

# Clarke County

---

**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
FEBRUARY 1, 2013**



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 1, 2013.

## **ATTENDANCE**

George Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Clay Brumback, Robina Bouffault, Scott Kreider, Tom McFillen, Cliff Nelson, John Staelin, Chip Steinmetz and Richard Thuss.

## **ABSENT**

Jon Turkel

## **STAFF**

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

## **CALLED TO ORDER**

Chair Ohrstrom called the meeting to order at 9:03 a.m.

## **APPROVAL OF AGENDA**

The Commission voted to approve the agenda.

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

**No:** No one

**Absent:** Turkel

## **APPROVAL OF MINUTES**

The Commission voted to approve the briefing meeting minutes of January 8, 2013.

**Yes:** Bouffault (moved), Brumback, Caldwell, Kreider, Nelson, Ohrstrom, Steinmetz, and Thuss (seconded)

**No:** No one

**Absent:** Turkel

**Abstain:** McFillen and Staelin

The Commission voted to approve the regular meeting minutes of January 11, 2013 with two minor corrections.

**Yes:** Bouffault (seconded), Brumback, Caldwell, Kreider, McFillen, Nelson, Ohrstrom, Steinmetz (seconded) and Thuss

**No:** No one

**Absent:** Turkel

**Abstain:** Staelin

**ZONING MAP AMENDMENT/SITE PLAN REVIEW (RZ-12-01/SP-12-08)**

**PUBLIC HEARING**

**Mahlon A. Jones (D&B Management Services, Inc., property owner) requests a conditional rezoning from Agricultural-Open Space-Conservation (AOC) to Highway Commercial (CH), and approval of a Site Plan for a convenience store with gasoline sales. Property is located at 3355 Lord Fairfax Highway (US 340), Buckmarsh Electoral District, and is referenced as Tax Map Parcel #8-1-2.**

Mr. Stidham stated that this case was deferred by the Commission for one month at the Applicant's request on January 11, 2013 to allow for additional time to resolve remaining technical issues. He said that these issues included completion of the karst plan review and resolution of issues with the site plan and stormwater management plan. He stated that since the January 11, 2013 meeting the Applicant's engineers were able to resolve most of the remaining issues with Planning Staff and the County's engineering consultant, Chester Engineers. He stated that Staff recommends approval of the rezoning request subject to the Applicants' proffered conditions. He said approval of the rezoning request is based on the following elements:

- The request satisfies all 17 conditional rezoning evaluation criteria as set forth in §8-E-3 of the Zoning Ordinance.
- Approval of the rezoning application would be consistent with prior rezoning actions by the County to make zoning on property consistent with long-standing non-conforming uses.
- The project would provide a County-wide public benefit by improving the traffic safety hazards that exist at the current business site.
- Technical plan submissions pertaining to transportation, private water supply, and onsite sewage disposal have been reviewed and approved by the Virginia Department of Transportation (VDOT) and the Virginia Department of Health (VDH). Proffered conditions have been provided by the Applicants to mitigate any identified concerns.
- Site, stormwater, and Karst plan submissions have been reviewed and approved by the County's engineering and geotechnical consultants. Proffered conditions have been provided to ensure compliance with these approved plans.
- The request is in general accord with the County's Comprehensive Plan.

Mr. Stidham stated that Staff also recommends approval of the site plan subject to final resolution of minor procedural items noted above.

Commissioner Steinmetz stated that he disagrees with a lot of the comments that have been made. He said that there will be more noise, odors and traffic. He said that he has determined that after researching spot zoning he believes that is what this proposal will be. He stated that he does not think this is a positive request.

Commissioner Bouffault said she spoke with some residents in the area and they told her that the lighting that is currently at the store is terribly bright as the light shines in their bedroom windows at night. Ms. Bouffault told them with the proposed request there will be a dark-sky compliant lighting plan provided that includes shielded LED downcast fixtures. She stated that there are a lot of advantages to this proposal.

Commissioner Staelin stated that there are a lot of businesses in the community that have a need for improvements. He questioned that if we would say no to other businesses should a similar circumstance arise would we in fact be creating a precedent with this request.

After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments.

Evan Wyatt, agent for Greenway Engineering was present and commended Mr. Stidham for doing such an excellent job on this request. He said that the applicant is planning on keeping the current business open while work is being done on the new one. He stated that when it is time to put in the pavement the business will close. He said that the current mobile home residence will be gone by the end of this calendar year.

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

Chair Ohrstrom stated that there would be two motions made for this request. He stated that the first motion is for the Rezoning and second one is for the Site Plan.

The Commission voted 7 to 3 (1 absent) in favor of recommending the rezoning and proffer request subject to approval by the Board of Supervisors.

**Yes:** Bouffault (seconded), Brumback, Caldwell (moved), Kreider, McFillen, Ohrstrom, and Thuss

**No:** Nelson, Staelin and Steinmetz

**Absent:** Turkel

The Commission voted 7 to 3 (1 absent) in favor of recommending the Site Plan request subject to approval by the Board of Supervisors.

**Yes:** Bouffault (moved), Brumback, Caldwell, Kreider, McFillen, Ohrstrom, and Thuss (seconded)

**No:** Nelson, Staelin and Steinmetz

**Absent:** Turkel

### **Board/Committee Reports**

#### **Board of Supervisors (John Staelin)**

Commissioner Staelin stated that the Board of Supervisors are working on their budget. He said that one bill proposed in the General Assembly regarding stormwater may be a problem for the County which the Board is trying to fight. He stated that developers that design stormwater systems have designed a system that would be very difficult for homeowners to maintain. He encouraged the Commission to attend a public information meeting on February 19<sup>th</sup> at 6:30 p.m. He stated that the School Board has changed what they were thinking about doing to the other schools. He said he does not think the community understands their logic and why they are taking the approach they are and how it will impact the community. He said that no actions will be taken at this meeting.

#### **Sanitary Authority**

Mr. Stidham stated that there is a memo in the Planning Commission packet stating that Commissioner Staelin will be the liaison on the Sanitary Authority Board for the Board of Supervisors. Chair Ohrstrom asked the Commission for their comments regarding this memo. The Commission wanted to make a suggestion to the Board of Supervisors that at such time if it were to happen when we no longer have a liaison from the Board of Supervisors to report back to the Planning

Commission from the Sanitary Authority that the Board of Supervisors fills the slot with a Planning Commission member.

**Board of Septic & Well Appeals (John Staelin)**

No report.

**Board of Zoning Appeals (Anne Caldwell)**

Mr. Russell stated Peter and Melissa Dunning submitted an application with the Board of Zoning Appeals on March 16, 2012. He stated that Mr. and Mrs. Dunning were appealing the Zoning Administrator's determination that the berm constructed on the Stuart M. Perry, Inc. property near their property complies with the special use permit and site plan on the Perry property approved in 1995. He said at the May 24, 2012 Board of Zoning Appeals meeting the Board voted to reverse the Zoning Administrator's determination that the berm constructed on the Stuart M. Perry, Inc. property near their property complies with the special use permit and site plan on the Perry property. He stated that Stuart M. Perry, Inc. is now going to court about this matter sometime this month.

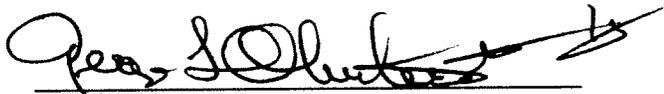
**Historic Preservation Commission (Cliff Nelson)**

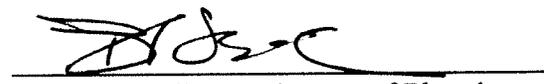
Commissioner Nelson stated that the meeting on January 22, 2013 did not have a quorum. He said a meeting has been set for 4:00 pm on February 7, 2013.

**Conservation Easement Authority (George Ohrstrom, II)**

Ms. Teetor stated that there will be a 5 year summary report going to the Board of Supervisors at their next regular meeting.

There being no further discussion, the regular meeting was adjourned at 10:19 a.m. to a workshop for the Comprehensive Plan. They reviewed the schedule and continued work on Chapter II. The next regular meeting of the Commission is scheduled for March 1, 2013.

  
George Ohrstrom, II, Chair

  
Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary