

**CLARKE COUNTY PLANNING COMMISSION
TABLE OF CONTENTS
September 4, 2020 Business Meeting Packet**

<u>Item #</u>	<u>Description</u>	<u>Pages</u>
1	Meeting Agenda	1-2
2	Approval of Minutes – July 10, 2020 Business Meeting	3-17
3	SP-20-02/CA-20-02, Sheetz, Inc.	18-38
	-- Staff Report	18-21
	-- Application Materials	22-38
4	MS-20-01, Mt. Hebron, LLC	39-49
	-- Staff Report	39-40
	-- Application Materials	41-49
5	MS-20-03/MLSE20-01, Thomas Lawson Moore/L Seven Farm, LC.	50-56
	-- Staff Report	50-51
	-- Application Materials	52-56
6	Continued Discussion, Short-Term Residential Rentals Text Amendment	
	--Staff Report and Attachment	57-60
9	Scheduling of Remaining Work Sessions	61



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, September 4, 2020 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes – July 10, 2020 Business Meeting**

Public Hearing

3. **SP-20-02/CA-20-02, Sheetz, Inc.** Request approval of a Site Plan Amendment and a Certificate of Appropriateness to add a 1,095.02 square foot addition to an existing convenience store to accommodate more retail space and indoor seating, partial removal of gas canopy, and building exterior changes to the property located in the Highway Commercial (CH) and the Historic Access Corridor Overlay (HC) Districts. The property is located at 12582 Lord Fairfax Highway, reference Tax Maps 20-A-36C & 36A and 28-A-17, in the White Post Election District.

Minor Subdivision Application -- Deferred

4. **MS-20-01, Mt. Hebron, LLC.** Request approval of a two lot Minor Subdivision for the property identified as Tax Map #26-A-6, located at 2000 Springsbury Road in the Millwood Election District zoned Agricultural Open-Space Conservation (AOC).

New Minor Subdivision and Maximum Lot Size Exception Application

5. **MS-20-03/MLSE-20-01, Thomas Lawson Moore/L Seven Farm, LC.** Request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #27-A-8, located at 15799 Lord Fairfax Highway in the White Post Election District zoned Agricultural-Open Space-Conservation (AOC).

Discussion Items

6. **Continued Discussion, Short-Term Residential Rentals Text Amendment**
7. **Board/Committee Reports**
 - a. Board of Supervisors (Matthew Bass)
 - b. Board of Septic & Well Appeals (George Ohrstrom, II)
 - c. Board of Zoning Appeals (Anne Caldwell)
 - d. Historic Preservation Commission (Doug Kruhm)
 - e. Conservation Easement Authority (George Ohrstrom, II)
 - f. Broadband Implementation Committee (Brandon Stidham)

Other Business

8. **Letters of Appreciation**
9. **Scheduling of Remaining Work Sessions**

10. Presentation, Clarke County Land Use and Zoning Overview

Adjourn

UPCOMING MEETINGS:
Comprehensive Plan Committee Wednesday, September 23 (2:00PM) – Main Meeting Room
Commission Work Session (TO BE DETERMINED) Tuesday, September 29 (3:00PM)
Commission Business Meeting Friday, October 2 (9:00AM)



Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Friday, July 10, 2020 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	X
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	✓

STAFF PRESENT: Brandon Stidham (Director of Planning), Ryan Fincham (Senior Planner/Zoning Administrator), Debbie Bean (Recording Secretary)

OTHERS: Stuart Dunn (Dunn Surveying), John Scully (Agent for Mt. Hebron)

CALL TO ORDER: Chair Ohrstrom called the meeting to order at 9:02 AM.

1. Approval of Agenda

The Commission voted to approve the meeting agenda as presented by Staff.

Motion to approve July 10, 2020 Business Meeting Agenda:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE (moved)
Glover	AYE		

2. Approval of Minutes

The Commission voted to approve the revised June 5, 2020 Business Meeting minutes with one change on page 3 in the packet, there was a note left off referring to anyone that had participated electronically.

Motion to approve the June 5, 2020 Business Meeting Minutes:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE (moved)
Glover	AYE		

3. Set Public Hearing

SP-20-02/CA-20-02, Sheetz, Inc. Request approval of a Site Plan Amendment and a Certificate of Appropriateness to add a 1,095.02 square foot addition to an existing convenience store to accommodate more retail space and indoor seating, partial removal of gas canopy, and building exterior changes to the property located in the Highway Commercial (CH) and the Historic Access Corridor Overlay (HC) Districts. The property is located at 12582 Lord Fairfax Highway, reference Tax Maps 20-A-36C & 36A and 28-A-17, in the White Post Election District.

Mr. Fincham stated that Sheetz, Inc. is requesting a Site Plan Amendment and a Certificate of Appropriateness for the property located at 12582 Fairfax Highway. He stated that the Applicant is proposing to add a 1,095.02 square foot addition to an existing convenience store to accommodate more retail space, indoor seating, partial removal of gas canopy, and building exterior changes to the property. He said that Staff will be providing a comment letter to the Applicant requesting that a project narrative of all proposed changes be provided on the title page as well as other Staff required revisions on the site plan. He stated that the comment letter will request that the lots be merged or boundary line adjusted to create conformity. He stated that the Planning Commission Plans Review Committee reviewed the request on June 22, 2020 and made the following comments: provide existing elevation of the store for comparison; provide elevations with larger font size for reading purposes; explain if the entire structure will be re-bricked or only partially; and provide further details regarding the flat projection roof shown on the south side of the building supporting a sign, specifically regarding snow load and safety issues. He said that Staff will include the Committee's comments in the letter to the Applicant.

He stated that the ingress/egress for the facility is existing and is shown on the site plan. He said the VDOT sent a comment letter by email on June 22, 2020 requesting additional information to be provided by the applicant. Staff has not received any additional information since that date. He stated that the property is served by public water and sewer provided by the Clarke County Sanitary Authority. He said that the current convenience store does not have onsite eating facilities, so the store is not currently inspected for food service by the Virginia Department of Health. He said that the property is served by public water and sewer provided by the Clarke County Sanitary Authority. He stated that the site plan has been routed to Clarke County Sanitary Authority but comments have not been received yet. He stated that since the property is located in the Historic Access Corridor Overlay District (HC), a certificate of appropriateness must be reviewed and approved as a condition of approval of the Site Plan Amendment. He said that the Planning Commission is the review authority for all certificates of appropriateness in the HC District. He stated that Maral Kalbian, Architectural Historian, has reviewed the proposed canopy and in a letter from her dated June 15, 2020 it states that the proposed design of the building meets the criteria in the HC District. In her letter, Ms. Kalbian asked the Applicant whether the canopies that extend from the building to the gas pumps shown as being removed will also be replaced. Mr. Fincham said they will not be replaced. He said that he does not know the answer to her question regarding whether the canopies remaining over the gas pumps will remain as is or will they be replaced and altered. He said that there has not been a response from the Applicant yet.

Mr. Fincham said that Staff recommends the Planning Commission set public hearing on the site plan application for the September 4, 2020 meeting and defer action on the certificate of appropriateness application pending further comments. He said a public hearing is not required for a certificate of appropriateness.

The Commission voted to set public hearing for this site plan application for September 4, 2020 and defer action on the certificate of appropriateness until the September 4, 2020 Planning Commission Business meeting.

Motion to set Public Hearing for this request SP-20-02/CA-20-02, Sheetz, Inc:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (moved)	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	AYE		

4. Minor Subdivision Application

MS-20-01, Mt. Hebron, LLC. Request approval of a Minor Subdivision for the property identified as Tax Map #26-A-6, located at 2000 Springsbury Road in the Millwood Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Fincham said this is a request for a proposed two lot minor subdivision on the property located at 2000 Springsbury Road. He said the subdivision portion of the property fronts Possum Hollow Road. He stated that the acreage is 130.7888 acres and they are looking to subdivide off two new three acre lots. He said that the result of the subdivision will be three lots consisting of two 3.00 acre lots and one lot over 100 acres in size.

He stated that the existing structures located on Lots 1 and 2 have zoning permits on file as accessory structures issued in 2017. He said that the property owner purchased some industrial trailers from the school system to convert into small dwellings. He said the former owner got a 2019 zoning permit for the structure located on Lot 1 for the use of the structure to be converted into a tenant house dwelling and we issued those zoning permits. He stated that neither structure is properly permitted or approved according to Building Department records. He stated that there have never been any building permit applications submitted or approved to use the structures as single family dwellings on either of the proposed new lots. He said that recently the permit was renewed for the accessory structure permit on Lot 1. He said that the structure on Lot 2 had an accessory structure permit but it had expired and was not renewed. He stated that we are not able to approve an accessory structure on a vacant lot larger than 150 square feet and these structures are about 900 square feet. He stated that the letter that he provided to the Commission is a letter from the property owner Dan Millner who is also the Manager for Mt Hebron, LLC. Mr. Fincham said that he had a phone conversation with him yesterday. He said that he has taken the leadership role on this project about a week ago. He has talked to the Building Department and they are issuing him a building permit for the dwelling on Lot 1 and they are going to finish up the accessory structure permit on Lot 2 and then immediately put in a change of use permit for a new dwelling on Lot 2. He said that Mr. Millner understands this process and he is comfortable working through this process. He said that Mr. Millner has requested that that since there is no meeting in August and Covid-19 has made the ability to resolve the outstanding issues a little harder for all of us, he would like the Commission to condition the approval so he can complete the paperwork with the Planning Department and the Building Department. Mr. Fincham said that Mr. Millner knows this is unusual to grant such approvals but he is hopeful based on the conversation with Staff that this can be accomplished. Mr. Fincham stated the other form he provided to the Commission was a copy of the plat showing the actual driveways for Lots 1 and 2 which are highlighted in pink. He said

that the Virginia Department of Transportation (VDOT) has already approved the subdivision plat but there were no actual access points on the plat. He said that the GIS Department asked that these access points be on the plat. He stated that Bobby Boyce with VDOT met the surveyor on site and he knew where they were so he was comfortable with it. He said that there are the sites that we looked at and we do have an approval from VDOT as of yesterday by email on the two driveways. He stated that the Health Department has no concerns. He said that all of the karst reviews were done prior for the approved drainfields in association with this subdivision and all of them have primary and reserves. He said that Staff recommendation is to defer but in light of these current documents he is comfortable with the conditional approval but he said he will leave that to the Commission.

Chair Ohrstrom asked the Commission if they have any questions. Commissioner Lee said that it states in the Staff report that the septic systems have not been given a final approval. Mr. Fincham stated that the process for the septic systems involve either have approved certification letters on file or for septic to be installed. He stated that for the case of Lots 1 and 2 the septic systems are actually permitted, installed and inspected. He said that he knows that they do not have final approval. He said that is not granted until the Health Department has done a water sample test from the structures. He stated that they do not have water samples because they are not dwellings yet. He said that all of this will be worked through the process. He stated that if a conditional approval were to be granted there would be no signatures on the plat from the Chairman or the Zoning Administrator until a certificate of occupancy is issued for the dwellings. He said that at a minimum a certificate of occupancy for the dwelling on Lot 1 is currently being occupied and an active building permit on Lot 2 pushing towards the certificate of occupancy. Commissioner Bass asked if any concerns were raised by the adjacent property owners. Mr. Fincham said he did not speak to the neighbors but Mr. Staples has spoken with other Staff members regarding this strip on the plat on page 2 of 2 which is on page 33 of 56 in the packet if you follow from north to south down Possum Hollow Road there is a cul-de-sac and then there is a continuing right of way that stretches Lot 2 and next to the Leblanc and Green property and reaches back into the Staples property. He said that there is some discussion between Mr. Staples and Mt. Hebron as to the ownership of that strip and Staff informed them that is an issue that they can work out privately and provided that it does not affect the subdivision. He stated that it could have some affect in the future because VDOT has been very clear that the remaining three dwelling unit rights on the residual they would prefer to come off of Possum Hollow Road because Springsbury Road has some issues. He said that this legality of ownership and the fact that the right of way is coming through all of those properties they would probably do the grading and sight distance requirements as necessary on Springsbury Road to feed the other three lots unless it gets put into conservation easement and then the dwelling unit rights would go away.

Chair Ohrstrom asked the Commission if anyone else has questions. He said that to some extent he agrees with the applicant and that since we do not have an August meeting and because of Covid-19 no one knows what is going to happen in September. He said that Mr. Fincham and Mr. Royston are working on this request and we would be withholding signatures until everything is complete, he does not have a problem with this but he would be interested in hearing from the rest of the Commission. Commissioner Bass asked if we have encountered in the past any other precedent setting. Chair Ohrstrom stated that we generally do not like conditional approvals, we have tried to stay away from them but we have done them in the past occasionally. He said that we do not like to do them because it does set a precedent but he thinks with the circumstances that we are in now he thinks if someone came in and say we did for someone else we can say we were in the middle of Covid-19 which is a very different situation. Mr. Stidham said the more unique the fact pattern is for a particular case the less likelihood a precedent would be established. Commissioner Kreider stated that he is not comfortable with the amount of outstanding issues. He said that neither of the

structures are completed and they are going to break this off and he presumes that the lots will be sold with complete houses on them. He said he does not think this request should be approved until all the issues are settled. Commissioner Caldwell stated that she also has a problem with the precedent issue. She said that we very rarely issue conditional approvals and she agrees with Commissioner Kreider with the number of outstanding issues and with some of the issues about Covid19 which she thinks we are coping well with that. She said she does not see the urgency in getting this approved today and she is very uncomfortable with the conditional approval. Commissioner Glover asked how long will it take on calendar time to work through all these issues. Mr. Fincham stated that is totally dependent on the Building Department and their work load which is substantial. He said he would think if they could get the certificate of occupancy on Lot 1 and an active building permit on Lot 2 it would probably take 2 to 3 weeks and that is just a guess.

Commissioner Bass said to Commissioner Kreider’s point what do we know about the eventual plans for this property. Mr. Fincham said that he thinks the plan would be to sell the lots with the small 900 square foot dwellings. He said that John Scully (Realtor for Mt. Hebron) and Stuart Dunn (Dunn Surveying for Mt. Hebron) are present and can answer questions. Mr. Scully said the plan is to sell the property and the main tract which will be 125 acres and there is a contract on that portion that is set to close in September and that sort of prompts some of the timing of all of this. He said if we miss an August meeting we will run up against a deadline. He said that he thinks the long term plan for these two lots has been to keep them and give or provide housing for long term employees. He said that could change and they could sell them. He said what they want is to create a separate lot that they can sell. He said that Dan Millner and the family recognizes that the cart got ahead of the horse in this situation. He stated that we are trying to get the horse and cart back to where they belong and we are doing the best we can and we think we are very close for the final building inspection on Lot 1 that has been done we just do not have the paper work yet. He said that Lot 2 is still an accessory structure that we have to get a permit for. He stated that then we will get it approved for a residential use and it is as it got derailed because the owner died and the son lives in Texas and doing the best he can. He said that he is great to work with and he knows this is unusual and he is hoping the Commission will work with him. Chair Ohrstrom asked if there were any more comments and there being none he called for a motion.

The Commission voted 8-2-1 to defer the request for one month to the September 4 meeting.

Motion to defer the request for one month to the September 4 meeting:			
Ohrstrom (Chair)	NAY	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (Moved)
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Seconded)	Lee	NAY
Dunning	AYE	Malone	AYE
Glover	AYE		

5. Discussion Items
Short-Term Residential Rentals Text Amendment –
Recommendation from Policy & Transportation Committee

Mr. Stidham said that we are picking up where we left off at the June 5, 2020 Planning Commission Business meeting with our discussion on short term residential rentals text amendment. He said that this report starts on page 37 of 56. He said that Staff assembled a report outlining potential approaches to enforcing these regulations if they were adopted in various forms. He stated that it refers to two policy

issues the first one is given the number of existing short-term residential rentals operating in the County should new regulations be applied retroactively to existing rentals or only to new rentals proposed after the regulations are adopted. He stated that the second one is if the rules are applied retroactively, should Staff be directed to enforce the new rules proactively and if so, how would a proactive enforcement program be designed. He stated that at the June 5th meeting we discussed a non-owner occupied rental that would require a special use permit approval for a country inn. He said that as a point of clarification any "home swap" that is not being done for compensation would not be considered a short-term residential rental and would not be subject to the proposed regulations. He stated that Staff is looking for direction from the Commission regarding the next steps with the proposed short-term residential rentals text amendment. He spoke about the complaint-basis enforcement in which the Zoning Administrator will investigate a potential zoning violation only if it is a formal complaint and that is even if it is a violation that is publicly discernible. Chair Ohrstrom asked what does that mean. Mr. Stidham said if you were driving down the road and see a zoning violation we will not take action against that violation unless it is a complaint. Chair Ohrstrom asked if the person making this complaint would have to

identify themselves and if so does the applicant know who is making the complaint. Mr. Stidham said that the state code allows zoning complaints to be anonymous. He said that it is up to the complainant to make the decision if they do or do not want to remain anonymous. Commissioner Bass asked what would happen if hypothetically speaking he was to receive an email list of 40 or more dwellings and Airbnbs and he has complaints with all of these properties. Mr. Stidham said that the second component of this would be what evidence is being provided. He stated that with a different type of zoning violation like illegal construction or someone has posted an illegal sign in their front yard. He said that we can drive by and see that and just giving us a list of Airbnb complaints and even given us listings on the Airbnb website is not enough for us to initiate a notice of zoning violation. He stated if they do give us a list of something that is being advertised on the website, Mr. Fincham can attempt to contact those people if he is able to discern where those properties are but as it is most often on the website they do not post the physical location. He said that we would have to get more evidence to prove that there is a violation occurring. He stated that Mr. Fincham has encountered situations where the property owner has put the ad up but there are no rentals and therefore we have no proof that a violation has occurred. He asked Commissioner Bass if that answered his question and Commissioner Bass said that it did. Mr. Stidham said that the Planning Department does not currently use proactive enforcement. He said while this approach has the potential to identify and address more zoning violations, it is very costly to operate in terms of Staff time and resources. He stated that this approach is also susceptible to criticisms of not being a neutral process especially in targeted enforcement situations.

Mr. Stidham said that if the proposed short-term residential rental regulations are adopted and a standard application is the chosen policy the new regulations would apply only to new short-term residential rental operators who begin rentals after the adoption date of the regulations. He stated that the existing short-term rental operators with a County business license containing either a zoning approval or marked "zoning approval not required" by the Planning Department would be deemed nonconforming. He said that compliance with the new regulations would not be required unless the rental operation is continued for two or more years and loses its nonconforming status. He said that short-term residential rental operators without a County business or any zoning approval by the Planning Department would not be deemed nonconforming and would have to comply with the new regulations. Commissioner Caldwell asked Mr. Stidham if would address these two scenarios with specific concern regarding septic issues with some of these businesses. She said that in particular the standard application where somebody has an Airbnb and a business license and they have never come in to get a zoning approval because we have

never required it. She stated that they are advertising for 12 people to stay in an old house and there is no records in the Health Department about the septic system. Mr. Stidham said on that example the most important thing that she said was that they have a business license. He said that means they would have had to come through our office for review and we would have either written approved or zoning approval not required. He said that they would be grandfathered to comply from the regulations considered nonconforming because they were legally approved for business prior to initiation of the new regulations. He stated that this is where we are applying regulations moving forward from adopting them. He said that if they did not get a business license and do not have any other written approval from our office specifically Mr. Fincham, then they would not have any sort of zoning approval and without a business license there would be no evidence that they were legal with the County from a zoning prospective so they would have to comply with the new regulations. Commissioner Caldwell asked if anybody aside from Robina Bouffault documented how many business licenses for Airbnbs or any short term rentals are actually existing. Mr. Stidham said other than the Commissioner of the Revenue's office we have not had any outside citizens or Staff do that. He said that he has talked with the Commissioner of the Revenue and they are supposed to be tracking who is paying transient and occupancy tax. He confirmed with her that if you are making any money whatsoever on short-term rentals you are required to have a business license. He said that there is no minimum threshold so all money making short-term rentals require a business license. Commissioner Caldwell asked if we have a list from the Commissioner of the Revenue of those properties. Mr. Stidham said that the Commissioner of the Revenue could probably generate a list. Commissioner Caldwell said so we do not know how many licenses are out there and where they are. Mr. Stidham said depending on what we do with these regulations and which approach we choose will determine whether what level Staff needs to go to build a data base and that would be one of the resources we would start with. Commissioner Lee said to reference back for the work that Ms. Bouffault did on March 11, 2020 we had a total of nine licensed and a total of 41 unlicensed in the County. Chair Ohrstrom asked Mr. Stidham if he has any idea what it would cost to hire one person for the Planning Department to work on this. He said that we used to have a Code Enforcement Officer here but obviously from revenue speaking that is problematic for the County. He said he was curious as to how much it would cost to hire someone. Mr. Stidham said that if we did a proactive enforcement program we would have to have a dedicated person to do that if you want it done right and get as many of them as possible. He said that the work load would be consistent unless the number of operators dropped off or we got the vast majority of them to come into compliance.

Mr. Stidham presented possible enforcement approaches that could be used. He said that the Planning Staff must receive a formal complaint in person, via telephone, or via email in order to investigate any noncomplaint rental operation. He said that sufficient evidence that a violation is occurring or has occurred must be provided by the complaint and/or identified through the investigation in order for Staff to issue a Notice of Violation (NOV). He stated that if sufficient evidence exists, an NOV would be issued and the operator would have 30 days to comply with the requirements noted in the NOV (or provide us with a good timeline for compliance) or file an appeal of the Zoning Administrator's decision to the Board of Zoning Appeals (BZA). He said that failure to do either would result in the complaint being forwarded to the Commonwealth's Attorney for legal action.

Mr. Stidham discussed the full Proactive Enforcement approach. He said that proactive enforcement would attempt to track compliance levels of all short-term residential rental activities on a regular basis using all available means and with the goal of ensuring uniform permitting and compliance county-wide. He said that the Planning Department staff time and resources would be dedicated to developing and maintaining a database of all approved short-term residential rentals and their permitted occupancy level.

He stated that on a regular basis they would be comparing the database to online listings to identify. Mr. Stidham discussed the “Soft Start” Proactive Enforcement approach. He said this involves a two-prong approach beginning with an outreach program. He stated that a fixed period would be established for rental operators to educate themselves on the new regulations and to contact Planning Department Staff to come into compliance voluntarily. He said that Planning Staff would work with economic development staff and the public information officer to publicize the new regulations in hard copy brochures and electronic formats on the County website and social media. He stated that the rental operators must come into compliance during the grace period or provide a plan of action to achieve compliance within a set time frame to avoid enforcement action. He said that the plan of action may be allowed in situations where upgrades to the operator’s onsite sewage disposal system is necessary. He stated that at the end of the grace period, the full proactive enforcement program as described above would commence. Chair Ohrstrom asked Mr. Stidham if this would be a rolling soft start. He said if you started it in 2021 for all of the existing items that came in and then someone came in 2022 would they still have a year to get themselves together under the regulations or since they came in after the soft start. Mr. Stidham said he thinks the soft start is to benefit the existing rental operators. He said that is someone comes in 2022 and the new regulations have already been on the books for a year or more that person should know what the rules are. Chair Ohrstrom said that he does not disagree with the answer, he was just curious.

Mr. Stidham discussed the “Business License” approach. Mr. Stidham said that this method would apply standard application of the proposed regulations and complaint-basis enforcement, but would rely on the rental operator’s business license status to determine whether they are “grandfathered” from having to comply with the new regulations. He said that the Commissioner of the Revenue’s office requires a business license if you are making money from a short-term residential rental operation. He said that any existing rental operator without a valid business license would be given a grace period of 6 months from the adoption date of the regulations to obtain a business license and be “grandfathered” from the new regulations. He stated that the regulations and business license requirement would be publicized to notify operators. He said that existing rental operators who come in for business licenses during the grace period would be reviewed by the Zoning Administrator who would note on the application form that the rental operation is on conforming as of the application date and that they must not discontinue the operation for two or more years in order to preserve this nonconforming status. He stated that rental operators would register their name and business location in the process of getting a business license. He said that would enable Planning Staff to maintain a list of all nonconforming rental operations and track their status. He stated that if a rental operation fails to maintain a business license thereafter for two or more years, Planning Staff can notify the operator that they have lost their nonconforming status. He stated that rental operators can also be asked to provide maximum occupancy and this information can be forwarded to the Building Department or Virginia Department of Health (VDH) for their information and potential enforcement action. He said if any rental operator who chooses not to get a business license within the specified time frame would lose the opportunity to have a nonconforming status. He stated that Staff would not proactively initiate an enforcement action but could act if a formal complaint is filed. He said that Planning Staff would include any existing rental operations with a business license in the list and track them along with operators who obtain business licenses during the grace period.

Mr. Stidham stated that at the last meeting of the Commission on June 5th, Commissioner Caldwell brought up the potential for creating an exemption for hostels and calling this something different than a short-term residential rental operation. He said that you could have a situation along the Appalachian Trail where you have a rental cabin of some type that is operated either by the Park Service

or a nonprofit that is an amenity to people hiking on the trail. He said that it would not necessarily be a commercial operation nor would it be a home occupation it would be a trail amenity. He stated as we are working on these regulations it might be one of the issues we would be willing to look at as these rentals may be in conjunction with the Appalachian Trail or some other passive use element. Commissioner Lee asked if they are a nonprofit then they would not have to get a business license is that correct. Mr. Stidham said that is correct and we would need to be very careful about an exemption or a different set of rules or otherwise you would have individuals wanting to set up nonprofits so they could run their short-term residential rentals. Commissioner Bass said that they are not going to be making a whole lot of money if that happens. Vice Chair Buckley stated from a general stand point is it accurate to say Clarke County wants to be known as a destination. Commissioner Hunt said if we are assuming that is true we do not want to be known as the County that goes wild after Airbnbs or places that would allow folks to come and access these resources. Mr. Stidham said that in particular if you are going after one sector with a proactive enforcement approach you do run the risk of sending the wrong message. Chair Ohrstrom said that it strikes him that what we are really worried about is the Airbnb that Commissioner Caldwell was referring to is in an old house like his that was built in 1750, the septic system was permitted back in the 1970s. He said he could advertise it as a 1750 cabin and rent it out. He stated that we would want to make sure if he did that the building conformed to whatever safety features would be needed for people coming to stay and that the septic would be able to handle it. He asked Commissioner Caldwell if is this what she is talking about and what we are trying to address.

Commissioner Caldwell said that Commissioner Kruhm came up with another issue at the last meeting for the house by the river and she is wondering if Mr. Stidham could take those two examples and walk the Commission through how these examples would be dealt with in each of your scenarios of proactive, retroactive enforcement, soft start approach versus full on approach to enforcement. She said that she finds this whole topic incredibly difficult and there does not seem to be an easy obvious answer especially with all the pros and cons for all of the approaches. She said if we could look at these examples and see how they work with each of the approaches it might be helpful. Mr. Stidham said it is kind of interesting that our main concern is with the septic system capacity and whether the building is safe for occupancy. He said that the first one is regulated by the Health Department and the second one is regulated by the Building Department. He is not necessarily hearing any concerns that are purely related to zoning so it sounds like what we are attempting to do is use zoning as a gateway to enforce the Health Department and Building Department requirements. He said that we might feel differently if the Health Department was able to enforce it in a different way. Chair Ohrstrom said he thinks the word “willing” should replace the word “able” because they are not interested in going out and certifying septic systems. Commissioner Lee said no they are not in the business for doing that, they work on a complaint basis only. He stated that in talking with them they are not inclined to do any regulations on this because they only work on complaint basis. Commissioner Glover stated that his concern is that leveling the playing field with the B&Bs with the other businesses that have been established with business licenses. Mr. Stidham stated if we are looking at an actual zoning justification for creating the rules he thinks you have to look at the character and intensity of the use itself and decide whether it is an acceptable and compatible use for where these things are located. He said that he sensed when he was going through some of the different scenarios at last month’s meeting he said the scenario if someone just wants to rent when they are on vacation and they would have to get a special use permit for a country inn may be a burden. He stated that this would be the type of thing that the Commission would have to decide with these regulations and to be comfortable if this is a compatible use in most areas. He said would the Commission want to go through a Staff approval process or do you want a more intensive oversight process for that. Commissioner Lee said it seems to him from the looks of it we are not collecting a lot of revenue from the people that have not

gotten a business license. He said he does not know if that would amount to a lot of money or not but it seems unfair to the people that have gotten a business license and they are trying to compete with a person that has not gotten a business license. Mr. Stidham said to keep in mind that the business license is the Commissioner of the Revenue's instrument and they are responsible for enforcing against people that do not get a business license. Chair Ohrstrom stated he does not think the business licenses generate a lot of money and it would not pay for an enforcement person. Vice Chair Buckley said that they are not collecting the tax if they do not have a business license. He said that he wanted to thank Planning Commissioner Glover for bringing up the fact about leveling out the playing field. He stated that we received an email from L' Auberge Provencale Bed & Breakfast about leveling the playing field because they had to jump through all the hoops for their operation. He said that we are talking about drainfields and that is sort of a big concern. He stated that it is not so much the drainfield but if you have a 900 foot square house that is advertising sleeping fourteen and that is impossible. He said there is a house that he is familiar with that I happen to know for a fact is a four bedroom occupancy and it advertises that it sleeps sixteen and that is double their permitted occupancy. He stated that what that means is they are putting people in rooms in the basement which may or may not have egress. He said that is a huge problem and as far as zoning goes if I move into a subdivision that has pretty nice four bedroom houses why should I have to put up with a house right next door that has twenty-six people in it every weekend. Chair Ohrstrom said he agrees but we live in a very small county that does not have the revenue to have a full time enforcement officer.

Vice Chair Buckley said that he actually does not want that. He said that his wish would be complaint driven so if there is a problem we can put some teeth into it. He said he does not expect Staff to go out and look for every problem there is. He said if the people are doing it right then that is fine and he is all for them doing it and doing it right. Mr. Fincham stated that we have talked about the Health Department and the Building Department and I wanted to be clear that both of those departments have clearly stated that they are not in the Airbnb game and I do not have the ordinance in front of me but as I recall the draft ordinance would bring the Health Department in at all levels whether it is a B&B, Airbnb, Country Inn or whatever. He said that to be clear the Building Department will not be involved in the safety issues unless it is a special use permit. He said there is no trigger and they are not involved in Home Occupations just to be clear the Building Department would not have any oversight of these Airbnb's unless it went to the special use permit for a Country Inn. Chair Ohrstrom asked what would happen if under Vice Chair Buckley's scenario where there was a complaint on someplace where there was a bunch of people sleeping in the basement and they did not have an egress and did not have a smoke alarm, etc., but since there was not a special use permit the Building Department would not be able to go back and say you need to do all of this.

Mr. Stidham said that he does not have any control over the Building Department or how they go about enforcing their Building Codes so he cannot speak for them. He said if we are issuing Zoning Permits we are going to have an occupancy on them. He stated that right now as the regulations are currently written there is going to be a maximum occupancy of ten which keeps it under the Building Code threshold for requiring a use change. Chair Ohrstrom stated that at the same time as I have mentioned before there are not that many drainfields in the county that are certified for five bedrooms which would be ten people. He said that we are already creating a problem. Commissioner Caldwell said to decrease it to eight. Mr. Stidham asked Commissioner Lee if you could install an expensive alternative system to get that occupancy. Commissioner Lee said that yes you could but it would be very expensive and a lot of times with older systems they are not going to meet the current regulations. Commissioner Glover said that he

understands that we are emphasizing on zoning but he does not see anything wrong with making aggressive changes to this and if the County choses to get a person to do this then I say great but it is better to have it in a written document. Chair Ohrstrom stated that it is not up to us to implement this as we will forward it to the Board of Supervisors. Chair Ohrstrom asked if we have some business licenses. Commissioner Lee said we had nine business licenses and we had forty-one without a business license. Mr. Stidham said with taxes being remitted by Airbnb's that does not necessarily mean everyone remitting those taxes have business licenses. Commissioner Bass said what he is grappling with and he does not have an answer to is he thinks that consensus is probably complaint based right now as opposed to proactive because that is not a viable path forward. He said that retroactivity seems to be the consensus and he does not see in these workups the adjoining of those two. He said his question for Staff is how do we go about doing that. Mr. Stidham said he thinks the best model to use would be the business license approach and modify that to be applied retroactively and we would understand it is complaint basis. Chair Ohrstrom said as long as a person can file an anonymous complaint he does not see it as a big deal. Mr. Stidham said he would be remiss in expressing that in the past not necessarily on short term residential rentals if a potential violation has been brought to our attention by a Board member or Planning Commission member or some other County official and we have asked what the status is and we have not received a complaint it is not unusual for that individual to be the anonymous complainer. He asked is this the sort of business that we want to do. Commissioner Caldwell asked if she could change the subject for a little bit. She said that last month we wanted the Supervisors to get some idea about what they think about this whole system and we have two of the Supervisors sitting here right now. Chair Ohrstrom said that he knows they are having a work session about this on Monday.

Mr. Stidham said that he is doing a presentation at the Board of Supervisors July work session on Monday and he will be handing out this material but he wanted to make sure the Commission saw it first. Commissioner Bass said we hope to have a better feel for this the next time. Vice Chair Buckley said going back to what Mr. Stidham said it seems like that we should have a written complaint in the file and he thought could it simply be we redacted. He said if he came in and wanted to file a complaint and you make me put it in writing and then you take a black magic marker and cross out his signature and put it in the file. Mr. Stidham said that it does not necessarily need to be in writing to be anonymous, it would be in writing in terms of Mr. Fincham writing down the information he has been told but not the person's name or phone number. Vice Chair Buckley said that he thought there should be a paper trail about the complaint. Mr. Stidham said there will be a paper trail but we will have the tracking of the complaint just not the name of the anonymous person.

Mr. Fincham stated on the septic issue with the ten maximum occupancy he believes one of the options was ten maximum but if it was less than ten someone was advertising or applying for a short term for a four person occupancy then you have to have the septic to. He said that he does not think it was ten across the board because if you have a six person occupancy then that is what the ordinance says you have. He stated concerning L' Auberge Provencale Bed & Breakfast they had to spend a lot of money and their biggest issue was with the Building Department and with the Fire Marshall and the reason they were involved is because it was a site plan amendment for the special use permit. Chair Ohrstrom said perhaps what we should do and this is just a suggestion is table this excellent discussion until September and Commissioner Bass can report back on what the Board of Supervisors want to do. He thinks that could be quite helpful but he does not know what everyone else wants to do. Commissioner Caldwell suggested that perhaps maybe Mr. Stidham or Mr. Fincham could work on modifying some of these options such as combining some of the best features of several of them to a combined approach and she thinks the general consensus here is that the hard proactive enforcement is probably not going to fly. She said that the

business license approach seems the best to her out of all these options but maybe we could sink some teeth into that. Chair Ohrstrom said that we could combine the business license approach with what Commissioner Bass said. Mr. Stidham said this is the first time you have had a chance to look at this and think through it. Mr. Stidham said he thinks that the next time we meet we will have had more time to look at this and we will have had direction from the Board of Supervisors. Commissioner Bass said he has one point of clarification he would like to address. He said with respect to the making of the complaint itself you do not necessarily need evidence of violation you need that to proceed forward against them but someone could make a complaint for example an Airbnb listing is that accurate. Mr. Stidham said that someone could call in and they are complaining about an Airbnb and here is the address and then they hang up without any further information. Mr. Fincham will work with Bernie Thompson, Code Enforcement Inspector and do as much as we can as far as investigation to figure out what is going on and if we have an opportunity to contact that property owner that is probably the best way to get information. Commissioner Bass stated that he wanted to make sure that is the case with the understanding that in order to issue the notice of violation we would still need some evidence. Mr. Fincham said just for clarification the largest percentage of calls that come in are from people that are concerned with something and then I ask if they would like to lodge a complaint and the large percentage say no but those same issues come back later and say this has been going on forever and why is something not been done. Chair Ohrstrom called for a motion.

The Commission voted to continue discussion until the next Planning commission meeting on September 4, 2020.

Motion to defer discussion of Short-Term Residential Rentals for one month:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (Seconded)
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE		

6. Resolution to Initiate Review of the 2015 Clarke County Recreation Component Plan

Ms. Teetor said that the Recreation Component Plan and Comprehensive Plan is up for its five year review. She said that she asked Jon Turkel, who was one of the committee members and the Planning Commission liaison at the time of adoption to help with the Staff review. She asked him how he felt in terms of needed changes or any updates to the plan. She said that he did not see anything and she did not see anything but subsequent to that a couple of weeks ago we had a sub-committee meeting. She said that the committee members had some really good suggestions mainly evolving around certain components like we had some changes with the parking areas and questioning whether or not the family campgrounds should be included and some updates to the map. She said we had some really good suggestions in terms of making it more current. She stated that it really does not change policy, goals or objectives of the plan. She said that the recommendation would be to have the sub-committee meet and update the plan with those changes and adopt it. She said that what we are going for right now is the resolution. Mr. Stidham said that a Resolution to Initiate Review of the Recreation Component Plan is on page 47 of 56 of the packet. He said that the Commission has seen these resolutions in the past and this would help us meet our milestone for compliance with the State Code requirement. He said that we can move forward with this and not necessarily have to do the Comprehensive Plan update since we are just updating factual information and not the goals and objective strategies. Chair Ohrstrom called for a motion.

The Commission voted to approve the Resolution to Initiate Review of the 2015 Clarke Recreation Component Plan.

Motion to approve Resolution to Initiate Review of the 2015 Clarke County Recreation Component Plan:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (Moved)
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

7. Board/Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass stated that the last Board meeting was on June 16, 2020 and we received the school update from Dr. Chuck Bishop and we also had a lot of discussion and questioning on how the schools will move forward in the fall. He said that the short answer is that it is still up in the air. He said that the School Board has a work session meeting coming up on Monday and hopefully there will be more clarification on this. He said that this is a large concern for a good number of our county residents. He said that we received updates from VDOT and information on what is going on with Route 9 and that has not hit peak yet because of the COVID situation. He said that we will have to wait and see how that develops. He said that Sheriff Roper and his officers are doing a great job. He stated that we had updates on COVID and the general consensus is that we are doing okay so far and hope that everyone continues to do so. He said that we also allocated funding for a school resource officers for Boyce and D.G. Cooley.

Board of Septic & Well Appeals (George Ohrstrom, II)

Mr. Fincham said that we still have Locke’s Mill application pending. He said that the applicant reached out last week and they would like to push forward but they are going to revise their request to take off the proposed well. He said that Staff is waiting for the paper work to be submitted and then we can schedule a date for the public hearing.

Board of Zoning Appeals (Anne Caldwell)

Nothing to report.

Historic Preservation Commission (Doug Kruhm)

Chair Ohrstrom stated that Commissioner Kruhm is not hear today to report.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom said that we are still soliciting easements and have a few good ones in the pipelines.

Broadband Implementation Committee (Doug Lawrence)

Supervisor Lawrence said that the biggest change is that we put Dr. Houck, a citizen, on the committee. He said that Staff will be the new Director of Economic Development and Tourism. He said that there will be a meeting scheduled in the next couple of weeks.

Chair Ohrstrom said that he can tell us something on the side about all of this that can effect broadband. He stated that he sent an email out to everyone on his contact list on Thursday about Rappahannock Electric Cooperative. He said that they are going to have their Board of Director elections and there is a man running that he knows, he is a former Justice Department lawyer and his name is Seth Heald. He said that one of his goals is to promote transparency on the REC Board because electronic cooperatives are actually owned by the members of the cooperative. He said that a lot of times the Board has been on the Board for thirty some years and they have very odd ways of counting votes and it is actually non-transparent and they have been getting away with this for years. He said that Mr. Heald wants to get on the Board through the election process to change that and he also wants to press the REC in to going the last mile and being a broadband carrier. He said when you get your ballot you may want to vote for him because the most efficient way to get broadband for everyone to run it through your electric wire.

Supervisor Lawrence said that one component that the Commission did not discuss on the county level was Airbnbs and the new Director of Tourism and Economic Development that we hired. He said that he thinks it was 2% transient occupancy tax and he would like to it go up to 5% to help pay for her salary and then part of her job could be for making contact with all of these people at the different tourism destinations. He said that could be a big job getting people to comply that have not been. He said that along the same lines he knows that legally the County is not responsible for making sure the place is safe just because we are taking 2% from someone coming in here. He said that if someone from Fairfax plans to spend the weekend and they are paying the County, he thinks the County has an obligation to make sure what we are offering is safe. Chair Ohrstrom stated that is one of the questions that we asked Bob Mitchell, the County Attorney a few months ago when this committee first got going and as I remember he said that although the county was collecting taxes from the Airbnb's that did not mean they assumed liability as it should fall on the home owner. Chair Ohrstrom said it was a good idea but he does not know what to do about it.

8. Amend the meeting schedule.

Mr. Stidham stated that on page 48 of 56 in the packet there is a motion regarding moving the November Work Session meeting from Tuesday, November 3 to Wednesday, November 4 in order to avoid conflict with the Election Day holiday.

The Commission voted to approve this motion to change the November 3, 2020 Work Session Meeting to November 4, 2020 in order to avoid conflict with the Election Day holiday.

Motion to Amend Meeting Schedule to move the November 3, 2020 Work Session to November 4, 2020:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	AYE (Moved)		

Commissioner Malone said that Ms. Bouffault left the Commission and she was wondering if we are going to do a resolution or send a letter or have we already done that. Chair Ohrstrom said that he has not done that yet. He said that we also need to do a resolution or letter for Mary Daniel and Pete Maynard which he will work on getting this done.

ADJOURN: Motion to adjourn meeting at 10:39 AM was adopted.

Motion to adjourn meeting:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE (moved)
Glover	AYE		

George L. Ohrstrom, II (Chair)

Debbie Bean (Administrative Assistant)

**SITE PLAN (SP-20-02) & CERTIFICATE OF APPROPRIATENESS (CA-20-02)
Sheetz, Inc.
September 4, 2020 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 site plan amendment and certificate of appropriateness application. It may be useful to members of the general public interested in this proposed amendment.

Case Summary

Applicant(s):
Sheetz, Inc.

Location:

- 12582 Lord Fairfax Highway, Boyce, VA 22620
- Tax Map #28-A-17, 20-A-36C & 36A
- Zoned Highway Commercial (CH)
- White Post Election District (Randy Buckley & Buster Dunning)

Parcel Size

20-A-36A & 20-A-36C & 28-A-17: Total 3.806 acres

Zoning

Highway Commercial (CH)

Request

Sheetz, Inc. requests approval of a Site Plan Amendment and a Certificate of Appropriateness to add a 1,095.02 square foot addition to an existing convenience store to accommodate more retail space and indoor seating, partial removal of gas canopy, and building exterior changes to the property located in the Highway Commercial (CH) and the Historic Access Corridor Overlay (HC) Districts. The property is located at 12582 Lord Fairfax Highway, reference Tax Maps 20-A-36C & 36A and 28-A-17, in the White Post Election District.

UPDATE:

Since the July 10, 2020 Commission meeting:

-Staff provided a detailed comment report to the Applicant identifying required site plan revisions, and requested clarification as to whether the lots will be merged or if any boundary line adjustments would be made. Staff also provided the Commission Plans Review Committee comments and the comments provided by Maral Kalbian, Architectural Historian, to the Applicant. Lastly, Staff forwarded the comments provided by the Clarke County Sanitary Authority received after the July meeting, and resent the VDOT comments that had been previously received.

Staff Comments:

A revised site plan was received August 27, 2020. Most of the required changes were made. A new revised site plan is anticipated on Monday August 31, 2020 with the remaining required revisions. The

Applicant has notified Staff that all three lots will be legally merged. Staff awaits a lot consolidation plat from a licensed surveyor. The lot consolidation plat will be approved and recorded prior to signing the Final Site Plan.

VDOT:

Per the Applicant's engineer, the agent has been working with VDOT on all required revisions and will be submitting the revised plan to VDOT imminently. Staff awaits VDOT comments or approval.

CCSA:

The CCSA required no revisions, but asked that the grease flow collection remain intact during construction and noted that the CCSA will be working with Sheetz to relocate the water meter. Notes were added to the revised site plan page 4 regarding these comments. CCSA has no further comment.

Health Department (VDH):

An approval letter for the proposed remodel was issued by VDH on August 13, 2020.

Plans Review Committee: (Comments and Responses)

- 1) Please provide existing elevations of the store for comparison.
- *There were no existing elevations located. Pictures were provided of the existing structure.*
- 2) Please provide elevations with larger font size for reading purposes.
- *The Applicant will provide. Not received to date.*
- 3) Please explain if the entire structure will be re-bricked or only partially.
- *The entire structure will be re-bricked.*
- 4) Please provide further details regarding the flat projection roof shown on the south side of the building supporting a sign, specifically regarding snow load and safety issues.
- *The construction plan detail was provided. All Building Department requirements will be satisfied prior to approval and construction will be properly inspected.*

Maral Kalbian: (Questions and Responses)

- 1) Will the canopies that extend from the building to the gas pumps shown as being removed also be replaced? - *No*
- 2) Will the canopies remaining over the gas pumps remain as is or will they be replaced and altered?
- *The remaining canopies will remain unchanged.*

Recommendation:

Staff recommends denial of the application due to lack of VDOT approval and other outstanding issues noted above. The 60-day time period required for Planning Commission action on this request began on July 10, 2020. Therefore, the Planning Commission must take action on the request (approve or deny) at the September 4, 2020 meeting in order to not exceed the required timeline. The Applicant may voluntarily defer their request to the October meeting prior to the start of the September 4, 2020 meeting. The Applicant has indicated to Staff that the required VDOT revisions have been made and that they are hopeful that VDOT approval could be issued next week, and that a new revised site plan will be submitted soon, both of which could alter Staff's recommendation.

Previous Staff Discussion/Analysis from the July 10, 2020 meeting)

The applicant intends to construct a 1,095.02 square foot addition to an existing convenience store to accommodate more retail space and indoor seating. The Applicant also proposes to remove the portion of the existing gas canopy between the building and the gas pumps and change the façade of the building with a few exterior changes to the property such as outdoor seating. The property consists of three parcels, Tax Map 20-A-36A & 36C, and Tax Map 28-A-17.

Staff has initially reviewed the site plan for compliance with requirements and the review is on-going. The Planning Commission Plans Review Committee reviewed the request on June 22, 2020. Staff will be providing a comment letter to the Applicant soon requesting that a project narrative of all proposed changes be provided on the Title Page as well as other Staff required revisions on the site plan. The comment letter will request that the lots be merged or boundary line adjusted to create conformity. Staff will also include the Committees' comments which are: 1) Please provide existing elevations of the store for comparison, 2) Please provide elevations with larger font size for reading purposes, 3) Please explain if the entire structure will be re-bricked or only partially, 5) Please provide further details regarding the flat projection roof shown on the south side of the building supporting a sign, specifically regarding snow load and safety issues. Review letters were also sent to the Building Code Official and Emergency Management Director but no comments have been received to date.

Location and Access:

The subject property is located on the northwest corner of the intersection of Lord Fairfax Highway (Rt. 340) and John Mosby Highway (Rt. 50). The ingress/egress for the facility is existing and is shown on the site plan. VDOT sent a comment letter by email on June 22, 2020 requesting additional information to be provided by the applicant. Staff has not received any additional information since that date.

Water and Sewer:

The property is served by public water and sewer provided by the Clarke County Sanitary Authority (CCSA). The site plan has been routed to CCSA for review. Comments have not been received as of the drafting of this report.

Health Department:

The current convenience store does not have on site eating facilities, so the store is not currently inspected for food service by the Virginia Department of Health (VDH). The Virginia Department of Agriculture (VDACS) currently inspects the facility. The proposed project will include indoor and outdoor seating, therefore the Health Department will require a plan review application for review and future food establishment permitting, as indicated via email on June 10, 2020 by VDH. VDACS will also continue to inspect the facility as well.

Certificate of Appropriateness (C/A):

Since the project is located in the Historic Access Corridor Overlay District (HC), a certificate of appropriateness must be reviewed and approved as a condition of approval of the site plan amendment. The Planning Commission is the review authority for all certificates of appropriateness in the HC District, and a public hearing is not required. Maral Kalbian, Architectural Historian, has reviewed the proposed canopy and in her June 15, 2020 letter states that the proposed design of the building meets the criteria in the HC District. She asked the Applicant two follow-up questions: 1) Will the canopies that extend from the building to the gas

pumps shown as being removed also be replaced, and 2) Will the canopies remaining over the gas pumps remain as is or will they be replaced and altered? No response comment letter has been received by the Applicant to date.

History:

May 29, 2020	Pre-Application meeting held with Planning Staff.
June 5, 2020	Site Plan Amendment Application filed by the applicant.
July 10, 2020	Commission's scheduled Public Hearing for September 4, 2020.
September 4, 2020	Placed on the Commission's meeting agenda and advertised for Public Hearing.

GENERAL NOTES

- Greenway Engineering, Inc. (GE) issued this plan set based on project criteria dictated by the client and municipal codes. This plan set is not considered complete or appropriate for construction until ALL necessary agencies have given approval AND this plan set is signed and sealed by a licensed professional. Any work, planning, scheduling, material purchases and/or construction prior to approvals and licensed/professional sealing will be performed at the risk of the personnel authorizing work. GE shall be held harmless from and costs, time delay and/or material changes incurred on work started before this plan set receives approvals and seals.
- Methods and materials used in the construction of the improvements herein shall conform to current County Construction Standards and Specifications and/or current VDOT Standards and Specifications.
- The Engineer shall not have control over or charge of and shall not be responsible for construction means, methods, techniques, sequences or procedures nor for safety precautions and programs in connection with work shown on these plans. The Engineer is not responsible for the contractor's schedules or failure to carry out the work. The Engineer is not responsible for acts of omissions of the contractor, subcontractor, or their agents or employees, or any other person performing portions of the work.
- The Contractor, Owner or Developer shall be responsible for securing any third party inspection/testing service to insure construction compliance with these plans and specifications. It is Greenway Engineering's recommendation that a third party inspection/testing service be employed to ensure that project is completed and materials installed meet the details and specifications in these plans.
- The location of existing utilities shown in these plans are taken from existing records. It shall be the contractor's responsibility to verify the exact horizontal and vertical location of all existing utilities as needed prior to construction. The contractor shall be responsible for the digging of all test holes that may be required, whether recommended or not by these plans, to determine the exact location and elevation of existing utilities. If any conflicts arising from this existing utility verification or if during the course of construction, any object of an unusual nature is encountered, the contractor shall cease work in that area and immediately notify Greenway Engineering at (540) 662-4185 and/or the proper authority. Greenway Engineering or any engineer associated with these plans shall not be responsible or liable for any construction cost that may be associated with the installation or reinstallation any utility or other improvements if not notified of any discrepancies between actual field conditions and the approved plan.
- The approved plans in no way relieve the developer, the contractor, or their agents of any legal responsibility which may be required by the code of Virginia or any other ordinance enacted by the County nor does it guarantee the issuance of any required permit by the County, VDOT or any other Agency.
- An approved set of plans and all applicable permits must be available at the construction site at all times during construction. A representative of the developer must be available at all times.
- Prior to the initiation of any land disturbing activities the Developer, the Contractor or the Responsible Land Disturber shall obtain a Land Disturbance Permit from the County Engineer's office. The Contractor, Developer or his agent shall be responsible for obtaining a Virginia Stormwater Management Program (VSMF) Permit and shall be responsible for the registration of the construction site as required by law. They shall also be responsible for obtaining and maintaining on site a Stormwater Pollution Prevention Plan (SWPPP). The approval of these plans in no way relieves the developer or his agent of the responsibilities contained in the Virginia Erosion and Sediment Control Handbook.
- The Developer or his agent shall be responsible for obtaining any required permits from the Virginia Department of Environmental Quality (DEQ) or the United States Army Corp of Engineers for any plan wetland disturbance as shown on these plans. They shall also be responsible the identification and delineation of any wetlands that may be present on the construction site.
- The contractor shall provide adequate means of cleaning mud from trucks and/or other equipment prior to entering public streets, and it is the contractor's responsibility to clean streets, alley ways, and to take whatever measures are necessary to insure that public streets are maintained in a clean, mud and dust free condition at all times.
- A permit must be obtained from the Office of the Resident Engineer, Virginia Department of Transportation (VDOT) and Clarke County prior to any construction activities within existing State right-of-way.
- The developer will be responsible for any damage to the existing streets and utilities which occurs as a result of his construction project within or contiguous to the existing right-of-way.
- Warning signs, markers, barricades or flagmen should be in accordance with the State and Federal Manual on Uniform Traffic Control Devices (MUTCD).
- The exact location of all guard rails and paved ditches will be determined by VDOT personnel. A joint inspection will be held with the Developer, County Representatives, and Representatives of the Virginia Department of Transportation (VDOT) to determine if and where guard rail and/or paved ditches will be needed. The developer will be responsible for providing guardrail and paved ditches as determined by this joint inspection." Refer to Virginia Department of Transportation (VDOT) Guardrail and Paved Ditch Specifications."
- All unsuitable material shall be removed from the construction limits of the site plan before placing embankment.
- All pavement sections shown on these approved plans are based on a minimum CBR value of 8 and are for preliminary design only. Final pavement design shall be based upon actual field tested CBR values. The Contractor or Developer shall be responsible for field tests per VDOT standards to obtain actual CBR values for final design. Final pavement designs will be approved by VDOT and/or the Owner/Developer, which ever applicable, prior to installation.
- All springs shall be capped and piped to the nearest storm sewer manholes or curb inlet. The pipe shall be minimum 6" diameter and conform to VDOT standard SB-1.
- When grading is proposed within easements of utilities, letters of permission from all involved companies must be provided to the County Building Department prior to issuance of grading and/or site development permits.
- Notification shall be given to the appropriate utility company prior to construction of water and/or sanitary sewer lines. Information should also be obtained from the appropriate authority concerning permits, cut sheets, and connections to existing lines.
- The Developer and/or Contractor shall be responsible to supply all utility companies with copies of the approved plans and advise them that all grading shall conform to the approved plans, and further that the utility companies shall be responsible for honoring these plans and the finished grades in the installation of their utility lines.
- All utilities to be located underground.
- The developer will be responsible for the relocation of any utilities which is required as a result of his project. The relocation should be done prior to construction.
- All stormwater piping and structures shown on these plans are only accurate to the inlet or manhole locations as shown hereon. Detail design of stormwater structures were not provided to Greenway Engineering. Actual pipe alignments will be based upon developed structural shop drawings as provided by the manufacturer. Contractor shall make adjustments to pipe alignments base on provided shop drawings. Greenway Engineering will not be held responsible or liable for any discrepancies or changes caused by the structural design. Contractor may submit shop drawings to Greenway Engineering for review and approval at contractor's expense. Shop drawings will be reviewed for compliance with design plans. The Owner or Developer will be responsible for any redesign as a result of structural shop drawing design.
- Controlled fills shall be compacted to 95% of maximum density as determined by method "A" per standard proctor AASHTO-T99, ASTM-D698, or VTM-1 as applicable. Density shall be certified by a registered professional engineer and results submitted to Clarke County prior to pavement construction. If a geotechnical report has been prepared, it should supersede the requirements in this note.
- Refer to Geotechnical Engineer for methods, materials and details for construction of all earthwork activities.
- Any retaining wall 2 ft. or greater in height shall require the issuance of a separate building permit.
- Construction debris shall be containerized in accordance with the Virginia Litter Control Act; no less than one litter receptacle shall be provided at the construction site.
- These plans identify the location of all known gravesites. Gravesites shown on this plan will be protected in accordance with state law. In the event gravesites are discovered during construction, the owner and engineer must be notified immediately.
- Individual sign permits will be required from the Zoning Office for all free standing and/or facade signs prior to erecting the sign and may require a separate building permit.

VDOT GENERAL NOTES

- All work on this project shall conform to the current editions of and latest revisions to the Virginia Department of Transportation (VDOT) Road and Bridge Specifications and Standards, the Virginia Erosion and Sediment Control Regulations, and any other applicable state, federal or local regulations. In case of a discrepancy or conflict between the Standards or Specifications and Regulations, the most stringent shall govern.
- All construction shall comply with the latest U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), and Virginia Occupational Safety & Health (VOSH) Rules and Regulations.
- When working within VDOT right-of-way, all traffic control, whether permanent or temporary, shall be in accordance with the current edition of VDOT's Work Area Protection Manual. A transportation management plan needs to be submitted for approval and land use permit issued prior to any execution of work within the VDOT right of way.
- The developer shall be responsible for relocating, at his expense, any and all utilities, including traffic signal poles, junction boxes, controllers, etc., owned by VDOT or private / public utility companies. It is the sole responsibility of the developer to locate and identify utility facilities or items that may be in conflict with the proposed construction activity. VDOT approval of these plans does not indemnify the developer from this responsibility.
- Design features relating to field construction, regulations, and control or safety of traffic may be subject to change as deemed necessary by VDOT. Any additional expense incurred as a result of any field revision shall be the responsibility of the developer.
- If required by the local VDOT Land Development Office, a pre-construction conference shall be arranged and held by the engineer and/or developer with the attendance of the contractor (s), various County agencies, utility companies and VDOT prior to initiation of work.
- The contractor shall notify the local VDOT Land Development Office when work is to begin or cease for any undetermined length of time. VDOT requires and shall receive 48 hours advance notice prior to any required or requested inspection.
- The contractor shall notify the Traffic Operations Center at (540) 332-9500 for any traffic control plan that impacts a VDOT maintained Interstate or Primary roadway to provide notification of the installation and removal of the work zone.
- The contractor shall be responsible for maintaining a VDOT permitted temporary construction entrance(s) in accordance with Section 3.02 of the Virginia Erosion and Sediment Control Handbook. Furthermore, access to other properties affected by this project shall be maintained through construction.
- Contractor shall ensure adequate drainage is achieved and maintained on the site during and at the end of construction.
- All water and sewer lines within existing or proposed VDOT right-of-way shall have a minimum thirty-six (36) inches cover and when possible shall be installed under roadway drainage facilities at conflict points.
- Any unusual subsurface conditions (e.g., unsuitable soils, springs, sinkholes, voids, caves, etc.) encountered during the construction shall be immediately brought to the attention of the engineer and VDOT. Work shall cease in that vicinity until an adequate design can be determined by the engineer and approved by VDOT.
- All fill areas, borrow material and undercut areas shall be inspected and approved by a VDOT representative prior to placement of fill. A VDOT representative shall be present to insure the soil sample(s) obtained for CBR's is representative of the location. When soil samples are submitted to private laboratories for testing, the samples shall be clearly identified and labeled as belonging to a project to be accepted by VDOT and that testing shall be performed in accordance with all applicable VDOT standards and procedures.
- All roadway fill, base, subgrade material, and backfill in utility/storm sewer trenches shall be compacted in accordance with the lift thickness, density and moisture requirements as specified in the current VDOT Road and Bridge Specifications. Certified copies of test reports shall be submitted to VDOT daily, unless specified otherwise.
- VDOT Standard CD and UD underdrains shall be installed where indicated on these plans and/or as specified by VDOT.
- A post installation visual/video camera inspection shall be conducted by the Contractor on all pipes identified on the plans as storm sewer pipe and a select number of pipe culverts. For pipe culverts, a minimum one pipe installation for each size of each material type will be inspected or ten percent of the total amount for each size and material type summarized. All pipe installations on the plans not identified as storm sewer pipe shall be considered as culvert pipe for inspection purposes. Additional testing may be required as directed by the Area Land Use Engineer or their representative.
- The installation of any entrances and mailboxes within any dedicated street right-of-way shall meet VDOT minimum design standards and is the responsibility of the developer.
- Prior to VDOT acceptance of any streets, all required street signage and/or pavement markings shall be installed by the developer in accordance with the Manual On Uniform Traffic Control Devices.
- The developer shall provide the VDOT Land Development Office with a list of all material sources prior to the start of construction. Copies of all invoices for materials utilized within any dedicated street right-of-way must be provided to the local VDOT Land Development Office prior to acceptance of the work. Unit and total prices may be obscured.
- Aggregate base and subbase materials shall be placed on subgrade by means of a mechanical spreader. Density will be determined using the density control strip in accordance with Section 304 of the VDOT Road and Bridge Specifications and VM-10. A certified compaction technician shall perform these tests. Certified copies of test reports shall be submitted to VDOT daily, unless specified otherwise. In addition to checking stone depths, a VDOT representative shall be notified and given the opportunity to be present during the construction and testing of the density control strip.
- Asphalt concrete pavements shall be placed in accordance with Section 315 of the VDOT Road and Bridge Specifications. Density shall be determined using the density control strip as specified in Section 315 and VM-76. A certified compaction technician shall perform these tests. Certified copies of test reports shall be submitted to VDOT daily, unless specified otherwise. A VDOT representative shall be notified and given the opportunity to be present during the construction and testing of the control strip.
- In accordance with Section 302.03, the foundations for pipe culverts thirty-six (36) inches and larger shall be explored below the bottom of the excavation to determine the type and condition of the foundation. The contractor shall report findings of foundation exploration to the engineer and VDOT for approval prior to placing pipe. Foundation designs shall comply with VDOT Road and Bridge Standard PB-1. Where soft, yielding, or otherwise unsuitable foundation is encountered, the foundation design and/or need for foundation stabilization shall be determined by the engineer and approved by VDOT.
- VDOT Standard Guardrail shall be installed where warranted and/or as proposed on these plans in accordance with VDOT's installation criteria. Final approval of the guardrail layout to be given by VDOT after grading is mostly complete.
- Approval of these plans shall expire five (5) years from the date of the approval letter.
- VDOT Standard CG-12 Curb Ramps shall be installed where indicated on these plans and/or as specified by VDOT.
- The foundations for all box culverts shall be investigated by means of exploratory borings advanced below proposed foundation elevation to determine the type and condition of the foundation. The contractor shall submit copies of borehole logs and report findings of foundation exploration to the engineer and VDOT for approval prior to constructing box. Foundation designs shall comply with VDOT Road and Bridge Standard PB-1. Contrary to the Standard, where rock is encountered and cast-in-place box is proposed, the thickness of bedding shall be six (6) inches. Where soft, yielding, or otherwise unsuitable foundation is encountered, the foundation design and/or need for foundation stabilization shall be determined by the engineer and approved by VDOT.

TRIP GENERATION DATA

CLASS	USE	DWELLING UNITS	* TRIP RATE	VPD
THIS PROJECT UPON COMPLETION OF CONSTRUCTION WILL NOT GENERATE ANY ADDITIONAL TRIPS				
* TAKEN FROM ITE TRIP GENERATION 9TH EDITION				

PROJECT NOTES

- THE APPLICANT PROPOSES TO REMODEL THE EXISTING STORE AND CANOPIES.
- ALL MATERIAL, WORKMANSHIP AND CONSTRUCTION FOR THE SITE IMPROVEMENTS SHOWN HEREIN SHALL BE IN ACCORDANCE WITH:
 - CURRENT PREVAILING CLARKE COUNTY ZONING ORDINANCE REQUIREMENTS.
 - CURRENT PREVAILING UTILITY COMPANY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.

STORMWATER RUNOFF QUANTITY & QUALITY ANALYSIS NARRATIVE

NO CHANGES PROPOSED TO SITE DRAINAGE

PROJECT NARRATIVE

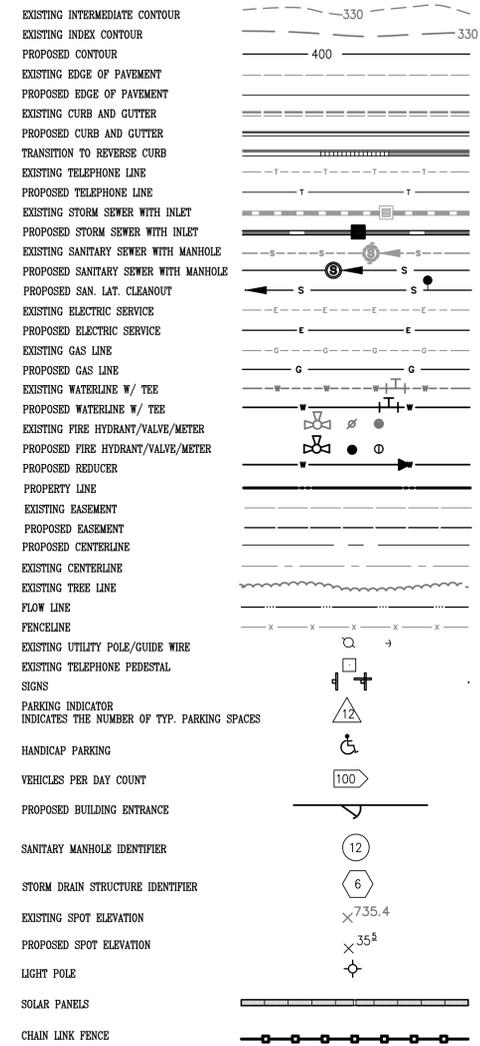
THE SUBJECT PROJECT CONSIST OF 3 PARCELS 28-A-17 & 20-A-36C & 20-A-36A ALL OWNED BY SHEETZ THAT ARE TO BE CONSOLIDATED AS A PART OF THIS REMODEL. THE EXISTING STORE IS 4,323 SF AND WILL BE REMODELED AND EXPANDED TO 5,419 SF.

BELOW ARE THE FOLLOWING ADDITIONS THAT ARE TO BE INCLUDED WITHIN THE REMODEL

- THE PROPOSED REMODEL WILL PROVIDED 22 INDOOR SEATING SPACES, CURRENTLY THERE IS NONE.
- THE PROPOSED REMODEL WILL PROVIDED 12 OUTDOOR SEATING SPACES, CURRENTLY THESE IS NONE
- THE PROPOSED REMODEL WILL INCREASE THE KITCHEN FOOD PREP AREA
- THE PROPOSED REMODEL WILL INCREASE THE WALK IN COOLERS
- THE PROPOSED REMODEL WILL PROVIDE MORE EFFICIENT/CONVENIENT FLOOR PLAN THAT WILL INCREASE THE SALE FLOOR AREA
- REMODEL WILL REMOVE THE EXISTING PORTION OF THE CANOPY CONNECTING THE CANOPY OVER THE PUMP ISLANDS TO THE BUILDING
- REMODEL WILL PROVIDE UPDATED EXTERIOR LOOK MORE IN KEEPING WITH SHEETZ CURRENT STYLE/BRANDING
- REMODEL WILL REMOVE AND REPLACE UNDERGROUND STORAGE TANKS AND ALL DISPENSERS.

THE REMODEL WILL PROVIDE THE SURROUNDING COMMUNITY A MORE CONVENIENT UP TO DATE STORE WITH A BETTER FLOOR PLAN AND AN EXTERIOR FACADE THAT IS MORE AESTHETICALLY PLEASING AND IN KEEPING WITH CURRENT ARCHITECTURE

LEGEND



PROJECT INFORMATION

PARCEL IDENTIFICATION NO.	28-A-17 & 20-A-36C & 20-A-36A (TO BE CONSOLIDATED)
STREET ADDRESS:	12582 LORD FAIRFAX HWY
PROJECT SITE AREA:	3.8016 ACRES
DISTURBED AREA AREA:	6,880 SF
CURRENT ZONING:	COMMERCIAL HIGHWAY (CH)
PROPOSED USE:	CONVENIENCE STORE W/ FUELING
REQUIRED BLDG SETBACKS:	
FRONT:	35'
FROM ALL PROPERTY LINES OF PROPERTY ZONED HIGHWAY COMMERCIAL:	
SIDE:	10'
PROVIDED SETBACKS:	74.3' MIN. (EX. HANDY MART PUMP CANOPY)
FRONT:	71.8' (EX. HANDY MART PUMP CANOPY)
SIDE:	48.5" (EX. HANDY MART BUILDING)
REAR:	
MAXIMUM BUILDING HEIGHT:	40'
PROPOSED BUILDING HEIGHT:	BLDG. HEIGHT = 16' & CANOPY HEIGHT = 22'
PARKING SETBACK:	NO PARKING CHANGES PROPOSED WITH THIS PLAN
SIGN	ALL SIGNS SHALL BE IN ACCORDANCE WITH THE CLARKE COUNTY ZONING ORDINANCE, CODE CHAPTER 188 SECTION 4-1
MAX LOT COVERAGE BY ALL IMPERVIOUS SURFACE 85% ALLOWED:	3.8016x 0.85 = 3.23 AC
PROPOSED IMPERVIOUS SURFACE:	1.67 AC
FAR:	SITE = 3.8016 AC OR 165,597 BLDG. = 5,419 SF = 5,419 / 165,597 = 0.032
EXISTING INDOOR SEATING:	0
PROPOSED INDOOR SEATING:	22
PROPOSED OUTDOOR SEATING:	12

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING

PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN WINCHESTER, VA & MARTINSBURG, WV

GENERAL NOTES AND LEGEND

WATERLOO SHEETZ REMODEL

GREENWAY MAGISTERAL DISTRICT
CLARKE COUNTY, VA

Rev. No.	Date

DATE: AUG. 27, 2020

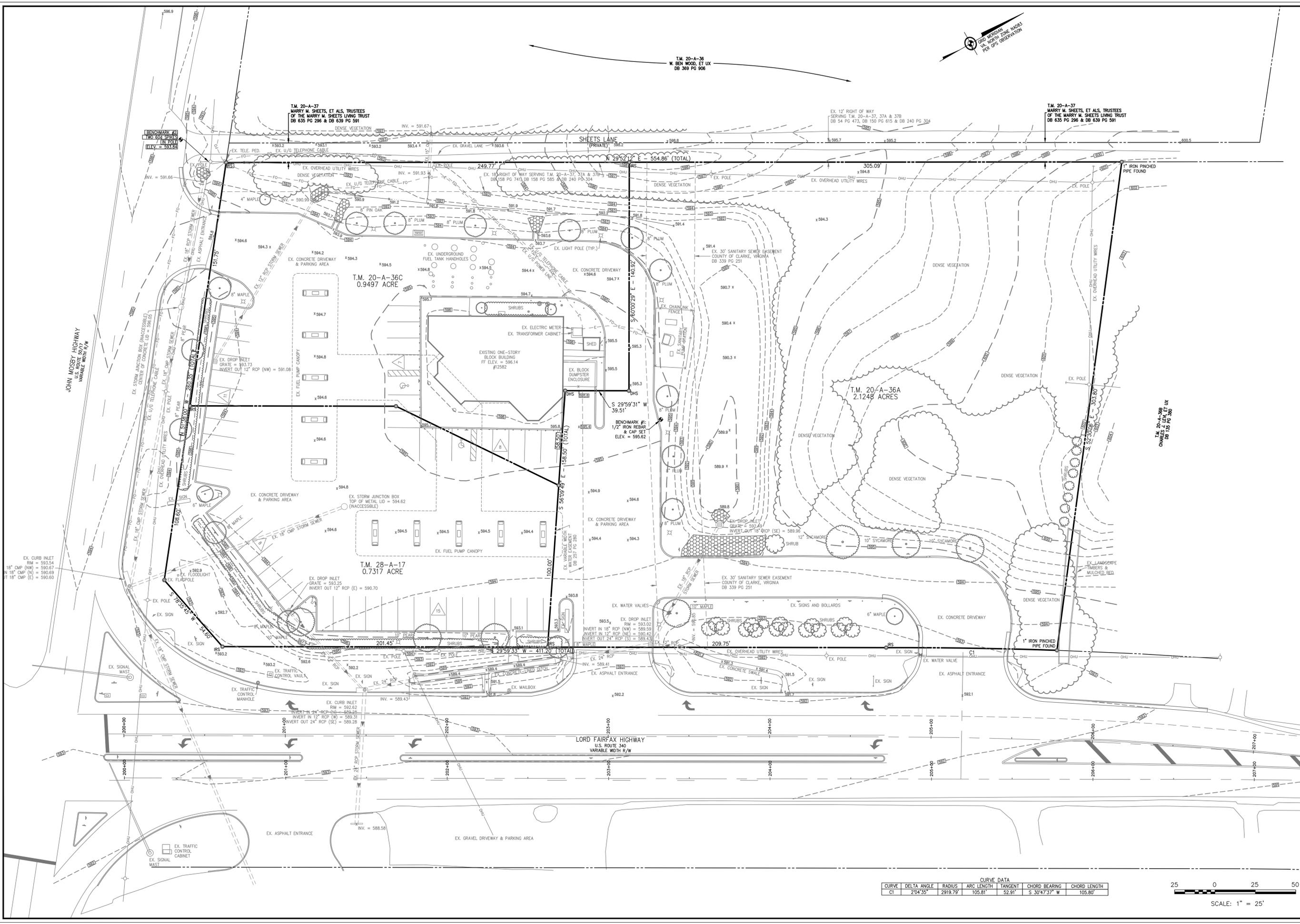
SCALE: N/A

DESIGNED BY: JNT

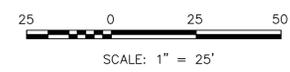
FILE NO. A-360Z

SHEET 2 OF 6

COMMONWEALTH OF VIRGINIA
TUNG NIKI ADHIKUSUMA
Lic. No. 26715
PROFESSIONAL ENGINEER



CURVE DATA						
CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	2'04'35"	2919.79'	105.81'	52.91'	S 30°47'37" W	105.80'

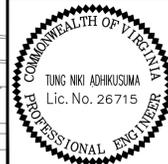


151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com



EXISTING CONDITIONS
WATERLOO SHEETZ REMODEL
GREENWAY MAGISTERAL DISTRICT
CLARKE COUNTY, VA

Rev. No.	Date



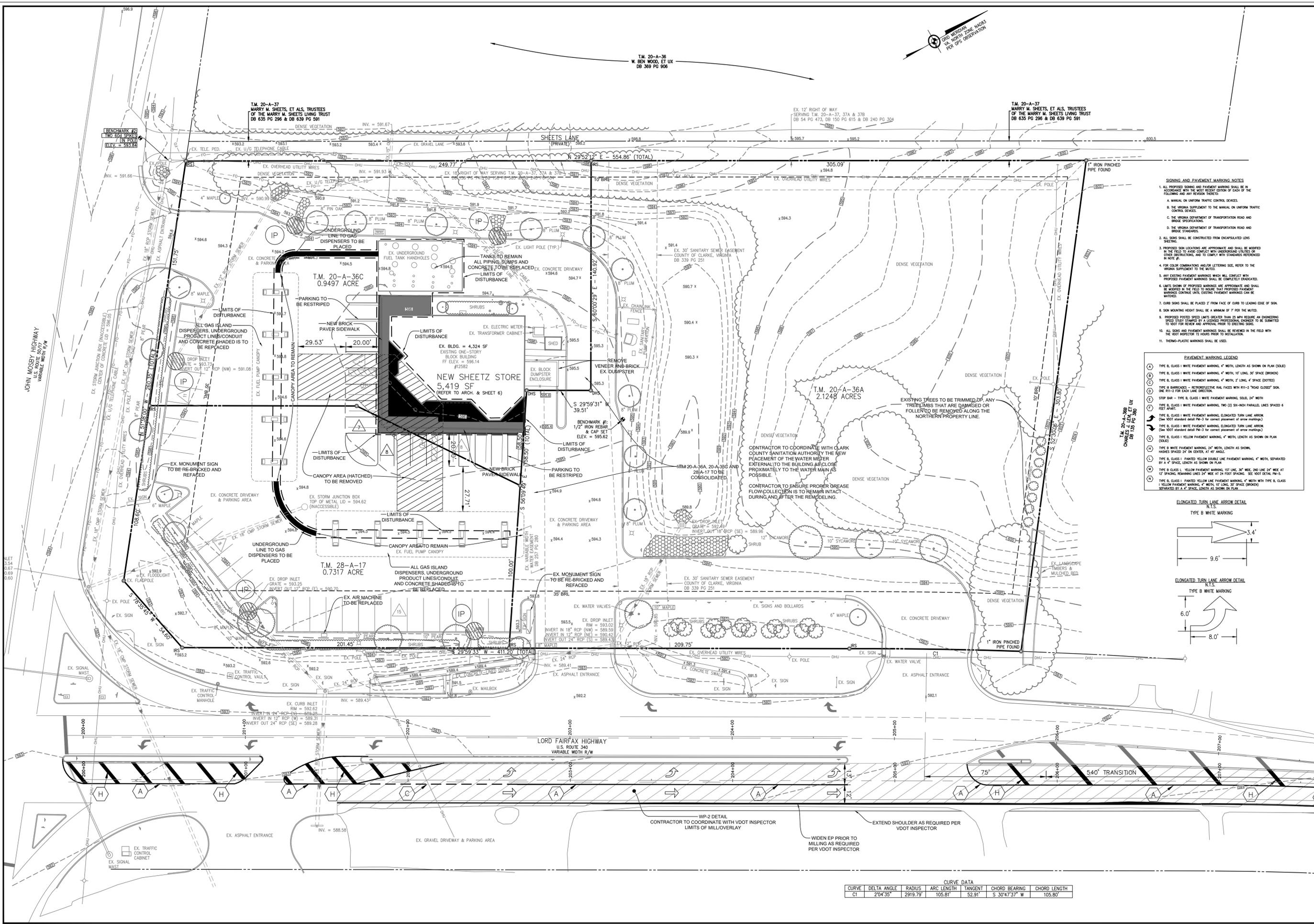
DATE: AUG. 27, 2020

SCALE: 1" = 25'

DESIGNED BY: JNT

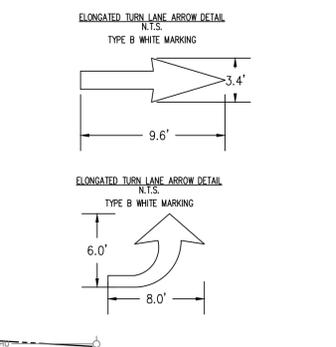
FILE NO.

SHEET 3 OF 6



- SIGNING AND PAVEMENT MARKING NOTES**
- ALL PROPOSED SIGNING AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MOST RECENT EDITION OF EACH OF THE FOLLOWING AND ANY REVISION THEREOF:
 - MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
 - THE VIRGINIA SUPPLEMENT TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
 - THE VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE SPECIFICATIONS.
 - THE VIRGINIA DEPARTMENT OF TRANSPORTATION ROAD AND BRIDGE STANDARDS.
 - ALL SIGNS SHALL BE CONSTRUCTED FROM ENCAPSULATED LENS SHEETING.
 - PROPOSED SIGN LOCATIONS ARE APPROXIMATE AND SHALL BE MOVED IN THE FIELD TO AVOID COLLISION WITH UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS AND TO COMPLY WITH STANDARDS REFERENCED IN NOTE #1.
 - FOR COLOR COMBINATIONS AND/OR LETTERING SIZE, REFER TO THE VIRGINIA SUPPLEMENT TO THE MANUAL.
 - ANY EXISTING PAVEMENT MARKINGS WHICH WILL CONFLICT WITH PROPOSED PAVEMENT MARKINGS SHALL BE COMPLETELY ERASED.
 - LIMITS SHOWN OF PROPOSED MARKINGS ARE APPROXIMATE AND SHALL BE MOVED IN THE FIELD TO AVOID COLLISION WITH UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS UNTIL EXISTING PAVEMENT MARKINGS CAN BE MATCHED.
 - CURB SIGNS SHALL BE PLACED 2' FROM FACE OF CURB TO LEADING EDGE OF SIGN.
 - SIGN MOUNTING HEIGHT SHALL BE A MINIMUM OF 7' PER THE MANUAL.
 - PROPOSED POSTED SPEED LIMITS GREATER THAN 25 MPH REQUIRE AN ENGINEERING DESIGN STUDY PREPARED BY A LICENSED PROFESSIONAL ENGINEER OR OTHER QUALIFIED PERSONNEL TO BE SUBMITTED TO VDOT FOR REVIEW AND APPROVAL PRIOR TO ERECTING SIGNS.
 - ALL SIGNS AND PAVEMENT MARKINGS SHALL BE REVIEWED IN THE FIELD WITH THE VDOT INSPECTOR 72 HOURS PRIOR TO INSTALLATION.
 - THEMO-PLASTIC MARKINGS SHALL BE USED.

- PAVEMENT MARKING LEGEND**
- TYPE B, CLASS I WHITE PAVEMENT MARKING, 4" WIDTH, LENGTH AS SHOWN ON PLAN (SOLID)
 - TYPE B, CLASS I WHITE PAVEMENT MARKING, 4" WIDTH, 15' LONG, 30" SPACE (DOTTED)
 - TYPE B, CLASS I WHITE PAVEMENT MARKING, 4" WIDTH, 12' LONG, 4" SPACE (DOTTED)
 - TYPE B, CLASS I WHITE PAVEMENT MARKING, ELONGATED TURN LANE ARROW (SOLID)
 - TYPE B, CLASS I WHITE PAVEMENT MARKING, ELONGATED TURN LANE ARROW (DOTTED)
 - TYPE B, CLASS I WHITE PAVEMENT MARKING, ELONGATED TURN LANE ARROW (BROKEN)
 - TYPE B, CLASS I YELLOW PAVEMENT MARKING, 4" WIDTH, LENGTH AS SHOWN ON PLAN (SOLID)
 - TYPE B, CLASS I YELLOW PAVEMENT MARKING, 24" WIDTH, LENGTH AS SHOWN, HATCHES SPACED 24" ON CENTER, AT 45° ANGLE.
 - TYPE B, CLASS I PAINTED YELLOW DOUBLE LINE PAVEMENT MARKING, 4" WIDTH, SPACED BY 4" SPACE, LENGTH AS SHOWN ON PLAN.
 - TYPE B, CLASS I YELLOW PAVEMENT MARKING, 1ST LINE, 30" WIDE, 2ND LINE 24" WIDE AT 12" SPACING, REMAINING LINES 24" WIDE AT 24" FOOT SPACING. SEE VDOT DETAIL PM-5.
 - TYPE B, CLASS I PAINTED YELLOW DOUBLE LINE PAVEMENT MARKING, 4" WIDE WITH TYPE B, CLASS I YELLOW PAVEMENT MARKING, 4" WIDTH, 10' LONG, 30" SPACE (BROKEN) SEPARATED BY 4" SPACE, LENGTH AS SHOWN ON PLAN.



CURVE DATA

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	2°04'35"	2919.79'	105.81'	52.91'	S 30°47'37" W	105.80'

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com

GREENWAY ENGINEERING

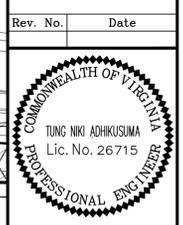
PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN WINCHESTER, VA & MARTINSBURG, WV

SITE PLAN

WATERLOO SHEETZ REMODEL

GREENWAY MAGISTERAL DISTRICT
CLARKE COUNTY, VA

Rev. No. Date



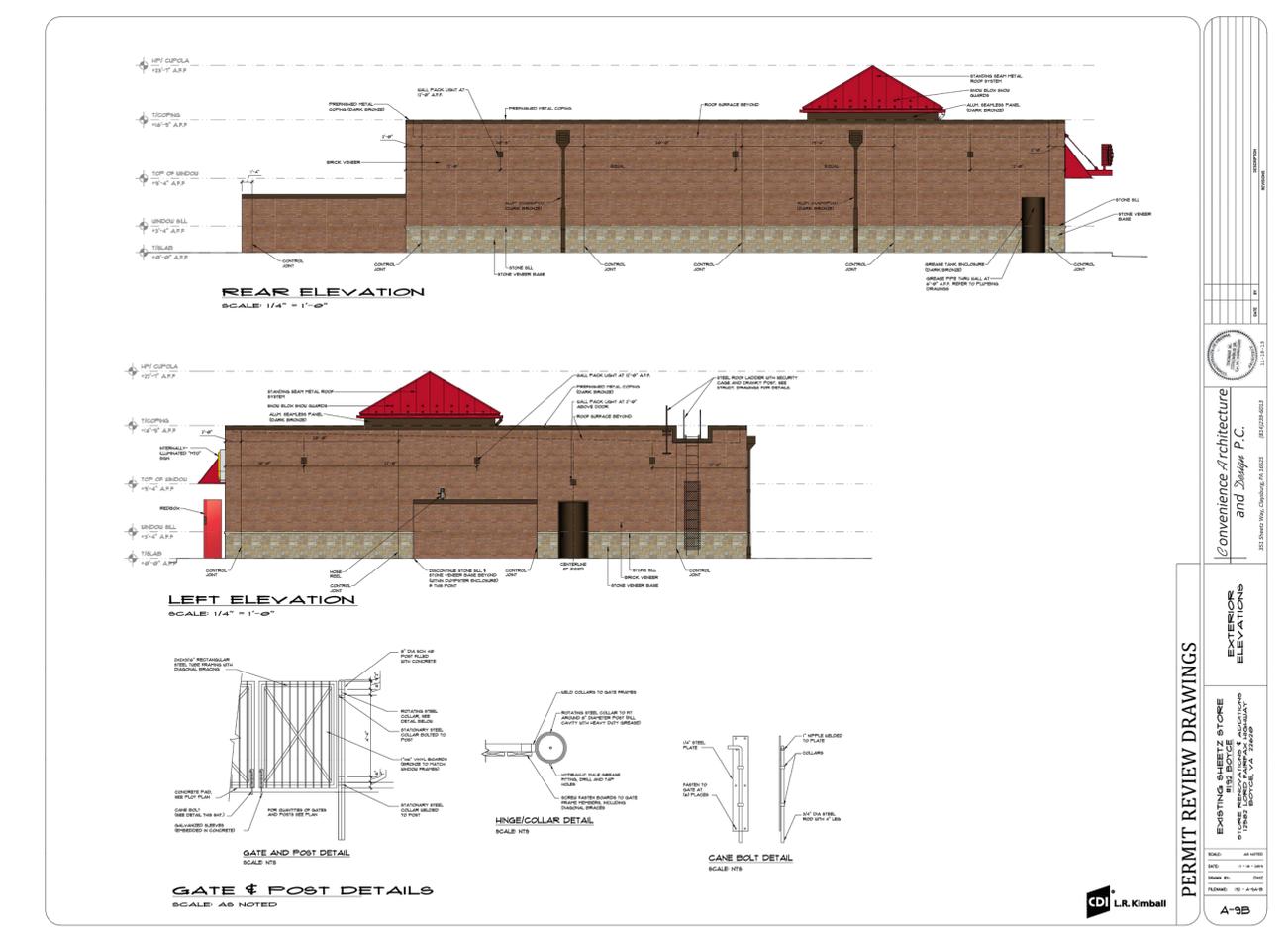
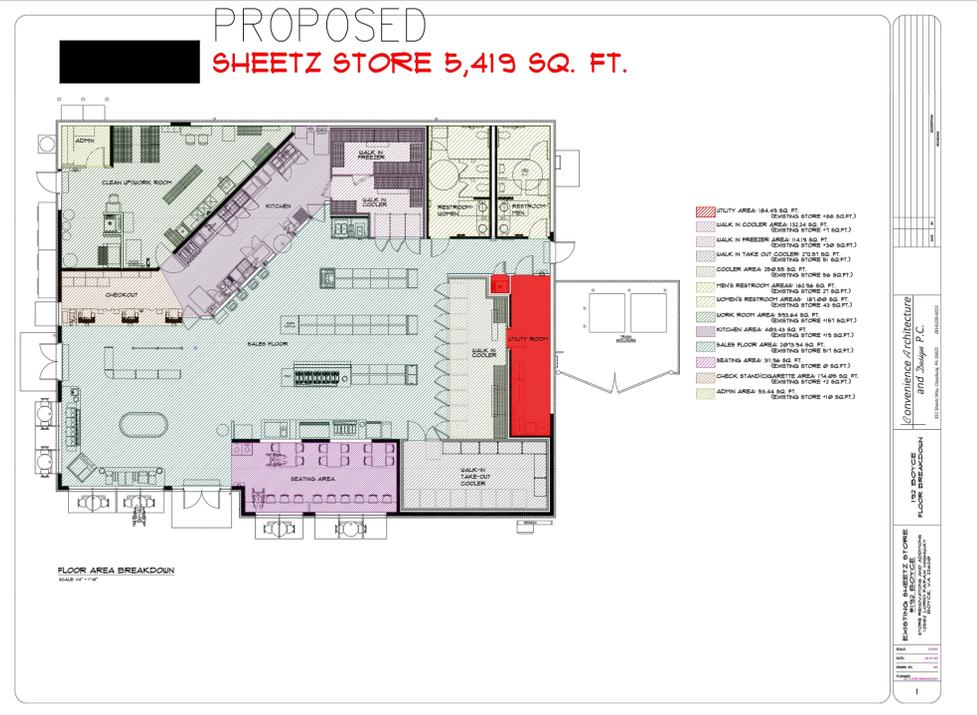
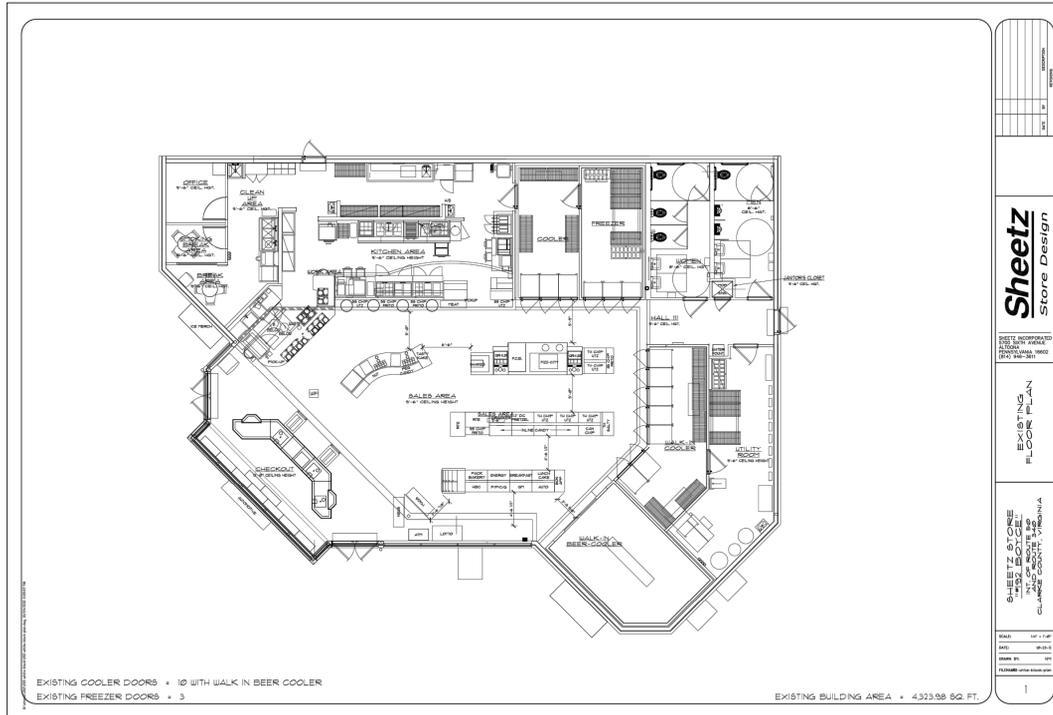
DATE: AUG. 27, 2020

SCALE: 1" = 100'

DESIGNED BY: JNT

FILE NO. A-360Z

SHEET 4 OF 6



151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-8528
www.greenwayeng.com

GREENWAY ENGINEERING

PROUDLY SERVING VIRGINIA & WEST VIRGINIA
OFFICES IN: WINCHESTER, VA & MARTINSBURG, WV

SHEETZ ELEVATIONS & FLOOR PLANS
WATERLOO SHEETZ REMODEL
GREENWAY MAGISTERAL DISTRICT
CLARKE COUNTY, VA



DATE: AUG. 27, 2020
SCALE: NTS
DESIGNED BY: JNT
FILE NO. A-360Z
SHEET 5 OF 6

Re: Sheetz 7-10-20 PC staff report and agenda

From : Ryan Fincham <rfincham@clarkecounty.gov>

Thu, Jul 30, 2020 12:00 PM

Subject : Re: Sheetz 7-10-20 PC staff report and agenda 5 attachments**To :** Jeremy Tweedie <jtweedie@greenwayeng.com>, Niki Adhikusuma <nadhikusuma@greenwayeng.com>**Cc :** Brandon Stidham <bstidham@clarkecounty.gov>

Good morning-

As a follow-up to my July 10, 2020 email, which provided the agency review comments and the staff report which summarized Staff and PC comments, I am providing this Staff Review Comment Letter (below):

Staff Comments:

- 1) Please provide a project narrative/description of the proposed work on the Title Page.
- 2) Page 1 notes Clarke County Health Department for Water/Sewer and should be Clarke County Sanitary Authority. (Make sure other utility providers are accurate also)
- 3) Page 2 (PROJECT INFORMATION) notes "\$ Acres" for Disturbed Area? Please address.
- 4) Page 2 (PROJECT INFORMATION) does not note Seating. There should be a note indicating Current Indoor Seats and Proposed Indoor Seats and the same for Outdoor Seats.
- 5) Page 2 (PROJECT INFORMATION) notes 20' Rear Setback which is incorrect.
- 6) Page 2 (PROJECT INFORMATION) notes "Handy Mart" in setbacks information, this is incorrect.
- 7) Page 2 (PROJECT INFORMATION) notes Parking setbacks, please explain.
- 8) Page 2 (PROJECT INFORMATION) notes Open space required 13,915.50 square feet. What calculation was used?
- 9) Page 2 (PROJECT INFORMATION) - The CH impervious surface maximum is 85%. Please note impervious surface area requirement and provided.
- 10) Page 2 (PROJECT INFORMATION) - Notes such as, "No parking changes proposed", "No lighting changes proposed", and "No landscaping changes proposed" should be added if that is the case.
- 11) Lot consolidation / BLA: ***Setbacks, impervious surface area, and other requirements are based on individual lots, and not project area. Will 2 or 3 lots be merged or a boundary line adjustment be occurring? Please explain how regulations and lot conformity are to be satisfied.
- 12) Page 5 top right drawing is labeled "EXISTING" and should be labeled Proposed. Top left drawing is Existing Store. Please address.
- 13) There are 6 total pages in the plan set and all numbered pages indicate 5 total. Please address.

Summary of Planning Commission Plans Review Committee Comments:

- 1) Please provide copies of the existing store elevations for comparison with proposed.
- 2) Please provide copies of elevations with a larger font size that is able to be read more easily. (Does not have to be in the formal Site Plan)
- 3) Will the entire structure be re-bricked or only partially?
- 4) Please provide further details regarding the flat projection roof shown on the south side of the building supporting a sign, specifically regarding snow load and safety issues.

- Note: A PC Plans Review Committee meeting may be scheduled in late August to review any new information provided.

- Please address comments provided by Maral Kalbian, Clarke County Architectural Historian. Summarized as, Will the remaining portions of gas canopy be replaced or changed in terms of design or color, etc? If so, please provide elevations.

- Please address VDOT comments. Please note that VDOT requirements must be met, but VDOT recommendations may or may not be required by the approval authority. Please note that VDOT is asking the property owner if they would be willing to dedicate additional right of way. If additional right-of way is dedicated, please show on the plans.

- Please note that the neighbor to the north of the property has indicated that trees are dying and tree limbs may be becoming an issue.

Thanks-

Ryan Fincham,
Senior Planner & Zoning Administrator
Clarke County, Virginia
(540) 955 - 5131

 Clarke - Route 340/17/50 Waterloo - Sheetz Addition

From : Arthur Boyce <bobby.boyce@vdot.virginia.gov> Mon, Jun 22, 2020 03:11 PM
 Subject : Clarke - Route 340/17/50 Waterloo - Sheetz Addition
 To : Ryan Fincham <rfincham@clarkecounty.gov>
 Riggelman, Bradley <bradley.riggelman@vdot.virginia.gov>, Niki Adhikusuma
 <nadhikusuma@greenwayeng.com>, Rhonda Funkhouser <Rhonda.Funkhouser@vdot.virginia.gov>,
 Cc : Brandon Stidham <bstidham@clarkecounty.gov>, Matthew Smith
 <matthew.smith@vdot.virginia.gov>

DEPARTMENT OF TRANSPORTATION
 Staunton/Edinburg Land Development
 14031 Old Valley Pike
 Edinburg, VA 22824

Dear Mr. Fincham:

We have reviewed your above referenced construction plan dated April 1, 2020 for a 1095 sq.ft. addition to the existing Sheetz convenience store. Our comments are as follows:

Right-of-way and improvements should be secured by the County to accommodate the Clarke County Waterloo Area Development Plan. The right-of-way and improvements needed would match the Handy Mart approved lanes/geometry partly constructed on Route 340 and proposed on Route 17/50.

- Include a copy of an executed VDOT Entrance Checklist with all information needed for evaluation.
- The proposed store expansion will generate an additional 921 trips/day, 76 trips in the AM peak hour, and 91 trips in the PM peak hour. Trips are directly related to building square footage.
- Include the latest ITE trip generation for a 5,419 sf Super Convenience Store (VPD, AM Peak, PM Peak, etc.)
- The existing entrances do not meet the State's current Access Management Regulations for spacing, shared-use, or interparcel access. Since the entrances adjacent to the boundary lines will not be relocated to the property line center at this time, interparcel access easements should be dedicated to allow joint-use in the current location or easements that would allow the adjacent properties (TM 20-A-36 & 37, 37A, & 37B and TM 20-A-36B) to reconstruct the entrances centered on the property lines when they do develop.
- Provided design details and cross sections (slope, width, pavement design, markings, etc.) on the proposed left turn/drop lane on Route 340 for the northern entrance. The lane widths should be 13' & 12' @ 75' north of the commercial entrance centerline and then transition to a single lane 540' north of this full width point. See VDOT Road Design Manual Appendix F, FIGURE 3-4 PASSING/LEFT TURN LANE page 60. Remove the note "EXTEND SHOULDER AS REQUIRED PER VDOT INSPECTOR".
- Onsite signage should be provided for patrons headed north on Route 340 directing them to the northern most entrance instead of a U-turn maneuver at the McDonald's crossover.

Please revise and resubmit 1 copy of the site plan for re-evaluation and/or approval. If the resolution does not concur with our comments, an explanation and adequate information/support for our evaluation must be given for review. Mark all changed items with a highlighter. Large revised areas need only be circled with a highlighter. If you have any questions or need further information, please do not hesitate to give me a call.

Sincerely,

Bobby Boyce

VDOT- Land Development Engineer
 Shenandoah, Frederick, Clarke, & Warren Counties
 14031 Old Valley Pike
 Edinburg, VA 22824

(540)984-3631 September 4, 2020 Planning Commission Business Meeting



Clarke County Sanitary Authority

Rod DeArment, Chairman
Alexander Mackay-Smith
Joseph Myer
Ralph Welliver
Tom Bauhan

June 23, 2020

Mr. Ryan Fincham
Zoning Administrator/Senior Planner
Clarke County Planning Department
101 Chalmers Court
Berryville, VA 22611

RE: Sheetz Inc. Plans

Mr. Fincham,

The Clarke County Sanitary Authority Board reviewed the plans regarding the remodeling of the Sheetz store. Upon review of the plans, the board wanted to note that proper grease flow collection needs to remain intact during and after the remodeling. The Authority would like to work with Sheetz during this time of remodeling to relocate the water meter. The meter at this location currently is not placed according to our rules and regulations, cited below.

The CCSA requires that all of the meters it owns to be in as close proximity to the water main as possible.

The Authority will place a meter, at no cost to Sheetz, as close to the main as possible. The new location will be in a grassy area on Route 340 side in-between the road and parking area of the establishment. In doing so, it will align with our rules and regulations. Since during the placement of the new meter, water would need to be temporarily disrupted, we wish to work with Sheetz to have it completed during the remodeling. We would like to be as considerate as possible. Disruption to service should be around three hours and full completion of installation around eight hours.

Once the installation of the new meter is complete, the line from the new meter to the business will align with our rules and regulations. That section of the rules and regulations is highlighted below.

The customer will be responsible for maintaining the section of water line that runs from the meter to the home/building.

To schedule the relocation of the meter to coincide with the remodeling please call our operator Daniel Boyd, Inboden Environmental, 540-325-7353 or the sanitary authority at 540-955-5185.

Regards,

Administrative Assistant for
Clarke County Sanitary Authority

CCSA Administration

P.O. Box 327
129 Ramsburg Lane
Berryville, VA 22611
540-955-5185
540-955-0456 (fax)



Lord Fairfax Health District
Fredrick Winchester Environmental Health
107 North Kent Street, Suite 201
Winchester, Virginia 22601
Tel. (540) 722-3480 ~ Fax (540) 722-3479
www.vdh.virginia.gov



August 13, 2020

Attn: Robert Franks Jr.
12582 Lord Fairfax Highway
Boyce, VA 22611

Re: Plan Review – 12582 Lord Fairfax Highway, Boyce, VA 22611

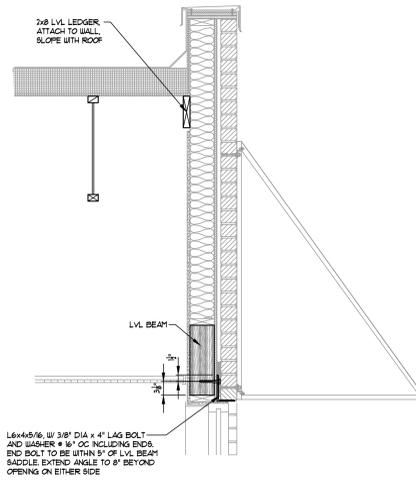
This office has reviewed the plans for the proposed renovations of the existing food facility located at the above referenced location. This office issues approval of the plans with reservations to be addressed during active construction and pre-opening inspections.

Please keep in mind that the above facility falls under the *Commonwealth of Virginia, Board of Health, Food Regulations (Regulations)*, which can be found at the following website:
<http://www.vdh.virginia.gov/EnvironmentalHealth/Food/Regulations/index.htm>. This letter does not exempt this facility from any of the requirements set forth in the *Regulations*.

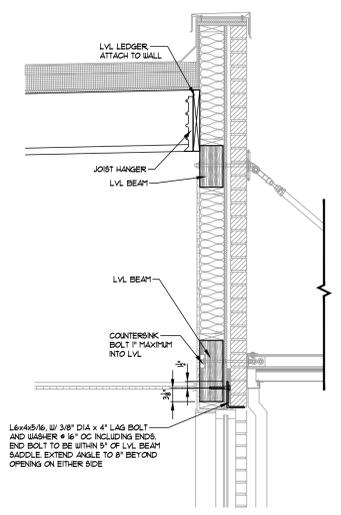
Please contact the local health department office during construction so that an inspection can be made at that time. A pre-opening inspection will also need to be completed once you are ready to open. If you have any questions regarding this letter, or I can further assist you in this matter, please feel free to contact me. I can be reached at (540)771-3039 or at Olivia.watson@vdh.virginia.gov

Sincerely,

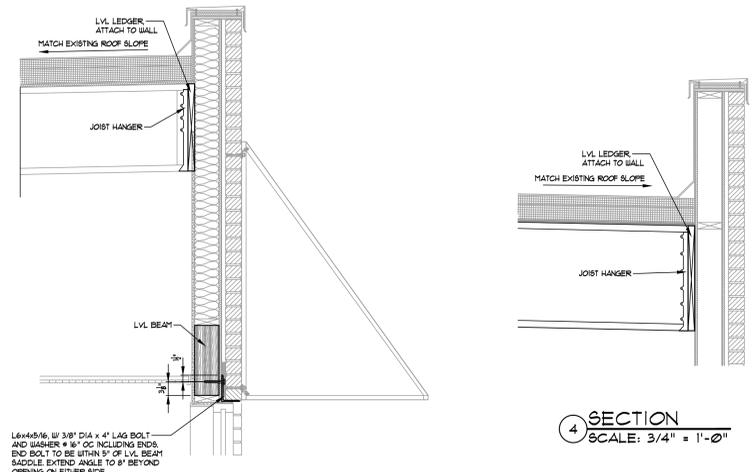
Olivia Watson
Environmental Health Specialist Sr.



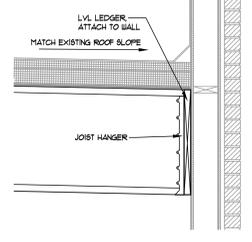
1 SECTION
SCALE: 3/4" = 1'-0"



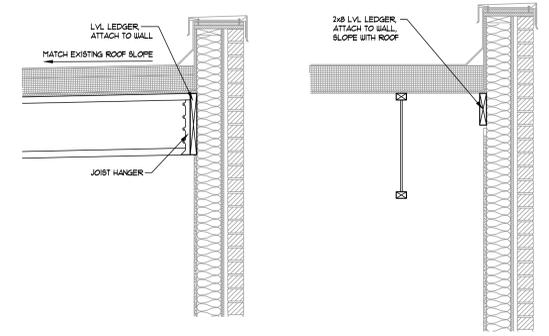
2 SECTION
SCALE: 3/4" = 1'-0"



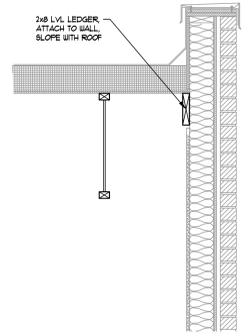
3 SECTION
SCALE: 3/4" = 1'-0"



4 SECTION
SCALE: 3/4" = 1'-0"



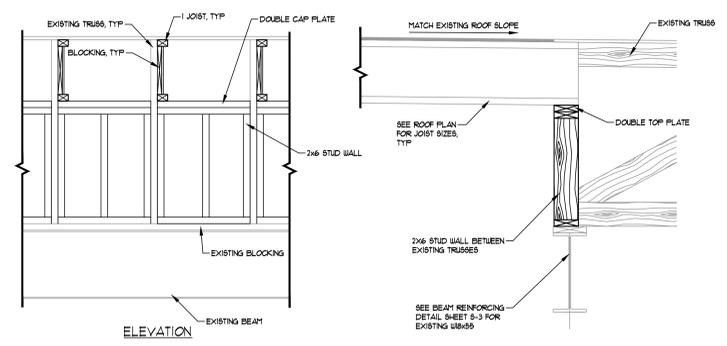
5 SECTION
SCALE: 3/4" = 1'-0"



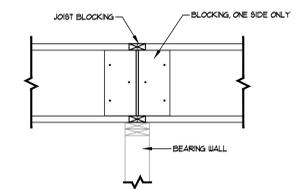
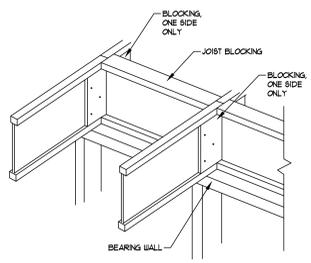
6 SECTION
SCALE: 3/4" = 1'-0"

1/4"x4/8" LVL, W/ 3/8" DIA x 4" LAG BOLT AND WASHER # 16" OC INCLUDING ENDS. END BOLT TO BE WITHIN 5" OF LVL BEAM SADDLE. EXTEND ANGLE TO 8" BEYOND OPENING ON EITHER SIDE.

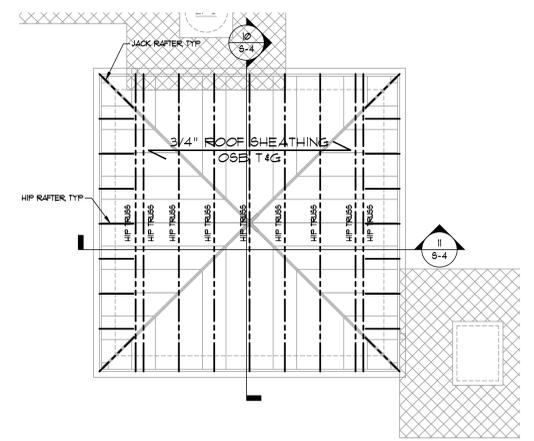
NOTE: NO LVL BRACES AT 8M



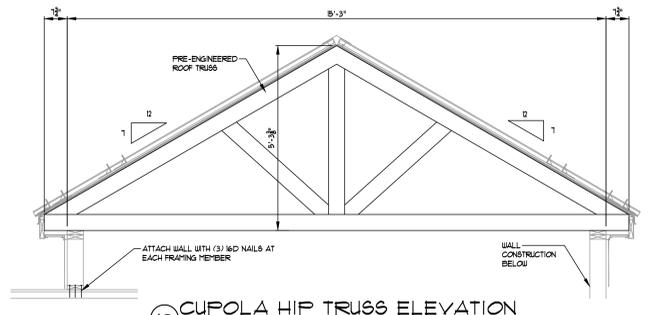
7 SECTION
SCALE: 3/4" = 1'-0"



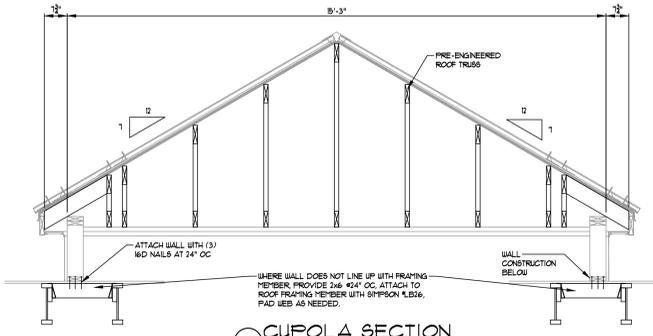
8 SECTION
SCALE: 3/4" = 1'-0"



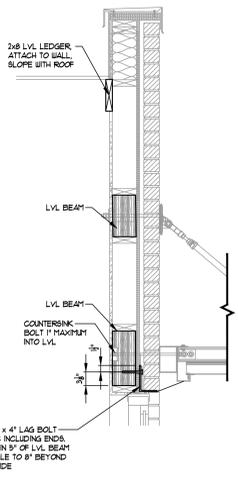
9 CUPOLA FRAMING PLAN
SCALE: 1/4" = 1'-0"



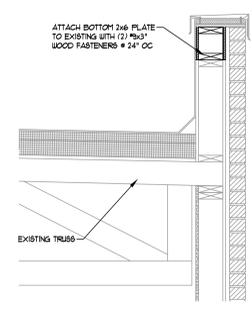
10 CUPOLA HIP TRUSS ELEVATION
SCALE: NONE
NOTE: WEB CONFIGURATION BY TRUSS SUPPLIER



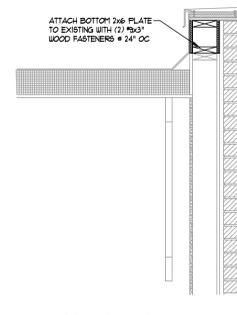
11 CUPOLA SECTION
SCALE: NONE
NOTE: TRUSS LAYOUT BY TRUSS SUPPLIER



12 SECTION
SCALE: 3/4" = 1'-0"



13 SECTION
SCALE: 3/4" = 1'-0"



14 SECTION
SCALE: 3/4" = 1'-0"



Convenience Architecture and Design P.C.
351 Sheetz Way, Claysburg, PA 16625
(814) 239-6013

CUPOLA FRAMING PLAN AND SECTIONS

EXISTING SHEETZ STORE #192 BOYCE STORE RENOVATIONS & ADDITIONS 12582 LORD FAIRFAX HIGHWAY BOYCE, VA 22626

SCALE: AS SHOWN
DATE: 11-18-2019
DRAWN BY: DLD
FILENAME: 192-RENO

S-4



DIVINEY & ASSOCIATES
Structural Engineers, LLC

310 Penn Street, Suite 104, Hollidaysburg, PA 16648 814-317-5037



- Public
- Points of Interest
- Springs
- Sinkholes
- CCSA-Water
- Parcels
- Parcels With Orthos
- Towns
- Clarke County Boundary
- Major Roads
- Interstate
- US Highway
- State Highway
- Surrounding Counties Op
- Surrounding Counties Non

20 2 4

12424

21B 1 4

12446

21B 1 1

12464

12415

21 A 59

20 A 36

12470

20 A 37

20 A 36A

12457

12463

21 A 62

JOHN MOSBY HWY

LORD FAIRFAX HWY

12582

28 A 17

21 A 63

12483

28 A 16

12531

12557

JOHN MOSBY HWY

12487

8204

8200

8156

29 A 2A

8152

29 A 3

12652

12640

The data shown on this site are provided for informational and planning purposes only. Clarke County and its consultants are not responsible for the misuse or misrepresentation of the data.

September 4, 2020 Planning Commission Business Meeting

34 of 61

0 200 400 ft

Printed on 07/01/2020 at 03:07 PM

Clarke County MapsOnline



**PUBLIC HEARING
LAND USE REQUEST**

**CONTACT COUNTY
PLANNING DEPARTMENT
(540) 955-5132**







September 4, 2020 Planning Commission Business Meeting

01.19.2019
38 of 61

MINOR SUBDIVISION (MS-20-01)
Mount Hebron, LLC (Applicant / Owner)
September 4, 2020 Planning Commission Meeting
STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Mount Hebron, LLC (Applicant & Owner) / John Scully (Agent)

Location:

- Subject property is located at 2000 Springsbury Road
- Tax Map Parcel #23-A-6
- Millwood Election District Election District (Ann Caldwell & Bob Glover)

Zoning District and Lot Guidelines:

Agricultural Open Space-Conservation (AOC)

Proposed Lot Configurations:

- | | |
|-----------------------|---|
| 3.00 acres | - Area of New Lot 1 (1 Existing House / No DURs Remaining) |
| 3.00 acres | - Area of New Lot 2 (1 Existing House (under construction) / No DURs Remaining) |
| <u>124.7888 acres</u> | - Area of Residue Lot (1 Existing House and 5 Remaining DURs) |
| 130.7888 acres | - Area of Tax Map #23-A-6 (See plat note #3) |

Request:

Mount Hebron, LLC requests approval of a two lot Minor Subdivision for the property identified as Tax Map #26-A-6, located at 2000 Springsbury Road in the Millwood Election District zoned Agricultural Open-Space Conservation (AOC).

Update:

Since the July Planning Commission meeting, the Applicant has worked with the Building Department to secure a Two-Bedroom Certificate of Occupancy for the single family dwelling on Lot 1, and the Applicant has acquired all Building Permits required for a single family dwelling to be located on Lot 2. See plat note #14.

VDOT has reviewed the revised plat and approved the proposed entrances for Lots 1 and 2 off of Possum Hollow Lane as shown on the revised plat.

The Clarke County Health Department has issued a final approval for Lot 1 and will issue final approval for Lot 2 once all requirements have been met.

Per Ordinance, the Residue Lot is not considered a lot for subdivision review (vacant and over 100 acres in size); however per Clarke County Subdivision Ordinance §7-C-3-d-4, the approved septic system serving the existing house at 2000 Springsbury Road on the residue lot and the 100% septic reserve area is shown on the plat and noted in plat note #8.

Recommendation:

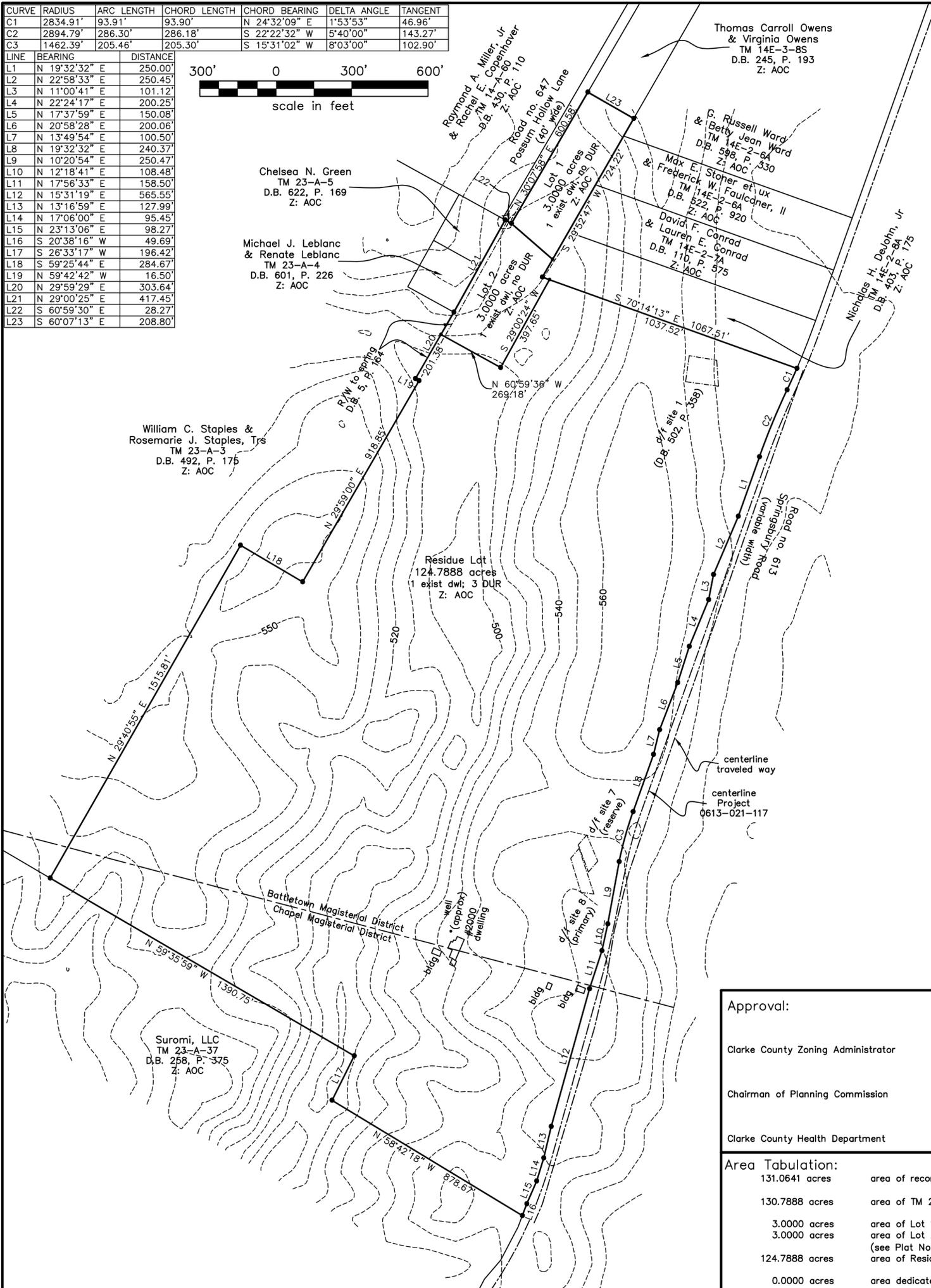
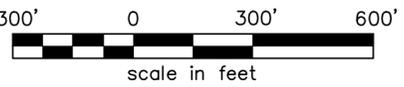
Staff recommends approval of the request for a two lot Minor Subdivision for the property identified as Tax Map #26-A-6, located at 2000 Springsbury Road in the Millwood Election District zoned Agricultural Open-Space Conservation (AOC).

History:

June 5, 2020	Complete application filed with the Department of Planning.
July 10, 2020	Request deferred to the September 4, 2020 Commission meeting.
September 4, 2020	Placed on the Commission's Business Meeting agenda.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	2834.91'	93.91'	93.90'	N 24°32'09" E	1°53'53"	46.96'
C2	2894.79'	286.30'	286.18'	S 22°22'32" W	5°40'00"	143.27'
C3	1462.39'	205.46'	205.30'	S 15°31'02" W	8°03'00"	102.90'

LINE	BEARING	DISTANCE
L1	N 19°32'32" E	250.00'
L2	N 22°58'33" E	250.45'
L3	N 11°00'41" E	101.12'
L4	N 22°24'17" E	200.25'
L5	N 17°37'59" E	150.08'
L6	N 20°58'28" E	200.06'
L7	N 13°49'54" E	100.50'
L8	N 19°32'32" E	240.37'
L9	N 10°20'54" E	250.47'
L10	N 12°18'41" E	108.48'
L11	N 17°56'33" E	158.50'
L12	N 15°31'19" E	565.55'
L13	N 13°16'59" E	127.99'
L14	N 17°06'00" E	95.45'
L15	N 23°13'06" E	98.27'
L16	S 20°38'16" W	49.69'
L17	S 26°33'17" W	196.42'
L18	S 59°25'44" E	284.67'
L19	N 59°42'42" W	16.50'
L20	N 29°59'29" E	303.64'
L21	N 29°00'25" E	417.45'
L22	S 60°59'30" E	28.27'
L23	S 60°07'13" E	208.80'



Surveyor's Certificate: I, W. Stuart Dunn, a duly authorized Land Surveyor in the State of Virginia, do hereby certify that the land herein subdivided is in the name of Mount Hebron, LLC and was acquired as stated in the Owner's Certificate. I certify that these tracts of land are properly and accurately described and are within the boundaries of the original tract and that the corners designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Subdivision of 6.0000 acres, being a portion of an existing 130.7888 acre parcel, Tax Map 23-A-6, recorded in the name of Mount Hebron, LLC in Deed Book 468, Page 729, is made with the free consent and in accordance with the desires of the undersigned owner, and trustees if any, of said land and the same is hereby confirmed and submitted for record in the Office of the Clerk of the Circuit Court of Clarke County, Virginia.

Daniel Millner
for Mount Hebron, LLC

State of _____, City/County of _____, to wit: I, _____, a Notary Public for said City/County of _____, do hereby certify that Daniel Millner, whose name is signed in the Owner's Certificate, has acknowledged the same before me.

My commission expires: _____ day of _____ 2020.
Given under my hand this _____ day of _____ 2020.

Notary Public:

Mount Hebron Farm

Minor Subdivision of the Land of
Mount Hebron, LLC
Deed Book 468, Page 729 Tax Map 23-A-6
Battletown Magisterial District and Chapel Magisterial District, Clarke County, Virginia

Approval:

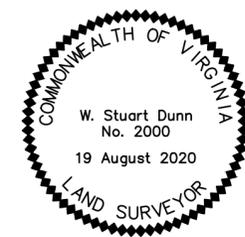
Clarke County Zoning Administrator date: _____

Chairman of Planning Commission date: _____

Clarke County Health Department date: _____

Area Tabulation:

131.0641 acres	area of record of TM 23-A-6	3 exist dwl, 3 DUR
130.7888 acres	area of TM 23-A-6 (see Plat Note 13)	
3.0000 acres	area of Lot 1	1 exist dwl, no DUR
3.0000 acres	area of Lot 2	1 exist dwl, no DUR
124.7888 acres	(see Plat Note 14)	
0.0000 acres	area of Residue Lot, TM 23-A-6	1 exist dwl, 3 dur
0.0000 acres	area dedicated for public use	



Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
June 2, 2020
rev June 18, 2020
rev July 9, 2020
rev August 19, 2020

survey no. 851_subd
sheet 1 of 2

Clarke County Government
 TREASURERS OFFICE
 101 Chalmers Ct
 Berryville, VA 22611
 (540) 955-5160
 Welcome

Clarke County Government
 TREASURERS OFFICE
 101 Chalmers Ct
 Berryville, VA 22611
 (540) 955-5160
 Welcome

002895-0002 Liz C. 08/12/2020 01:18PM

PERMITS / INSPECTIONS

MOUNT HEBRON LLC
 Residential Accessory -
 ISSUED
 2019 Item: 190088|BRA
 Balance due: 0.00
 Balance unpaid: 0.00 205.00

MOUNT HEBRON LLC
 Rsdntl Cert of Use & Occ
 - REVIEW
 2019 Item: 190088|RCD
 Balance due: 0.00
 Balance unpaid: 0.00 40.80

 245.80

Subtotal 245.80
 Total 245.80

CHECK 245.00
 Check Number 5670
 CASH 0.80

 Change due 0.00

Paid by: MOUNT HEBRON LLC

Thank you for your payment

CUSTOMER COPY

002899-0001 Liz C. 08/12/2020 03:49PM

PERMITS / INSPECTIONS

Residential Building New
 - REVIEW
 2020 Item: 200346|BRN
 Balance due: 0.00
 Balance unpaid: 0.00 983.91

Major Land Disturbance -
 REVIEW
 2020 Item: 200346|ESCA
 Balance due: 0.00
 Balance unpaid: 0.00 250.00

MOUNT HEBRON LLC
 Rsdntl Cert of Use & Occ
 - REVIEW
 2020 Item: 200346|RCD
 Balance due: 0.00
 Balance unpaid: 0.00 40.80

 1,274.71

Subtotal 1,274.71
 Total 1,274.71

CHECK 1,274.71
 Check Number 2404

 Change due 0.00

Paid by: MOUNT HEBRON LLC/J S SCULLY

Thank you for your payment

CUSTOMER COPY



County of Clarke, Virginia Building Department

CERTIFICATE OF USE AND OCCUPANCY

I hereby certify that the structure located at:

375 Possum Hollow Ln., Berryville, VA 22611

Mount Hebron LLC Tax Map # 23-A-6

has been inspected and complies with the requirements of the Virginia Uniform Statewide Building Code.

Use Group	<u>R5</u>
Fire Grading	<u>1 Hour</u>
Max Live Load	<u>N/A</u>
OCC Load	<u>4</u>
# Bedrooms	<u>2</u>
Special Conditions	<u>2012 USBC</u>

Building Official: James H. Royston, II

Date: 08/12/2020



County of Clarke, Virginia

Building Department
101 Chalmers Ct. Suite B
Berryville, VA 22611
Ph: (540) 955-5112 Fax: (540) 955-5170

PERMIT NUMBER

B 200346

Issue Date: 08/13/2020

Permit Type: Residential Building New

Parcel Number	Street Address
5125	443 POSSUM HOLLOW LN
Zone Code	District
AOC	Chapel

Owner Information

Name: MOUNT HEBRON LLC
Phone:

Address: P O BOX 318

Contractor Information

Name: MOUNT HEBRON LLC
Address: P O BOX 318,
Phone:

License Number:
License Exp. Date:
Insurance Exp. Date:

Building Information

Proposed Use: Residential Building
Garage SF:
Number of Stories:
Estimated Cost of Construction: \$ 98,456

Finished Sq. Ft: 864
Unfinished Sq. Ft:
Finished Bsmt:
Unfinished Bsmt:

Project Description: Residential New

Scope of Work:

SFD - Tenant house to be built at parcel 23-A-6

I, the undersigned, hereby agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. I further understand that all inspection requests are to be made 48 hours in advance.

By Phone w/ Check

Signature of Owner/Contractor

J. Reznor Same

Signature of Approving Official

Date: 08/13/2020

ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

Application Number 200346
September 4, 2020 Planning Commission Business Meeting

TOTAL FEES: \$ 983.91 45 of 61



County of Clarke, Virginia

Building Department
101 Chalmers Ct. Suite B
Berryville, VA 22611
Ph: (540) 955-5112 Fax: (540) 955-5170

PERMIT NUMBER

E 200346

Issue Date: 08/13/2020

Permit Type: Residential Electric-New

Parcel Number	Street Address	District
5125	443 POSSUM HOLLOW LN	Chapel

Owner Information

Owner: MOUNT HEBRON LLC

Owner P O BOX 318
Address: MILLWOOD, VA 22646

Phone:

Contractor Information

Contractor: MOUNT HEBRON LLC
Contractor P O BOX 318
Address: MILLWOOD, VA 22646
Phone:

Lic. No.:
Lic. Exp. Date:
Ins. Exp. Date:

Project Description

Residential New

Scope of Work

SFD - Tenant house to be built at parcel 23-A-6

Zone Code

AOC

Permit Details:

	Qty:

I, the undersigned, agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. I further understand that all inspection requests are to be made by me or my agent.

By Phone/mail w/ck.

Signature of Owner/Contractor

J. Register fame

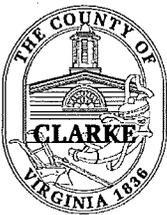
Signature of Approving Official

Date: 08/13/2020

Any permit issued expires six (6) months after issuance if no inspections have been made.

Application Number 200346
September 4, 2020 Planning Commission Business Meeting

TOTAL FEES: \$ 46 of 61



County of Clarke, Virginia

Building Department
101 Chalmers Ct. Suite B
Berryville, VA 22611
Ph: (540) 955-5112 Fax: (540) 955-5170

PERMIT NUMBER

L 200346

Issue Date: 08/13/2020

Permit Type: Major Land Disturbance

Parcel Number	Street Address
5125	443 POSSUM HOLLOW LN
Zone Code	District
AOC	Chapel

Owner Information

Name: MOUNT HEBRON LLC Address: P O BOX 318
Phone:

Contractor Information

Name: MOUNT HEBRON LLC License Number:
Address: P O BOX 318, License Exp. Date:
Phone: Insurance Exp. Date:

Building Information

Proposed Use: Residential Building Finished Sq. Ft: 864
Garage SF: Unfinished Sq. Ft:
Number of Stories: Finished Bsmt:
Estimated Cost of Construction: \$ 98,456 Unfinished Bsmt:

Project Description: Residential New

Scope of Work:

SFD - Tenant house to be built at parcel 23-A-6

I, the undersigned, hereby agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. I further understand that all inspection requests are to be made 48 hours in advance.

By Phone/mail w/ check

Signature of Owner/Contractor

James Royster Lane

Signature of Approving Official

Date: 08/13/2020

ANY PERMIT ISSUED EXPIRES SIX (6) MONTHS AFTER ISSUANCE IF NO INSPECTIONS HAVE BEEN MADE.

Application Number 200346
September 4, 2020 Planning Commission Business Meeting

TOTAL FEES: \$ 250.00 47 of 61



County of Clarke, Virginia

Building Department
101 Chalmers Ct. Suite B
Berryville, VA 22611
Ph: (540) 955-5112 Fax: (540) 955-5170

PERMIT NUMBER

M 200346

Issue Date: 08/13/2020

Permit Type: Residential Mechanical-New

Parcel Number	Street Address	District
5125	443 POSSUM HOLLOW LN	Chapel

Owner Information

Owner: MOUNT HEBRON LLC

Owner P O BOX 318
Address: MILLWOOD, VA 22646

Phone:

Contractor Information

Contractor: MOUNT HEBRON LLC
Contractor P O BOX 318
Address: MILLWOOD, VA 22646
Phone:

Lic. No.:
Lic. Exp. Date:
Ins. Exp. Date:

Project Description

Residential New

Scope of Work

SFD - Tenant house to be built at parcel 23-A-6

Zone Code

AOC

Permit Details:

	Qty:

I, the undersigned, agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. I further understand that all inspection requests are to be made by me or my agent.

By phone/mail w/ check

Signature of Owner/Contractor

James Royster fame

Signature of Approving Official

Date: 08/13/2020

Any permit issued expires six (6) months after issuance if no inspections have been made.

Application Number 200346
September 4, 2020 Planning Commission Business Meeting

TOTAL FEES: \$ 48 of 61



County of Clarke, Virginia

Building Department
101 Chalmers Ct. Suite B
Berryville, VA 22611
Ph: (540) 955-5112 Fax: (540) 955-5170

PERMIT NUMBER

P 200346

Issue Date: 08/13/2020

Permit Type: Residential Plumbing-New

Parcel Number	Street Address	District
5125	443 POSSUM HOLLOW LN	Chapel

Owner Information

Owner: MOUNT HEBRON LLC

Owner P O BOX 318
Address: MILLWOOD, VA 22646

Phone:

Contractor Information

Contractor: MOUNT HEBRON LLC
Contractor P O BOX 318
Address: MILLWOOD, VA 22646
Phone:

Lic. No.:
Lic. Exp. Date:
Ins. Exp. Date:

Project Description

Residential New

Scope of Work

SFD - Tenant house to be built at parcel 23-A-6

Zone Code

AOC

Permit Details:

	Qty: Qty: Qty: Qty: Qty: Qty:
--	--

I, the undersigned, agree to comply with all applicable laws regulating the work. I have also received a copy of this document and understand that it is my responsibility to inform this office of any change of contractor by completing and submitting a change of contractor form if necessary. I further understand that all inspection requests are to be made by me or my agent.

By Phonemail w/ check
Signature of Owner/Contractor

James Royster /ame
Signature of Approving Official

Date: 08/13/2020

Any permit issued expires six (6) months after issuance if no inspections have been made.

Application Number 200346
September 4, 2020 Planning Commission Business Meeting

TOTAL FEES: \$ 49 of 61

**MINOR SUBDIVISION (MS-20-03) & MAXIMUM LOT SIZE EXCEPTION (MLSE-20-01)
Thomas Moore Lawson (Applicant) / L Seven Farm, L.C. (Owner)
July 12, 2019 Planning Commission Meeting
STAFF REPORT -- Department of Planning**

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):

Thomas Moore Lawson (Applicant) / L Seven Farm, L.C. (Owner)

Location:

- Subject property is located at 15799 Lord Fairfax Highway
- Tax Map Parcel #27-A-8
- White Post District Election District (Randy Buckley and Buster Dunning)

Zoning District and Lot Guidelines:

Agricultural Open Space-Conservation (AOC)

Proposed Lot Configurations:

19.000 acres – Lot (1 Existing Dwelling & No DURs Remaining) *MLSE Lot

3.00 acres – Lot 2 (No Existing Dwelling & 1 DUR

123.3707 acres – Remainder Lot (No Existing Dwelling & 5 DURs Remaining) *100 acre (+)

145.3707 acres – Total Area

Request:

Request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map 27-A-8, located at 15799 Lord Fairfax Highway, White Post Election District, zoned Agricultural-Open Space-Conservation (AOC).

Staff Discussion/Analysis:

The proposed subdivision consists of two lots consisting of a 3.00 acre lot, a 19 lot utilizing the Maximum Lot Size Exemption (MLSE) allowance for the pre-1980 house previously located on that lot. The residue lot over 100 acres in size is not a part of the minor subdivision according to the Ordinance. The one MLSE for the pre-1980 house, which existed on October 17, 1980, stays with the property even if the house was destroyed after that date. There will be no further MLSE's for a pre-1980 house permitted for the subject property after this one exemption is granted.

Access:

The ingress/egress for Lots 1 and 2 will be the old existing driveway/farm shown on the plat. VDOT has been provided the request and proposed plat and has not provided official comment to date. According to the surveyor, VDOT staff met on site and verbally approved the entrance.

Private Access Easement:

The proposed subdivision road (private access easement) will serve Lots 1 and 2. The proposed easement may also serve the residual lot and is longer than 600 feet in length to serve Lot 2; therefore per Ordinance must be constructed to the road design standards in Clarke County Subdivision Ordinance §8-J-2, as noted in Plat note #12. Prior to Building Permit approval for Lot 2, an engineered plan road design and profile must be submitted for review.

Water and Sewage Disposal:

The proposed subdivision has been reviewed by the Health Department. Lot 1 has an existing Certification Letter approval on file for a four bedroom alternative sewage disposal system with a 100% reserve area and is served by an existing well as shown on the plat. Lot 2 has an existing Certification Letter approval on file for a three bedroom alternative sewage disposal system with a 100% reserve area and will be served by a proposed well as shown on the plat. Per Ordinance, the Remainder Lot is not considered a lot for subdivision review (vacant and over 100 acres in size), and there is no requirement to provide septic and well approvals for vacant lots over 40 acres in size. However known VDH approvals are shown for reference. VDH will require construction permit applications for onsite septic systems if construction is proposed.

Karst Plan / Resistivity Test:

Not required for existing approved areas with Certification Letter’s. There are no new septic areas proposed.

Recommendation:

Staff recommends deferral of the two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Maps #27-A-8, located at 987 Annfield Road, White Post Election District, zoned Agricultural-Open Space-Conservation (AOC) pending official VDOT approval of the proposed entrance. (Recommendation subject to change prior to September 4, 2020 meeting if VDOT approval is received.)

History:

August 7, 2020 Complete application filed with the Department of Planning.

September 4, 2020 Placed on the Commission’s Business Meeting agenda.

100' 0 100' 200'

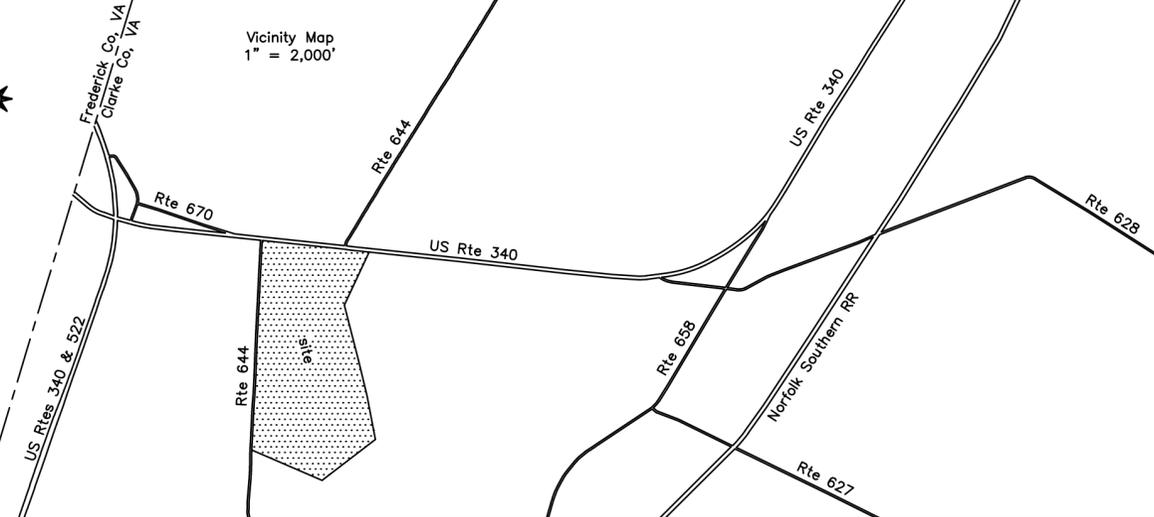
scale in feet



Gun Barrier Road
Route No. 644



Vicinity Map
1" = 2,000'



US Route no. 340
Lord Fairfax Highway
(variable width)

exist entrance
(VDOT approved)

872.08' S 80°47'25" E 1278.52'
25' v.b.

100' b.r.l.

Lot 1
19.0000 acres
(1 exist dwl; no DUR)
Z: AOC

200% reserve area

d/field site B
D.B. 584, P. 752

well site B
D.B. 584, P. 752

#15799
dwelling
remains

L Seven Farm, LC
TM 27-A-8
D.B. 592, P. 660
Z: AOC

Lot 2
3.0000 acres
(no exist dwl; 1 DUR)
Z: AOC

well site C
D.B. 584, P. 747

N 80°47'25" W 253.09'

Surveyor's Certificate: I, W. Stuart Dunn, a duly licensed Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land herein subdivided is in the name of L Seven Farm, LC, and was acquired as stated in the Owner's Certificate. I further certify that these parcels are properly and accurately described and are within the boundaries of the original tract and are referenced to the meridian established in Plat Book 3, Page 54. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision and Maximum Lot Size Exception of 22.0000 acres, being a portion of Tax Map 27-A-8, recorded in the name of L Seven Farm, LC in Deed Book 592, Page 660, is made with the free consent and in accordance with the desires of the undersigned owner of said land and the same is hereby confirmed and submitted for record in the aforesaid Clerk's Office.

Thomas M. Lawson
for L Seven Farm, LC

State of Virginia, County of Clarke, to wit: I, _____, a Notary Public for the County of Clarke, in the State of Virginia, do hereby certify that that Thomas M. Lawson, whose name is signed in the Owner's Certificate, has acknowledged the same before me this _____ day of _____, 2020.

My commission as Notary expires:

Notary Public

Notes:

- (1) Lot 1, 19.0000 acres, has 1 existing dwelling (remains) and no DUR. Lot 2, 3.0000 acres, has no existing dwelling and 1 DUR.
- (2) Setbacks as follows:
Lot 1: 100 feet from the right-of-way of US Route no. 340 (primary), 50 feet all property lines, 50 feet from the edge of the 30 foot private access easement, 50 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.
Lot 2: 25 feet all property lines, 25 feet from the private access easement, 25 feet from any intermittent stream, 100 feet from any perennial stream, spring and/or sinkhole.
- (3) Tracts are in AOC zoning district (agricultural - open space - conservation); use is agricultural.
- (4) I.r.s. = iron rod set; i.r.f. = iron rod found; b.r.l. = building restriction line; v.b. = vegetated property buffer; d/field = drainfield; DUR = dwelling unit right; esmt = easement
- (5) These tracts are in the AOC (agricultural - open space - conservation) zoning district. Agriculture is the primary economic activity of this Zoning District. Owners, residents, other users of property in the AOC district may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such agricultural operations may generate noise, odors and dust, may involve the operation of machinery including aircraft, the storage and disposal of manure and the application of fertilizer, soil amendments and pesticides. Owners, occupants and users of land in the AOC District should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a Zoning District in a County with a strong rural character and an active agricultural sector.
- (6) These parcels are in Flood Zone X, established from FIRM Community Panel no. 51043C0120D, effective September 28, 2007.
- (7) The 200% reserve drainfield site for Lot 1 is approved by the Clarke County Health Department as a 4 bedroom system with a maximum capacity of 8 people and 600 gpd. The drainfield sites for Lot 2 is approved by the Clarke County Health Department as a 3 bedroom system with a maximum capacity of 6 people and 450 gpd.
- (8) Vegetated property buffer except for those land uses listed as exempt, existing woody vegetation within 25' of all property lines shall be retained on parcels of less than 20 acres, as per Section 3-A-1-f of the Clarke County Zoning Ordinance.
- (9) Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
- (10) Resistivity tests have been conducted on these lots. Results of these tests are available at the office of the Clarke County Planning Department.
- (11) The private road shown on this plat will not be paved or maintained with funds of the County or VDOT. In the event that owners of this lot subsequently desire the addition of such private road to the secondary system of State Highways for maintenance, the cost to upgrade it to the prescribed standards must be provided from funds other than those administered by VDOT or the County.
- (12) Construction of the 30 foot private access easement shall comply to the standards set forth in Section 8-J-2 of the Clarke County Subdivision Ordinance.

Approval:

Clarke County Zoning Administrator date: _____

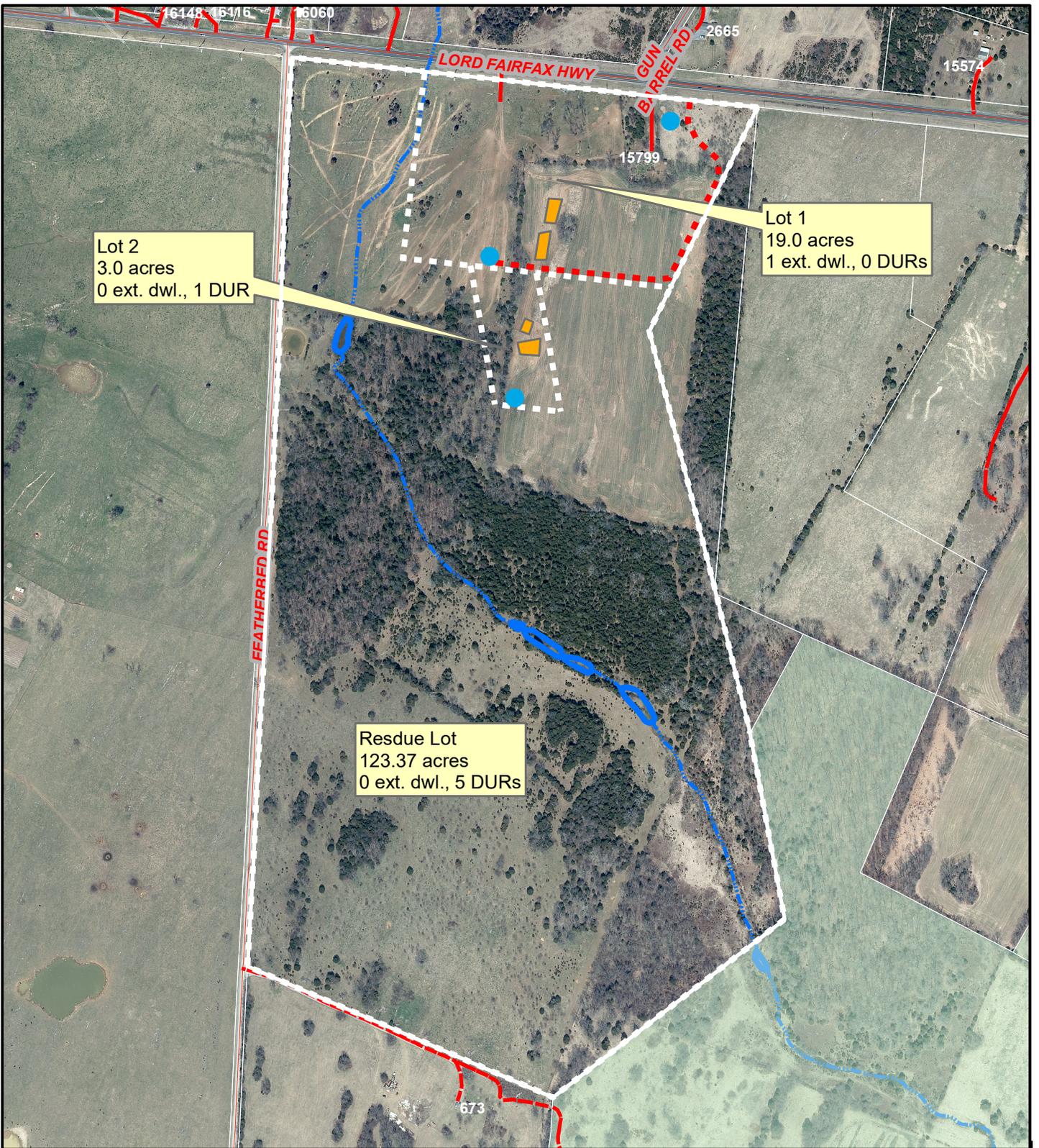
Chairman of Planning Commission date: _____

Clarke County Health Department date: _____

Minor Subdivision and
Maximum Lot Size Exception
of the Land of
L Seven Farm, LC
Deed Book 592, Page 660 Tax Map 27-A-8
Grenway Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
August 5, 2020

survey no. 919B
sheet 1 of 2



Lot 2
3.0 acres
0 ext. dwl., 1 DUR

Lot 1
19.0 acres
1 ext. dwl., 0 DURs

Residue Lot
123.37 acres
0 ext. dwl., 5 DURs

L Seven Farm LC
Tax Map# 27-A-8
145.37 acres, 1 ext. dwl., 6 DURs

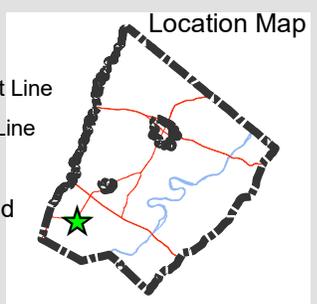


200 100 0 200 Feet

Clarke County GIS
August 24, 2020

Legend

- Parcel Boundary
- Conservation Easements
- Structures
- Drainfield
- Well
- Proposed Lot Line
- Existing Lot Line
- Roads
- Private Road





Lord Fairfax Health District

Clarke County Health Department
100 North Buckmarsh Street
Berryville, Virginia 22611
Tel. (540) 955-1033 ~ Fax (540) 955-4094
www.vdh.virginia.gov



August 17, 2020

Ryan Fincham
Senior Planner/Zoning Administrator
101 Chalmers Court
Berryville, Virginia 22611

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Applicant Name: L Seven Farm/Thomas Moore Lawson
Health Department I.D. #: 043200102
Subdivision Name:
Section or Phase:
Tax Map #'s: 27-A-8
Proposed Lots: 3 Lots

Dear Mr. Fincham,

Pursuant to your written request, we have evaluated the aforementioned minor subdivision proposal, and offer the following comments at this point in the review process.

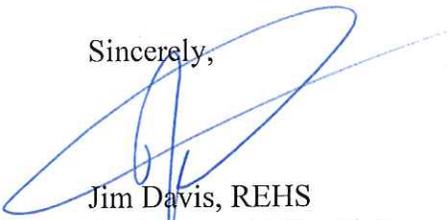
OWNER/APPLICANT ITEMS:

1. Proposed Lot 1 (19.0000 acres) is vacant. There is an old foundation and remains of a dwelling that was once designated as #15799 Lord Fairfax Highway. This dwelling was served by a conventional gravity fed drainfield and a well. There are no original records on file. There is a "Repair" construction permit on file dated January 26, 1994 and a record of inspection dated January 28, 1994. This system will not be considered viable for new construction. Drainfield (Site B) shown on the plat has a Certification Letter dated December 12, 2014. The proposed design is for TL-2/shallow trenches for a Four (4) bedroom dwelling and a 100% Reserve Area. There is also an additional 200% reserve area identified on the lot. There is a Certification Letter dated December 14, 2014 on file for the 200% Reserve Area as well.
2. Proposed Lot 2 (3.0000 acres) is vacant. There is a Certification Letter on file dated December 12, 2014. The proposed design is for TL-2/shallow trenches for a Three (3) bedroom dwelling and a 100% Reserve Area. This is shown as (Site C) on the plat. This lot will be served by a private well.

3. The remaining portion of TM# 27-A-8, Proposed Residue Lot (123.3707 acres) is vacant. This office field reviewed the site and soils for the drainfield areas shown on the residue as Sites 101, 301, 302, 303, 501 & 502. Site 101 is designed for a Four (4) Bedroom dwelling, TL-3/shallow trenches sewage system design and 100% Reserve Area. Sites 301, 302 and 303 are proposed to serve as a primary dispersal area, partial 100% reserve area and another partial reserve area and are all together suitable for a Four (4) bedroom dwelling. The proposed design is for TL-3/LPD. Sites 501 and 502 are proposed to be a primary drainfield and separate 100% reserve area for a Four (4) bedroom dwelling. There is a Certification Letter on file dated September 18, 2019 for these sites but the Certification Letter is only for ONE (1), Four (4) bedroom dwelling. Drainfield (Site A) shown on the plat has a Certification Letter dated December 12, 2014 and is for a Four (4) bedroom dwelling with a proposed TL-2/shallow trenches sewage system design. This lot will be served by a private well.

This letter does not serve as an approval of the proposed minor subdivision, or its parts. If you have any questions, please contact me at (540) 955-1033

Sincerely,



Jim Davis, REHS
Environmental Health Supervisor

PC: Thomas Moore Lawson, Owner
W. Stuart Dunn, Dunn Land Surveys, Inc.
Health Department File



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commissioners

FROM: Brandon Stidham, Planning Director

DATE: August 27, 2020

SUBJECT: Continued Discussion – Short-Term Residential Rentals

Item #7 on the Business Meeting agenda is the continued discussion of the short-term residential rentals issue and draft text amendment. Below is a recap of the Commission’s July discussion, a summary of feedback provided by the Board of Supervisors, and comments provided by existing County lodging businesses.

At the Commission’s July 10 Business meeting, Staff presented several possible enforcement scenarios that could be utilized to implement the draft short-term residential rentals text amendment that was presented at the June 5 Business Meeting. In the discussion that followed, Staff noted the following points from Commissioners:

- Septic system capacity and compliance remains the primary concern in regulating short-term residential rentals.
- Proactive enforcement of the proposed regulations may not be feasible due to staffing.
- Staff’s proposed “business license approach” with retroactive application of the regulations may be a workable approach.
- The issue of owner-occupied versus non-owner-occupied rentals was not discussed as a priority concern.

The Commission tabled further discussion on the topic to the September Commission meeting.

Staff presented the draft text amendment and potential enforcement scenarios to the Board of Supervisors at their work session on July 13. The Board continued the discussion at their August 10 work session and provided the following comments:

- Septic system capacity and compliance is also a primary concern to the Board.
- Also in agreement that proactive enforcement is not feasible due to staffing resources.
- Requiring a special use permit may be excessive in some of the scenarios offered on the owner-occupied vs. non-owner-occupied chart, and that this should be re-evaluated.

- Board members also did not discuss the owner-occupied vs. non-owner-occupied issue as a priority concern.
- Any regulatory approach should be simplified and folded into current regulations if possible.

Felicia Hart (Director of Economic Development and Tourism) met with four representatives from County lodging businesses on August 21 to discuss the transient occupancy tax and potential regulation of short-term residential rentals (see attached memo). Comments were provided as follows:

- All agreed that short-term residential rentals advertising three or more bedrooms should be regulated. It was noted that “three or more bedrooms” is the definition used by the bed-and-breakfast (B&B) industry. Representatives said that regulations were needed to level the playing field. One noted that there should be less government interference.
- Regarding what should be regulated with short-term residential rentals, all agreed that the Virginia Department of Health (VDH) does a great job of educating business owners and that VDH should be inspecting these rentals. They also noted that “registered” B&Bs pay a lot of fees and have to install a lot of safety features such as exit lights, fire extinguishers, ingress/egress, and other building code requirements.

The continued discussion of this issue is included on the Commission’s September 4 Business Meeting agenda and Staff is requesting direction from the Commission on next steps. Given the comments from Commissioners and Board members, the Commission may want to start by re-evaluating the owner-occupied vs. non-owner occupied rental issue to determine whether some scenarios requiring a special use permit should be by-right administrative reviews. The Commission may also want to discuss whether folding the proposed regulations into the bed-and-breakfast home occupation regulations and country inn special use rules is the right approach.

Should the Commission request additional changes to the proposed text amendment, Staff recommends tabling the issue to the October Business Meeting so that the draft text amendment may be updated. The Commission will also need to decide which enforcement model to recommend and whether the text amendment should be to the current Zoning Ordinance, the revised Zoning Ordinance, or should be deliberated after the Ordinance Update Project is completed.

Please let me know if you have questions or concerns in advance of the Business Meeting.

Summary of Transient Occupancy Tax (TOT) meeting

8/21/2020

A meeting was called to talk with four local businesses who collect the Transient Occupancy Tax.

In attendance were:

- Celeste Borel L'Auberge Provencale (located in county)
- Rachel Worsley Waypoint House (located in town)
- William "Biff" Genda Historic Rosemont Manor (located in town)
- Betsy Pritchard* Smithfield Farm B&B (located in county)

**Betsy was not able to attend in person, but I had a phone conversation with her to get her input*

Eight (8) questions were asked -

- 1) Are you in favor of a Transient Occupancy Tax increase?
Betsy – yes!
Celeste – no. Questioned if this is a good time to raise taxes and her clients would notice increase
Rachel – no. As a small county, raising it would not give us an advantage over Winchester.
Biff – no. His clientele (weddings) are looking at the bottom line and he felt an increase would cause him to lose business.
- 2) If yes, what percentage?
Betsy – 5%
- 3) If increase were approved, what would you like to see those monies spent on?
Betsy – anything to enhance tourism
- 4) Do you feel the county needs to regulate short-term rentals?
Betsy – yes. But only for those advertising 3 or more bedrooms
Celeste – yes. Agreed with the 3 or more bedrooms
Rachel – ye. Agreed with the 3 or more bedrooms
Biff – agreed with the 3 or more bedrooms – but is for less government interference
3 or more bedrooms is the definition used by the B&B industry
- 5) If so, why?
Levels the playing field.
- 6) What should we be regulating regarding short-term rentals?
Betsy felt that the health department does a great job educating business owners and that the health department should be inspecting. The others agreed. Those "registered" B&Bs pay a lot of fees and have to install a lot of safety features (i.e. exit lights, fire extinguishers, water and sewer regs [for those in the county], egress and other building inspection requirements)

7) Do you see Civil War tourism as a significant piece of our tourism portfolio?

Betsy – no.

Celeste – no.

Rachel – no.

Biff – yes. His business is marketed as an historic property. Has “named” guest houses and uses a lot of imagery in the buildings/guest houses.

8) How many people do you estimate you get every year from people coming to Clarke County to see Civil War sites?

Betsy – none who have ever mentioned it.

Celeste – very small number who may have mentioned it.

Rachel – small number who may have mentioned it because they were going to Harpers Ferry

Biff – several. Because of the way he markets the business

Miscellaneous notes:

- Comments were made that these businesses felt we needed to look at regulations as they believed it hindered new businesses starting up.
- Believed that the 2% that is currently collected should go towards tourism
- And that collecting the 2% from short-term rentals should also go towards tourism



Clarke County Planning Department

101 Chalmers Court, Suite B

Berryville, Virginia 22611

(540) 955-5132

www.clarkecounty.gov

TO: Planning Commissioners

FROM: Brandon Stidham, Planning Director

DATE: August 24, 2020

SUBJECT: Scheduling of Remaining Work Sessions

Staff is looking for direction from Commissioners regarding the status of the remaining Work Sessions scheduled for the year:

- Tuesday, September 29
- Wednesday, November 4
- Tuesday, December 1

Since the Commission resumed meetings in June and in response to the pandemic, we have cancelled the monthly Work Sessions to reduce the number of times the full Commission was being assembled in open session. We instead have relied on our four-person subcommittees to work on items and included items on the Business Meeting agenda that would have otherwise gone on a Work Session agenda. The Commission's options include:

- Resume the Work Session schedule. If this option is chosen, Work Sessions would be held in the Main Meeting Room to facilitate social distancing.
- Continue evaluating on a monthly basis whether to cancel the Work Session.
- Cancel all remaining 2020 Work Sessions and re-evaluate at the end of the year.

Please let me know if you have questions or concerns in advance of the Business Meeting.