



Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, February 7, 2014 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

1. **Introduction of Randy Buckley, New Planning Commissioner for the White Post District**
2. **Approval of Agenda**
3. **Approval of Minutes**
 - a. January 7, 2014 Briefing Meeting
 - b. January 10, 2014 Briefing Meeting
4. **Resolution of Appreciation for Clay Brumback**

Public Hearing Items

5. **SPECIAL USE PERMIT REVOCATION REQUEST – PUBLIC HEARING**

Shenandoah University requests the revocation of a special use permit (SUP) per §5-C of the Zoning Ordinance. The SUP was issued by the Board of Supervisors in 1989 to operate the former Virginia National Golf Course which has since been discontinued. The subject properties are identified as Tax Map #17A1-A1-B and 17A1-A1-C, are located on Parker Lane in the Buckmarsh Election District, and are zoned Rural Residential (RR).
6. **SITE PLAN REVIEW – PUBLIC HEARING**

SP-13-11, Robert Claytor (Dollar General). Request approval of a Site Plan to construct a new 9,100 square foot retail store (Dollar General) for the property identified as Tax Map #28-A-20G, located in the 12000 block of Lord Fairfax Highway, White Post Election District and zoned Highway Commercial (CH).
7. **ZONING ORDINANCE TEXT AMENDMENT – PUBLIC HEARING**

TA-14-01, Revocation of Special Use Permits. Proposed text amendment to amend §5-C, Revocation, of the Clarke County Zoning Ordinance. This section provides for the procedure and grounds for revocation of a special use permit. The purpose of the text amendment is to require a special use permit to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the zoning administrator for violations of any one or more special use permit conditions. The text amendment would also add a new subsection 4 allowing revocation in the case of violations of other provisions of the Zoning Ordinance not addressed by the special use permit conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.

Board/Committee Reports

8. **Board of Supervisors (John Staelin)**
9. **Sanitary Authority (John Staelin)**
10. **Board of Septic & Well Appeals (John Staelin)**
11. **Board of Zoning Appeals (Anne Caldwell)**

12. **Historic Preservation Commission (Doug Kruhm)**
13. **Conservation Easement Authority (George Ohrstrom, II)**

Other Business

14. **Staff notification to Planning Commission of pending matters for administrative approval (appearance by Bob Mitchell)**

Adjourn

Upcoming Meetings:

- Briefing Meeting – Tuesday, March 4 (3:00PM, Government Center A/B Meeting Room)
- Regular Meeting – Friday, March 7 (9:00AM, Government Center Main Meeting Room)

Clarke County

**PLANNING COMMISSION
DRAFT BRIEFING MEETING MINUTES
JANUARY 7, 2014**



A briefing meeting of the Planning Commission of Clarke County, Virginia was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, January 7, 2014.

ATTENDANCE

Present: George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Scott Kreider; Doug Kruhm; Tom McFillen, Chip Steinmetz; and Jon Turkel.

Absent: Clay Brumback, Cliff Nelson and John Staelin;

Staff present: Brandon Stidham, Planning Director; and Jesse Russell, Zoning Administrator.

CALL TO ORDER

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

The Commission reviewed the items on the agenda for the Planning Commission meeting of January 10, 2014.

The Commission also discussed several new business items including:

- Establishment of filing deadlines for Rezoning, Special Use Permit, Site Plan and Major Subdivision applications. This item was forwarded to the Site Plan Subcommittee for additional review;
- Administrative approval of 100 acre lot divisions and boundary line adjustments. This item was forwarded to the Policy Subcommittee for additional review;
- Staff notification to Planning Commission of pending matters for administrative approval. The Commission requested Bob Mitchell to attend the February briefing meeting to discuss this issue; and
- Text Amendment to Zoning Ordinance Section 5-C (Revocation). The Commission agreed by consensus to add this item to the January 10th meeting agenda to set public hearing for February.

Mr. Stidham also provided the Commissioners with a brief update on the Economic Development Strategic Plan Subcommittee's work.

There being no further business to come before the Commission, the meeting was adjourned at 4:00 p.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Planning Director

Clarke County

Planning Commission
DRAFT Regular Meeting Minutes
January 10, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 10, 2014.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Clay Brumback, Robina Bouffault, Scott Kreider, Doug Kruhm, Cliff Nelson, Chip Steinmetz and Jon Turkel.

ABSENT: Tom McFillen and John Staelin

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Brandon Stidham, as Clerk to the Commission, called the meeting to order at 1:00 p.m. as it was the first Commission meeting of the calendar year when election of officers is conducted.

Commissioner Brumback reported to the Planning Commission that he is stepping down as a Planning Commissioner effective immediately. He stated that he has enjoyed his time on the Commission and he believes he has a good replacement willing to take his place. He said he hopes to still stay involved with matters concerning the County.

Chair Ohrstrom thanked Commissioner Brumback for his time on the Commission and said that he will be missed.

Mr. Brumback left the meeting at 1:05 p.m.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Stidham asked for nominations of Chair to the Commission.

The Commission voted unanimously to elect Commissioner George L. Ohrstrom, II, as Chair to the Planning Commission for 2014.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded), and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

Mr. Stidham turned the meeting over to Chair-Elect Ohrstrom.

Chair Ohrstrom asked for nominations of Vice Chair to the Commission.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2014.

Yes: Bouffault (seconded), Caldwell, Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz, and Turkel (moved)

No: No one

Absent: Brumback, McFillen and Staelin

COMMITTEE ASSIGNMENTS FOR 2014

The Commission voted to approve the 2014 committee assignments as presented.

Yes: Bouffault, Caldwell, Kreider, Kruhm (seconded), Nelson, Ohrstrom, Steinmetz (moved), and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

2014 MEETING SCHEDULE

The Commission voted to approve the meeting schedule for 2014 as presented.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz, and Turkel (seconded)

No: No one

Absent: Brumback, McFillen and Staelin

2014 By-Laws

The Commission voted to approve the By-Laws for 2014 as presented.

Yes: Bouffault (seconded), Caldwell, Kreider, Kruhm, Nelson (moved), Ohrstrom, Steinmetz, and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

2014 Project Priorities

The Commission voted to approve the Project Priorities for 2014 as presented.

Yes: Bouffault, Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz, and Turkel (moved)

No: No one

Absent: Brumback, McFillen and Staelin

Commissioner Bouffault asked Chair Ohrstrom if they could have a discussion on the Runyon property under Other Business on the Agenda.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda with the addition of discussion of the Runyon property under Other Business.

Yes: Bouffault (moved), Caldwell, Kreider, Kruhm (seconded), Nelson Ohrstrom, Steinmetz, and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

APPROVAL OF MINUTES

The Commission voted to approve the regular meeting minutes of November 1, 2013 with minor corrections.

Yes: Bouffault (seconded), Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

The Commission voted to approve the briefing meeting minutes of December 3, 2013.

Yes: Bouffault (moved), Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

The Commission voted to approve the regular meeting minutes of December 6, 2013 with minor corrections.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson (seconded), Ohrstrom, Steinmetz and Turkel (seconded)

No: No one

Absent: Brumback, McFillen and Staelin

SPECIAL USE PERMIT REVOCATION REQUEST – SET PUBLIC HEARING

Shenandoah University requests the revocation of a special use permit (SUP) per §5-C of the Zoning Ordinance. The SUP was issued by the Board of Supervisors in 1989 to operate the former Virginia National Golf Course which has since been discontinued. The subject properties are identified as Tax Map #17A1-A1-B and 17A1-A1-C, are located on Parker Lane in the Buckmarsh Election District, and are zoned Rural Residential (RR).

Mr. Stidham stated that Shenandoah University is requesting that the former Special Use Permit for the former Virginia National Golf Course be revoked. He stated that Shenandoah University is the recipient of a gift of property from the National Civil War Battlefield Trust. He said that under an agreement between the Trust and the Shenandoah University the property cannot be used for commercial purposes including golf courses. He stated that Shenandoah University has no plans to continue the golf course operation. He said that since the property can no longer be used as a golf course and must remain as a preserved battlefield (Battle of Cool Spring) along with limited educational uses under the terms of the aforementioned agreement, the Special Use Permit would no longer apply to the current owners and it would not be appropriate for the County to continue honoring the Special Use Permit. He stated that the Board of Supervisors has the authority to revoke any Special Use Permit where the use has been discontinued for one year or more. He said that the procedure for revoking is the same as the procedure for approval of a new Special Use Permit. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to set public hearing on this request for the next regular meeting of the Commission on February 7, 2014.

Yes: Bouffault, Caldwell, Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel (moved)

No: No one

Absent: Brumback, McFillen and Staelin

SITE PLAN REVIEW – SET PUBLIC HEARING

SP-13-11, Robert Claytor (Dollar General). Request approval of a Site Plan to construct a new 9,100 square foot retail store (Dollar General) for the property identified as Tax Map #28-A- 20G.

Mr. Russell explained this request. He said that the applicant is proposing a 9,100 sq. ft. retail store to be leased to Dollar General. He stated that Josh Turner with Anderson & Associates, Inc., the County's engineer, is reviewing the site plan and he should have his comments submitted to the Planning

Department before the February 7, 2014 Planning Commission meeting. He said that Jeremy Tweedie with Greenway Engineering and acting agent for the Dollar General Store was present and able to answer questions from the Commission. Mr. Russell stated that the applicant has provided signage renderings but will need to revise the site plan to show the county's maximum height and signage area for both freestanding signs and wall signage. He stated that hopefully Mr. Tweedie will submit the revised site plan before the briefing meeting on February 4, 2014 for the Planning Commission to review. Commissioner Bouffault questioned the design of Handy Lane. Mr. Tweedie stated that the design is what VDOT approved. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

There being no further comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Planning Commission on February 7, 2014.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

ZONING ORDINANCE TEXT AMENDMENT – SET PUBLIC HEARING

TA-14-01, Revocation of Special Use Permits. Proposed text amendment to amend §5-C, Revocation, of the Clarke County Zoning Ordinance. This section provides for the procedure and grounds for revocation of a special use permit (SUP). The purpose of the text amendment is to require an SUP to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the zoning administrator for violations of any one or more SUP conditions. The text amendment would also add a new subsection 4 allowing revocation in the case of violations of other provisions of the Zoning Ordinance not addressed by the SUP conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.

Mr. Stidham explained this proposed amendment. He stated that this proposed text amendment is being forwarded to the Planning Commission at the request of the Board of Supervisors. He stated that this section of the proposed text amendment provides for the procedures and grounds for revocation of a Special Use Permit (SUP). He said in this section of the Zoning Ordinance it outlines the process for revocation of a Special Use Permit including the circumstances under which an SUP may be revoked. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Planning Commission voted unanimously to set public hearing on this proposed text amendment for the next regular meeting of the Planning Commission on February 7, 2014.

Yes: Bouffault, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Steinmetz (seconded) and Turkel

No: No one

Absent: Brumback, McFillen and Staelin

Board/Committee Reports

Board of Supervisors (John Staelin)

Mr. Stidham stated that the Board should be setting the public hearing on the Comprehensive Plan and the Transportation Plan at their meeting on January 21, 2014. He said that the Board is also scheduled to have

the public hearing on Happy Tails Development on January 21, 2014.

Sanitary Authority (John Staelin)

No report.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

Mr. Russell stated that an alternate will be appointed to the Board of Zoning Appeals so there is always someone to fill in when there are absences.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the next meeting for the HPC is scheduled for January 22, 2014 at 4:00 p.m. He said that Betsy Fields will preside as the Chair at this meeting replacing Tom Gilpin.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the CEA meetings have been changed to the third Thursday of every month at 10:00 a.m.

Other Business

Runyon Site Plan – Commissioner Bouffault distributed a document she had prepared on the Runyon property from information provided to her by Mr. Stidham. She said that she listed the lots and acreage per lot. She included in the documents an enlarged photocopy of the front of the Site Plan which shows some maneuvers between lots and also that there have been two dwelling unit rights transferred. She said that nothing has been recorded on this since 2008. She asked why this was not filed as a major subdivision and questioned as to whether this is legal or not. She said she would like a formal legal opinion from Bob Mitchell, County Attorney regarding this matter. Mr. Stidham stated that it is within his authority to ask Mr. Mitchell to review this matter. He said that it appears that the Policy Committee will be discussing this matter on January 28, 2014. He said he will try to have Mr. Mitchell to review this matter before that time.

Mr. Stidham stated that the Site Plan Committee meeting is scheduled for January 16, 2014 at 3:00 p.m. in the A/B meeting room. He said that the Policy Committee meeting is scheduled for January 28, 2014 at 3:00 p.m. in the A/B meeting room

There being no further business to come before the Planning Commission the meeting was adjourned at 1:50 p.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

RESOLUTION OF APPRECIATION – CLAY BRUMBACK

WHEREAS, Clay Brumback was appointed to the Clarke County Planning Commission by the Board of Supervisors on June 15, 2010; and

WHEREAS, he resigned his position as Planning Commissioner for the White Post Election District, Greenway Magisterial District, on January 10, 2014; and

WHEREAS, during his tenure he served on several committees including the Site Plan, Transportation, and Double Tollgate/Waterloo committees as well as serving as the Commission's liaison to the Agricultural District Advisory Committee; and

WHEREAS, he provided valuable experience and insight to the Commission on agricultural and conservation issues as a full-time farmer; and

WHEREAS, he always took the time to follow up on the issues of the day with Staff when his farming duties took him away from attending meetings, and;

WHEREAS, his thoughtfulness, common sense approach and character earned him respect from both his fellow commissioners, and the general public.

NOW THEREFORE BE IT RESOLVED, that the Clarke County Planning Commission publicly acknowledge a job well done, and express appreciation to Clay Brumback for his dedication and untiring efforts to the citizens of Clarke County; and

BE IT FURTHER RESOLVED, that this resolution of gratitude and appreciation shall be entered into the official record of the action of the Clarke County Planning Commission, and that a suitable copy of this action, produced at the absolute minimum cost, shall be provided to Clay Brumback as a token of the high regard and esteem in which he is held by this Commission.

Approved and ordered to be entered upon the public record of the Clarke County Planning Commission this 7th day of February, 2014.

George L. Ohrstrom, II, Chair

SPECIAL USE PERMIT (SUP) REVOCATION REQUEST
Shenandoah University
February 7, 2014 Planning Commission Meeting – PUBLIC HEARING
STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed special use permit revocation request. It may be useful to members of the general public interested in this request.

Applicant(s):

Shenandoah University

Location:

- Parker Lane, Tax Map #17A1-A1-B and #17A1-A1-C
- Buckmarsh Election District (Kruhm, Krieder – Planning Commission; Weiss – Board of Supervisors)
- Zoned Rural Residential (RR)

Request:

Revocation of a special use permit (SUP) that was originally issued in 1989 to operate the former Virginia National Golf Course. The golf course use has since been discontinued.

Staff Discussion/Analysis:

Shenandoah University is the recipient of a gift of property from the National Civil War Battlefield Trust. Under this agreement between the Trust and Shenandoah University, the property cannot be used for commercial purposes including golf courses. The golf course was discontinued over one year ago and the University has no plans to continue the golf course operation. Since the property can no longer be used as a golf course and must remain as a preserved battlefield (Battle of Cool Spring) along with limited educational uses under the terms of the aforementioned agreement, the SUP would no longer apply to the current owners and it would not be appropriate for the County to continue honoring the SUP. The University has provided a letter formally requesting the revocation of the SUP.

The Board of Supervisors has the authority revoke any SUP where the use has been discontinued for one year or more per Zoning Ordinance Section 5-C. The procedure for revocation is the same as the procedure for approval of a new SUP – Planning Commission review, Public Hearing, and formal recommendation followed by Board of Supervisors review, Public Hearing, and formal action on the request. The revocation process is initiated by Board of Supervisors resolution which was adopted by the Board at their December 17, 2013 meeting. A copy of this resolution is included for your reference.

This request has been advertised for public hearing at the Commission’s February 7, 2014 meeting.

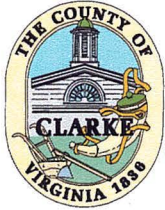
Staff Recommendation:

Staff recommends approval of the revocation request.

History:

- December 17, 2014.** Board of Supervisors adopted resolution to forward the revocation request to the Planning Commission for review and formal recommendations.
- January 10, 2014.** Planning Commission voted 8-0-3 (Staelin, McFillen, Brumback absent)
- February 7, 2014.** Placed on the Commission's February agenda and advertised for Public Hearing.

Clarke County Board of Supervisors



Berryville Voting District
J. Michael Hobert – Chair
(540) 955-4141

Millwood Voting District
John R. Staelin
(540) 837-1903

White Post Voting District
Bev McKay
(540) 837-1331

Buckmarsh Voting District
David S. Weiss – Vice Chair
(540) 955-2151

Russell Voting District
Barbara J. Byrd
(540) 955-1215

County Administrator
David L. Ash
(540) 955-5175

Resolution to Forward the Request to Revoke the Special Use Permit for the Former Virginia National Golf Course Zoned Rural Residential (RR), Tax Map Parcels 17A1A1B and 17A1A1C to the Planning Commission 2013-17R

Whereas, the properties identified as Tax Map Parcels 17A1A1B and 17A1A1C were used as a golf course and was approved by a special use permit; and,

Whereas, the golf course is no longer in operation and has been discontinued for over one year; and,

Whereas, County Zoning Ordinance section 5-C allows for the Board of Supervisors to revoke a special use permit if it has been discontinued for one year; and,

Whereas, the properties have been purchased by the National Civil War Battlefield Trust and gifted to Shenandoah University; and,

Whereas, Shenandoah University desires that the special use permit allowing for a golf course be revoked.

Therefore, it is hereby determined by the Board that the revocation of the special use permit for a golf course on the subject property be referred to the Planning Commission for a recommendation.

Unanimously adopted this 17th day of December, 2013.

Attest



David L. Ash - Clerk, Board of Supervisors
of Clarke County, Virginia



SHENANDOAH™
UNIVERSITY

November 14, 2013

Mr. David Ash, Clerk
Clark County Board of Supervisors
101 Chalmers Court
Berryville, VA 22611

Dear Mr. Ash:

Shenandoah University requests the revocation of Special Use Permits #89-01 and #99-04 for the Virginia National Golf Course. Thank you for your consideration.

Yours sincerely,

Adrienne G. Bloss, Ph.D.
Vice President for Academic Affairs

c: Richard Shickle, Vice President for Administration & Finance
Calvin Allen, Associate Vice President for Academic Affairs & dean
of the College of Arts & Sciences

AGB/jh

SITE PLAN REVIEW (SP-13-11)
Robert Claytor (Dollar General)
February 7, 2014 Planning Commission Meeting –PUBLIC HEARING
STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Case Summary

Applicant(s):

Robert Claytor (property owner)

Location:

- 12000 block of Lord Fairfax Highway (south of intersection of U.S. Route 50/17 and U.S. Route 340)
- White Post Election District (Bouffault, Brumback – Planning Commission; McKay - Board of Supervisors)

Parcel Size/:

1.7209 acres.

Zoning:

Highway Commercial (CH)

Request:

Approval of a Site Plan to construct a new 9,100 square foot retail store (Dollar General) for the property identified as Tax Map #28-A-20G.

Case Update for February Planning Commission meeting

At the January meeting, the Planning Commission set public hearing. Since the January meeting the County's engineering consultant and geotechnical engineer have provided comments along with staff recommendations regarding revisions to the submitted site plan.

Staff comments to the applicant were as follows. Status and resolution of issues is shown in italicized text.

- 1) Add signature block for Chairman of Planning Commission to cover sheet.
- 2) Show maximum area and height of sign as allowed by County Ordinance and then show proposed signage area and height.
- 3) Sheet 2 showed that the applicant was proposing a 24 sq. ft. freestanding sign. Sheet 9 showed 32 sq. ft. Ordinance allows for 32 sq. ft. Applicant needs to change one or the other to be consistent.
- 4) Show the area between the proposed Handy Lane and the Bryarly LLC property to the south as 10' wide landscape buffer per ordinance requirements.
- 5) Show exterior wall mounted lighting as wall packs with full cutoff lens on Sheet 10.

- 6) Add note to freestanding lighting that the light fixture shall be downcast with full cutoff lens on Sheet 10.
- 7) Make note on site plan that Handy Lane was previously approved by VDOT.
- 8) Make note on plat that Handy Lane will be constructed to the property line of the VDOT park and ride and shall be completed during this phase of development.
- 9) Add page to site plan that shows the entire Claytor development site.
- 10) Provide architectural elevation for proposed Dollar General.
- 11) Add note regarding maintenance of bioretention areas.
- 12) Revise site plan to show the property to the south as Bryarly LLC.

The site plan was revised January 29 but failed to include all revisions. The applicant will make a second revision and provide such at the briefing meeting.

County Engineering Consultant comments not addressed by staff comments are as follows:

- 1) Provide inlet protection
- 2) Add note regarding bio-retention shall not be installed until drainage area stabilized.
- 3) Parking spaces should be shown as 37 spaces.
- 4) Loading spaces shall be shown as 55' x 14'.
- 5) Provide profiles for storm sewer, inlet capacity calculations regarding conveyance of runoff from site.

Applicant has addressed these issues and will provide such on the site plan and provide the revised site plan at the briefing meeting.

Geotechnical Engineer comments on Karst Plan were as follows:

- 1) Applicant's geotech did not show sink holes within 1,000 feet of the proposed site nor was it clear that the applicant's geotech made personal onsite observations. All other work was in accordance with acceptable practices of the area.

The applicant's geotechnical engineer has addressed county consultant concerns.

Recommendation

Much of the site plan had been revised as of January 29, but several issues still remain. These issues should be resolved by the briefing meeting prior to the February public hearing, which will give staff time to review the site plan and make a recommendation at the public hearing.

Staff Evaluation:

Site Plan

The applicant is proposing a 9,100 sq. ft. retail store to be leased to Dollar General. Retail stores are allowed by right in the Highway Commercial Zoning District (CH). A karst plan is also required as part of the site plan and has been provided.

Location and Access

The subject property is located on Route 340 next to the Handymart in Waterloo. The access to the Dollar General store will be off of Route 340. VDOT has approved both road and entrance plans for the proposed road known as Handy Lane. Handy Lane has been dedicated to VDOT as a public road and will be constructed by Robert Claytor, owner of the Handymart. Handy Lane will be constructed

in its entirety prior to the Dollar General store receiving a Certificate of Occupancy from the Clarke County Building Department.

Erosion, Sediment and Stormwater

Greenway Engineering has provided an E&S plan and stormwater management plan. These plans have been submitted to County consultant engineering firm of Anderson and Associates. Comments should be received prior to the next regularly scheduled meeting in February.

Water and Septic

The subject property will utilize public water and sewer. The site plan has been forwarded to the Clarke County Sanitary Authority for comments and should be received prior to the next meeting.

Karst Plan

A karst plan has been submitted by the applicant and has been forwarded to county consultant geotechnical engineer, Dan Rom for review and comments. Comments should be received prior to the next meeting.

Lighting and Signage

Signage renderings have been provided but the applicant will need to revise the site plan to show the county's maximum height and signage area for both freestanding signs and wall signage and also give the proposed height and signage areas. The applicant has been contacted to revise this portion of the site plan.

Parking

The county zoning ordinance requires 37 parking spaces for retail businesses containing 9,100 sq. ft. of floor space. The applicant has shown 37 parking spaces.

Landscaping

The applicant has provided a landscaping detail although the site plan does not show the required 25' buffer of trees between the applicant's CH zoned parcel and the AOC zoned parcel to the south. The site plan is being revised to show such.



PROFESSIONALS, INC.

153 BROZZINI CT., SUITE C
GREENVILLE, SC 29615
PHONE (864) 234-7368
FAX (864) 234-7369

January 21, 2014

VADG, LLC
9815 J Sam Furr Road, Suite 259
Huntersville, North Carolina 28078
brian@lenoxland.com

Attention: Mr. Brian Hines, CCIM

Reference: Addendum to Report of Subsurface Exploration and
Geotechnical Engineering Evaluation
Proposed Dollar General Store
Lord Fairfax Highway (US Route 340)
Boyce, Virginia
EAS Project Number: EAS 13-360A-2

Mr. Hines:

The purpose of this Addendum letter is to respond to a letter from Piedmont Geotechnical, Inc. to Clarke County Planning Department, dated January 16, 2014 (see attached letter).

EAS's geotechnical engineer and project manager, Ryan Rafalski, under the direction and in contact with EAS's senior geotechnical engineer, Douglas Dunko PE, performed the site reconnaissance. Mr. Rafalski has over 15 years of experience with karst geology in North Carolina, Tennessee, Virginia, Kentucky and West Virginia. Mr. Rafalski has overseen EAS's in-house geophysical modeling when required. EAS has performed a thorough review of the site and surrounding area for the potential for karst/sinkhole, including reviewing available records on the Clarke County on-line mapping site.

As stated in our previous report and Addendum Letter, **it is our professional opinion that no sinkhole conditions exist on this site. Therefore, no further geophysical and/or intrusive studies of this site are required and/or warranted. EAS's engineer and/or engineering technician will be on-site during site preparation to ensure our recommendations are strictly followed.**

GEOTECHNICAL, ENVIRONMENTAL, CONSTRUCTION MATERIALS AND FORENSIC ENGINEERING
CONSTRUCTION MATERIALS TESTING - LABORATORY TESTING - LAND SURVEYING - SPECIALTY INSPECTIONS

EAS Professionals, Inc.

We have enjoyed working with you on this project, and we are prepared to assist you with the recommended quality assurance monitoring and testing services during construction. Please do not hesitate to contact us if you have any questions regarding this report or if we may be of further service.

Sincerely,

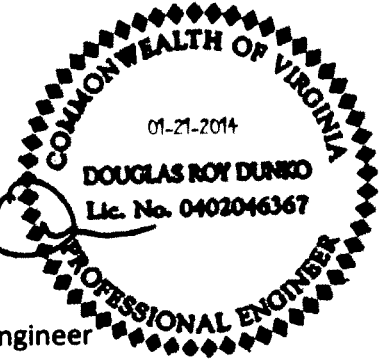
EAS PROFESSIONALS, INC.



Ryan D. Rafalski
Project Engineer



Douglas R. Dunko, PE
Senior Geotechnical Engineer
Virginia PE License No. 0402046367



Attachment: Piedmont Geotechnical, Inc. Letter

Piedmont Geotechnical, Inc.

14735 Wrights Lane • Waterford, Virginia 20197-1601
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RECEIVED

JAN 16 2014

CLARKE COUNTY PLANNING

January 16, 2014

Clarke County Planning Department
Attn: Mr. Jesse Russell
101 Chalmers Court
Berryville, Virginia 22611

Re: Review of Site Development Plan & Geotechnical Report
Proposed Dollar General Store
Tax Map #28-A-20G - Lot 6
Waterloo, Virginia
PGI No. 1604VA

Dear Mr. Russell:

In accordance with your request, we reviewed the following documents:

- Site Development Plan (Greenway Engineering, Inc. - December 6, 2013)
- Subsurface Exploration and Geotechnical Engineering Evaluation (EAS Professionals, Inc. - August 23, 2013)
- Addendum to Report of Subsurface Exploration and Geotechnical Engineering Evaluation (EAS Professionals, Inc. - December 4, 2013)

These documents were prepared in support of the proposed Dollar General Store development at the captioned property.

The geotechnical report appears to have been prepared in accordance with generally accepted practice for the region. EAS made conventional soil borings and stated that, in their opinion, no sinkhole conditions exist on site. No further geophysical and/or intrusive studies of the site were required or warranted, according to EAS. However, EAS did note the presence of potential sinkholes within 1000 feet of the project site. EAS stated that their services included a visit to the site to observe existing surface conditions, and that they reviewed readily available geologic and subsurface information.

Geotechnical and Geo-Environmental Consulting

Virginia, Maryland, District of Columbia, West Virginia, New Jersey
North Carolina, Pennsylvania, Delaware, US Virgin Islands

Clarke County requirements state that the Geotechnical Engineer (GE) *shall make on-site observations, photographs, and measurements as appropriate* as part of the karst evaluation. It is not clear from the documents provided if the GE personally made the on-site observations, or if the observations were made by another individual. It is also not clear if the GE reviewed available sinkhole records which are on geologic maps and Clarke County's on-line mapping site.

The site has been subject to previous disturbance for development, and that disturbance could mask surface manifestations of solution activity. Also, solution activity has been observed in electrical resistivity studies for nearby properties to the northwest.

On the basis of the above, we recommend that EAS perform a site reconnaissance by the GE (Douglas R. Dunko, P.E.), or confirm that the previous reconnaissance was performed by the GE. EAS should also review the sinkhole records in available geologic literature and on the Clarke County on-line mapping site, or should confirm that this has already been done. On completion of these two tasks, EAS should either confirm their statement *no further geophysical and/or intrusive studies of the site were required or warranted*, or should perform these tasks as required (Clarke County 6-H-15: Sinkhole and Karst Features).

If you have any questions regarding the above, or if additional review is required, please call.

Sincerely,

Piedmont Geotechnical, Inc.

Original signed by Daniel S. Rom, VA #12511

Daniel S. Rom, P.E.
Vice President

DSR/jbp

ZONING ORDINANCE TEXT AMENDMENT (TA-14-01)

Revocation of Special Use Permits

February 7, 2014 Planning Commission Meeting – PUBLIC HEARING

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to amend §5-C, Revocation, of the Clarke County Zoning Ordinance. This section provides for the procedure and grounds for revocation of a special use permit (SUP). The purpose of the text amendment is to require a SUP to be presented to the Board of Supervisors for revocation upon issuance of a third Notice of Violation by the zoning administrator for violations of any one or more SUP conditions. The text amendment would also add a new subsection 4 allowing revocation in the case of violations of other provisions of the Zoning Ordinance not addressed by the SUP conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.

Requested Action:

Provide recommended action to the Board of Supervisors. The proposed text amendment has been advertised for Public Hearing at the Planning Commission’s February 7, 2014 meeting.

Staff Discussion/Analysis:

This proposed text amendment is being forwarded to the Planning Commission at the request of the Board of Supervisors.

§5-C of the Zoning Ordinance outlines the process for revocation of a special use permit (SUP) including the circumstances under which an SUP may be revoked. These reasons include failure to establish or discontinuance of the approved special use; repeated or continuing violations of the permit conditions; and fraudulent, false, or misleading information supplied by the applicant during the SUP application process. Regarding revocation for repeated or continuing violations of the permit conditions, §5-C does not provide specifics on the number or the nature of the violations that would justify revocation. As written, the ordinance section leaves this determination to the zoning administrator’s discretion.

The Board has requested the Commission to consider adding language that would provide specificity on the number and nature of violations justifying revocation. In response to this request, Staff has provided draft language for consideration that would require an SUP to be presented for revocation upon the third violation of the permit conditions. The proposed language (bold italics) would be added to §5-C-2 as follows:

2. Repeated or continuing violations of the conditions placed on the Permit. ***Failure to comply with any one or more of the conditions of a Special Use Permit may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present a Special Use Permit to the Board of Supervisors for***

revocation if the NOV is not resolved as directed. Upon the issuance of a third NOV for violations of any one or more of the permit conditions, and failure of the permit holder to appeal to the Board of Zoning Appeals, the Zoning Administrator shall present the Special Use Permit to the Board of Supervisors for revocation.

The effect of the text amendment would be to require the zoning administrator to present an SUP for revocation to the Board after issuance of a third Notice of Violation of any one or more of the permit conditions, regardless of the severity of the violation. The Board would have the discretion to determine whether to forward the matter to the Planning Commission for revocation based on their review of the violation history. The text amendment would allow the zoning administrator the discretion to bring an SUP to the Board for revocation prior to issuance of the third NOV.

Staff has also noted that §5-C does not provide for revocation of an SUP in cases of violations of other sections of the Zoning Ordinance unrelated to the special use, violations of the County Code, or violations of State or Federal law. In certain circumstances, revocation of an SUP may be warranted if violations of other bodies of law not covered by the permit conditions but related to the activities of the special use create adverse impacts on surrounding properties. Should the Commission wish to consider this issue, Staff recommends adding a new subsection 4 that would read as follows:

- 4. Violations of other provisions of the Zoning Ordinance not addressed by the special use permit conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.***

In the case of Zoning Ordinance violations, a notice of violation (NOV) issued by the zoning administrator would be required. In the case of County Code violations or violations of State or Federal law, a conviction or other adjudication would be required in order for the Board to consider revocation. In all cases, the violation would have to arise from an activity related to the special use.

Staff Recommendation:

Staff has no outstanding concerns with the adoption of the text amendment.

Amendment Text (proposed changes in bold italics with strikethroughs where necessary):

5-C REVOCATION

The Board of Supervisors may, by resolution, initiate the revocation of any active Special Use Permit. The consideration of the revocation shall proceed following the procedure set forth for approving a new Special Use Permit. Following a recommendation by the Planning Commission, the Board may revoke an active Special Use Permit for the following reasons:

1. Failure to establish or discontinuance of the approved Special Use: If the approved Special Use has not been established within two years of its approval or if it has been discontinued for one year, the Special Use Permit may be revoked. A Special Use Permit approved before 2004 November 16 shall be eligible for revocation if it has not been established by 2006 November 16 or if it has been discontinued for one year as of 2005 November 16.
2. Repeated or continuing violations of the conditions placed on the Permit. *Failure to comply with any one or more of the conditions of a Special Use Permit may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present a Special Use Permit to the Board of Supervisors for revocation if the NOV is not resolved as directed. Upon the issuance of a third NOV for violations of any one or more of the permit conditions, and failure of the permit holder to appeal to the Board of Zoning Appeals, the Zoning Administrator shall present the Special Use Permit to the Board of Supervisors for revocation.*
3. Fraudulent, false, or misleading information supplied by the applicant in applying for the Special Use Permit.
4. *Violations of other provisions of the Zoning Ordinance not addressed by the special use permit conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.*

History:

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| January 10, 2014. | Commission voted 8-0-3 (McFillen, Staelin, Brumback absent) to set public hearing for the Commission's February 7, 2014 meeting. |
| February 7, 2014. | Placed on the Planning Commission's February meeting agenda and advertised for Public Hearing. |

PLANNING COMMISSION MEETING DATES – 2014 CALENDAR YEAR

Briefing meetings are held on the Tuesday before the regular monthly Planning Commission meeting at 3:00PM in the Government Center A/B Meeting Room, 101 Chalmers Court, 2nd Floor. Regular monthly meetings are held on the first Friday of each month at 9:00AM in the Government Center Main Meeting Room, 101 Chalmers Court, 2nd Floor. There are no meetings scheduled for the month of August. Meeting dates may be adjusted to avoid holidays or other scheduling conflicts (see notes below), and the Planning Commission may schedule special workshops on an as needed basis. All meetings are open to the public.

Month	Briefing Meeting	Regular Meeting
January	Tuesday, January 7	Friday, January 10
February	Tuesday, February 4	Friday, February 7
March	Tuesday, March 4	Friday, March 7
April	Tuesday, April 1	Friday, April 4
May	Tuesday, April 29	Friday, May 2
June	Tuesday, June 3	Friday, June 6
July*	Tuesday, July 8	Friday, July 11
August	No meetings scheduled	No meetings scheduled
September	Tuesday, September 2	Friday, September 5
October	Tuesday, September 30	Friday, October 3
November	Tuesday, November 4	Friday, November 7
December	Tuesday, December 2	Friday, December 5
January 2015**	Tuesday, January 6, 2015	Friday, January 9, 2015

* July meetings moved ahead one week to avoid conflict with the July 4 holiday.

** January 2015 meetings moved ahead one week to avoid conflict with January 1 holiday.

CLARKE COUNTY

PLANNING COMMISSION 2014 COMMITTEE APPOINTMENTS

Permanent Committees

<u>Policy/CIP (Text Amendments, etc.)</u>	Scott Kreider	Chip Steinmetz	Cliff Nelson	Jon Turkel
<u>Site Plans*</u>	Tom McFillen	Anne Caldwell	Cliff Nelson	Robina Bouffault
<i>*Maral Kalbian is the Architectural Consultant to the Site Plan committee.</i>				
<u>Subdivisions</u>	Tom McFillen	Scott Kreider	Jon Turkel	Robina Bouffault
<u>Transportation</u>	Anne Caldwell	Doug Kruhm	Scott Kreider	Chip Steinmetz

Special Committees or Appointments

<u>Board of Zoning Appeals</u>	Anne Caldwell	<u>Berryville Area Dev Authority</u>	Jerry Boyles George L. Ohrstrom, II Kathy Smart
<u>Historic Preservation Commission Liaison</u>	Douglas Kruhm	<u>Board of Supervisors Liaison</u>	John Staelin
<u>Conservation Easement Authority</u>	George L. Ohrstrom, II		
<u>Board of Septic and Well Appeals</u>	John Staelin <i>David Weiss (Alternate)</i> George L. Ohrstrom, II <i>Anne Caldwell (Alternate)</i>		
<u>Ag District Advisory Committee-Liaison</u>	Vacant		

- The Commission Chair is ex-officio member of all committees, but will chair no committee.