

PRESENT: T. Cole, Chairman
E. Shipplett, Vice Chairman
J. Curd
W. Garvey
K. Leonard
K. Shiflett
R.L. Earhart, Senior Planner and Secretary
T. Fitzgerald, Director of Community Development

ABSENT: C. Foschini

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, March 11, 2014, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Curd moved to approve the minutes of the called and regular meeting held on February 11, 2014.

Mr. Leonard seconded the motion, which carried unanimously.

MAVRIC, LLC.

A request to rezone from Single Family Residential and General Agriculture to Single Family Residential with proffers, 25 acres owned by MAVRIC, LLC located on the east side of East Side Highway (Rt. 340) approximately 0.4 of a mile north of the intersection of East Side Highway (Rt. 340) and Turk Mountain Lane (Rt. 672) and adjacent to Vesper View and Northwood Subdivisions in the Middle River District.

Mrs. Earhart explained the request as presented on PowerPoint.

Jeff Gentry, with EGS and Associates, Inc., 15 Terry St., Staunton, VA and representative for MAVRIC, LLC stated the proposed subdivision would consist of a 45 lot layout. Street connections to existing state maintained roads have been provided in four different locations; Cedar Crest, Lady Slipper, Venus, and Viburnum Drives. There are existing water lines and public sewer connections available for this project. Connections have been made to the adjoining tract to the east, which is in an Urban Service Area. There is also a connection to adjoining property to the north on the other side of Forgotten Lane. Access has been provided to Forgotten Lane so property owners have an alternate route out to Rt. 340 versus the current route which uses Venus Drive. Three of the four connections lead to turn lanes on Rt. 340. Steps are being taking to limit traffic on Venus and Viburnum Drives as much as possible. Currently there are at least 61 water and sewer connections available; it is anticipated that only 45 of those connections will be used. A concept plan has been provided to show that the general criteria can be met. The developer reserves the right to modify the plan in the future, as far as the internal street network, in order to comply with any other requirements that may come forth during the design phase of the project. County code and any requirements imposed by DEQ will be complied with in terms of drainage from the project.

Mrs. Shiflett asked if there was an anticipated start date for construction to begin.

Vic Saunders of MAVRIC, LLC stated a date for construction to begin has not been set.

Mr. Leonard asked why the plans allowed for connection across Forgotten Lane since there was already access to Forgotten Lane from a public street.

Mrs. Earhart stated the County Ordinance requires developers to provide access to adjacent property that is planned for development. This project is required to be stubbed out to the north and east.

There being no further questions from the Commissioners, Mr. Cole opened the public hearing.

Mrs. Earhart referred to the following letter written by Walter Carter of 236 Forgotten Lane, Waynesboro and sent out as part of the Planning Commission mailing:

“To Whom It May Concern:

I am Walter Carter and I am writing in regards to the request for rezoning by MAVRIC LLC for land located adjacent to the VesperView Subdivision in Crimora. While I have a personal philosophy that property owners should be pretty much allowed to do as they wish on their land, I do have a few questions concerning the request. Some of these items I think should be part of the discussion, particularly to the impact to the subdivision. I will not address whether or not the additional houses should go there, there will be others who will probably be discussing this. So at this time I will refrain from the redundancy.

My first item may not necessarily be for the Planning Commission or the Board of Supervisors, but could be directed more towards MAVRIC. Over the past few years, I have purchased approximately 79 acres from MAVRIC. With the sale, there were many stipulations of

what I can and cannot do with my land, of which I have abided to and respected. During the purchase of the final 42 acres, I had requested to not have the same deeded restrictions that were included with my initial 39 acres. Even though we came to an agreement with some reduced restrictions, the entire discussion revolved around protecting the people that already purchased the adjacent properties, such as house size and limitations animals could be on the properties. I find it ironic that at this juncture MAVRIC is proposing to make significant changes to the land adjacent to mine without any regards to protecting my interests.

Let's begin with Forgotten Lane, which would be impacted by this proposed subdivision. As a private lane, it currently comes off of Route 340 (Eastside Highway), stops in the woods, picks up again around Iris St within VesperView, and then continues as a private lane for about 10 houses. (I have included a copy of EGS and associates conceptual plan that has a highlighted section.) I have the understanding that there will be a connection street that connects Forgotten Lane to old Vesper View and that this proposed road will be the responsibility of MAVRIC. This connector street was put in during the initial clearing of the land. As Forgotten Lane is a private graveled road, there was an agreement from MAVRIC that Forgotten Lane would be repaired from any large truck traffic that would damage the road. At this point, months after the land cleaning, water runoff from the cleared property, as well as a lack of ditching in critical spots, has made Forgotten Lane much worse than before they cleared.

Since Forgotten Lane is private, the residents who use it share the cost of maintaining it. When looking at the conceptual plan for the proposed housing, MAVRIC has identified 6 lots that will obviously have the backs of their houses to Forgotten Lane. According to the concept, Forgotten Lane would not be the primary entrance that those lots would use for their homes. However in partiality, many of those homeowners will use Forgotten Lane, adding to its deterioration, but not contributing to its maintenance and upkeep. As well, the added traffic to a single lane, graveled road will cause significant inconvenience and safety concerns for the residents of Forgotten Lane. A potential remedy would be to add those homeowners to the agreement for maintaining that road, however, would put the onus of agreement and enforcement upon the residents on Forgotten Lane. Another option would be for the highlighted section to be installed when the other streets are installed. It should be widened, paved, and maintained as part of the subdivision.

I am also concerned about the back yards of the properties I'll be passing every day. Instead of the picturesque wooded lane that I originally went down every day, now there is an open area. I can live with that, but what is to stop the backs of the new houses from becoming cluttered and depreciating the value of my home and properties. Perhaps the house fronts could face Forgotten Ln, if that portion of Forgotten Ln is upgraded as stated in the previous paragraph this might be a solution that remedies some of the issues that will impact my property value.

The house we built and the way I am maintaining my property is within the deeded restrictions that all of the MAVRIC property was supposed to be utilized, or at least that was what I was told. These were the protections that were supposed to be in place for the protection of all landowners, however, this property apparently has had those restrictions lifted to fit 52 homes. There will also be another 52 houses to contend with people trespassing upon Forgotten Lane, again a private road for 10 property owners. Even though we have posted signs everywhere, there are still issues that will be exacerbated by the new addition.

With this letter, I have also included a copy of one the older plats that I received with the purchase of my properties. What is to become of the "lifetime rights area" that is in the middle of the 4.497 acres? As a resident of the VesperView area for 15 years, I did not know that existed. Will it be relocated and what is allowed to be done with that property? This area might provide something for the youth of those subdivisions.

In summary here is a brief list of the above requests for clarification, in question form.

1. *Forgotten Lane is a private lane that will more than likely be used by 6 of the new homes proposed in MAVRIC's design. What will be the method of ensuring that extra burden and reduced safety is not placed on the current users of Forgotten Lane?*
2. *Since there will be the "back yards" of 6 properties adjacent to mine, what protections will be put in place to prevent a negative financial impact to the properties that I own?*
3. *What kinds of things can be put in place to ensure that the residents do not consider my 79 acres does not become the "back yard" or 4 wheeler trails of the new residents?*
4. *What happens to the "lifetime rights area" located for VesperView?*
5. *Can the orientation of the houses adjacent to Forgotten Ln be modified to help with the issues associated with the private lane and the property values of my property? As well as "back yard" issues.*

Thank you for your time, I look forward to your responses.

Sincerely,

Walter L. Carter, Jr.

Cell:540-241-3922

Email:wcarter540@gmail.com

Also attached are illustrations 1 and 2"

Ms. Laura Plecker of 22 Black Oak Lane, Waynesboro stated she was there on behalf of her daughter and son-in-law. She stated she is not in favor of this request and feels the new development will decrease the property value of the adjoining properties. She questioned how traffic would be limited on Virburnum and Venus Drives as indicated by Mr. Gentry. She also stated that the houses are going to be small. She asked if the developer could build less homes with a higher sales price instead of building so many smaller homes. She expressed concern regarding the increase of children in the school system and stated the schools are not structured to handle an increase in enrollment. There is concern because the land was stripped and clear cut and no silt fencing installed. She asked who will keep up the infrastructure of the roads and road maintenance.

Mr. Shipplett asked what street Ms. Plecker's daughter and son-in-law live on.

Ms. Plecker stated they live on Venus Dr.

Mr. Gentry stated the clear cutting was done in accordance with the regulations of the Virginia Department of Forestry and Augusta County. The streets are public streets and will be maintained by VDOT and built to their standards at the expense of MAVRIC, LLC. The developer does not have any control over school enrollment; however, the School Board has always been capable of making adjustments in the past and will continue to do so as new developments are created. It is unlikely that every home in the new development will have school aged children. The lot size will not be smaller than the adjacent subdivision and the houses will be built similar to the houses in Northwood and Vesper View. Depending on the age of the homes in Vesper View, property values will more than likely increase with the new housing construction taking place in the area.

There being no one else to speak in favor of or against the request, Mr. Cole closed the Public Hearing.

Mr. Shipplett asked if all the houses will be built at the minimum requirement of 1200 square feet or will there be some built to exceed the minimum.

Mr. Gentry stated he would expect there to be a mix in the square footage and style of homes.

Mr. Garvey asked if a price range for the homes had been determined.

Mr. Gentry stated a price range has not been determined at this stage.

Mr. Curd asked how the traffic on Virburnum would be limited.

Mr. Gentry stated other means of access out of the project have been provided through the four exits. Based on VDOT's calculations, 45 lots would create a total of 450 vehicular trips per day. With four potential exits, the average per exit would roughly be 100 vehicular trips per day. At this time there are no specific measures in place that will meet the County requirements for the interconnectivity of the project.

Mrs. Shiflett thanked the applicant for the new proffer that was submitted that would address concerns of residents on Forgotten Lane. She stated she is concerned about school capacity since two of the schools for that area have exceeded capacity. The area of this project has always been planned for development and the streets stubbed out. She moved to recommend approval of the request with proffers.

Mr. Garvey seconded the motion, which passed with a vote of 5-1, with Mr. Curd opposed.

Kenneth Ray Bradley, Jr.

A request to amend the proffers on approximately 7.6 acres currently zoned General Business owned by Kenneth Ray Bradley, Jr. located on the west side of East Side Highway (Rt. 340) just north of the City Limits of Waynesboro in the Wayne District.

Mrs. Earhart explained the request as presented on PowerPoint.

Mr. Tom Shumate, Jr., of 1000 W. Main Street, Waynesboro, and agent for Kenneth Ray Bradley, Jr. stated there are two existing entrances on the property. The smaller entrance is for the existing house. Mr. Bradley recently purchased the property and was unaware of the existing proffers. He would like to continue to use the house as residential with the existing entrance.

There being no questions from the Commissioners, Mr. Cole opened the public hearing.

With there being no one to speak against or in favor of the request, Mr. Cole closed the public hearing.

Mr. Curd stated since the applicant has corrected the previous compliance issue he moved to recommend approval of the amended proffers.

Mr. Shipplett seconded the motion, which carried unanimously.

§26-664 – Non-conforming Lot Requirements

An amendment to Section 25-664 of the Augusta County Code to allow the boundary lines of a nonconforming lot to be changed provided the resulting lot is a conforming lot or the nonconformity has not been substantially increased, will not be of substantial detriment to adjacent property, and will not change the character of the district the lot is in. Currently, the boundary lines of a nonconforming lot can only be changed if the resulting lot is a conforming lot or the nonconforming lot is no less conforming than the original lot.

Mrs. Earhart reviewed the proposed amendment with the Commissioners.

There being no questions from the Commissioners, Mr. Cole opened the public hearing.

There being no one to speak in favor or opposition of the proposed amendment, Mr. Cole closed the public hearing.

Mr. Shipplett moved to recommend approval of the ordinance changes as written.

Mr. Leonard seconded the motion, which carried unanimously.

§26-672 - Site Plan Requirements

An amendment to Section 25-672 of the Augusta County Code to provide the Board of Zoning Appeals with discretion whether to require a site plan for any new structure permitted by special use permit. Currently, a site plan is required for all new structures permitted by special use permit.

Mrs. Earhart reviewed the proposed amendment with the Commissioners. The current ordinance requires that a full site plan be prepared for any new building permitted by special use permit. The proposed amendment would require a site plan only in instances when the BZA would require it.

There being no questions by the Commissioners, Mr. Cole opened the public hearing.

There being no one to speak in favor of or against the request, Mr. Cole closed the public hearing.

Mr. Leonard stated he is not in favor of the BZA having discretion to determine if a site plan is going to be required for new businesses. If a site plan is going to be required for one business, it should be required for all. Businesses should follow business rules regardless of where it is located. It would impose an unfair advantage in the Ag District for development of businesses.

Mr. Garvey stated that although he doesn't live in an Agriculture District, it seems the current Ordinance is strict about the site plan policy; however, there could be certain circumstances where a full site plan would not be necessary. The BZA should be allowed to use their discretion for site plan requirements when approving a Special Use Permit.

Mrs. Shiflett asked why the proposal to change the Ordinance has come up at this time.

Mrs. Earhart explained that items are brought before the Board of Supervisors. The items are forwarded to the Ordinance committee and Staff is asked to draft the proposal.

Mr. Fitzgerald gave an example of an individual who applied for a SUP for a small landscaping business located at his residence. The individual needed to build a small storage shed and was required to submit a full site plan, which was very costly. In this case, there really was not a need for a full site plan. There have been several cases where a full site plan was not necessary, but was required because of the current Ordinance. Prior to the 2010 Ordinance changes, the BZA had the discretion to decide if a full site plan or a sketch plan would be required for businesses.

Mr. Shipplett asked if an ordinance could be written that would define a small business as a guide for the BZA to use in determining if a site plan would be required.

Mr. Fitzgerald stated it had been discussed as a possibility to stipulate that if a building exceeded a certain square footage, a site plan would be required.

Mr. Leonard asked who would advise the BZA on this matter.

Mr. Fitzgerald stated Staff would advise the BZA in the recommendations.

Mrs. Shiflett asked if there are problems with setbacks and property lines without a site plan.

Mr. Fitzgerald stated there would not be a problem with setbacks because a survey would be required if the business is within so many feet of the property lines.

Mrs. Earhart stated in 2010 when the change was made to the Ordinance to require a site plan, it was made in the attempt to get development where the County wanted it to be and not encourage business development in agriculture areas.

Mr. Leonard moved to recommend to the Board of Supervisors that the proposed changes to the Ordinance not be approved.

Mrs. Shiflett seconded the motion, which passed on a 4-2 vote, with Mr. Garvey and Mr. Shipplett opposed.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

Mr. Cole asked if there were any comments regarding the upcoming items on the BZA agenda.

The Planning Commission took no action on the BZA items.

Comp Plan Review – Land Use, continued

Mrs. Earhart resumed the review of the Land Use section of the Comp Plan from the earlier Worksession.

The Commissioners continued discussion on Goal 2, Objective C, Policy 2, regarding clustering of dwellings in Rural Conservation Areas. They agreed to keep the Comp Plan as it reads that 80% of the parent tract in permanent open land be preserved when considering the clustering of new dwellings. Future recommendations may be made to the Ordinance Committee to change the County Ordinance from 70% of land being preserved to 80% in order to match the Comp Plan.

The Commissioners discussed Goal 2, Objective E, Policy 2: Buffers. They agreed to delete the language in this policy which states “Require new residential development to provide sufficient buffers from existing adjacent farming operations.”

There being no further discussion by the Commission, the meeting was adjourned.

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Chairman

Secretary