

Clarke County



PLANNING COMMISSION WORK SESSION MINUTES TUESDAY, OCTOBER 30, 2018

A work session of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, October 30, 2018.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley (Vice-Chair); Anne Caldwell; Mary Daniel (arrived late); Bob Glover; Scott Kreider; Frank Lee; Gwendolyn Malone; and Cliff Nelson.

Absent: George L. Ohrstrom, II (Chair) and Douglas Kruhm

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

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:06PM.

AGENDA

The members approved the agenda by consensus as presented.

REVIEW OF AGENDA ITEMS FOR NOVEMBER 2, 2018 BUSINESS MEETING

Mr. Fincham provided an update on the Claytor site plan application (SP-18-02) noting that the public hearing was continued from last month's meeting. He reviewed the status of all outstanding agency and consultant reviews, noting that Virginia Department of Transportation (VDOT) and Virginia Department of Environmental Quality (DEQ) reviews remain incomplete. Ms. Bouffault asked if the applicant is amenable to requesting a deferral and Mr. Fincham replied that the applicant intends to send a written deferral request prior to the meeting on Friday if all outstanding issues have not been resolved.

Mr. Fincham noted that the karst plan review includes recommendations from the County's consultant Dan Rom to evaluate, at the time of construction, the areas noted by the applicant's geotechnical engineer as areas of concern. Ms. Bouffault asked if the applicant's engineer noted why these are areas of concern. Mr. Fincham replied that they provided technical information that was reviewed by Mr. Rom. He added that he asked Mr. Rom what would happen if a problem is found during construction, and Mr. Rom replied that they would remediate any problems during construction. Ms. Caldwell asked if they submitted a karst plan with resistivity testing. Mr. Fincham replied that the applicant's engineer used the previously approved karst plan for the Dollar General site plan and updated it for this project. He added that resistivity testing was done in conjunction with the earlier

karst plan and noted that Staff relies on Mr. Rom to review and provide recommendations on karst plans. Ms. Bouffault said that the resistivity map provided in the packet does not tell you anything and Mr. Lee asked if the Commission could get a copy of the original resistivity test. Mr. Fincham said that he would be happy to forward them to members that would like to review them. Mr. Lee said the areas of concern are all around the low area which looks like a potential sinkhole. Mr. Stidham said it is interesting that none of this was identified during the Dollar General review four years ago. Mr. Lee noted that some areas that appear to be sinkholes but have not had any recent activity could be stable. He also asked who did the resistivity testing on this project. Mr. Fincham replied that Triad did the work and that a different contractor did the testing for the Dollar General project.

Mr. Fincham concluded his review by stating that he does not see the applicant being able to move forward given the items to be completed. He added that the Commission would have to take action to approve or deny the application on Friday because of the 60-day review timeframe if the applicant does not request a deferral, however he is expecting the applicant to provide the written deferral prior to Friday. Mr. Lee asked if the applicant is aware of all of this and Mr. Fincham replied yes. Mr. Stidham said that past precedent has been to wait for DEQ approval and the Commission did so with the solar farm application. Ms. Caldwell added that the Commission also did so with the Coquette Estates application.

Ms. Daniel entered the meeting.

Mr. Fincham reviewed the new site plan application for Locke's Store (SP-18-03) to combine the lot containing the store with the adjacent lot containing "The Buttery" and change the use of both structures to a restaurant use. He noted that the site plan shows a proposed 4' X 12' breezeway that may or may not remain as the applicant is currently addressing historic preservation concerns raised by Maral Kalbian. He described that the applicant intends to hold meetings and events in The Buttery which is not an allowable use by itself in the CN District but is allowable in conjunction with a restaurant use. He added that since text amendments are not being regularly considered during the Ordinance Update project, the applicant chose to move forward with the use change and merger. He also described an administrative site plan amendment that was approved by Staff to construct a small addition onto the store building earlier this year. Ms. Bouffault asked about the canopy shown on the site plan. Mr. Fincham replied that this was an earlier concept being considered by the applicant that should be removed from the site plan.

Ms. Daniel noted that this change of use may result in more customers and asked where they will all park. Mr. Fincham replied that these properties are exempt from parking requirements. Several members added that customers will park wherever space is available and Mr. Lee noted that the applicant states in the packet materials that she has obtained a parking lease at the Mill property with the Historical Association. Ms. Bouffault said that so far people have been collaborative with sharing parking in Millwood. Mr. Fincham noted that VDOT has not currently raised any issues about parking but they have not provided official comments yet.

Mr. Fincham explained issues that the applicant has in complying with the landscaping requirements in light of the lot size and existing trees. He stated that the Commission does not have the authority to grant variances to landscaping requirements but they can waive them altogether and accept an

alternate plan proposed by an applicant. He also reviewed the applicant's alternate landscaping plan and noted that the neighboring property owner does not want the applicant to remove any existing trees in order to plant new ones. Mr. Stidham added that the landscaping regulations do not allow credit for existing trees against the required landscaping. Mr. Lee asked if the alternate landscaping plan would allow the subject property to be visible from the Layton property on the opposite side of Cunningham Lane and Mr. Fincham replied yes. Ms. Caldwell said it appears the only problem area for screening is the parking area behind the building and she wondered if removing that parking would enable the applicant to comply with the 25 foot buffer requirement. She also said that a topographic map would help the Commissioners better understand the layout of these two lots.

Mr. Lee said that he would like to make a site visit of this property. Mr. Stidham asked if all Commissioners would like to visit the property or would it be better to have the Plans Review Committee make the site visit. Members in attendance replied that they would all be interested in a site visit. Mr. Stidham said that Staff can arrange visits so long as not more than two members at a time go to the property.

Ms. Caldwell asked whether the applicant would be interested in eliminating the rear parking spaces and Mr. Fincham replied that the applicant wants to keep them. Ms. Bouffault said that parking spaces should not be eliminated if possible as the demand for parking is only going to get worse. Mr. Fincham noted that the 25 foot buffer requirement would have to be waived to allow the parking spaces to remain. Mr. Stidham noted that the existing parking spaces identified by the applicant likely do not conform to the parking space dimensional requirements in the Zoning Ordinance. Mr. Fincham added that Staff will not review parking spaces for compliance since the properties are exempt from the requirements.

Regarding historic preservation review, Mr. Fincham stated that the Historic Preservation Commission (HPC) issued a certificate of appropriateness for the minor addition to the store building that was approved earlier this year. He said that the breezeway addition would not require further HPC review because it would be an amendment to the existing building permit for the minor addition. Ms. Kalbian reviewed the plans for the breezeway and has expressed concerns with it. The applicant is currently working with a design professional to address Ms. Kalbian's concerns. Mr. Fincham also noted that the applicant is proposing to connect the two buildings in order to avoid having to pay new utility connection fees to the Sanitary Authority. Mr. Glover asked if the breezeway will be enclosed and Mr. Fincham said no. Mr. Fincham noted that the breezeway is not designed to be functional and added that the applicant should consider asking the Sanitary Authority if there are exceptions or variances to their policies that could be granted to avoid having to construct the breezeway.

Ms. Caldwell asked if it is appropriate to set public hearing on Friday and Mr. Fincham replied yes. Mr. Stidham said that the Commission should consider delaying the scheduling of public hearing on an application if the proposed use or scope of the use is unclear.

OLD BUSINESS ITEMS

TA-18-01, Antenna Support Structures

Mr. Stidham reviewed the proposed text amendment that was developed by Staff in conjunction with the Policy and Transportation Committee. He said that this has not been added to the Business Meeting agenda yet but can be added if the Commission is comfortable with doing so.

Ms. Caldwell said that it might be important to get technical input on the text amendment from the WISP representatives since they are the ones who are requesting the amendment. Ms. Bouffault said that the text amendment will help to ensure that the WISP representatives cannot say that our zoning regulations are a barrier to expanding service in Clarke County. She noted that Staff has requested the information from the WISPs repeatedly and they have not provided anything to date, and added that it is important to move forward with consideration of the text amendment. Mr. Stidham said that he will send the WISP representatives a copy of the report and notice of the public hearing date so they can provide comments at that time. Mr. Kreider said that he is in favor of moving the text amendment forward.


Ms. Caldwell said that she is concerned that a tower with guy wires would be visually obtrusive. Mr. Stidham replied that since the footprint is limited to a maximum width of 8 feet, the size of the tower would be much smaller than a typical cell tower. He also said that if a certain type of tower needs to be guyed for support, he would much rather allow this option for safety purposes. Ms. Bouffault said that according to her research, many of these guyed towers have wires that do not extend out to the maximum distance. Mr. Nelson asked if the County has evaluated how many of these towers would be needed to serve the citizens. Mr. Stidham replied that these structures are of such a small scale that they will only be able to support one WISP provider serving a single home or small group of homes in a neighborhood setting. He added that there used to be a provision in the Zoning Ordinance that allowed these structures up to 80 feet but none were constructed and the provision had a sunset clause that was triggered a few years ago. Mr. Glover said that he had recent conversations with a WISP provider who indicated that constructing an antenna support structure on his property to serve his home and neighboring properties is a possibility. Mr. Kreider noted that homeowners might be more likely to install these structures than the WISPs.

Vice-Chair Buckley asked if there is consensus to add this to the Business Meeting agenda to schedule Public Hearing and the members agreed.

Progress Report, Ordinance Update Project

Mr. Stidham provided a brief overview of the report. He noted that in the coming months, Staff will bring forward a work plan for the final review of the finished documents. He said that one idea could be to hold a series of special work sessions to review the ordinances by chapter or topic.

The meeting was adjourned by consensus at 4:12PM.


Randy Buckley (Vice-Chair)


Brandon Stidham, Planning Director