



Clarke County Planning Commission

AGENDA – Briefing Meeting

Tuesday, April 29, 2014 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Briefing Meeting Agenda**
- 2. Review Agenda Items for May 2, 2014 Regular Meeting**
- 3. Old Business Items**
 - a. TA-14-02, Administrative Land Divisions**
 - b. TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications**
 - c. Recommendation to the Board of Supervisors on Zoning Ordinance Commercial Boarding Kennel Provisions**
- 4. New Business Items**
 - a. Mandatory Planning Commissioner Visits to Proposed Subdivision Sites**
- 5. Other Business**
 - a. Update, Economic Development Strategic Plan Subcommittee**
 - b. Update, Recreation Plan Subcommittee**
- 6. Adjourn**



Clarke County Planning Department
101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132

TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: TA-14-02, Administrative Land Divisions and TA-14-03, Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications

DATE: April 24, 2014

The purpose of this memo is to update you on the status of Staff's work on the text amendments dealing with administrative land divisions (TA-14-02) and establishment of filing deadlines (TA-14-03). Staff is continuing to work through legal and functional issues with both text amendments and is not ready to provide recommended language for the Commission's consideration at this time. Staff's primary concerns with each text amendment are summarized separately below.

TA-14-02 Administrative Land Divisions

- Develop new amendment language that would require Commission review of administrative land division/boundary line adjustment transactions that would result in the creation of more than three new lots.

Staff Concerns:

Staff continues to work with County Attorney Bob Mitchell to identify the appropriate step in the aforementioned process that would trigger Planning Commission review. The primary concern is to ensure that the new method chosen sufficiently addresses the Commission's issues with this process without resulting in any unintended consequences.

TA-14-03 Establishment of Filing Deadlines for Rezoning, Special Use Permit, Site Plan, and Major Subdivision Applications

- Clarify language in 6-E-3-b-1 to clearly state that the Commission acts on site plans and not Planning Staff.
- Make public hearings and public notice on site plan reviews a requirement. The ordinance currently makes public hearings optional although it has been the Commission's practice to conduct advertised public hearings and notify adjoining property owners.
- Develop a timeline that maps the milestones and deadlines in the review process for demonstrative purposes.

Staff Concerns:

Mr. Mitchell has been working with Staff to develop consistent language in the site plan, rezoning, text amendment, special use, and subdivision sections to explain the review processes and new filing deadlines that would be established. He is also working to update any inconsistent provisions in the same sections and to provide tighter process descriptions.

One area that has proven to be a challenge is fitting the Commission's desired public hearing review process within the state code's mandated 60-day review period for new site plans and 45-day review period for resubmitted site plans. State Code provides an applicant with legal recourse via the Circuit Court in the event that a site plan is not acted on within the 60-day review period, and the Code deems a re-submitted site plan to be approved if it is not acted on within the 45-day review period. If a public hearing is required for site plan reviews, the initial review process would be close to 60 days with the Commission setting public hearing at around the 30 day mark and conducting the hearing around the 60 day mark. In some of the scenarios we have tested, the review process would exceed the 60 day mark based on the Commission's regular meeting schedules coinciding with holidays. Postponement of meetings due to inclement weather or quorum issues could also cause a deadline to be missed.

Staff will continue to work through these issues with Mr. Mitchell and will bring forward our recommendations as soon as we have fully addressed our concerns. Should you have questions or concerns in advance of the briefing meeting, please do not hesitate to contact me.



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TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Recommendation to the Board of Supervisors on Zoning Ordinance Commercial Boarding Kennel Provisions

DATE: April 22, 2014

At the April 1 briefing meeting, the Planning Commission discussed the Board of Supervisors' request to evaluate the concept of removing commercial kennels, animal shelters, veterinary services, animal hospitals, and breeding kennels uses from the AOC and FOC Districts as a special use and establishing them as by-right uses in the Highway Commercial (CH) District. The Board requested that the Commission provide a formal recommendation on this request including review of the individual uses that are grouped within this category.

The majority of the Commission members agreed to direct Staff to prepare a written response to the Board that would include the following recommendations:

- Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as special uses in the AOC District.
- Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as special uses in the FOC District.
- Adopt a new use in the AOC District, "Animal Shelter/Governmental," for animal shelters that are either owned or endorsed by the County government.

Commission members did not want to prepare a draft text amendment this time but preferred to provide these recommendations for the Board's consideration. Below is a draft motion that the Commission can act on at the May 2 regular meeting to formally advance these recommendations to the Board. Should you have questions or concerns in advance of the briefing meeting, please do not hesitate to contact us.

MOTION:

Move to recommend that the Board of Supervisors consider the following actions:

1. Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as special uses in the AOC District (§3-A-1-a-3-u). These two uses would become prohibited uses in the AOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.

2. Delete “Commercial Boarding Kennels of more than five canine or feline animals” and “Animal Shelters” as special uses in the FOC District (§3-A-2-a-3-q). These two uses would become prohibited uses in the FOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.

3. Adopt a new use in the AOC District, “Animal Shelter/Governmental,” for animal shelters that are either owned or endorsed by the County government. The Clarke County Animal Shelter would be classified under this new use and would not be made nonconforming by deletion of “Animal Shelters” from §3-A-1-a-3-u.



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TO: Planning Commission members

FROM: Brandon Stidham, Planning Director

RE: Mandatory Planning Commissioner Visits to Proposed Subdivision Sites

DATE: April 24, 2014

During the Commission's deliberation of the Binda minor subdivision application at the April 4 meeting, Commission members expressed an interest in potentially establishing a policy of conducting site visits for potential subdivision sites. Site visits were apparently conducted in the past on some requests but have been conducted sporadically in recent years.

Staff does not have any concerns with Commission site visits provided that they are conducted by no more than two (2) Commissioners at a time. A site visit of more than two (2) Commissioners would constitute a public meeting which could create potential logistical and liability issues with making an applicant's property open to the public for a site visit. Should the Commission wish to create a formal policy, Staff recommends that a policy be added to the Commission's By-Laws in order to capture the policy in writing. Staff would also recommend extending the site visit policy to include site plan, rezoning, and special use permit applications. Should the Commission want to make site visits mandatory, Staff recommends that the two members for the district in which the subject property lies be required to conduct the site visit. This would reduce the burden on Staff and the applicant to organize and conduct separate site visits for no more than two (2) Commissioners at a time.

Draft language for inclusion in the Commission's By-Laws is provided below for your consideration:

Article 8 – Site Visits by Commission Members

For land use applications (rezoning, site plan, special use permit, major/minor subdivision) that have been filed for the Commission's review, a site visit shall be conducted by the two (2) members of the district in which the subject property lies prior to the Commission's initial consideration of the application. In the event that one or both of the district members cannot attend the site visit, the Chair, Vice-Chair, or member(s) of the site plan subcommittee shall participate. Visits to properties that are the subject of land use applications or projects shall not be attended by more than two (2) Commission members at a time.

Should you have questions or concerns in advance of the briefing meeting, please do not hesitate to contact me.