

PRESENT: J. Curd, Chairman
T. Cole
W. Hite
K. Shiflett
E. Shipplett
R. L. Earhart, Senior Planner and Secretary

ABSENT: W. Garvey
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, November 13, 2012, at 3:45 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission assembled in the Augusta County Government Center to discuss the rezonings. The Planning Commission traveled to the following sites which will be considered by the Commission:

1. Trustees of the Augusta County Landfill Land Trust
2. Churchville Volunteer Fire Department

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

ABSENT: W. Garvey
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County
Planning Commission held on Tuesday, November
13, 2012, at 7:00 p.m. in the Board Room, Augusta
County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Curd stated as there were five (5) members present, there was a quorum.

MINUTES

Mr. Cole moved to approve the minutes of the called and regular meeting held on
August 14, 2012.

Mr. Shipplett seconded the motion, which carried unanimously.

Mrs. Earhart explained the request as presented on PowerPoint. She stated the applicant has submitted the following proffers:

1. Additional permitted uses will be limited to:
 - A. Government buildings and properties
 - B. Active and passive recreational facilities
 - C. Jails, prisons, and other detention facilities
 - D. Police, rescue squad, and fire stations
 - E. Law Enforcement Training Facility to include facilities such as classroom buildings, shooting ranges, obstacle course, live fire shoot house, explosive bunkers, hazmat bunkers, and storage of hazardous materials.
 - F. Sanitary landfills, inert materials disposal areas, public use convenience centers, municipal recycling centers, solid waste transfer stations, incinerators and other facilities needed for the collection, handling, storage and disposal of solid, liquid, and gaseous materials including facilities such as Pre-Subtitle D closed fill areas, construction/demolition debris landfills, soil borrow areas and activities, environmental testing, landfill gas collection, control, and conversion activities, woodwaste/yardwaste storage and processing areas, soil amendment processing areas, and scale houses.
2. All law enforcement training facilities shall be setback at least 200' from an exterior property line.

Corporal Derek Almarode of the Augusta County Sheriff's Office stated that in 1998 long range planning efforts by the Augusta County Sheriff's Office and Staunton and Waynesboro police departments identified a need for a new location and facility to conduct live fire training exercises. In 2003, the County of Augusta entered into a governmental contract with both cities and again in 2005 at which time the Middle River Regional Jail was added to the governmental contract. He stated that they have operated as a regional concept and committee for the SAW range, which is an inter-governmental range facility that encompasses all the agencies. Since the beginning of 2012, the SAW range serves all necessary training needs for six independent agencies and their officers, 172 full-time sworn officers and deputy sheriffs combined, two part-time sworn police officers, approximately 40 reserve officers and 125 sworn correction officers. He explained that the live fire training facility consists of two primary ranges, a training storage facility, one educational classroom and bathroom facility. The range

Corporal Almarode indicated on PowerPoint several of the locations of the training facilities.

With there being no questions from the Planning Commission members, Mr. Curd opened the public hearing.

Laurie Mays of 746 Christians Creek Rd. stated that she lives in the house directly across from the entrance to the landfill. She is concerned about the additional noise that may be caused by the expansion and increased uses of the range. She indicated that shooting continues up to 10:00 p.m., especially in the summer. She is concerned about the addition of explosives and the increased noise from them. She asked if the proposed location of the new courses will be closer to, or farther away from, her home. She stated she appreciates law enforcement and realizes they need to train but doesn't want the noise to increase.

Corporal Almarode indicated that the actual range schedule will not change. The amount of usage may change, but the peak points will not change. He indicated that the designated rural training areas will be in proximity to where the range is now and may be closer to Mrs. Mays' house, but there should be no increased noise from this because it is force on force training, which is simunition training. All live fire exercises will not leave the existing areas they are in now with the exception of the shoot house. When the shoot house is completed, it will be a structure with a roof system over top of it so there can be training in inclement weather. All noise should be contained to the shoot house. He stated that the noise ordinance of Augusta County is observed and they strive to complete their exercises between 9:00 and 10:00 p.m.

Mr. Curd asked for confirmation that the shoot house would have a roof.

Corporal Almarode indicated on PowerPoint the roofing system that will be used and stated that there should be no additional noise caused by adding the structure. He also indicated that all live fire exercises will remain in the shoot house, unless there are open range exercises which will only be held during daylight hours.

There being no one else wishing to speak, Mr. Curd declared the public hearing closed.

Mr. Hite stated that the location is probably the best suited location in the County for the

Monkey, LLC located on the south side of Jefferson Highway (Rt. 250) across from the intersection with Woodrow Wilson Avenue (Rt. 358) in Fishersville in the Wayne District.

Mrs. Earhart explained the request as presented on PowerPoint. She stated the applicant has submitted the following new and revised proffers:

1. There will be no direct lot access onto Rt. 636 Relocated. The only access points will be the street connections as generally depicted on the Conceptual Plan entitled "Myers Corner" dated October 19, 2012 and prepared by Balzer & Associates.
2. There will be no direct lot access on to Existing Rt. 636. A public street connection to existing Route 636 will be built or bonded prior to the issuance of a building permit for the 200th single family, duplex, or townhouse dwelling unit.
3. The system of open space in the development will be as generally depicted on the Conceptual Plan entitled "Myers Corner" dated October 19, 2012 and prepared by Balzer & Associates. The open space will include retention of the existing hedgerow/fence along the western property boundary with the Troxell and Pingry tracts in at least a 5' strip of open space as depicted on the plan. The developer will install 4' wide paved walking trails throughout the development and connecting the areas of open space within the development. The paved walking trails will be maintained by the development's HOA. In lieu of walking trails, sidewalks may be built along some streets. The net result will be a pedestrian system from Route 250 to existing Route 636.
4. If street lights are installed, they will be installed and maintained at the expense of the development's HOAs.
5. Trash collection will be provided by the HOAs.
6. Applicant will dedicate to VDOT a minimum of 24 feet of right-of-way along Rt. 250.
7. The minimum size, defined as the aggregate area of the finished floor space of all floors, of the townhouses will be 1,000 sq. ft.; of a duplex will be 1,100 sq. ft.; and of the single family homes will be 1,200 sq. ft.

Scott Williams, an owner of Crescent Development, LLC and developer of Myers Corner stated that they are requesting a change in the proffers to help facilitate the construction of new Route 636 and to change the zoning of a small portion of Myers Corner from Multi-Family to General Business. Their desire is to work with Augusta County to help

residential section of Myers Corner. He explained that they are also requesting to rezone 4.2 acres from Multi-Family to General Business. In the original development plans for Myers Corner, the two corner lots were to be part of the Multi-Family area of the project. The lots are awkward for Multi-Family because they are small and split by an access road. With the construction of Rt. 636, it would be more appropriate for the lots to be zoned General Business. Staff supports the rezoning request as it will have a positive impact on the existing public services including schools. These proposed changes are minor, but at the same time show a desire to work with Augusta County to complete the building of Rt. 636.

Mr. Curd asked by how much the density would be decreased with the rezoning from Multi-Family to General Business

Mr. Williams indicated by 20 to 30 lots.

With there being no questions from the Planning Commission, Mr. Curd opened the public hearing.

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

Mrs. Earhart read a letter submitted by Bob and Kristy Pingry of 306 Goose Creek Rd. The letter stated:

We live on adjoining property to a section of this land which was rezoned for multi-family townhouse development.

We supported the original rezoning of the entire 139 acres with the following conditions:

1. Eliminated a road extension into our property.
2. Require the development of the 139 acres to incorporate and not disturb the existing hedgerows.
3. Require the development to incorporate and not disturb the only existing approximately five acre mature forest.
4. Protect and not disturb the existing pond and habitat area directly behind 345 Goose Creek Road.

Because the original rezoning is up for amendment, we urge you to require proffers to:

1. Protect and preserve the existing interior hedgerows where they do not conflict with an improvement or utility.
2. Protect and preserve the existing forest where they do not conflict with an improvement or utility.
3. Protect and preserve the existing pond and surrounding habitat behind 345 Goose Creek Rd.

In addition we request you to require the following new proffers:

4. Require a minimum set back to a dwelling unit of 100 feet adjoining our property at 306 Goose Creek Road
5. Restrict all outside lighting in the development to conform to "Dark Sky" illumination standards.

You have a wonderful opportunity right now because of the amendment request, to enhance the quality and environments stewardship of this future neighborhood and address the setback to development adjoining our property. Please find the courage to act.

Sincerely,

Bob and Kristy Pingry

Mr. Williams stated that he was not sure of everything Mr. & Mrs. Pingry were referring to. He stated that Crescent Development's intent is to preserve the existing trees and natural features on the site as much as possible and feels they can achieve the goals expected. He stated that there is a fair amount of grading that has to be done when developing a site and trying to meet the density of the Comp Plan and feels it would be unrealistic to say that they will save all the interior hedgerows, but they will do the best they can. Regarding the pond, there will be a water quality feature and they will try to incorporate the existing pond with it, however, whatever is lost, Crescent Development will create a water quality feature that will house the same benefits to the wildlife.

Mrs. Earhart reminded the commissioners that the rezoning request was just for the two

Churchville Volunteer Fire Department, Inc.

A request to rezone 2.7 acres from Single Family Residential to General Business and to add the Public Use Overlay zoning designation with proffers to approximately 3.1 acres owned by the Churchville Volunteer Fire Department, Inc., and located on the north side of Churchville Avenue (Rt. 250) just west of the intersection with Buffalo Gap Highway (Rt. 42) and immediately adjacent to the existing fire department building in the Pastures District.

Mrs. Earhart explained the request as presented on PowerPoint. She stated they have submitted the following proffers:

1. Additional permitted uses will be limited to:
 - A. Police, rescue squad, and fire stations
 - B. Active and passive recreational facilities
 - C. Community Centers and similar facilities
 - D. Meeting places and offices of civic clubs, fraternities, lodges, and other organizations, excepting those the chief activity of which is a service customarily carried on as a business
 - E. Carnivals, circuses, fairs, festivals, animal shows, exhibition and similar special events not permitted under §25-21 of division A of this chapter

Craig Williams, Deputy Chief of Churchville Volunteer Fire Department and Rescue Squad stated that the current property is not adequate to support the staff they have which consists of 112 volunteers and it will not allow them to acquire more updated equipment due to building constraints. The Board of Supervisors approved a grant for \$125,000 to aid in the expansion. There have been many floodplain issues, but those issues are to the point of being resolved. He stated that the current structure won't support a second story which is needed for living space for the department members. The intent is to build a two story addition containing a total of 14,000 square feet. The bottom portion will house the fire apparatus and will include five drive-thru bays exiting to the roadway and entering from the rear of the building to keep from backing units into the facility off of Rt. 250. Two rescue bays in the existing building will be remodeled for office space and they will remodel the façade of the current building to match the new

Mr. Cole agreed that the department is in need of a better facility. His concern is the location of the building and that it is in a floodplain.

Mr. Williams stated that the building has never flooded. The water has been up close to the building, but it has not been inside the building.

Mr. Cole asked if flood insurance would be required.

Mr. Williams stated that they currently have flood insurance. He also went on to explain why they wish to keep the location of the department where it is. If they move the facility onto Rt. 42 towards Buffalo Gap, it will change the response area. He stated that not only would it change the response area but it would put them in a situation at the intersection of Rt. 42 and Rt. 250 where there isn't enough area of approach to get around the intersection at high traffic times in the mornings and afternoons. Often they will receive a call during the high traffic times when they are returning from a previous call. At that point, they have to cut through the Churchville Elementary School parking lot to avoid the heavier traffic on Rt. 250. He stated that there is no other area in Churchville to build and provide the service they are providing now.

Mr. Cole stated again that he is concerned about the floodplain and natural disasters. He admires the work of the department and doesn't want to see the firehouse compromised in a flood where they would be unable to respond to calls. He said he realized the traffic concerns at the Rt. 42 and Rt. 250 intersection, but is concerned about the ability to continue to meet the needs of the area.

Mr. Williams stated that currently they are using the six bays across the current facility. The two end bays farthest west will be remodeled for office space. The living quarters for members will all be on the second floor. The construction of the building will meet the issues with the floodplain and now meets the County Ordinance requirements. The ground floor elevation of the new building will be one foot out of the floodplain. The old building will only be used for office space. The rescue squads will be housed in the remaining four bays where the fire apparatus is now. He said they feel that they have gone above and beyond the floodplain ordinances to make sure all issues were addressed. In the event that there would be flooding, the emergency apparatus would not be in danger. The drive-thru bays would be opened to allow the water to run through. He stated that they try to provide the highest level of service to the community

the public. They are hoping that skilled community members will be willing to donate their time to help build the structure's second story.

With there being no further questions from the Commissioners, Mr. Curd opened the public hearing.

Joe Condo of 3836 Churchville Avenue stated he has lived across the street from the fire department for 16 years. He is concerned about the noise coming from the fire department due to the volunteers sitting in front of it late at night. He has addressed Tracy Pyles, Mr. Short and members of the department about this issue, and feels that his concerns have been ignored. He stated that he was told by Mr. Short that this is what they have been doing for 40 years. He said that he is a contractor and has to get up early in the morning and the noise from the department keeps him awake, however, he said over the past several months the noise issue has improved. He is also concerned about the house siren and wonders why it is needed since they have pagers. He feels the house siren causes noise pollution. While he appreciates what they do as a department, he feels there needs to be some kind of an agreement. He stated that he offered to buy or build a fire pit in the back of the building for the members to use at night to minimize the noise in front. He opposes the expansion of the building, if the noise is going to continue.

Mr. Williams confirmed that this feud has been going on for some time. He stated that as deputy chief he has tried to extend himself to try to resolve this issue between Mr. Condo and the fire department. He said they are at the point to agree to disagree. He said the community likes to see members of the department in front of the building at 2:00 – 3:00 a.m. Also, the response time is better if they have members already in place at the station. He stated that they have tried to accommodate Mr. Condo by going inside at night. Throughout the past 16 years there have been multiple attempts to meet Mr. Condo's needs and desires. The Augusta County Sheriff's Department is called by Mr. Condo via 911 and via the land line at least three to four times a week in the summer. Deputies have stood in the parking lot across the street without the department's knowledge to watch the fire department to determine if there is a substantial problem going on. Each time they have found no fault. They understand the concerns and have tried to accommodate Mr. Condo in many ways. Regarding the house siren, he doesn't feel this is an issue for the Planning Commission. The siren is a tradition and has been around for many years and they try to keep that tradition alive. He stated that the siren

If there are vehicles in sight, whether on Rt. 42 or Rt. 250, they have to use the sirens regardless of the time. He stated that if there was a collision and they had not used the sirens, they would be found at fault and more than likely face a lawsuit.

Mr. Shipplett asked if the house siren was a siren on the building.

Mr. Williams said yes it was.

Mr. Shipplett asked if they were keeping it just because it was tradition.

Mr. Williams stated that the house siren still activates when a call goes off. He stated that there are still multiple departments that use them because they were installed in the era the station was built. The newer stations do not install them.

Mr. Shipplett asked if the department received complaints from any other individuals.

Mr. Williams stated that they did not and that all complaints were from the same individual.

There being no one else wishing to speak, Mr. Curd closed the public hearing.

Mr. Hite said that he felt this request could be approved with the proffers and made the motion for the Planning Commission to recommend approval of the request with the proffers to the Board of Supervisors.

Mr. Shipplett seconded the motion, which carried unanimously, but stated that he wants to encourage the fire department to work with the neighbors and address their concerns, even if it is only one neighbor.

Amendment to Zoning Ordinance to Add Provisions for SUP for Extended Stay RV Parks

An amendment to the Zoning Ordinance of Augusta County to add provisions for the Special Use Permit in General Agriculture districts for Extended Stay Recreational Vehicle Parks. The Ordinance will amend the Special Use Permit for extended stay recreational vehicle parks by increasing the maximum guest occupancy to over 240

here longer than a year. They would like to have the ability to have some sites that allow for an extended stay, but understand that the County does not want them to become permanent subdivisions. There is a category that would allow for permanent RV subdivisions, but this is not what the individuals are asking for. They wish to remain predominately a campground and RV park but recognize there is a need that under the current ordinance they could not meet. The amendment would allow for 30% of the sites to exceed the 240 day limit. It would be self-policing and a log would need to be kept on site to ensure that they stay within the parameters of their permit.

Mr. Curd asked if there was a cap and if it could be for over the 240 days.

Mrs. Earhart stated that it would go before the Board of Zoning Appeals and that the individual may voluntarily come in and say that they only want it for a specified time or there could be no cap. The cap would be that no more than 30% of the units would be allowed to have a more permanent residency. She stated again that there is a zoning district that allows permanent residency. The ordinance does require that the sites be on public water and public sewer.

Mr. Cole asked if the density was the same for those as it is for the permanent developments.

Mrs. Earhart said they were not. These would have a higher density than those that are permanent.

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

Andy Zipzer of Fluvanna County stated that he and his wife were in the process of buying a campground. He referred to a provision in paragraph 21 of the Ordinance and stated that his understanding of it is that with more people staying at the campground longer, there would be a need for more supervision or staff on hand. He has an issue with the fact that campgrounds are set up in Agricultural zoned areas and if the campground doesn't have more than 60 acres, only two dwellings are allowed. The camp host provision currently in place allows for one camp host for every 50 sites, so if there is a 45 acre campground with 150 sites, for example, one of the camp hosts would be forced to live in an RV. He stated in the short term this scenario would be sufficient,

There being no one else to speak in favor or opposition of the amendment, the public hearing was closed.

Mr. Shipplett made the motion to recommend approval of the amendment to the Board of Supervisors with a clarification to the camp host provisions allowing additional dwellings.

Mr. Cole seconded the motion, which carried unanimously.

NEW BUSINESS

Inclement Weather Ordinance

Mrs. Shifflett moved to recommend approval of the following ordinance.

WHEREAS, § 15.2-2214 of the Code of Virginia (1950), as amended, authorizes the Augusta County Planning Commission to fix a schedule of regular meetings.

WHEREAS, the Planning Commission now desires to establish its schedule for regular meetings during calendar year 2013.

BE IT RESOLVED BY THE AUGUSTA COUNTY PLANNING COMMISSION:

1. The Planning Commission shall hold regular meetings during calendar year 2013, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

January 8, 2013	7:00 p.m.
February 12, 2013	7:00 p.m.
March 12, 2013	7:00 p.m.
April 9, 2013	7:00 p.m.
May 14, 2013	7:00 p.m.
June 11, 2013	7:00 p.m.
July 9, 2013	7:00 p.m.
August 13, 2013	7:00 p.m.
September 10, 2013	7:00 p.m.

BE IT FURTHER RESOLVED, that this resolution be adopted by the Commission and recorded in its minutes.

Mr. Hite seconded the motion, which carried unanimously.

Nominating Committee

Mr. Curd appointed Wayne Hite, Becky Earhart and himself to the nominating committee.

STAFF REPORTS

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

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

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

12-46 Old Grey Mare's Acres, LLC

The Planning Commission voiced concerns about the potential impact the lighting associated with this proposed use might have on the surround area. They noted this property is located in an agricultural area and are concerned about the lighting that may be necessary if the events are held late into the night. Mr. Cole moved to recommend that if approved, the Board of Zoning Appeals require the applicant to comply with the County's Lighting Ordinance. Mrs. Shiflett seconded the motion, which passed unanimously.

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

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