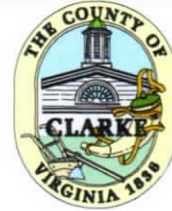


# Clarke County

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## PLANNING COMMISSION BRIEFING MEETING MINUTES WEDNESDAY, JULY 5, 2017

A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Wednesday, July 5, 2017.

### ATTENDANCE

**Present:** Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel (arrived late); Douglas Kruhm; Frank Lee; Cliff Nelson; and George L. Ohrstrom, II.

**Absent:** Scott Kreider, Gwendolyn Malone, and Jon Turkel

**Staff Present:** Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

**Others Present:** David Ash (County Administrator); Mark Cline (Hurt & Proffitt); Cathy Kuehner (Winchester Star)

### CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 3:00PM.

### AGENDA

The members approved the agenda by consensus as presented.

### REVIEW OF AGENDA ITEMS FOR JULY 7, 2017 MEETING

#### SUP-17-03/SP-17-01, Clarke County Board of Supervisors

Mr. Fincham provided an overview of the special use permit application by the Board of Supervisors to construct a citizens' convenience center on the Perry Quarry property located off of Quarry Road. Mark Cline was present on behalf of the County's engineering consultant, Hurt & Proffitt, and County Administrator David Ash was also present to answer questions. Mr. Fincham noted that the facility would be constructed on a two-acre lease area within the quarry property. Chair Ohrstrom asked about the length of the lease term. Mr. Ash replied that the initial lease term is twenty years with an option to renew the lease in twenty year increments. Chair Ohrstrom asked about the operating hours for the facility and Mr. Ash said they are proposed to match the hours of operation in Frederick County which can change. Chair Ohrstrom asked if the facility would be located adjacent to the Peter Dunning property and Mr. Fincham replied no and that the Dunning property is on the opposite side of the quarry. Vice Chair Caldwell asked if anyone has been in touch with the owners of the property located closest to the proposed facility. Mr. Fincham replied that they would not be contacted by the

Planning Department until the public hearing is scheduled and adjoining property owner notices are mailed out. Mr. Ash stated that he has personally discussed the application with the property owner who recently bought the property and that they were not aware of the project at the time of purchase. Mr. Lee asked if they had any comments about the project and Mr. Ash said that they were opposed to it.

Mr. Cline provided an overview of the Virginia Department of Transportation's (VDOT) comments on the facility entrance and how they plan to address them. He also provided an update on the Virginia Department of Environmental Quality's (DEQ) comments on the stormwater management plan. He noted that DEQ is requesting that a level spreader device being installed for erosion and sediment control be modified for stormwater management purposes. He added that the requested modifications would greatly increase the size of the level spreader and impact existing wooded areas that they did not want to disturb. He also said that this area contains significant karst features that would potentially be impacted by the larger level spreader. He noted that they will be meeting with DEQ the following day to address these issues. Mr. Stidham asked whether DEQ is attempting to treat the level spreader a best management practice (BMP) and Mr. Cline said yes. Ms. Bouffault asked Mr. Cline what he thought the best solution would be. He replied that they could increase the size of the level spreader and hope to reach a middle ground agreement with DEQ staff.

Mr. Cline then reviewed the karst plan noting the areas of concern identified through resistivity testing and indicating that further testing will need to take place. Mr. Fincham said that they have sent the karst plan and materials to Dan Rom, the County's geotechnical engineering consultant, for review with the understanding that additional information will be forthcoming. Mr. Fincham asked if DEQ staff was aware of the karst plan issues, and Mr. Cline replied no but that they will be providing the materials to DEQ. Mr. Fincham clarified the two key points of concern on the karst plan for the Commission's reference.

Mr. Fincham noted that the Health Department has approved the proposed onsite septic system. He also said that the proposed well is located outside of the lease area which does not impact the Commission's review but will have to be addressed by the County with the property owner. Chair Ohrstrom asked for clarification whether the lease area for the proposed well is on the quarry property or the adjacent residential lot and Mr. Fincham replied that it is on the quarry property. Mr. Lee said it would be a good idea to get something in writing about the proposed well site and Mr. Ash replied that the County Attorney is working on such a document.

Mr. Fincham reviewed the lighting and landscaping plans. He noted that Vice Chair Caldwell has some suggestions regarding the landscaping plan. Vice Chair Caldwell noted that most of the trees onsite are sycamores or black walnut which is indicative of a wet site. She suggested swamp or red maple, sycamore or London planetree, or shumard oak would be good candidates for this site. She said there should be a few more trees at the entrance as opposed to just shrubs. Mr. Cline said that they have limited area add more trees and they are also trying to preserve existing trees. Vice Chair Caldwell said that any trees outside the fence should be deer protected. Mr. Lee advised against placing certain trees near the proposed drainfield to avoid future damage from roots. Vice Chair Caldwell asked about clearing existing trees and shrubs in the area adjacent to the residential parcel. Mr. Cline said that they did not know the exact location of plantings and that there are not a lot of

specimen trees in this area. Vice Chair Caldwell said that planting hollies against the fence might be the best solution to minimize visual impact on the neighboring property. She also expressed her opposition to the use of blue rug juniper shrubs and suggested using native grasses instead.

Mr. Fincham said that Staff is recommending scheduling public hearing at Friday's meeting for September 1. He noted that there will likely be another plans review committee meeting scheduled for mid to late August to review revisions to the site plan.

#### SUP-17-01, Hecate Energy Clarke County LLC and Hecate Energy LLC

Mr. Stidham stated that there have been no changes to this special use permit amendment request since the Commission scheduled public hearing at the June meeting. He noted a typographical error in Condition #1 for Hecate Energy LLC's proposed permit, indicating that the condition should read "Phase 2" instead of "Phase 1." Commissioners had no questions regarding this item.

#### MS-17-02, Garland & Ida Pope

Mr. Fincham reviewed this minor subdivision application. Regarding the proposed entrance and access easement, he said that the existing private access easement had to be widened by 10 feet in order to meet the Subdivision Ordinance minimum requirement of a 30 foot wide access easement. He added that it was recently discovered that there is an existing garage that would encroach into the new proposed 10 foot easement area. He said that the applicant and surveyor are currently working with the adjacent property owner to move the 10 foot easement area to the opposite side of the access easement to comply with ordinance requirements. He noted that because the garage has not been survey located, he is unsure whether or not they encroach into the existing access easement. Ms. Bouffault asked if the garages are actively used and Mr. Fincham said yes. Mr. Nelson said that he visited the site earlier in the day and met with the property owner. He described the ingress/egress location and the garage and noted that he did not think that the garage encroached into the existing access easement. He also noted that he did not identify a sight distance problem with the entrance as mentioned by VDOT. Mr. Fincham replied that Bobby Boyce had only recommended removing a tree at the entrance and did not make it a requirement. He said that the bigger issue with VDOT is that no detail of the entrance has been provided and added that VDOT approval will be necessary in order to approve the plat.

Mr. Fincham said that the Subdivision Ordinance contains design requirements for private access easements but that Pope Lane is an existing access easement that was not constructed to these design requirements. He noted that the road is in good shape and wide enough to convey large vehicles, but that it would be very difficult to bring the road into full compliance with the design requirements with this minor subdivision. As a compromise, he has recommended inclusion of a plat note that would require Pope Lane to be upgraded to meet the design standards if any future lots are added to the road. He noted that something similar was done recently with the Weiss minor subdivision.

Mr. Fincham said that Staff is recommending deferral pending resolution of VDOT issues and the relocation of the easement area. He said that it is unlikely that these issues can be resolved by Friday unless substantial effort on both the applicant and VDOT's part is undertaken. Mr. Lee asked if a deferral would allow the Commission to comply with the 60 day review requirement and Mr. Fincham said yes.

Other Items

Mr. Stidham noted that the Piedmont Environmental Council Fellows program participants will be in attendance at Friday’s meeting. Chair Ohrstrom said that Commissioners and Staff are invited to attend a barbecue luncheon for the participants at his property later that day.

**CONTINUED DISCUSSION, APPLICATION OF PARKING REQUIREMENTS FOR EXISTING NEIGHBORHOOD COMMERCIAL-ZONED PROPERTIES IN MILLWOOD**

Mr. Stidham reviewed Staff’s proposed text amendment to address the parking issues in the village of Millwood. He said that if the Commissioners are comfortable with the text amendment, it can be added to Friday’s agenda to schedule public hearing for the September 1 meeting. Ms. Bouffault asked if we were considering this to be a short-term band aid. Mr. Stidham replied that the only other solution is to create new parking that complies with the regulations in section 4-J but he did not see how that can be accomplished currently. Ms. Daniel added that the text amendment is intended to indicate that current uses and other by-right uses in this specific area will not have to comply with parking requirements. Mr. Stidham added that it codifies this exemption and places business owners and property owners on notice that parking will be limited there. Mr. Kruhm asked about the Millwood Community Center and whether this text amendment will provide relief for special events. Mr. Stidham replied that the property is zoned rural residential and the community center is nonconforming. Mr. Nelson asked if the Millwood Community Association has been invited to attend these workshops. Mr. Stidham said that he has not invited anyone specifically but that the attendees at last month’s meeting were Millwood business owners. Commissioners had no further concerns and agreed to place the item on Friday’s agenda to schedule public hearing.

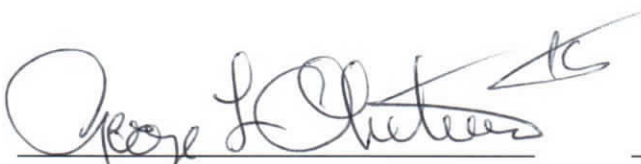
**REVIEW OF 2017 PROJECT PRIORITIES**

Mr. Stidham reviewed the updated project priorities list and recommended changes. The members agreed by consensus to accept the changes.

**OTHER BUSINESS**

None

The meeting was adjourned by consensus at 3:59PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham, Planning Director