-02

Mr. Russell explained this request. He stated that the applicant is requesting approval of a 2-lot major subdivision. He said that any subdivision in a commercially zoned district, regardless of the number of proposed lots, is a major subdivision by County Ordinance. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Ken Rice, H. N. Funkhouser & Co., was present to answer questions about the request.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted unanimously to approve this request on condition that any future subdivision of the residual parcel must be accompanied with an engineer road profile.

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

No: No one

Absent: Dunning and Wade

SPECIAL USE REVOCATION – SET PUBLIC HEARING

The Clarke County Board of Supervisors proposes the revocation of the following Special Use Permits as they were not established within two years of approval or have been discontinued for more than one year:

Property Owner	Location	Tax Map Parcel	Use	Date Est.
1. Thelma Garrison	1370-1394 Senseny Rd.	13-A-43, 13-A-44	rest home	4/ 4/78
2. Kevin Anderson	10636 Harry Byrd Hwy.	7-6-2	daycare center	8/17/78
3. Ralph Shiley	307 Crismore Rd.	27-A-1, 28-A-1-28	air trac storage	8/17/78
4. Mark Houliston	860 Lord Fairfax Hwy.	9-A-49	antique shop	1/15/80
5. Bennie McClellan	117 Moose Rd.	6-A-24	8 stall kennel	12/22/82
6. Elizabeth Gatterdam	29 Moose Rd.	6-A-22	antique shop	9/20/83
7. Town of Berryville	362 Parshall Rd.	15-A-9	animal shelter	3/15/83
8. James N. Church	5260 Harry Byrd Hwy.	15-2-4	seasonal bakery	5/21/85
9. Frank Reuling	6807 Lord Fairfax Hwy.	14B-A-1	retail shop	4/15/86
10. Thomas H. Hill	184 Huntover Ln	37-A-6	vet services	11/22/88
11. Albert Anderson	12001 Lord Fairfax Hwy.	21-A-54a	auto sales	8/16/94
12. Cecil Crouch	114 Pine Grove Rd.	26-A-99	woodworking/ storage	9/17/96

Mr. Johnston explained this request. He stated that the above listings of 12 properties are sites of Special Use Permits that were approved by the Board of Supervisors but were never established or have been discontinued. He said after contacting the current property owners by mail, all 12 owners

stated in writing that they do not intend to operate the approved Special Uses. He said that at the Board of Supervisors April 21st meeting, it passed a resolution for each property initiating the revocation process. He stated that the next step is for the Planning Commission to hold a public hearing on the revocation of the special use for each property and make a recommendation to the Board. He said that after this is completed, the Board would hold a public hearing before taking final action. He stated that there have been a few properties that want to keep the approval, and those individuals are not on the above list. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing for this request at the next regular meeting of the Planning Commission on June 5th.

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

No: No one

Absent: Dunning and Wade

TEXT AMENDMENT - SET PUBLIC HEARING

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

Sections 3-A-1-a-3 and 3-A-2-a-3, Special Uses in the AOC and FOC Zoning Districts, so as to apply the maximum total 3,000 square feet allowed for Retail and Service Business activities to outdoor activities in addition to indoor activities;

Section 3-C-2, Supplemental Regulations for Uses in Various Districts, so as to add a section for Retail and Service Businesses that are permitted as special uses, stating that outdoor storage is not permitted and that the total area that can be devoted to business operations, whether indoors or outdoors, can not exceed 3,000 sq ft;

Section 4-G-3, Uses and Structures Permitted in Required Yards, so as to revise and clarify these regulations;

Section 9-B, Definitions, so as to modify the definitions of the terms ‘Kennel’, ‘Commercial Boarding Kennel’, and Commercial Breeding Kennel’, so as to replace the references to dogs, cats, or canine/feline animals with the term ‘companion animals’ and to modify the minimum number of animals that would constitute a Commercial Breeding Kennel to five companion animals older than six months, on parcels of up to five acres, or one companion animal older than six months for each acre of a parcel, if the parcel is greater than five acres, or 20 companion animals older than six months on parcels of 20 acres or more.

TA-09-01.

Mr. Johnston explained this request. Commissioner Caldwell stated that there was a lot of discussion on this amendment at the briefing meeting. She suggested that the Commission table this amendment in order to allow the Commission Policy Committee to meet and review this proposed amendment. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to table this amendment in order to allow the Policy Committee to meet and review this proposed amendment.

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

No: No one

Absent: Dunning and Wade

Board/Committee Reports

Board of Supervisors

Mr. Johnston stated that the Board approved the wastewater treatment plant at the April 21st meeting. He said that the Town continues to work on the outfall line. He stated that the Georgetown University request was postponed until next month.

Sanitary Authority

Nothing to report.

Board of Septic & Well Appeals

Commissioner McKay stated that a variance from the septic ordinance was approved for Susan Molden-Harmon at the public hearing meeting on April 2nd. Ms. Teetor stated that there is a public hearing scheduled for May 7th at 9:00 a.m. for a variance from the septic ordinance for the Estate of Pat Dent.

Board of Zoning Appeals

– **Anne Caldwell**

Nothing to report.

Historic Preservation Commission

– **Cliff Nelson**

Commissioner Nelson stated that the ninth annual awards luncheon is scheduled on May 26th at 12 o'clock at the Battletown Inn, 102 West Main Street, Berryville, Virginia.

Conservation Easement Authority

– **Pat McKelvy**

Commissioner McKelvy stated all donors received a newsletter. She stated that a newsletter would also be in the tax bills when they are mailed out. She stated the Authority is currently compiling a list of potential property owners wanting to put their property in easement.

Agriculture Land Plan update

– **Bev McKay**

Commissioner McKay stated he has been working on forming a committee for the Agriculture Land Plan. Mr. Russell stated that the renewal date is coming up for property owners to put their land into the Agricultural/Forestal District. He said this would be starting in June or July.

Mr. Johnston stated that the Town of Berryville has sponsored some community summits. He said that these summits have been regarding different items in the areas of the community and the next one scheduled for May 14 will address the status and future of agriculture in Clarke County. He said the Northern Shenandoah Valley Regional Commission is sponsoring an Agricultural Preservation Workshop on May 15th focusing on the recently updated Virginia Code provisions for the Transfer of Development Rights.

Staff Reports

Natural Resource Activities

– **Alison Teetor**

Ms. Teetor explained the activities that are being considered by the Green Committee. She stated that this is an excellent committee to work with. She stated it is trying to encourage individuals to do the things they can to conserve and save money. She also stated that there are going to be rain barrels for sale at \$90.00 apiece.

She reported that the USGS will be testing water quality in wells, focusing on those wells that were tested 20 years ago to determine if there has been any change in groundwater quality.

Finally, she reviewed the issues regarding the Zoning Ordinance requirements for a karst study for properties with owners that are requesting site plan approval. She stated there has been some thought to require the applicants for all projects to conduct a resistivity test. Commissioner Nelson stated he thinks this would be beneficial to the Commission and property owners. Mr. Johnston suggested that this be discussed by the Policy Committee when it meets to discuss the text amendments listed earlier on today's agenda.

Enforcement Officer

– **Nancy Olin**

Ms. Olin's progress reports for 2009 February 26 thru 2009 April 24 were reviewed.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:07 a.m. until the next regular meeting on 2009 June 5.

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by Debra L. Bean, Recording Secretary