



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: August 1, 2017
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, August 8, 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 **4:30 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. We will have dinner in the Community Development conference room at 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting and the minutes from the July 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, August 8, 2017, 7:00 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meetings on July 11, 2017.

4. PUBLIC HEARINGS

A. A request to rezone from General Agriculture to General Business approximately 1.02 acres owned by Veterans of Foreign Wars Post 9339 located off Stuarts Draft Highway (Rt. 340) in the southwest quadrant of the intersection of Stuarts Draft Highway (Rt. 340) and Augusta Farms Road (Rt. 649) in Stuarts Draft in the South River District.

B. An ordinance to amend Section 25-4 of the Augusta County Code to create a definition for a Short-term rental as the provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days. Short-term rentals, include but are not necessarily limited to: Vacation rentals and Bed and breakfasts.

C. An ordinance to amend Section 25-4 of the Augusta County Code to revise the definition of Bed and breakfast to reference Short-term rental, eliminate the definition for Tourist home as it is more commonly referred to as a Vacation rental, and make the definition for Vacation rental synonymous with Short-term rental.

D. An ordinance to amend Section 25-124 of the Augusta County Code to permit the operation of Bed and breakfasts and Short-term rentals within a principal dwelling or a detached accessory dwelling unit in Rural Residential districts by Special Use Permit.

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
K. Leonard
L. Tate, Planner II and Secretary
J. Wilkinson, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, July 11, 2017, at 6:15 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission traveled to the following site, which will be considered by the Commission:

1. **Sean & Elizabeth Baber and William R. Oheim, Etal**

Chairman

Secretary

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

ABSENT: T. Jennings

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, July 11, 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 June 13, 2017.

Mr. Campbell seconded the motion, which carried unanimously.

Sean & Elizabeth Baber and William R. Oheim, Etal

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.

Mrs. Tate explained the request as presented on PowerPoint. She reviewed the proffers with the Commissioners.

Jonathan Garber, of Lineage Architects acting as agent for the rezoning, stated he and his wife Penny are under contract to purchase the property owned by the Oheim Trust located at 98 and 104 Lee Highway. They will move the architecture firm to the location hopefully by the first of January 2018. He met with Staff and VDOT and understands the urban overlay and entrance control are significant concerns. One of the two existing entrances onto the parcels will be improved and fully compliant with VDOT standards and the other entrance will be abandoned. Although the site plan is not included as part of the proffers, they will go through the full site planning process. He plans to keep the business as a professional service company and hopes to eventually have a second office on the back part of the property, either as an expansion of the architecture firm, or as rental space. Rezoning the properties with the proffers will also bring the property at 108 Lee Highway, operating as TNT Concrete, into compliance.

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 the request appears to be consistent with the Comp Plan. He moved to recommend approval of the request with proffers.

Mr. Bridge state the request is in order and meets the requirements. He seconded the motion, which carried unanimously.

STAFF REPORTS

A. **CODE OF VIRGINIA – SECTION 15.2-2310**

The Planning 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
Veterans of Foreign Wars Post 9339
August 8, 2017**

SUMMARY OF REQUEST: A request to rezone approximately 1.02 acres from General Agriculture to General Business and owned by Veterans of Foreign Wars Post 9339 located off Stuarts Draft Highway (Route 340) in the southwest quadrant of the intersection of Stuarts Draft Highway (Route 340) and Augusta Farms Road (Route 649) in the South River District.

PROPOSED PROFFERS:

1. No access shall be permitted on to Stuarts Draft Highway (Route 340).
2. If at the time of development of the site, the adjacent property (TMP# 75B 1 28) is still zoned General Agriculture, then a buffer meeting Alternative 1, 2 or 3 described below, shall be installed or maintained along the entirety of the adjacent property line until such time as the zoning of the adjacent property is changed to business.

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.

VICINITY ZONING: Single Family Residential to the North, General Business to the east, Planned Unit Development to the south, and General Agriculture to the west.

PREVIOUS ZONING: General Agriculture

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Urban Service Area/Business & Neighborhood Mixed Use

SOILS: Not Applicable

COMMENTS FROM ENGINEERING: 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 9VAC25-840-40 subdivision 19.

This property drains to South River which is listed on the Virginia DEQ Draft 2014 Impaired Waters List. This impaired segment extends from the headwaters downstream to its confluence with Stony Run. The impaired use is recreation, the specific impairments are E. coli and fecal coliform bacteria. The sources are agriculture, non-point sources and wildlife other than waterfowl. This segment is included in the bacterial TMDL for Middle River / South River which must be considered by the applicant. (Federal TMDL ID # 7700)

Additionally, the 2007 Augusta County Comprehensive Plan lists the South River 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 adjacent single family dwelling may be impacted by increased traffic congestion, noise, lights, dust, odor, fumes and vibration, and visual impacts from other permitted business uses.

Any new development would be subject to current setback regulations and 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".

A 50 ft. setback from a public street identified by VDOT as an arterial or collector street (Stuarts Draft Highway) will be required. The front setback could be

reduced to 20' if there were to be no parking facility within 50 ft. of any arterial or collector street.

A 20 ft. setback is required from a private street (Locust Gove Lane) unless there is no parking facility within 20 ft. of the private street in which case a 10 ft. building setback from said private street is permitted.

Principal buildings in General Business districts are required to have a 25 ft. setback from any rear lot line.

A side setback of 25 ft. is required for any side lot line which is a boundary with property not zoned business or industrial. This setback would apply to the adjacent parcel to the west.

The Zoning Ordinance normally requires a buffer yard to be provided adjacent to any property not zoned business, however, due to the adjacent parcel to the west being planned for business in 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 an eight foot privacy fence be required along the property line adjacent to the existing single family dwelling for any new development or change of use in order to mitigate the impacts from other permitted business uses.

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

COMMENTS FROM ACSA: 3251 Stuarts Draft Highway (TM # 75B-(1)-26) is currently a Service Authority water only customer. If the building use changes in the future, a meter sizing form will need to be completed and submitted to the Service Authority Engineering Department for review to ensure the meter is properly sized for the proposed use. Additional fees will be required in accordance with the Service Authority Rate Schedule and Policy if the meter size changes. There is an existing 8" waterline along the east side property line on Locust Grove Lane. There is an existing 8" waterline along Stuarts Draft Highway. There is an existing 8" sewer line along the front property line of the subject parcel. There is an existing 8" sewer line approximately 62'± to the south of the subject property.

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.

- 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 concerns with the proposed rezoning.

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

TRAFFIC: Rt. 340 (Stuarts Draft Highway)
AADT: 16,000 vpd (2015)
Posted Speed Limit: 45 mph
Functional Class: Urban Principal Arterial
K-Factor: 0.09, Dir. Factor: 0.55

Locust Grove Lane – Local subdivision street proposed for acceptance into VDOT system

COMMENTS FROM VDOT:

- The rezoning will not require a VDOT Chapter 527 Traffic Impact Analysis.
- If the lot redevelops, VDOT may require the entrance off Route 340 (Stuarts Draft Highway) to be closed or modified to restrict certain movements within the functional area of the intersection (modifications may be cost prohibitive). Additionally, the existing full access entrance along Locust Grove Lane would need to be evaluated to meet current VDOT standards and specifications. At time of redevelopment, VDOT will strive to ensure that an Interparcel connection is provided or allowed for between this parcel and the adjacent lot (TM 075-58).

SCHOOL BOARD STAFF COMMENTS: This request will have no significant impact on Stuarts Draft Elementary School, Stuarts Draft Middle School, and Stuarts Draft High School.

COMMUNITY DEVELOPMENT STAFF COMMENTS:

Pros

- Request is in an Urban Service Area where the County wants to encourage future commercial growth.
- Request is in compliance with the Comprehensive Plan Future Land Use Map which designates this parcel for business and mixed use development.
- Request is compatible with General Business zoning to the east.

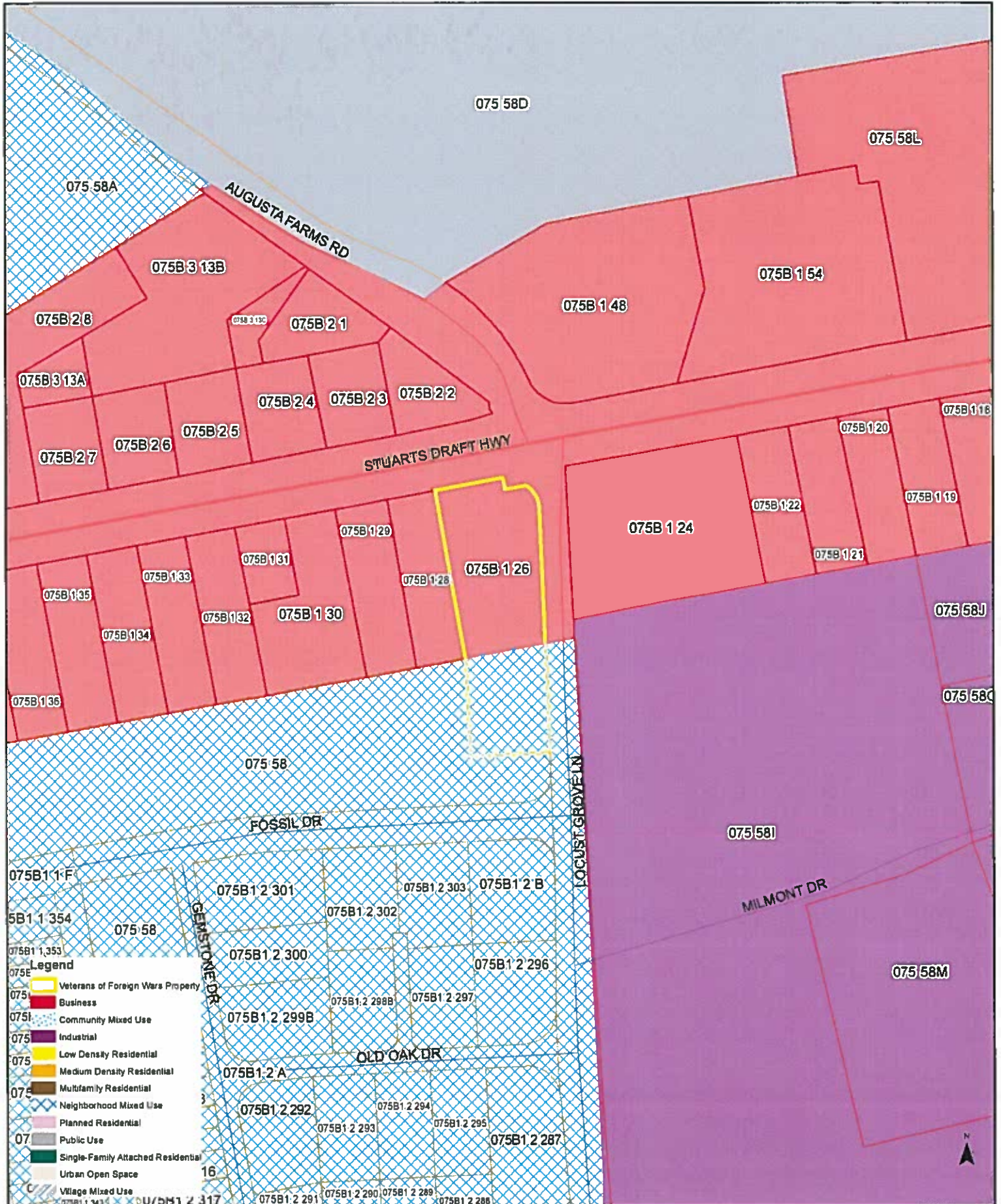
4. Public water is available to serve the property.
5. Public sewer is available to serve the property.

Cons

1. Request may not be compatible with residential development to the west. ***A buffer has been proffered until such time as the adjacent property is rezoned to Business.***
2. The property is located in an Urban Service Overlay District which permits one entrance per 800 ft. of frontage along a designated thoroughfare, although there is a provision that existing parcels of land shall not be denied access to a public street if no reasonable joint or cooperative access is possible. ***The applicant has proffered no access onto Route 340.***

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: This request is in compliance with the Comprehensive Plan as parcels fronting on Rt. 340 in this area are envisioned to develop as commercial uses. There is Single Family Residential zoning across the street; however, it was zoned in 1958. Other parcels in this area, along the Rt. 340 corridor, have been rezoned to Business in the 1980's and 1990's. The northeast and southeast quadrants of the Augusta Farms Rd. and Locust Gove Lane intersection have developed commercially. The proffered conditions address Zoning's and VDOT's comments. Staff recommends approval of the request with the proffers.

Veterans of Foreign Wars Property



**COUNTY OF AUGUSTA
STAFF REPORT
Short-term rental and Bed and breakfast definitions
August 8, 2017**

**AN ORDINANCE TO AMEND §25-4
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to create a definition for a Short-term rental; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to eliminate the definition for Tourist home as it is better described today as a Vacation rental; and

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to reference the definition of Short-term rental, having a maximum lodging requirement of 30 consecutive days, in the definition of Bed and breakfast and make such definition synonymous with Vacation rental.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-4 of the Augusta County Code is amended to include:

§ 25-4. Definitions.

Short-term rental. The provision of one (1) or more rooms that are suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for compensation, for a period of fewer than 30 consecutive days. Short-term rentals, include but are not necessarily limited to: Vacation rentals and Bed and breakfasts.

Bed and breakfast. Overnight accommodations and at least one meal per day provided to transients for compensation as a short-term rental in a building containing a dwelling unit occupied by the owner or operator.

~~**Tourist home. A building or part thereof, other than a hotel, boarding home, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.**~~

Vacation rental. See Short-term rental.

COMMUNITY DEVELOPMENT STAFF COMMENTS: As short-term rentals have become increasingly popular options for travelers, staff recommends the inclusion of a short-term rental definition and associated timeframe of operation. The 30 consecutive day timeframe comes from the Code of Virginia's short-term rental definition. Secondly, staff also recommends the amendment of the Bed and breakfast definition to reference the short-term rental definition and associated timeframe of operation rather than using the word "transients." Lastly, staff recommends eliminating the definition for tourist home as it seems to be a dated definition and can be described better today as a vacation rental.

**COUNTY OF AUGUSTA
STAFF REPORT
Special Use Permit for Short-term rental and
Bed and breakfast in Rural Residential
August 8, 2017**

**AN ORDINANCE TO AMEND §25-124
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to permit Bed and breakfasts and Short-term rentals with a special use permit in Rural Residential districts.

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Section 25-124 of the Augusta County Code is amended to read as follows:

§ 25-124. Uses permitted by Special Use Permit.

- A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and make part of the Special Use Permit:
1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.
 2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

Note: For restrictive conditions applicable to all Special Use Permits, see 25-584 of division I of this chapter.

G. Operation of a Bed and breakfast or Short-term rental within a principal dwelling or detached accessory dwelling unit.

Operation of a Bed and breakfast or Short-term rental within a principal dwelling or detached accessory dwelling unit may be permitted by Special Use permit provided:

1. There shall be no more than one (1) principal dwelling, or part thereof, operating as a Bed and breakfast or Short-term rental per parcel; and

2. There shall be no more than one (1) detached accessory dwelling unit operating as a Bed and breakfast or Short-term rental per parcel; and
3. The lot is at least five (5) acres in area; and
4. The owner of record personally resides in the principal dwelling or accessory dwelling unit; and
5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the use once the Special Use Permit has been approved; and
6. If the principal and/or detached accessory dwelling unit is not connected to public sewer, the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and
7. All parking shall be accommodated on-site.

COMMUNITY DEVELOPMENT STAFF COMMENTS: This ordinance amendment would allow for a property within a Rural Residential zoning district to operate as a Bed and breakfast or short-term rental with a Special Use Permit. The use could be provided in either a principal dwelling or part thereof and/or in a detached accessory dwelling unit. Staff believes the provided conditions for the Special Use Permit process help make such use compatible with Rural Residential development. The minimum lot size in Rural Residential districts is 2 acres. This ordinance amendment would require 5 acres as a condition for the short-term rental Special Use Permit process.