



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, Senior Planner
DATE: October 13, 2020
SUBJECT: Regular Meeting

The regular meeting of the Augusta County Planning Commission will be held on **Tuesday, Oct. 13, 2020 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 **5:15 p.m.** in the **Board of Supervisors' Conference Room** (behind the Board Meeting Room) at the Augusta County Government Center for a staff briefing.

Attached are the agenda and meeting materials for Tuesday's meeting.

If you have any questions about any or the material. Please feel free to contact me. If you won't be able to attend the meeting, please let Sara or me know as soon as possible.

Due to state and local guidance we ask that you please wear a mask to the meeting. Any public wishing to speak, will also be asked to wear a mask. Thank you for your understanding and cooperation.

LT/st

AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, October 13, 2020 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. APPROVAL OF THE MINUTES
 - A. Approval of the Regular and Called Meeting on August 11, 2020
4. PUBLIC HEARING
 - A. A request to rezone from General Agriculture with proffers to Single Family Residential approximately 1 acre (TMP 054A 5 A1) owned by Jordan Enterprises, LLC located approx. 185 ft. west of the intersection of Village Green Drive and Misty Dawn Lane in Staunton in the Pastures District. The proposed general use of the property is residential. The general use of the property stated in the Comprehensive Plan is Medium Density Residential, which may include detached residential units at a density of 3-4 units per acre.
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. Update on Mill Place Commerce Park
 - B. Information for Commission – Code of Virginia, Section 15.2-2310
(Board of Zoning Appeals Items)
10. ADJOURNMENT

PRESENT: G. Campbell, Chairman
L. Howdyshell, Vice Chairman
T. Jennings
K. Leonard
R. Thomas
C. Bragg
J. Wilkinson, Director of Community Development
L. Tate, Senior Planner

Agenda Item # 3A

Date 10/13/2020

ABSENT: K. Shiflett

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 11, 2020 at 6:15 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

* * * * *

Ms. Tate discussed with the board the items on the agenda for the meeting.

Mrs. Tate reviewed the requests coming before the Board of Zoning Appeals.

Mrs. Carolyn Bragg voiced her opinion on adding language to the Comprehensive Plan to state the consideration of public utilities that have already been put in place should be made with regard siting of utility scale solar projects.

Chairman

Secretary

PRESENT: G. Campbell, Chairman
L. Howdyshell, Vice Chairman
T. Jennings
K. Leonard
R. Thomas
C. Bragg
J. Wilkinson, Director of Community Development
L. Tate, Senior Planner

ABSENT: K. Shiflett

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 11, 2020, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Campbell stated as there were six (6) members present, there was a quorum.

Minutes

Mr. Campbell asked the board members to approve the minutes of the called and regular meeting held on July 14, 2020.

Mr. Howdyshell made motion to approve the minutes. Mrs. Bragg seconded the motion, which carried unanimously.

Public Hearing

Ms. Tate stated that there are two public hearing requests on the agenda. The first item is a request to withdraw approximately 75 acres of land from the Middle River Agricultural and Forestal District owned by Buddy L., or Misty D. Shaver (TMP 38-53), located in the southeast quadrant of the intersection of Cline River Road and Craig Shop Road in Weyers Cave in the Middle River District.

Mrs. Tate reviewed the conditions in the Augusta County Code §3-3, which are as follows:

1. Subdivision of land should only be permitted in accordance with the current zoning and subdivision ordinance provisions for family members. Only lots that are solely for the purpose of gift from a member or members of the immediate family of the grantee or grantees, as defined in such ordinance, shall be permitted.
2. No new non-agricultural or non-forestal buildings, and/or uses including dwellings, shall be permitted except that the construction of a dwelling for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner is permitted.
3. All included tracts shall be shown as separate parcels on the County Real Estate records.

Mr. Campbell asked if the applicant was present and wished to speak.

Mr. Buddy Shaver of 1055 Craig Shop Rd. spoke stating that condition # 2 of the code that Mrs. Tate spoke of is what is hindering him on this property. Mr. Shaver stated that he purchased the land in 2019 after the previous owner re-entered the property into the Ag and Forestal District. He asked that the board consider the removal of his property from the Ag & Forestal district.

Mr. Campbell opened the public hearing and asked if anyone present wished to speak on the request.

Mr. Kim Austin of 300 Craig Shop Rd. asked if this would make it easier for development of the property.

Mrs. Tate stated that the only additional allowance that the removal would provide would be that the property owner could cut off 1 one-acre lots with 150 feet of road frontage on a public road each year.

Jessica Burgess of 377 Craig Shop Rd. asked what the plan was for the development of the property.

Mrs. Tate stated that the property could be farmed in any many as it is currently in the Ag & Forestal District and even after it is removed it can be used for any agricultural purposes and farming operations. Mrs. Tate stated that the applicant is interested in eventually building a residence on the property.

Jim Hostetter of 71 Craig Shop Rd. asked what the plan was for the property.

Mrs. Tate stated that the request for removal would allow the property owner to build a dwelling on the property without having to farm the property.

With no one else to speak on the request Mr. Campbell closed the public hearing.

Mr. Howdyshell made a motion to withdraw the property from the Agriculture and Forestal District.

Mrs. Bragg seconded the motion.

The motion was approved with a 5 to 1 vote.

Mrs. Tate read the next item on the agenda, which are amendments to the Utilities section of the 2014-15 Comprehensive Plan Update. Policy considerations were added for design and siting for utility scale solar projects.

Mrs. Tate read the policy updates.

A copy of all updates are available in the file.

Mr. Campbell opened the public hearing and asked if anyone present wished to speak on the matter.

Nancy Sorrells of 3149 Cold Springs Rd. stated that she believes solar has wonderful potential in the county in both agriculture and urban service areas. Mrs. Sorrells also stated that it fits well with the vision for the county. Mrs. Sorrells stated that she encourages the county to adopt the language for the comp plan that allows proper buffering and siting for utility scale solar projects and by right projects. Mrs. Sorrells stated that caution should be used against interfering on property owners rights.

Copies of Mrs. Sorrells comments are available in the file.

With no one else wishing to speak on the matter, Mr. Campbell closed the public hearing.

Mrs. Bragg stated that she felt these policies were well written and make sense. Mrs. Bragg also stated that she would like to see an addition to Policy 6 to state a "consideration of existing utilities and infrastructures be made."

Mr. Howdyshell felt that nothing needed to be changed with the policy amendments. Mr. Howdyshell stated that he felt that water and sewer locations were covered in the policies. Mr. Howdyshell does not want to put any more restraints on property owners.

Mrs. Bragg made a recommendation to accept the policies as presented for provision in the comp plan with the addition of a sentence in Policy 6 that states a consideration for existing infrastructures and utilities be made.

There was a request to reopen the public hearing due to the additional language concerning infrastructure.

Mr. Campbell reopened the public hearing.

Max Quillen of 73 Hibernia Circle stated that if you own a piece of property and solar may help supplement income for that property, then planned infrastructures should not be allowed to tie the hands of the landowners. Mr. Quillen stated that the language concerning infrastructures is wrong.

Mrs. Bragg stated that she said consideration for existing infrastructures and anything that is not there is irrelevant.

Eric Martin representing his mother Ruth Martin stated he supports the policy as presented and that the language is already restrictive and balances many things. Mr. Martin mentioned that to add any more restrictions would be unfair to land owners.

With no one to speak further, Mr. Campbell closed the public hearing.

Mrs. Bragg further explained her reasoning behind the amendment to the policy, being that county citizen's money has already been spent on these projects and residents have invested in these existing infrastructures.

Mrs. Bragg made a motion to accept the policies as written with an addition to Policy 6 to add into consideration of existing infrastructures.

Mr. Leonard seconded the motion

Mr. Jennings asked if the policy amendment could be refined to identify the existing infrastructures to be specifically for the Augusta County Service Authority.

Mrs. Bragg amended her motion to add to Policy 6, consideration for existing Augusta County Service Authority infrastructure be made.

Mr. Leonard seconded the motion.

The motion carried with a 4 to 2 vote.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the September meeting. There were two requests from CCW Enterprises to continue to have short-term cabin rentals. A request was made by Robert and Stephanie Baiotto to construct an accessory building in the front yard. Ashley and Shari Craun requested to have a butcher shop and retail sales of meat on their property. A request to construct an accessory building larger than the total 900 sf aggregate allowed was made by Charles and Angel Douglas.

The Planning Commission took no action on the BZA items.

There being no further business to come before the Commission, Mrs. Bragg made a motion to adjourn. Mr. Howdyshell seconded the motion, which carried unanimously.

Chairman

Secretary

**COUNTY OF AUGUSTA
STAFF REPORT
Jordan Enterprises LLC
October 13, 2020**

SUMMARY OF REQUEST: A request to rezone from General Agriculture with proffers to Single Family Residential approximately 1 acre (TMP 054A 5 A1) owned by Jordan Enterprises, LLC located approx. 185 ft. west of the intersection of Village Green Drive and Misty Dawn Lane in Staunton in the Pastures District. The proposed general use of the property is residential. The general use of the property stated in the Comprehensive Plan is Medium Density Residential, which may include detached residential units at a density of 3-4 units per acre.

VICINITY ZONING: General Agriculture zoning to the north and west. Single Family Residential zoning to the east and south.

CURRENT ZONING: General Agriculture with proffers. See existing proffers below:

1. Public water and sewer will be utilized in the development of this property
2. No manufactured or mobile homes will be allowed on the property.
3. No livestock, poultry, or swine will be permitted on this property.

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Urban Service Area/Medium Density Residential

COMMENTS FROM ENGINEER:

Environment Ordinance Considerations

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

The Augusta County Comprehensive Plan lists the Middle River – Bell Creek watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

Overlay Ordinance Considerations

This property lies outside of the Source Water Protection Overlay (SWPO).

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 and not subject to the Floodplain Overlay (FPO) Ordinance.

This property lies outside of the Urban Service Overlay District (USO).

Subdivision Ordinance Considerations

§21-9.1 Subsection B of the County Subdivision Ordinance addresses street layout and access to adjacent property. Development is required to connect to existing or planned streets and must also provide for access to adjacent property that is located with areas designated in the Comprehensive Plan as Urban Service or Community Development Areas. If rezoned, we would expect Misty Dawn Lane to extend through the property to provide connectivity with adjacent parcels to the west that are within the Community Development Area.

COMMENTS FROM ZONING ADMINISTRATOR: The property is surrounded by agricultural and residentially zoned properties. If the property is rezoned to Single Family Residential the adjoining properties to the north currently zoned Single Family Residential should not be adversely affected by the change. However, the neighboring General Agriculture zoned properties could be negatively impacted by traffic congestion, noise, and lights created by the larger density of a Single Family Residential development. The property was rezoned to General Agriculture at the owners' request. Zoning feels the property is appropriately zoned.

COMMENTS FROM ACSA:

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>.
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.
4. There is an existing 6" waterline at the intersection of Misty Dawn Lane and Village Green Drive approximately 185'± to the east of the subject parcel.

5. There is an existing 8" sewer line at the end of Misty Dawn Lane adjoining the east side property line of the subject parcel.

COMMENTS FROM HEALTH DEPARTMENT: The Health Department has no issue with this rezoning request.

COMMENTS FROM FIRE-RESCUE: Fire-Rescue sees little to no impact on service delivery from this request. Fire-Rescue has no further comment.

TRAFFIC:

Rt. 1082 Village Green Dr

- AADT: 110 vpd (2017)
- Speed Limit: 25 mph
- K-factor: N/A; Dir. Factor: N/A
- Funct. Class.: Local Subdivision Street

Rt. 1083 Misty Dawn Ln

- AADT: 60 (2017)
- Speed Limit: 25 mph
- K-factor: N/A; Dir. Factor: N/A
- Funct. Class.: Local Subdivision Street

COMMENTS FROM VDOT:

1. The requested rezoning would not have a substantial impact to existing roadways and would therefore not warrant a Chapter 527 Traffic Impact Analysis.
2. VDOT understands that in order to develop the residentially zoned property, the public street stub would need to be extended to connect to the divided lots.
 - a. Any new streets would be designed and constructed in accordance with the Secondary Street Acceptance Requirements (SSAR).
 - b. If greater than 150' from the center of the intersection, the street would require a vehicular turnaround.
 - c. The extension must extend to the property line of adjacent property in order to provide the second connection needed to meet the connectivity requirements of the SSAR Regulation. The turnaround would be constructed for long-term use but would essentially only be temporary if the stub street is connected to in the future.
3. Any entrance/intersection to an existing state maintained roadway must be designed and constructed in accordance with VDOT requirements in Appendix F of the Road Design Manual.

SCHOOL BOARD STAFF COMMENTS: The request for a change of approximately 1 acre from General Agriculture to Single Family Residential will have no significant impact on these three (3) schools.

The table below indicates the enrollment as of September 18, 2020

School	Enrollment	Capacity
Churchville Elementary	393	592
Beverley Manor Middle	666	800
Buffalo Gap High	472	740

COMMUNITY DEVELOPMENT STAFF COMMENTS:

PROS

1. Request is in an Urban Service Area where the County encourages 80% of residential development.
2. Public water and sewer are available to serve the property.
3. Property is compatible with adjacent single family residential zoning and development to the east.

CONS

1. Property may not be compatible with adjacent General Agriculture zoning to the north and west.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: This property was rezoned from Single Family Residential to General Agriculture in 2009 in order to create the lot through family member exception without having to bring Misty Dawn Lane up to public street standards. Now, the new owner would like to rezone the property back to Single Family Residential to further subdivide the created lot. As was discussed back in 2009, the property owner must extend Misty Dawn lane as a public road to the adjacent property. With the extension of Misty Dawn Lane as a public road and the utilization of public water and sewer, staff supports the rezoning request as it complies with the Comprehensive Plan, which designates this property for Medium Density Residential development.

Jordan Enterprises, LLC



Jordan Enterprises, LLC



