

**CLARKE COUNTY
PLANNING COMMISSION**

**Minutes
2009 June 5– 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, June 5.

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, and Chip Steinmetz

ABSENT

Bob 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 9:10 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

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

No: No one

Absent: McKay and Wade

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing minutes of 2009 April 28.

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

No: No one

Absent: McKay and Wade

The Commission voted unanimously to approve the regular meeting minutes of 2009 May 1 with one correction.

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

No: No one

Absent: McKay and Wade

SPECIAL USE REVOCATION – 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-5	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. Thomas H. Hill	184 Huntover Ln	37-A-6	vet services	11/22/88
10. Albert Anderson	12001 Lord Fairfax Hwy.	21-A-54a	auto sales	8/16/94
11. Cecil Crouch	114 Pine Grove Rd.	26-A-99	woodworking/ storage	9/17/96

Commissioner McKay entered the meeting.

Mr. Johnston explained this request. He stated that the above listings of eleven sites of Special Use Permits were approved by the Board of Supervisors but were never established or have been discontinued. He said the above property owners stated in writing that they do not intend to operate the approved Special Uses. After discussion with staff and the Commission, Chair Ohrstrom asked for public comments.

Roger Andrick, adjoining property owner to Kevin Anderson, asked if the zoning would change due to removing the special use on the property. Chair Ohstrom said this would only remove the special use from the property; it will not change the zoning.

There being no further public comments, Chair Ohrstrom closed the pubic hearing and called for a motion. The Commission made the decision to vote on each of the eleven special uses separately.

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Thelma Garrison at 1370-1394 Senseny Road, Tax Map #13-A-43 & 13-A-44 for a rest home.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Kevin Anderson at 10636 Harry Byrd Highway, Tax Map #7-6-2 for a daycare center.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Ralph Shiley at 307 Crismore Road, Tax Map #27-A-1 and 28-A-5, for an air trac storage.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Mark Houliston at 860 Lord Fairfax Highway, Tax Map #9-A-49, for an antique shop.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Bennie McClellan at 177 Moose Road, Tax Map #6-A-24, for an 8 stall kennel.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Elizabeth Gatterdam at 29 Moose Road, Tax Map #6-A-22, for an antique shop.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by the Town of Berryville, 362 Parshall Road, Tax Map #15-A-9 for an animal shelter.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by James N. Church at 5260 Harry Byrd Highway, Tax Map #15-A-4 for a seasonal bakery.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Thomas H. Hill, 184 Huntover Lane, Tax Map #37-A-6 for veterinary services.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Albert Anderson, 12001 Lord Fairfax Highway, Tax Map #21-A-51A for auto sales.

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

No: No one

Absent: Wade

The Commission voted unanimously to recommend to the Board of Supervisors the revocation of the special use on the property owned by Cecil Crouch, 114 Pine Grove Road, Tax Map #26-A-99 for woodworking/storage.

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

No: No one

Absent: Wade

MINOR SUBDIVISION

The Estate of Pat Dent (Chip Schutte, Agent) requests a two-lot subdivision for Tax Map 20-((A))-8 located at 2312 Old Winchester Road, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-09-02.

Mr. Russell explained this request. He said that the applicant is requesting approval of preliminary and final plat for a 2-lot minor subdivision. He stated that the applicant has met all requirements of the subdivision ordinance for preliminary and final plat approval. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request on condition that the applicant provide a deed of dedication before the Zoning Administrator signs the survey plats.

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

No: No one

Absent: Wade

Abstained: Steinmetz

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 6-H-15, Sinkholes and Karst Features, so as to require resistivity testing beneath structures or

sewer lines that carry untreated wastewater.

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 combine the terms ‘Commercial Boarding Kennel’, and ‘Commercial Breeding Kennel’. FA-09-01

Mr. Johnston explained this request. He stated that the policy committee met on May 5th and after reviewing and discussing the proposals with staff, the policy committee agreed to recommend the Planning Commission to proceed with holding a public hearing. He gave a brief description of the proposed changes in each section. Mr. Johnston said these changes would make it easier to understand these particular sections.

The Commission discussed the various proposed items for change. Commissioner Smart suggested changing the language in Section 4-G-3, Uses and Structures Permitted in Required Yards. She said it would be more understandable for the language to be stated as Uses and Structures Permitted in Required Setbacks.

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

The Commission voted unanimously to set public hearing for the next regular meeting of the Planning Commission on 2009 September 2.

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

No: No one

Absent: Wade

Ms. Teetor stated she has added Section 6-H-15, Sinkholes and Karst Features to be considered for the above text amendment. Chair Ohrstrom asked the Commission if they wanted more time to study this change. After discussion, the Commission felt this amendment could go to public hearing on 2009 September 4.

The Commission voted unanimously to set public hearing on the change for public hearing on 2009 September 4.

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

No: No one

Absent: Wade

Board/Committee Reports

Board of Supervisors

Mr. Dunning said there were no major decisions made at the 2009 May 19 meeting. He said if anyone wanted to ask any questions he would be glad to answer them.

Ms. Smart asked Mr. Dunning about the progress of the proposed high school. He talked about the BADA/School Board Work Session meeting held on June 1st. He said he felt sorry for the Superintendent as it turned into a very disagreeable meeting. He stated that the BADA asked for a time schedule. He said the School Board stated they are waiting for a new member to be appointed to take the place of Phillip Embury. He stated that an interim school board member needs to be appointed before the School Board can make the motion regarding the site for the proposed high school due to the split decision currently with the four members on the School Board.

Mr. Johnston stated he recently attended a Loudoun County Planning Commission public hearing for the County Transportation Plan. He stated the staff answer to the problem was, generally, to build more lanes.

Sanitary Authority
Nothing to report.

Board of Septic & Well Appeals

Ms. Teetor stated there was a public hearing for a variance request on 2009 May 28 for Justin and Amber Hall. She said the applicants requested the variance so as to install a well that does not meet County setback requirements to a concrete slab and a perennial stream. She stated that the variance was approved with conditions.

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

Historic Preservation Commission – **Cliff Nelson**
Commissioner Nelson stated that Bear's Den Rural Historic District has been officially entered into the National Register of Historic Places.

Conservation Easement Authority – **Pat McKelvy**
Commissioner McKelvy stated that a reception is scheduled for 2009 June 19, in appreciation of the donors that made contributions to the Conservation Easement Authority.

Agriculture Land Plan update – **Bev McKay**
Nothing to report.

Staff Reports

Natural Resource Activities – **Alison Teetor**
Nothing to report.

Enforcement Officer – **Nancy Olin**
Ms. Olin's progress reports for 2009 April 24 thru 2009 May 27 were reviewed.

Commissioner Smart stated she would like to welcome the return of Val VanMeter, reporter, for the Winchester Star as the covering reporter for the Clarke County government.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 10:05 a.m. until the next regular meeting on 2009 September 4.

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by
Debra L. Bean, Recording Secretary