



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Planning Commission
FROM: Leslie Tate, Planner II *LT*
DATE: June 30, 2017
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, July 11, 2017 at 7:00 p.m.**, at the Augusta County Government Center, in the Main Board Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **6:15 pm** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing and to go on the viewing.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the June meetings. If you have any questions about any of the material, please feel free to contact me. If you won't be able to attend the meeting, please let Jean or me know as soon as possible.

LT/jm

**ADVANCED
AGENDA**

Regular Meeting of the Augusta County Planning Commission

Tuesday, July 11, 2017, 7:00 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meetings on June 13, 2017.

4. PUBLIC HEARINGS

A request to rezone approximately 2.9 acres zoned Single Family Residential to General Business owned by Sean and Elizabeth Baber and William R. Oheim, Etal located off Lee Highway (Route 11) directly north of the intersection of Cedar Lane and Lee Highway (Route 11) in Verona in the Beverley Manor District.

5. MATTERS TO BE PRESENTED BY THE PUBLIC

6. NEW BUSINESS

7. OLD BUSINESS

8. MATTERS TO BE PRESENTED BY THE COMMISSION

9. STAFF REPORTS

**A. Information for Commission – Code of Virginia, Section 15.2-2310
(Board of Zoning Appeals Items)**

10. ADJOURNMENT

PRESENT: K. Shiflett, Chairman
J. Curd, Vice Chairman
S. Bridge
G. Campbell
T. Jennings
L. Tate, Planner II and Secretary
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 13, 2017, at 5:15 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission reviewed the proposed ordinance amendments, which will be considered by the Commission.

Chairman

Secretary

PRESENT: K. Shiflett, Chairman
J. Curd, Vice Chairman
S. Bridge
G. Campbell
T. Jennings
L. Tate, Planner II and Secretary
J. Wilkinson, Director of Community Development

ABSENT: K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 13, 2017, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mrs. Shiflett stated as there were five (5) members present, there was a quorum.

MINUTES

Mr. Curd moved to approve the minutes of the called and regular meetings held on April 11, 2017 and the called meeting held on May 9, 2017.

Mr. Bridge seconded the motion, which carried unanimously.

Section 25-4 Definitions

An ordinance to amend §25-4 of the Augusta County Code to revise the definition of Day Care Home Occupation.

Mrs. Tate explained the proposed amendment and stated the definition of home daycare will change from allowing six children to five children in order to bring Augusta County Code into compliance with State code.

There being no questions from the Commissioners, Mrs. Shiflett opened the public hearing. There being no one to speak in favor of or against the request, Mrs. Shiflett closed the public hearing.

Mr. Curd stated the amendment was a housekeeping matter in order to bring the code into compliance with State code. He recommended approval of the ordinance. Mr. Bridge seconded the motion, which carried unanimously.

Section 25-72 Permitted Uses

An ordinance to amend §25-72 of the Augusta County Code to clarify agriculture in addition to agriculture related uses as a permitted use in general agriculture districts.

Mrs. Tate stated agriculture has always been a permitted use in agriculture districts and the proposed amendment will not change any interpretation in the ordinance. The amendment will add agriculture in additional to agriculture related uses and will clarify the intent of the ordinance.

There being no questions from the Commissioners, Mrs. Shiflett opened the public hearing. There being no one to speak in favor of or against the request, Mrs. Shiflett closed the public hearing.

Mr. Jennings stated this is a housekeeping matter and the code does need to be specific. He moved to recommend approval of the amendment. Mr. Curd seconded the motion, which carried unanimously.

Section 25-72.1 Accessory Buildings & Uses

An ordinance to amend Section §25-72.1 of the Augusta County Code to permit 6 agricultural dogs as an accessory use in general agriculture districts.

Mrs. Tate explained the current ordinance allows four dogs over the age of six months in general agriculture districts. The proposed amendment would permit six additional dogs as an accessory use to agricultural operations. The conditions associated with this use state there would be a maximum of six dogs over the age of six months and they would be used primarily for the maintenance, protection, and herding of livestock on a bona fide agriculture operation as defined in the general agriculture zoning ordinance. The property would contain a minimum of six acres. The agriculture operation is required to be the primary use of the land. Factors in determining the primary use shall be the agriculture operation qualifies for land use taxation, it will be managed in good faith as a business activity, and the operator will provide Schedule F or other documentation showing gross receipts of farm income of a least \$10,000.

There being no questions from the Commissioners, Mrs. Shiflett opened the public hearing.

Francis Chester of 2490 Little Calf Pasture Highway, Swoope, VA and owner of Cestari Sheep & Land Co., LLC, stated he is in favor of this amendment. He gave a brief background on the history of using dogs, such as the Great Pyrenees, for farming operations. He also gave a background on his own experience using dogs as part of his farming operation and currently uses Great Pyrenees dogs in aiding in the protection of his sheep. The dogs are a great tool in many ways in the operation of his farm.

Leo Tammi of 826 Burkes Mill Road, Mt. Sidney, VA stated he raises sheep on his property. Part of the management of a sheep business is to protect against predators. One of the most affective predator controls is a livestock guardian dog. He highly supports the proposed ordinance. He stated six dogs should be the minimum and not the maximum. It is not unusual for a producer to have many flocks on several parcels of land in different locations that would require many dogs to protect the flocks.

Mrs. Shiflett explained the six dogs allowed by the ordinance would be in addition to the four dogs that are already allowed.

Mrs. Tate explained the six agricultural dogs that would be allowed with the ordinance would be a "by right" accessory use. If someone wanted to have more than six agricultural dogs in addition to the four dogs an owner is currently allowed, they could apply for a Special Use Permit to have more than ten.

Mr. Bridge stated it has been proven over the years that dogs are important to the safety of agriculture operations. He recommended approval of the amendment as written.

Mr. Jennings asked the speakers if six dogs was a reasonable number of dogs to have.

Mr. Tammi stated six dogs should be the minimum. Younger dogs may be needed to be accompanied by older dogs for guidance and training. If you have several flocks on several parcels of land, more dogs will be needed to tend the flocks.

Mr. Chester stated a minimum of six dogs is fine.

Mr. Curd seconded the motion made by Mr. Bridge. It passed unanimously.

Section 25-73 Uses Permitted by Administrative Permit

An ordinance to amend Section §25-73 of the Augusta County Code to permit the storage of commercial vehicles and/or trailers in general agriculture districts by administrative permit.

Mrs. Tate stated currently trailers and commercial vehicles can be stored with a Special Use Permit in General Agriculture districts. The amendment will allow for the storage of trailers and commercial vehicles in General Agriculture districts with an administrative permit, as long as a 200' setback can be met from all property lines. No more than two commercial vehicles or trailers would be allowed. No sale of goods or services on the

site related to those vehicles, and no more than two employees would come to pick up or drop off the commercial vehicles or trailers. If the property owner wanted to have more than two trailers or commercial vehicles, or could not meet the conditions, then a Special use Permit would be required.

There being no questions from the Commissioners, Mrs. Shiflett opened the public hearing. There being no one to speak in favor of or against the request, Mrs. Shiflett closed the public hearing.

Mr. Bridge stated the amendment is practical and should not cause a problem on larger lots. He recommended approval as written. Mr. Curd seconded the motion, which carried unanimously.

Section 25-518 Uses Permitted by Special Administrative Permit in Area 2

An ordinance to amend Section §25-518 of the Augusta County Code to clarify that underground petroleum storage tanks over 660 gallons require a Special Administrative Permit in Source Water Protection Area 2 designations.

Mrs. Tate stated this is a clarification to reflect the true intention of the ordinance. The ordinance has an Area 1, which is 1000' around the well head and is the more restrictive area. Area 2 is the ground water delineated recharge area which has some prohibitions and some spill containment and prevention plans but is the least restrictive compared to Area 1. Currently the storm water protection ordinance prohibits underground petroleum storage tanks over 660 gallons in Area 1, but does not regulate anything smaller than that. The ordinance currently requires all underground petroleum storage tanks would require a special administrative permit in area 2, which is less restrictive than Area 1. This amendment clarifies that only those underground tanks that meet the 660 gallon threshold would be required to have the special administrative permit in Area 2, but the tanks that do not meet that threshold would not be required to have it. This amendment does not pertain to personal use storage tanks.

There being no questions from the Commissioners, Mrs. Shiflett opened the public hearing. There being no one to speak in favor of or against the request, Mrs. Shiflett closed the public hearing.

Mr. Campbell stated clarification is good in keeping with the County's efforts to protect source water. He moved to recommend approval of the amendment.

Mr. Jennings seconded the motion, which carried unanimously.

NEW BUSINESS

Capital Improvement Plan

Jennifer Whetzel, Deputy Administrator for Augusta County stated it is a requirement by the State that the Capital Improvement Plan (CIP) be presented annually to the Planning Commission regarding the five year plan. She stated the CIP offers a systematic approach to planning and financing capital improvements. It anticipates future capital facility needs. It correlates projects with community goals and financial capabilities, and facilitates opportunity for grants and regional efforts. It also facilitates private sector improvements consistent with the Comp Plan. She stated the CIP is funded annually when the Board of Supervisors appropriate funds to go into the capital account. Any unspent money in the general fund at the end of the year is allocated directly into the capital account. The Board of Supervisors approved the budget in April of this year. Included in the budget was \$5.0 million in appropriations to the CIP fund. \$3.2 million of the appropriations was related to grant funding or funding the County would receive from the State for road or other improvement projects. The remainder comes from the County general tax base to fund projects within the CIP.

Mr. Campbell stated in accordance with Section 2.2-3112 A.2 of the Code of Virginia, he was recusing himself from discussion and participation in the vote of the Capital Improvement Plan.

Mr. Curd moved to recommend approval of the CIP.

Mr. Bridge seconded the motion, which carried unanimously.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA.

The Commission took no action on the BZA items.

There being no further business to come before the Commission, the meeting was adjourned.

Chairman

Secretary

**COUNTY OF AUGUSTA
STAFF REPORT
Sean & Elizabeth Baber & William R. Oheim, Etal
July 11, 2017**

SUMMARY OF REQUEST: A request to rezone approximately 2.9 acres zoned Single Family Residential to General Business owned by Sean and Elizabeth Baber and William R. Oheim, Etal located off Lee Highway (Route 11) directly north of the intersection of Cedar Lane and Lee Highway (Route 11) in Verona in the Beverley Manor District.

PROPOSED PROFFERS:

1. Permitted uses shall be limited to (1) professional offices, excluding medical and dental; (2) financial institutions and offices, excluding banks; (3) construction support businesses, excluding sales and outdoor storage of building materials; and (4) Government Facilities.
2. All uses, including display and storage, shall be conducted entirely within an enclosed building except for parking.
3. Prior to the approval of a site plan, access easements shall be granted to adjacent parcels 046A1-1-A and 046A-1-8.
4. If at the time of development of the site, any of the adjacent property (TM#'s 46A1-1-A, 46A-1-2, 46A-1-8) is still zoned residential, then a buffer meeting Alternative 1, 2 or 3 described below, shall be installed or maintained as depicted on the attached survey prepared by Ingram-Hagen a division of Lineage titled "Boundary Survey of Lots 9, 10 & 11 of the W.T. Weller Subdivision" and dated June 1, 2017. The buffer will be maintained until such time as the zoning of the adjacent property is changed to business. This condition shall apply to each individual adjacent property.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm or combination thereof. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone or other similar materials approved by the Zoning Administrator. For the purposes of this proffer, tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

Alternative 3: Upon a finding by the Director of Community Development, the installation of an additional buffer shall not be required where there is existing vegetation either on the lot or the adjacent lot to provide the required buffer benefits.

5. Building height shall not exceed 50 feet.

VICINITY ZONING: Single Family Residential to the North and West, Single Family Residential and General Business to the East, and General Business to the South.

PREVIOUS ZONING: Single Family Residential

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Urban Service Area/Business

SOILS: Not Applicable

COMMENTS FROM ENGINEER: Most any development of the property will potentially increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance.

Use of water quality protection measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse will be required depending on the disturbed acreage. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of the County Code.

This property drains to Middle River which is twice listed on the Virginia DEQ 2014 Impaired Waters List. The first impairment extends from Moffett Creek downstream to Middle River's confluence with Christians Creek. The impaired use is aquatic life, the specific impairments are violations of the General Benthics standard. Likely sources are Agriculture, Non-Point sources. The second impairment extends from the quarry discharge west of Franks Mill downstream to the confluence with North River. The impaired use is Recreation, the specific impairment is E Coli and fecal coliform bacteria.

Likely sources are Agriculture, Non-Point sources and Wildlife other than waterfowl. For the bacterial impairments, this segment is included in the EPA approved Middle River bacteria TMDL which must be considered by the applicant. (Federal TMDL ID # 24515)

Additionally, the 2007 Augusta County Comprehensive Plan lists the Middle River – Falling Spring Run watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

This property lies outside of the Airport Overlay District (APO).

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area.

COMMENTS FROM ZONING ADMINISTRATOR: If rezoned to General Business, the existing residential neighborhood may be impacted by the traffic congestion, noise, lights, dust, odor, fumes and vibration, and visual impacts from permitted business uses that may not be compatible with the residential character of the existing neighborhood. The zoning ordinance normally requires a buffer yard to be provided adjacent to any property not zoned business, however, due to these parcels being in an area planned for business on the Comprehensive Plan, the "buffer yard" and screening requirements of sections 25-308 and 25-38 will not apply. If rezoned to business, Zoning would recommend proffering limited business uses excluding medical and dental offices and prohibiting outdoor storage of equipment or materials.

A site plan meeting the requirements of Section 25-673 is required to be approved prior to any business development on the property and any change or enlargement of existing structures or uses may require submittal of a revised site plan.

Outdoor lighting must meet all requirements of Article VI "Outdoor Lighting".

Note: The proposed proffers address any zoning concerns stated above.

COMMENTS FROM ACSA: 98 Lee Highway (TM#46A-(1)-11), 104 Lee Highway (TM#46A-(1)-10) and 108 Lee Highway (TM#46A-(1)-9), are all current ACSA water and sewer customers. If modifications are made to the buildings, a meter sizing form will need to be completed and sent to the ACSA Engineering Department for evaluation. A change in meter size will also require additional connection fees. There is an existing 8" waterline along the front of all the subject parcels. There is an existing 8" sewer line along the front of all the subject parcels.

Water and Sewer Notes:

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://acsawater.com/oppm/main.php>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with Chapter 24 of the Augusta County Code requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

COMMENTS FROM HEALTH DEPARTMENT: No comments; public utilities to serve.

COMMENTS FROM FIRE-RESCUE: Little to no impact on service delivery.

TRAFFIC: Rt. 11 Lee Hwy.
AADT: 13,000 vpd (2016)
Posted Speed Limit: 40 mph
Functional Classification: Urban Minor Arterial
Peak Hour K Factor: 0.0948
Peak Hour Directional Factor: 0.5383

COMMENTS FROM VDOT:

1. The potential traffic generation could range from something small (i.e., less than 50 vehicle trips per day) to something large (i.e., fast food restaurant generating thousands of vehicles per day). We would assume the worst case scenario unless there are specific conditions to the rezoning that limit the traffic generation. The rezoning is not expected to warrant a VDOT Traffic Impact Analysis.
2. It is essential to preserve the safety and capacity of this important corridor by limiting the number of commercial entrances. Full Access Entrances require 470' spacing (250' for partial access). It should be noted that partial access entrances have not been successful on 5-lane roadway sections due to the lack of raised median.
3. The best access point will need to be determined based on spacing, alignment with entrances across the street, and potential for shared access.
4. It is also essential to try to coordinate access with other adjacent parcels to encourage a shared access road or at the very least Interparcel connectivity. Depending on the number of parcels that could be coordinated, the preferred entrance location may be on a different parcel. ***It appears the proffer addresses this need.***
5. Any access to a State maintained roadway must be in accordance with Appendix F of the VDOT Road Design Manual. As mentioned above, access management spacing is a specific concern on this corridor. Right turn warrants would need to be investigated at time of site plan creation. A right turn lane will impact other adjacent properties, and may require additional right-of-way.
6. No new public roads are expected at this time.

SCHOOLS IMPACTED (data as of 6/20/17):

School	Instructional Capacity	Enrollment
Clymore Elementary	750	715
Stewart Middle School	720	590
Fort Defiance	900	767

SCHOOL BOARD STAFF COMMENTS: The rezoning will not affect the enrollment of Clymore Elementary School, Stewart Middle School, and Fort Defiance High School. It should be noted that in the Fall of 2017, the new elementary boundary lines will become effective. Thus, the majority of Verona Elementary School student population will attend Clymore. It is estimated that Clymore will be at 95% of Instruction Capacity beginning that Fall with an anticipated 715 students in Grades K-5.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

Pros

1. Request is in an Urban Service Area where the County wants to encourage future commercial growth.
2. Request is in compliance with the Comprehensive Plan Future Land Use Map which designates these parcels for business development.
3. Request is compatible with General Business zoning and development to the east and south.
4. Public water and sewer are available to serve the property.

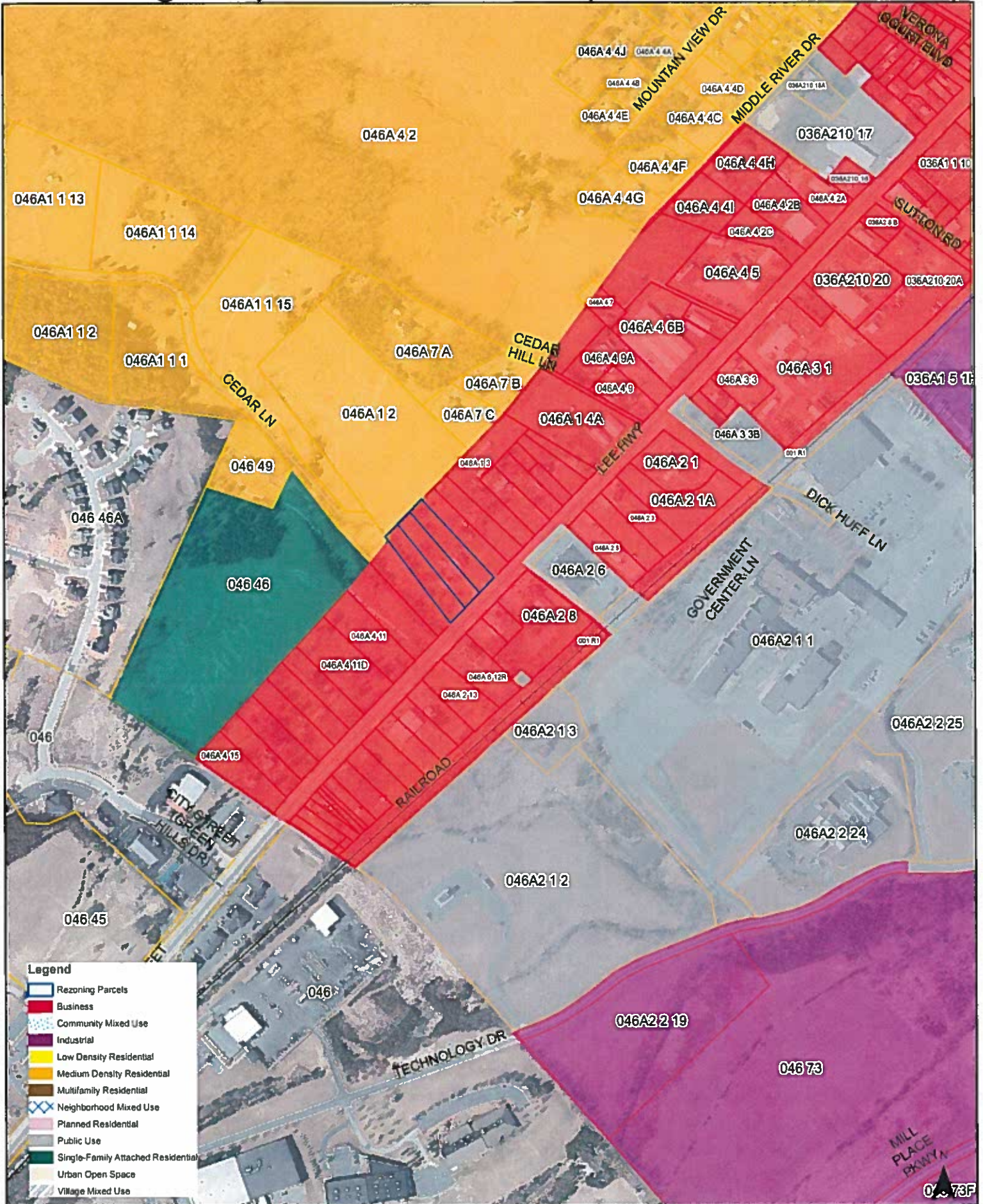
Cons

1. Request may not be compatible with residential development to the north, east and west, although the proffers include buffers and limited uses to mitigate impact.
2. There will be 4 parcels to the north of the request parcels that will remain Single Family Residential before the next section of General Business zoned parcels.
3. This request is in an Urban Service Overlay district which limits entrances along a designated thoroughfare; however, the proffers include access easements to adjacent parcels to potentially provide for shared entrances and interparcel travelways.

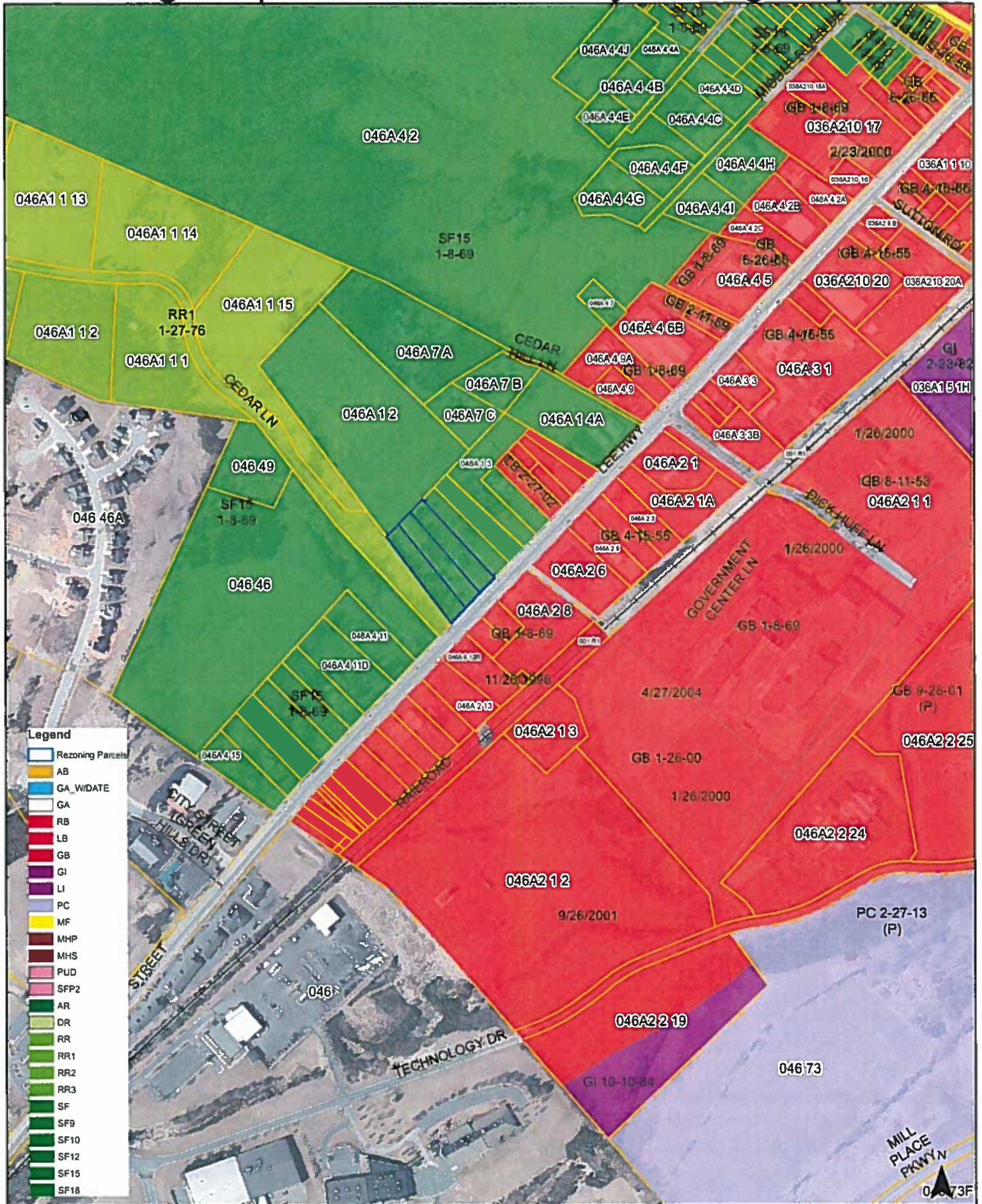
COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: Although staff would prefer for all the parcels from the last section of General Business zoning to the north to the request parcels be zoned General Business, the zoning

request is in compliance with the Comprehensive Plan which envisions business development fronting on Route 11 up to the Staunton City and Augusta County line. In addition, the applicant has proffered conditions which reduce the impact to adjacent Single Family Residential zoned and developed property. The Single Family Residential zoning for these and surrounding parcels was adopted in 1969. Significant business development along Route 11 in this vicinity has occurred since this time, as is reflected in the Comprehensive Plan. Staff recommends approval of the request with the proffers.

Rezoning Request Parcels Comprehensive Plan Map



Rezoning Request Parcels Vicinity Zoning Map



Notes:
 Tax Map: 46A - (1) - 10 & 11
 Address: 98 Lee Highway
 Present Owners: William R. Oheim Living Trust
 & Rebe G. Oheim Living Trust
 See Deed Book 1331, Page 487 for title reference.

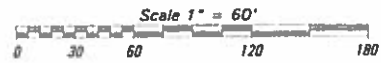
Tax Map: 46A - (1) - 9
 Address: 108 Lee Highway
 Present Owners: Sean L. & Elizabeth R. Baber
 See Instrument #12 0000986 for title reference.

See Deed Book 280, Page 33 for subdivision reference.
 Zoned: SF-15

These lots to be rezoned to General Business (GB).
 Proposed Buffers and Setbacks shown for
 informational purposes only.

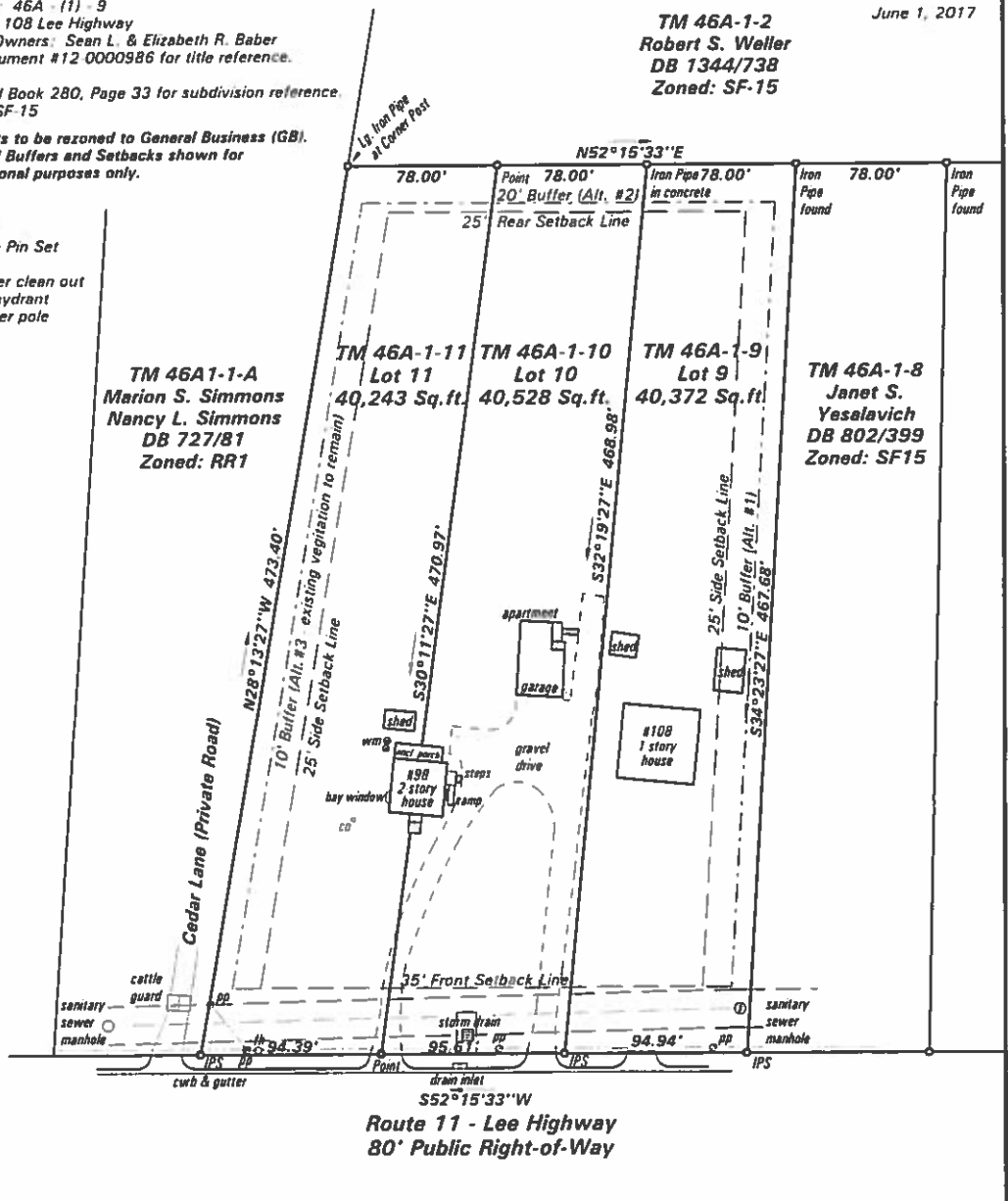
Legend:
 IPS - Iron Pin Set

co - sewer clean out
 fh - fire hydrant
 pp - power pole



June 1, 2017

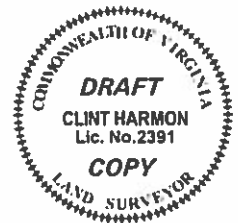
TM 46A-1-2
 Robert S. Weller
 DB 1344/738
 Zoned: SF-15



**Rezoning Sketch for Lots 9, 10 & 11
 of the W. T. Weller Subdivision**
 (Based on a current Field Survey)
 Beverley Manor District, Augusta County, Virginia.

INGRAM - HAGEN a division of LINEAGE
 Surveyors - Engineers - Planners
 610 Lee Highway, Suite 201
 Post Office Box 991
 VERONA, VIRGINIA 24482
 Telephone (540) 828-2778

Note:
 A current title report
 was not furnished
 for this survey.
 Job #23472



This is not a true, certified copy unless the
 signature hereon is an original signing