

Clarke County

Planning Commission
Regular Meeting Minutes
July 12, 2013



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, July 12, 2013.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Clay Brumback, Cliff Nelson, and Chip Steinmetz.

ABSENT

Scott Kreider, Doug Kruhm, Tom McFillen, John Staelin and Jon Turkel

STAFF

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

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:01a.m.

APPROVAL OF AGENDA

The Commission voted to approve the agenda.

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

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of June 4, 2013 with one correction.

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

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

The Commission deferred voting on the regular meeting minutes of June 7, 2013 until the next regular Planning Commission meeting on September 6, 2013 to allow staff time to insert wording corrections.

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

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

Public Hearing Items

SPECIAL USE / SITE PLAN (SUP-13-01 /SP-13-07) – PUBLIC HEARING

Blue Ridge Wildlife Center requests approval of a Special Use and Site Plan for Veterinarian Services and Community Services (Educational) per §3-A-1-a-3(g) and (u) of the Zoning Ordinance. The property is identified as Tax Map 31-A-3, located at 930 Tilthammer Mill Road in the Millwood Election District, and is zoned Agricultural Open-Space Conservation (AOC).

Chair Ohrstrom stated that he is not participating in the discussion or voting on this request due to a conflict of interest. Vice Chair Caldwell assumed the duties of Chair Ohrstrom for this request.

Mr. Stidham explained this request. He gave a power point presentation and showed views of the subject property. He said that the request is for a Special Use and Site Plan for Veterinarian Services and Community Services. He stated that at the June meeting the Planning Commission requested that the site plan be revised so as to note that the large radius turn within the subject property entering into the parking area and clinic be designated as for “emergency services purposes.” He stated that the Zoning Ordinance requires a 25’ vegetated buffer to remain along all property lines. He said that the applicants are requesting a waiver of this requirement along the eastern boundary where there is existing vegetation and a stone wall adjacent to the access road. He said that staff has no outstanding concerns with granting the waiver of the buffer requirement.

He said that since the June meeting, members of the site plan committee have visited the site and it was recommended at that time to indicate on the site plan the large oaks and other large indigenous trees that are to remain. He stated that the revised site plan that was handed out this morning shows the items that the Planning Commission requested. He said that the Virginia Department of Transportation (VDOT) requires the property entrance from the public road to be upgraded to commercial entrance standards. He stated that sight distance easements will also be required from the property on the opposite side of Tilthammer Mill Road. He said that property owners have provided a letter consenting to allow those sight distance easements. He stated there is a concern for the future use of the facility. He said to address the concerns of the facility being used as a veterinary office in the future, staff recommends the following 2 conditions:

- 1) The veterinary clinic shall not be open to the general public for household pets or farm animals; and
- 2) The clinic shall be used specifically for the Blue Ridge Wildlife Center and the special use permit shall not be transferable to another entity without prior approval of the Board of Supervisors.

After discussion with staff and the Commission, Vice Chair Caldwell opened the public hearing.

Colin Rigden, adjoining property owner, stated that he would like to have assurance from the Blue Ridge Wildlife Center that the two old ice houses on the center’s 18 acre site, leased from the Burwell Van Lennep Trust on Burwell Island Farm, will not be affected by the development. He said he would like to be assured by the applicant that he will not be able to see the new structure from his property to the south. He stated that he can see the flight cage in the winter from his property when

the leaves are off the trees because his property adjoins their property on the southwest side. He said that he has concerns of future development of the property.

Belinda Burwell, Director and Agent for the Center, was present and said the new building will be at the northern end of the property and not as tall as the flight cage that was built to help rehabilitate injured raptors.

James Klenkar, a Board member with Burwell Van-Lennep Foundation, was present and addressed the question from Mr. Rigden regarding the ice houses. He said he wants to assure Mr. Rigden and the Commission that the 50 year lease that was entered into with the Blue Ridge Wildlife Center and the Burwell VanLennep Foundation specifically excludes any construction or excavation near the ice houses. He told Mr. Rigden that the proposed building will be located at the north end of the approximately 18 acre property. He said that the ice houses are located on the south end of the property close to Mr. Rigden's property. He stated that under the lease Blue Ridge Wildlife Center is specifically not permitted to do any development or any work that will impact in any way the ice houses. He stated that there is a lot of vegetation between the ice houses and the proposed building. Mr. Klenkar stated that it is very doubtful that any development will be done on the site in the future. He said it would be too costly and it would be a violation of the County's zoning ordinance.

Alison Teetor, Natural Resource Planner for the County was present and stated that this site is in Conservation Easement and therefore no future development is allowed.

There being no further public comments, Vice Chair Caldwell closed the public meeting and called for a motion.

The Commission voted to recommend approval for this Special Use Permit to the Board of Supervisors on the following conditions:

- 1) The veterinary clinic shall not be open to the general public for household pets or farm animals; and
- 2) The clinic shall be used specifically for the Blue Ridge Wildlife Center and the special use permit shall not be transferable to another entity without prior approval of the Board of Supervisors.

Yes: Bouffault (moved), Brumback, Caldwell, Nelson (seconded), and Steinmetz

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

Abstained: Ohrstrom

The Commission voted to recommend approval for this Site Plan to the Board of Supervisors on the following conditions:

- 1) The applicant resolves the stormwater issues; and
- 2) Waive 25' vegetative buffer requirement.

Yes: Bouffault (moved), Brumback, Caldwell, Nelson (seconded), and Steinmetz

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

Abstained: Ohrstrom

Chair Ohrstrom assumed the gavel.

MS-13-02 Richard & Mary Dimmel

(Minor Subdivision/Maximum Lot Size Exception review)

Mr. Stidham explained this request. He stated that the applicant is requesting approval for a two-lot minor subdivision and maximum lot size exception. He said that parcels of land placed in either conservation or historic easements are eligible for a maximum lot size exception subject to the agreement between the land owner and the easement authority. He said that the Clarke County Conservation Easement Authority has approved the subject property for a conservation easement. He stated that the CCEA has agreed that the property meets the criteria for the maximum lot size exception to create two lots (newly created lot and residual lot). He said that the CCEA and the applicant agreed to a 500' building restriction line from Rt. 50. He said that the Board of Supervisors will make the final approval of the easement at their July meeting.

He said that the County Subdivision Ordinance requires that each lot have an approved primary and reserve septic site along with an approved well site. He stated that Lot 1 has an existing primary and 100% reserve drainfield site and existing well and has been approved by the Health Department. He said that Lot 2 has been approved by the Health Department for a primary and 100% reserve drainfield site along with well site. He stated that the Lot 1 reserve site had been previously approved by the County's consultant geotechnical engineer. He said that a resistivity test was conducted on Lot 2 for the proposed drainfield but that did not give a clear picture of the subsurface risks. He stated that the applicant has relocated the drainfield and ordered a new resistivity test for the proposed drainfield site. He said that at the time of this meeting the results of the resistivity has not been received by staff. He stated that staff will report to the Planning Commission regarding the resistivity test results when it is received. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

Mr. Dimmel, the applicant, was present to answer questions from the Commission.

The Commission voted to approve this request on condition that the applicant meets the County Subdivision Ordinance requirements for an approved resistivity test for the proposed drainfield on Lot 2.

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

No: No one

Absent: Kreider, Kruhm, McFillen, Staelin and Turkel

Board/Committee Reports

Board of Supervisors (John Staelin)

No report.

Sanitary Authority (John Staelin)

No report.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Douglas Kruhm)

No report.

Conservation Easement Authority (George Ohrstrom, II)

Ms. Teetor stated that a retirement party was held for Winkie Mackay-Smith as she is stepping down as Chair of the Easement Authority. Chair Ohrstrom stated that she is retiring from everything as of January 1, 2014.

Other Business

Mr. Stidham stated that the final draft of the Comprehensive Plan should be ready by September 3, 2013. He stated that he is working on drafting the Transportation Plan to meet state requirements.

Upcoming Meetings

Next Planning Commission briefing meeting – Tuesday, September 3, 2013

Next Planning Commission regular meeting – Friday, September 6, 2013

There being no further discussion, the meeting was adjourned at 9:40 a.m. until the next regular meeting of the Commission on September 6, 2013.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary