

PRESENT: T. Byerly, Chairman  
K. Shiflett, Vice Chairman  
S. Bridge  
T. Cole  
W.F. Hite  
K. Leonard  
D.L. Cobb, Director of Community Development

ABSENT: J. Curd

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 12, 2009, at 3:30 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center to discuss the rezoning and the preliminary plat. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Staunton-Beverly Road, LLC and Gateway-Beverly Road, LLC – Rezoning

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Chairman

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Secretary

PRESENT: T. Byerly, Chairman  
K. Shiflett, Vice Chairman  
S. Bridge  
T. Cole  
W.F. Hite  
K. Leonard  
P. Morgan, County Attorney  
D.L. Cobb, Director of Community Development  
R. L. Earhart, Senior Planner and Secretary

ABSENT: J. Curd

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, May 12, 2009, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

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

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**MINUTES**

Mr. Bridge moved to approve the minutes of the called and regular meeting held on April 14, 2009.

Mr. Hite seconded the motion, which carried unanimously.

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**Staunton-Beverly Road, LLC and Gateway-Beverly Road, LLC – Rezoning**

A request to rezone from General Agriculture to General Business with proffers approximately 135.2 acres owned by Staunton-Beverly Road, LLC and Gateway-Beverly Road, LLC located in the northeast and southeast quadrants of the Interstate 81/Route 262 interchange in the Beverley Manor District.

Ms. Earhart explained the request. She stated the applicant has submitted the following proffers which were revised again on May 12, 2009:

**1. Permitted Uses.** The Applicant shall be permitted to develop the Property with a gasoline retail outlet (up to 20 gasoline fueling positions) and convenience mart, 180 room hotel (which may or may not include such ancillary uses as are typically utilized in full service hotels) (collectively, the "Baseline Development") and up to 909,164 square feet of additional commercial and service related uses consisting of those uses permitted in the General Business (GB) District as it exists at the time of, and including such uses as may be added subsequent to, this proffered rezoning.

**2. Prohibited Uses.** The following uses shall be prohibited on the Property: (a) adult businesses; (b) mini-warehouses; (c) warehouse operations, except that the foregoing shall not preclude storage and warehousing ancillary to, and typically used by, sales and service establishments including, without limitation, department stores, grocery stores, and home improvement stores; and (d) truck stops.

**3. Development Conformance.** All site plans submitted for review by the Applicant for development on the Property shall be in conformance with these Proffers and all provisions of the Zoning Ordinance, unless waived and/or modified, as it existed at the time of the filing of each respective site plan.

**4. Signage.** The Applicant shall design all signage on the Property with a unified theme. No more than five pylon signs (freestanding signs greater than 15 feet in height containing signage) shall be installed on the Property, three (two on the North Side and one on the South Side) of which, in the Applicant's sole discretion, may be located along the Property's Interstate 81 ("I-81") frontage. Pylon signs constructed on the Property shall not exceed 45 feet in height. All other freestanding and building mounted signage shall be in conformance with the provisions of Article IV of the Zoning Ordinance (the "Sign Ordinance"), unless waived and/or modified. All freestanding signage adjacent to I-81 and/or site entrances shall be installed consistent with VDOT regulations.

**5. Utility Improvements.** The Applicant shall extend public water and public sanitary sewer lines to, and throughout the Property, in conformance with Chapter 24 of the Augusta County Code and Section 25-505 of the Zoning Ordinance and in accordance with the Augusta County Service Authority (the "Authority") rules and regulations. The Applicant shall be responsible for acquiring the easements necessary to make the aforesaid improvements. The Applicant reserves the right to enter into a mutually acceptable agreement(s) with the Board and/or Authority to recoup the cost of any such off-site sewer and/or water line extensions from future users who tap into such improvements.

**6. Lewis Creek Floodplain and Buffer.** The Applicant shall perform all site work (including, without limitation, necessary public water, sanitary sewer, and/or stormwater management facilities and Property access) within the Floodplain Overlay District, in accordance with Article XLVII of the Zoning Ordinance, as the Flood Plain Line may be altered subject to the approval of each applicable governmental authority. The Applicant shall not construct any buildings or parking on that portion of the Property that is within

the designated floodplain adjacent to Lewis Creek as it may be altered subject to the approval of each applicable governmental authority.

## 7. Transportation Improvements.

### A. General.

1. The Property is bisected by Woodrow Wilson Parkway, with approximately 118.405 acres on the north side (the "North Side") and approximately 16.77 acres on the south side (the "South Side"). The development contemplated on the Property by the Applicant is divided into four phases: the Initial Phase, Phase 1, Phase 2, and Phase 3.
  - i. In the **Initial Phase** of development on the Property the Applicant shall be permitted to develop, in the Applicant's sole discretion, the Baseline Development, but not including the hotel, and/or up to an additional 28,000 square feet of any of the commercial and service related uses permitted in the GB District (the "Initial Phase Additional Development"), with no more than a maximum of 15,000 square feet of such commercial and service related uses to be developed on the South Side.
  - ii. In **Phase 1** of development on the Property the Applicant shall be permitted to develop, in the Applicant's sole discretion, the Baseline Development including the hotel, and in addition to this development a cumulative total of 462,600 square feet of any of the commercial and service related uses permitted in the GB District (the "Phase 1 Additional Development"), with no more than a maximum of 108,900 square feet of such commercial and service related uses to be developed on the South Side.
  - iii. In **Phase 2** of development on the Property the Applicant shall be permitted to develop, in the Applicant's sole discretion, the Baseline Development including the hotel, and in addition to this development a cumulative total of 729,658 square feet of any of the commercial and service related uses permitted in the GB District (the "Phase 2 Additional Development"), with no more than a maximum of 130,000 square feet of such commercial and service related uses to be developed on the South Side.
  - iv. In **Phase 3** of development on the Property the Applicant shall be permitted to develop, in the Applicant's sole discretion, the Baseline Development including the hotel, and in addition to this development a cumulative total of 909,164 square feet of any of the commercial and service related uses permitted in the GB District,

with no more than a maximum of 208,900 square feet of such commercial and service related uses to be developed on the South Side.

2. The Applicant shall provide transportation improvements according to a phasing schedule, as illustrated in the attached transportation improvement diagrams (Exhibit A), and as described in Proffer 7(B) below for, respectively, the Initial Phase, Phase 1, Phase 2, and Phase 3 of development as described in the Traffic Impact Analysis ("TIA"), prepared by Patton, Harris, Rust & Associates ("PHR&A"), dated December 17, 2008, with revisions through March 3, 2009.
3. At the time of approval of the first site plan for development on the Property, the Applicant shall dedicate to the Board or VDOT right-of-way along the Property's Woodrow Wilson Parkway frontage in an amount necessary to permit the construction of Woodrow Wilson Parkway as a four-lane primary roadway (100 foot wide section) in accordance with the recommendation of the Comprehensive Plan.
4. Should off-site, privately owned right-of-way and/or easements (collectively "right-of-way") be necessary to complete any of the improvements proffered below, the Applicant shall either acquire such right-of-way or shall pay all costs, including reasonable attorney's fees for outside counsel (if applicable), necessary for Augusta County to acquire such right-of-way by such lawful means as are available to Augusta County. The Applicant shall first use its good faith efforts to diligently pursue acquisition of said right-of-way. If the Applicant is unable to acquire said right-of-way within ninety days of commencement of its efforts to acquire such right-of-way, the Applicant shall provide evidence of such efforts and request in writing that the Board acquire such right-of-way by whatever lawful means are available to it for the purpose of accomplishing said off-site road improvements. Should the Board elect to acquire such right-of-way, Applicant shall be entitled to proceed with its development plan approvals and permits, including occupancy permits, while waiting for the right to construct such off-site improvements in such right-of-way. Should the Board not elect to acquire such off-site right-of-way, the Applicant shall not be permitted to construct or occupy any additional square feet of development, which these proffers and the TIA reflect require the availability of road improvements to be constructed within such off-site right-of-way.
5. All transportation improvements that involve any of the I-81 access ramps and/or limited access areas shall be coordinated with VDOT, the Federal Highway Administration ("FHWA") and Augusta County. Should VDOT and FHWA not permit any such improvements within the timeframe required for such improvements described below, the Applicant shall be

entitled to proceed with its development plan approvals and permits, including occupancy permits, while continuing to pursue the right to construct such off-site improvements in such right-of-way. In which event, the Applicant shall continue, until it has applied for its final initial occupancy permit for Phase 2, its good faith efforts to obtain approval by VDOT and/or FHWA to construct, and shall construct upon receipt of such approval, each such proffered transportation improvement not previously permitted by VDOT and/or FHWA.

6. The Applicant shall have no more than two points of access (which may be private or public roadways) to Lewis Creek Road to and from its North Side upon the upgrade, by the Applicant or others, of Lewis Creek Road from Woodrow Wilson Parkway to the respective access point in accordance with applicable VDOT standards.
7. All turn lanes to be constructed by the Applicant in association with these proffers shall be constructed with turn lane storage lengths equivalent to the 95th percentile queue results per the February 5, 2009 Synchro software analysis submitted by PHR&A in the Applicant's traffic impact analysis ("TIA"), unless shorter or longer storage lengths are agreed to by the Applicant and VDOT.

B. Phasing.

1. Initial Phase. In conjunction with the Initial Phase Development, and as illustrated in the attached transportation improvement diagram (Exhibit A-Figure 2), the Applicant shall complete the following transportation related improvements:
  - i. Prior to the issuance of the first occupancy permit for development on the North Side, the Applicant shall construct two entrances from Woodrow Wilson Parkway, one at Site Drive #1 and one at Site Drive #2. The intersection of Site Drive #2 with Woodrow Wilson Parkway shall be configured to allow for right-in/right-out movements only unless VDOT and the County have approved a median break in this location per Proffer 7(B)(1)(iii) below.
  - ii. Prior to the issuance of the first occupancy permit for development on the South Side, the Applicant shall construct (a) one entrance accessing the South Side from Bakers Lane to and from Woodrow Wilson Parkway; (b) an additional northbound lane on Bakers Lane across the Property's frontage on Bakers Lane, to include right turn capacity onto eastbound Woodrow Wilson Parkway; and (c) a right turn lane from eastbound Woodrow Wilson Parkway into South Side Site Drive #1.

- iii. Close the median break at the intersection of Woodrow Wilson Parkway and Site Drive #2, unless otherwise approved by the County and VDOT.
  - iv. Improve the intersection at Site Drive #1 by constructing (a) a left turn lane from eastbound Woodrow Wilson Parkway into North Side Site Drive #1; (b) a right turn lane from eastbound Woodrow Wilson Parkway into South Side Site Drive #1; and (c) reconfigure the lane approaches on Woodrow Wilson Parkway between Site Drive #1 and the existing bridge crossing of Lewis Creek, as necessary to accommodate these intersection improvements.
  - v. Submit a traffic signal warrant analysis to VDOT to determine whether a traffic signal is warranted at the intersection of Woodrow Wilson Parkway and the northbound I-81 ramp. Should VDOT determine that this signal is warranted, the Applicant shall install the traffic signal prior to the issuance of an occupancy permit for the Initial Phase of development. In the event that VDOT does not make a determination on the necessity to install said traffic signal by the time the Applicant is entitled to issuance of an occupancy permit for the Initial Phase of development, the Applicant shall furnish a surety bond, a bank letter of credit or a cash escrow for funds deemed sufficient to install the traffic signal at such later date as VDOT shall deem the signal to be warranted, and the Applicant shall be permitted to receive occupancy permits for development in the Initial Phase and each subsequent phase of development. To the extent any such bond, escrow, or letter of credit has not been drawn down upon for construction of the respective aforesaid traffic signal by the fifth anniversary of the date of issuance thereof, then such bond, escrow, or letter of credit shall be promptly released to the Applicant.
2. Phase 1. In conjunction with the Phase 1 Additional Development, and as illustrated in the attached transportation improvement diagram (Exhibit A-Figure 3), the Applicant shall complete the following transportation related improvements prior to the issuance of an occupancy permit for any Phase 1 Additional Development beyond that allowed in the Initial Phase:
- i. Prior to the issuance of an occupancy permit for Phase 1 of the development, the Applicant shall reconfigure Site Drive #1 by constructing (a) an additional left turn lane from eastbound Woodrow Wilson Parkway into North Side Site Drive #1; (b) a left turn lane from westbound Woodrow Wilson Parkway into South Side Site Drive #1; (c) a right turn lane from westbound Woodrow

Wilson Parkway into North Side Site Drive #1; (d) lane approaches on Woodrow Wilson Parkway between Site Drive #1 and the existing bridge crossing of Lewis Creek, as necessary to accommodate these intersection improvements; (e) a shared through/right turn lane on westbound Woodrow Wilson Parkway between North Side Site Drive #1 and Site Drive #2; (f) a free flow right turn lane on eastbound Woodrow Wilson Parkway from the existing right turn lane at the Bakers Lane intersection with Woodrow Wilson Parkway eastward to South Side Site Drive #1; and (g) reconfigure the South Side Site Drive #1 to provide dual lefts onto westbound Woodrow Wilson Parkway and a shared through/right turn lane onto eastbound Woodrow Wilson Parkway.

- ii. Construct a free flow right turn lane from the I-81 northbound ramp onto eastbound Woodrow Wilson Parkway to provide access onto southbound Bakers Lane.
  - iii. Submit traffic signal warrant analyses to VDOT to determine whether traffic signals are warranted at (a) the intersection of Woodrow Wilson Parkway and the southbound I-81 ramp; and (b) the intersection of Woodrow Wilson Parkway and Site Drive #1. Should VDOT determine that these signals are warranted, the Applicant shall install the traffic signals prior to the issuance of an occupancy permit for additional development beyond that allowed in the Initial Phase. In the event that VDOT does not make a determination on the necessity to install said traffic signals by the time Applicant is entitled to issuance of an occupancy permit for development beyond that permitted in the Initial Phase, the Applicant shall furnish a surety bond, a bank letter of credit or a cash escrow for funds deemed sufficient to install the respective traffic signals at such later date as VDOT shall deem the respective signal to be warranted, and the Applicant shall be permitted to receive occupancy permits for development in Phase 1 and each subsequent Phase. To the extent any such bond, escrow, or letter of credit has not been drawn down upon for construction of the respective aforesaid traffic signals by the fifth anniversary of the date of issuance thereof, then such bond, escrow, or letter of credit shall be promptly released to the Applicant.
  - iv. Extend the storage length of the left turn lane on westbound Woodrow Wilson Parkway onto the I-81 southbound ramp.
3. Phase 2. In conjunction with the Phase 2 Additional Development, and as illustrated in the attached transportation improvement diagram (Exhibit A-Figure 4), the Applicant shall complete the following transportation related improvements prior to the issuance of an occupancy permit for any Phase



2 Additional Development beyond that allowed in the Initial Phase and Phase 1:

- i. Construct a second left turn lane on westbound Woodrow Wilson Parkway onto the I-81 southbound ramp.
  - ii. Convert free flow right turn lane from eastbound Woodrow Wilson Parkway onto southbound Bakers Lane into a through lane and construct a right turn lane from eastbound Woodrow Wilson Parkway onto southbound Bakers Lane.
  - iii. Construct an additional lane on I-81 southbound ramps to accommodate (a) dual left turn lanes from the I-81 southbound ramp onto eastbound Woodrow Wilson Parkway, and (b) a receiving lane on the I-81 southbound ramp from the dual left turn lanes from westbound Woodrow Wilson Parkway onto I-81 southbound ramp.
  - iv. The left turn lane from eastbound Woodrow Wilson Parkway into North Side Site Drive #1 shall be extended to provide adequate storage capacity.
  - v. If a point of access from Lewis Creek Road to the North side of the Property is required, at the time of final site plan approval for Phase 2, to be provided in association with the Phase 2 Additional Development, then the Applicant shall widen Lewis Creek Road to two 12-foot lanes from its intersection with Woodrow Wilson Parkway to the initial entrance to the North side of the Property from Lewis Creek Road, if not already constructed by others.
4. Phase 3. In conjunction with the Phase 3 Additional Development, and as illustrated in the attached transportation improvement diagram (Exhibit A-Figure 5), the Applicant shall complete the following transportation-related road improvements prior to the issuance of an occupancy permit for any Phase 3 Additional Development beyond that allowed in the Initial Phase, Phase 1, and Phase 2:
- i. Construct an additional through lane on Woodrow Wilson Parkway (a) eastbound between Bakers Lane and Lewis Creek Road; and (b) westbound between Lewis Creek Road and North Side Site Drive #2.
  - ii. Submit traffic signal warrant analyses to VDOT to determine whether a traffic signal is warranted at the intersection of Woodrow Wilson Parkway and Lewis Creek Road. Should VDOT determine that this signal is warranted, the Applicant shall install the traffic signal prior to the issuance

of occupancy permits for the Phase 3 Additional Development requiring such traffic signal. In the event that VDOT has not warranted said traffic signal and issued a permit for its construction by the time Applicant is entitled to issuance of occupancy permits for any Phase 3 Additional Development, the Applicant shall furnish a surety bond, a bank letter of credit or a cash escrow for funds deemed sufficient to install the traffic signal at such later date as VDOT shall deem the signal to be warranted, and the Applicant shall be permitted to receive occupancy permits for Phase 3 Additional Development and Phase 4 Additional Development. To the extent any such bond, escrow, or letter of credit has not been drawn down upon for construction of the aforesaid traffic signal by the fifth anniversary of the date of issuance thereof, then such bond, escrow, or letter of credit shall be promptly released to the Applicant.

- iii. Widen the Woodrow Wilson Parkway bridge crossing of Lewis Creek from two lanes to five lanes.
- iv. Reconfigure the Lewis Creek Road/Woodrow Wilson Parkway intersection by constructing (a) dual left turns from eastbound Woodrow Wilson Parkway onto Lewis Creek Road; and (b) a southbound right turn lane from Lewis Creek Road onto westbound Woodrow Wilson Parkway.
- v. Reconfigure Site Drive #1 by (a) restriping the North Side entrance to provide a dedicated right turn lane, a shared right turn/through lane, and a left turn lane onto eastbound Woodrow Wilson Parkway; and (b) construct an additional left turn lane from eastbound Woodrow Wilson Parkway into North Side Site Drive #1.
- vi. Widen Lewis Creek Road to two 12-foot lanes from its intersection with Woodrow Wilson Parkway to the initial entrance to the North side of the Property from Lewis Creek Road, if not already constructed by the Applicant or by others.

Ms. Earhart explained the request in phases in accordance with the traffic improvements. She stated in all cases, a traffic light will not be installed unless it is warranted. She reiterated the drawing displayed in the presentation is only a conceptual plan. She stated the parcel is located in an Urban Service Area slated for business development with public water and sewer.

Frank McDermott, Hunton and Williams, McLean, Virginia, representing William Pence and his family explained he has known Mr. Pence and his family for many years. He explained he has been working on this request for approximately one and a half years. Mr. McDermott stated there have been several changes made to the proffers and that staff has worked diligently in stating what it is they are wanting from this development. Mr. McDermott stated the request is located on 135 acres in the northeast and

southeast quadrants of the I-81/Woodrow Wilson Parkway interchange and public access is currently provided to the North Side from Lewis Creek Road and to the South Side from Baker Lane. He stated the site is primarily vacant with the exception of the existing farmhouse and outbuildings on the northern portion of the property. Mr. McDermott explained they hoped the existing farmhouse will be preserved as a restaurant or office space. He explained the development will consist of a gasoline station and convenience mart, a hotel with up to 180 rooms, and up to 909,164 square feet of additional commercial and service related uses associated with the General Business zoning. He further stated development will be phased according to certain public road improvements to be constructed by the Applicant and approximately \$5 million dollars will be spent in public road improvements in the Initial Phase, Phase 1, and Phase 2. Prohibited uses in the development Mr. McDermott stated will consist of truck stops, adult businesses, mini-warehouses, and warehouses not associated with a permitted sales and service establishment. Mr. McDermott showed those in attendance and Commission Members a conceptual drawing of the development. He explained the development will consist of a town center with pedestrian walkways, open space, and retail/office space. He further stated he has known Mr. Pence since 1977 and that his previous projects have been done with quality and workmanship. Mr. McDermott proceeded to show other projects that Mr. Pence has developed including Stafford Marketplace, Potomac Run Shopping Center, and Dulles Expo and Conference Center. Mr. McDermott explained the quality that has gone into Mr. Pence's developments is shown in the architecture and that he and his family want to bring this type of development to Augusta County. He stated this development will be a tax and economic benefit to the County bringing approximately 5,000 jobs as well as services to Augusta and surrounding localities.

Mr. Byerly asked if there was anyone wishing to speak in favor of the request.

John Sills, Staunton, stated he is an attorney representing Sandra Baker, who owns property adjacent to this development. Mr. Sills stated he can support this request, but with some reservation. With a project of this magnitude, Mr. Sills stated there will be a lot involved and he does not feel there has been enough time to absorb the impact of a development of this size, as Ms. Baker had only received notice approximately two weeks ago. He explained this project will greatly impact their access to Woodrow Wilson Parkway as access to Baker Lane will be a right in – right out and traffic heading westbound will have to U-turn and come back in order to enter the development or Baker Lane. He also stated concern about what happens at Site Drive #2 with their traffic and the traffic on Baker Lane. Mr. Sills stated the proposed traffic pattern does not make sense and he feels there needs to be a better alternative to access the Baker property which is also zoned General Business. He further stated western traffic would also be merging into the proposed complex and Baker Lane, creating congestion for traffic trying to access Route 262. Mr. Sills stated he can support the request but with some concern.

Mr. Byerly asked if there was anyone wishing to speak in opposition to the request.

Tina Zumsteg, 93 Country Club Road, Staunton, stated she would like to echo the concerns of Mr. Sills. She stated she feels it was a disadvantage that she did not receive information from the County regarding a truck stop being prohibited from this development and she feels she has not had time to absorb this new information. She stated she and her husband moved here from out of state and they love the valley. She stated she feels the developer is pushing this information at citizens without allowing them time to review the plans and absorb the information. She stated this is not Northern Virginia. She does not understand how a developer can put up \$30 million without further studies. She asked Mr. Byerly when the proffer prohibiting the truck stop was submitted.

Mr. Byerly answered this morning.

Ms. Zumsteg asked the Commission if they had thought about canceling the meeting to allow citizens more time to absorb the information. She explained everyone in the audience is present tonight because they are against the development. She stated she feels Staunton has no idea of this type of competition moving so close to them. She stated it is the gateway to the City of Staunton and a beautiful drive and she feels nothing should be decided by the Planning Commission at tonight's meeting. Ms. Zumsteg stated she feels there are still issues regarding the signs and traffic that need to be addressed before there are any decisions made. She continued by stating she feels she has been caught off guard. The developers she stated are from Northern Virginia which does not have the amount of farmland that the County does. She stated once the development is approved, the County cannot go back. Ms. Zumsteg stated the County should also consider that at the present time, there are many empty buildings that are not being occupied that are an eyesore. She concluded by requesting the Planning Commission table the request so it can be advertised accordingly and citizens can be made aware and have more time to be prepared.

Robert Jefferson, New Hope, stated he owns land adjacent to the proposed development on Lewis Creek. He explained his main concern is the lack of information available regarding this development. He explained he has gone to VDOT and they were not able to provide him with any proposed road plans, but there were plans on a Traffic Impact Analysis (TIA) that was completed. Mr. Jefferson further stated Route 254/262 is becoming a busy highway, especially in the morning and evening hours. With no detailed plans for him to review, Mr. Jefferson stated he cannot comment on the development. He explained the most effective traffic pattern for this development is a "fly over" bridge that segregates traffic. He stated he is not for or against the development, but if it is approved, he does not want it to be like the problems created on Route 608 in Fishersville and Route 11 in Greenville. He stated he has questions regarding VDOT and the Department of Environment Quality's (DEQ) concerns. He stated he receives a large amount of runoff from the subdivision above his property and feels this development would also create a large amount of runoff. He also voiced concern about signage, and asked if signs could be placed at the highest peak, being at

the top of the hill, visible from a great distance. Mr. Jefferson concluded by stating these are concerns he has with the development, but he cannot support or reject this development as there are no definite plans.

John Rorrer, President, Staunton Country Club, echoed the sentiments of the residents. He stated he was disappointed with the County, as they did not provide residents with any notice of this development. He stated he feels he has not been given any representation from the County. He stated he would like for the developers to meet with members of the Country Club to discuss the development. He stated the development has the potential to be a wonderful project, but he is requesting the Planning Commission table the request to allow these concerns and questions to be addressed. He feels by tabling the request, it would allow more time to get more secure, definite answers on this project. Mr. Rorrer stated he feels this project can be a great asset to the County, but he feels it needs to be done in a more orderly manner.

Preston Manning, Staunton, asked the difference between a truck stop and a gas station with 20 fueling stations.

Jenny Turner, 2238 Woodrow Wilson Parkway, Staunton, stated she does not want this development in her front yard. She stated Woodrow Wilson Parkway is dangerous with the large amount of traffic that travels on it in the morning and afternoon. She commented on the amount of empty buildings that are present in Staunton and Waynesboro, and asked why they cannot be occupied. She stated she agrees with Ms. Zumsteg that this is a beautiful area and does not want it to be destroyed by this development.

Kevin Wonderly, 35 Old Virginia Lane, Staunton, stated he does not have an opinion on this development because of the lack of information that has been presented to him by the County. He asked what could be done with his property if this rezoning were to be approved. He asked the process of rezoning. He stated the farmhouse on the property is registered with the historical society. Mr. Wonderly questioned having another hotel so close to the three existing hotels. Mr. Wonderly also asked what will happen to the east side of Lewis Creek if they widen the road, as his house will be gone. He stated he has many questions and feels he did not appropriately receive information from the County on this development.

Ms. Earhart answered Mr. Wonderly's questions pertaining to the rezoning process. She stated it is possible for zoning to be changed by a process initiated by the Board of Supervisors, but in 99% of the cases, an application is submitted by the property owner.

Greg McGee, 106 James Crawford Lane, Staunton, stated he is the Acting General Manager for Staunton Country Club, and questioned the proposed gasoline facility. He stated he is relieved there is no truck stop, but he echoed the sentiments of the other residents in that he felt he had no time to review this proposal. Mr. McGee asked the Commission for additional time to review the proposed development.

John Moore, Staunton, stated his mother owns property west of the intersection, adjacent to the property. He stated he is not impressed with what he has seen. He stated he is on the Board of the Lewis Creek Watershed Advisory Committee and he is concerned with the health of the creek.

Lee Hereford, M.D., Staunton, stated the proposed development is impressive, but he does not want this area to be like Northern Virginia. He stated this area does not have the population of the areas with similar developments. Dr. Hereford questioned the proposed widening of the northbound lane of I-81 and asked how that will effect the development. He also voiced concern with the condition of Lewis Creek and feels the creek's health has not been addressed in the plans for this development. He concluded by stating he feels there are many issues with this proposal that need to be addressed before any further steps can be made.

Sean Taylor, General Manager, Holiday Inn, Staunton, stated he feels he is speaking for all surrounding hotels when he states there is hardly enough occupancy in the hotels that are open now. He stated he feels the Holiday Inn has some of the best views in Augusta County and he would like to see them preserved.

Carol Nelson, Best Western, Staunton, stated she is opposed to having another hotel in such close proximity. She stated she has been in the hotel business for many years, and at no time is any hotel occupied 100%, 365 days a year. She stated Augusta County is not a great travel destination for such a large development as this.

Kathy Moore voiced concern regarding the standards in Better Models for Development. She asked what this development means for the region. This is an unspoiled gateway to Staunton. She stated she appreciated what the Pencos have done to control the architecture on this site and suggested they look at the "Better Models for Development" publication. She asked them to be good stewards of the region.

Ms. Earhart read the following letter that was received by the Community Development Department office on May 11, 2009:

May 8, 2009

Becky Earhart  
Senior Planner  
County of Augusta  
Department of Community Development  
P.O. Box 590  
Verona, VA 24482-0590

Dear Ms. Earhart:

The City of Staunton has reviewed the proposed rezoning request made by Staunton-Beverly Road, LLC and Gateway-Beverly Road, LLC. It appears that the proposed rezoning does not present any concerns for the City of Staunton with two exceptions:

1. The City's primary sanitary sewer interceptor is located on this site, just west of Lewis Creek. The City proposes that no site work occur in this easement including cutting and filling in order to protect the integrity of this line. We ask that this be included as a condition of the rezoning.
2. We ask that careful attention be given to traffic control so as to prevent any safety concerns or congestion in this area. Should the standard VDOT guidelines be followed we would anticipate these issues would not arise.

Thank you for permitting our comments and considering them in your reviews.

Sincerely,

Stephen F. Owen  
City Manager

Mr. McDermott stated he has been doing this type of work for 37 years. He explained he has been in many meetings where there has been opposition. He stated any time there is change, there will always be opposition. He explained this is an area in the County's Comprehensive Plan designated as an Urban Service Area for business development served by water and sewer. He explained there is no better place than along an interstate for this type of use. Mr. McDermott stated he understands this location is a gateway, but the architecture that his client has displayed shows his commitment to preservation and sensitivity to surroundings and the history of the property. Mr. McDermott explained Mr. Pence will try to preserve the existing brick home on the property and try to incorporate it as a restaurant or office space. In regards to the comments made pertaining to the changes made to the proffers at the last minute, Mr.

McDermott stated there were only changes made to two sub-paragraphs. He stated the changes were a clarification of verbiage. He stated the truck-stop was not included in the application. In order to have a truck stop, one is required to obtain a Special Use Permit from the Board of Zoning Appeals. He stated one cannot approve a truck stop through the rezoning process. He stated sizing was used for a gas station facility that was inconsistent with the County's Zoning Ordinance definition of a "travel plaza", therefore the number of fueling stations has been reduced, but it has been the intention of this to be simply a gas station. Mr. McDermott stated he has been working with the staff of Augusta County for over a year and going through the steps required in the ordinance. He stated he understands staff has tried to clarify the language and provide as clear a picture as possible before it reached this step and made more of the public aware. He stated the majority of the requirements of the County and the language in this request are precisely the same. There is some language with respect to bonding that they are considering, but Mr. McDermott stated this is all located in the County's Ordinance. With respect to the comments that he and his clients are here from Northern Virginia trying to bring Northern Virginia to Augusta County. He stated those comments are inappropriate and misplaced. He stated he has submitted to the process that this governmental body has established. He explained they have also submitted to VDOT scrutiny. Mr. McDermott stated their goal is to bring something to Augusta County that fits within the Comprehensive Plan, provides economic benefits, and will satisfy the Traffic Impact Analysis (TIA) improvements that are required. He explained this development is much more than a \$30 million investment, a figure that will be assessed by the County's tax assessor. He stated this will bring tax based amenities that are needed in this community. In regards to the comments made from surrounding hotels, Mr. McDermott stated this request is a mixed use project that will generate traffic from the interstate that will eat in the restaurants and stay in the hotels providing a better source of tax revenue and that a local governing body cannot deny an applicant a land use proposal based on commercial competitive concerns by existing uses due to a Supreme Court decision in 1956. Mr. McDermott also addressed the concern with Baker Lane in regards to its access. He stated it is not his client's decision to close the median. He stated it is their wish to keep the median open if allowed by the County and VDOT, but they have already been told they have to close the median break. He proceeded to show a design for a channelized left turn they would like to build there. He stated they have to do what VDOT requires them to do. He explained at this stage in the game, there are no detailed drawings. He explained it would be too costly to provide detailed drawings before the request was approved.

Ms. Earhart addressed questions asked by the public during the meeting. She stated in regards to a travel plaza and truck stop, a gasoline retail outlet by the County's definition consists of up to 24 fueling stations with no more than two diesel stations, anything larger than that would be considered a travel plaza or truck stop. Ms. Earhart explained the current County Ordinance does not restrict sign height. She stated the applicant has proffered to limit the height of the signs to no more than 45 feet to be placed along the western portion of the property along the I-81 frontage. Ms. Earhart further stated part of the County is now under access management guidelines. She explained this portion of the roadway will be under those guidelines in the fall and it



does limit the location of signalized intersections, the distance between those intersections, and the distance between full cross-over intersections. While this is a new concept for the County, Ms. Earhart stated where VDOT controls intersections one will see more and more limitations to intersections, etc.

There being no one else desiring to speak, Mr. Byerly declared the public hearing closed.

Mr. Hite commended the applicant, developer, and staff on bringing this project forward in a manner compatible with the County. He stated he only received one phone call from a citizen whose only concern was they did not want a truck stop at this location. In regards to the comments from citizens about not being notified of this development, Mr. Hite explained the request has been advertised in accordance with state law. He concluded by stating that he can sympathize with the residents, but he was appointed to represent the Beverley Manor District.

Ms. Shiflett stated she wanted to clarify nowhere in the paperwork the Commissioners received did the applicant mention proffering a truck stop. She stated the headline in the newspaper was not what the applicant requested. She stated at no time did the applicant ask for a truck stop, it was only a concern that it had not been ruled out. She stated the County did ask them to proffer it as a prohibited use for this parcel. Ms. Shiflett thanked the applicant for responding to staff's comments. She explained it is a complicated request. She stated she did have a few concerns and questions for the applicant. Ms. Shiflett stated VDOT and the Augusta County Service Authority have not given their final comments on the revised proffers. She stated VDOT wanted their signal lights bonded for ten years as opposed to five as that is a requirement. Ms. Shiflett stated she is concerned with the entrance to Baker Lane, realizing VDOT is requiring the closing of the median cut. She stated she realizes that would have to be done anyway to keep the traffic flowing. Ms. Shiflett stated she believes with some creativity, traffic can be routed to Entrance #1 on the proposed drawing giving Baker Lane better access. She explained she felt that would be a better solution than requiring traffic to make U-turns. Ms. Shiflett stated concern regarding Lewis Creek and the water quality and how much cut and fill is intended to be done.

Mr. McDermott stated in regards to the water quality of Lewis Creek, a study has been completed and they have submitted an application to the Army Corps of Engineers and at this time they have preliminary approval. From a wetlands standpoint, Mr. McDermott stated 0.23 acres will be impacted, which is from the intermittent stream that was created by the construction of Interstate 81. He explained there is also another location in the northwest corner of the property. He explained with such an insignificant amount, they are almost at the point where no mitigation is required. He stated one of their intentions is to improve the banks of Lewis Creek. He explained that is one of the ways they can mitigate disturbing the wetlands. Mr. McDermott stated a modified floodplain line has been done by their engineers and submitted to FEMA. He explained the modified floodplain line is closer to Lewis Creek than what has been mapped by FEMA. In order to create the platform for this use, they will have to grade out and create a flat

plateau. For example, he stated the high mound of dirt along Woodrow Wilson Parkway will be leveled and the dirt will be taken to the lower areas. But, the modified floodplain line will still remain on average approximately 200 feet from Lewis Creek. Mr. McDermott stated the closest point of the modified line will be approximately 80-90 feet off of Lewis Creek.

Mr. Leonard asked Mr. McDermott to clarify what will be 80-90 feet off of Lewis Creek.

Mr. McDermott stated the revised floodplain line based upon the modification that they intend to pursue with FEMA. He stated the closest point the modified line will be is 80 feet from Lewis Creek. Also, Mr. McDermott stated an engineering study has not been done for this, but it looks to him like they will have more than 16% impervious surface, assuming the civil engineer is correct and they will be subject to the Department of Environmental Quality (DEQ) water quality requirements. With respect to the VDOT traffic signal, and a five versus ten year bond, Mr. McDermott stated the representatives from VDOT have stated they would like for the bond to be ten years, but we have many projects where the bond is five years. With the build out of this project, there are several points where we will be in a position to post these bonds, so the five years is not from the beginning of the project or the rezoning, but five years after the warrant studies. Depending on the district, VDOT can generally be slow in deciding whether or not a traffic light is warranted. He stated one cannot allow one agency to control a development with this much invested in it. Mr. McDermott stated they are protecting themselves with this large of an investment and he stated he feels five years will be plenty of time to determine the warrants and approval of the traffic signal and his clients are prepared to pay for those signals. With respect to Baker Lane, he stated they do not make the decision on the median cut. He explained the simple solution is to take care of the problem right where it is and let the traffic come out right where it can.

Ms. Shiflett stated with respect to Baker Lane, it would not have to access Woodrow Wilson Parkway at that exact location. She stated she feels it would be counterintuitive to have traffic making U-turns to access the Lane.

Mr. McDermott stated he feels channelization would be the best solution for the left turn movements. He stated it facilitates the movement along the side streets.

Mr. Cole explained Lewis Creek is a tributary to the Shenandoah River which is one of the most endangered rivers in the country. Mr. Cole stated Lewis Creek is already subject to a total daily maximum load requirement. He stated he is primarily interested in the amount of runoff from this project. He asked Mr. McDermott in his studies if the amount of runoff has been reviewed, and if so, the impact from runoff on Lewis Creek.

Mr. McDermott stated that would be the final product done by their engineers. He explained at this time the figures are only preliminary and at this stage they have not done any final grading plans and they would not know what the final flows will be.

Mr. Cole discussed the improvements adjacent property owners have been doing to restore Lewis Creek. He asked Mr. McDermott, as a landowner, if his project would be able to protect and not add to any further denigration of Lewis Creek.

Mr. McDermott stated yes and he feels they would actually be able to improve the conditions of Lewis Creek.

Mr. Cole asked if he would be willing to include that in the proffers.

Mr. McDermott stated Mr. Cole is using very broad terms, but there is time between now and the Board of Supervisors' meeting to work up the language with the County. He stated he has not had a chance to discuss the language with his client. He explained his client typically accomplishes those requirements on his other sites, but those jurisdictions typically have water quality management requirements, but that is because they are mostly Chesapeake Bay localities.

Mr. Cole stated it is because we do not have those requirements as defined in Augusta County that we have to rely on the property owners to take the responsibility upon themselves. Therefore, that is what we are looking for in the proffers.

Mr. McDermott stated he will have to discuss this request with his client. He explained stormwater management requirements have been requirements in many localities in the Commonwealth for awhile, and they are accustomed to dealing with the requirements.

Mr. Cole stated it is not only important to this community, but communities downstream.

Mr. McDermott stated in the years that he has worked with Mr. Pence, he takes these issues seriously, but he has not had an opportunity to discuss these specific issues with him at this time.

Mr. Cole stated the community is very sensitive to their environment. He asked Mr. McDermott if there was any way he could involve the public in their development at the design stage. He stated the Better Models for Development was mentioned and there are a lot of great ideas and guidelines in that publication, so he suggested using that as a resource.

Mr. McDermott explained they are going down that path already, working with an architect. He stated we want to be careful how we structure such a thing. The public can have input, but not veto power. He stated again, it is something he will have to take up with his client.

Mr. Leonard stated a lot of work has been done and he appreciates the developer's efforts in working with staff. Mr. Leonard stated once the zoning has changed on a parcel one does not necessarily have to be committed to their design unless it has been

proffered. He explained the proffers stay with the parcel, hence his concern with the language and clarity and that is why he is adamant about the proffers in regards to Lewis Creek.

Mr. McDermott stated in looking at what they anticipate to be the modified floodplain line if approved, the closest point of their development is 80 feet and on average the development is 200' from that line. Without having done any grading plans, he does not know the exact location of the floodplain line. He stated uniformly, the development will be many hundreds of feet away from that line.

Mr. Leonard asked Mr. McDermott if he has contacted Staunton as he feels the City does not want land being disturbed in proximity to their easement.

Mr. McDermott stated he has not as he has just received the letter today. He stated he would have to respect the easement, but ordinarily work can be done in the easement, but it has to be with the approval of the beneficiary of the easement. He stated road and pipelines would be an example of such. He stated he does intend to do work on the bank of Lewis Creek that may be inconsistent with what the City of Staunton desires in their letter. If it is, he stated he would have to work that out with Staunton. He stated staff would like to have any bridge crossings over Lewis Creek to be to VDOT's standards. Mr. McDermott stated that by itself may be inconsistent with what Staunton is requesting.

Mr. Leonard asked with respect to the 80 feet, if Mr. McDermott would be willing to proffer an undisturbed riparian buffer along Lewis Creek.

Mr. McDermott stated he could not proffer it would be undisturbed because the creek will have to be crossed. He stated without having the engineering work done and without having approval, he does not know whether or not he could respect the 80 feet, but at this time, he stated it looks like he can come close to the 80 feet requested. Mr. McDermott stated he has been informed that his client has been talking with Staunton in regards to the sewer line and there are some changes they want to be accomplished. He stated for the record they want to relocate the easement line. With respect to the 80 feet Mr. Leonard was requesting, Mr. McDermott stated the engineering work he has is not a field survey. He stated final engineering needs to be done to know for sure, but he feels they do have the room to commit to an 80 foot buffer, but a final engineering study needs to be completed before he can commit. Secondly, he stated the buffer will not be undisturbed as they have to do some mitigation work as well as some utility work. He stated they could write some language that would leave a back door open depending on whether or not the location of the creek bed is accurate according to the preliminary engineering survey.

Mr. Leonard stated the Planning Commission realizes that in order to improve Lewis Creek, the developer will have to be disturbing some of the area in order to work on the creek bank, but what the Commission does not want to see is the potential for dirt to be

washed into the Creek. Mr. Leonard also commented on the language regarding being in compliance with FEMA's requirements. He stated that FEMA's requirements are going to be very minimal and they are not enough.

Mr. McDermott commented that staff required them to include FEMA in the language because they are the body that approves the adjustment to the FEMA floodplain line, but understands there are other federal and state bodies that will also be inspecting any work done in the floodplain and with respect to the wetlands.

Mr. Leonard stated he appreciates Mr. McDermott's willingness to work with staff. He stated with respect to the Lewis Creek crossing, the plans state the potential to cross the creek in at least two places. He asked if he were willing to conform to VDOT's standards with regards to spanning the floodplain at those locations.

Mr. McDermott stated that is another item that he expects will be there. He stated he understood the staff comments to be that it needed to be a public road. He stated he does not want it to be a public road on that property coming into the center, but Ms. Earhart clarified that it will be a bridge crossing to VDOT's standards. He commented that he does not know at this time what that standard is, and without having a final study, he can only expect that the roads will meet that standard.

Mr. Leonard stated the floodplain will not do any good if it narrows into a bridge tunnel.

Mr. McDermott stated that they have done the floodplain preliminary analysis and they will not be reducing the area of the floodplain, but changing the boundaries. He also stated they will not be increasing the flow of the creek in order to get the approval of the modified floodplain line from FEMA.

Mr. Leonard stated it would create a problem of stormwater discharge off of the property.

Mr. McDermott stated yes it would, and with this preliminary study they have taken, reflects ways the crossing can occur and still maintain the same flows in the creek at the same level. He stated he does not know if VDOT goes about design requirements with respect to that.

Mr. Leonard stated as far as the Baker Lane concern, when asked if the entrance off Baker Lane could be moved to intersection #1, he stated Mr. McDermott mentioned he did not want it to go through the development area. He asked if there was any reason why the road cannot be continued along Route 262 to the intersection.

Mr. McDermott stated they are requesting the Baker Lane intersection remain open.

Mr. Leonard stated one of VDOT's concerns with Site Drive #2 with respect to leaving the median open was traffic backing up on Interstate 81.

Mr. McDermott stated from experience the channelized left turn would not permit the traffic off the ramp to back up because they will be forced to go to the second traffic light. He stated he has a lot of experience with this issue and knows it will not be a problem.

Mr. Leonard stated the Planning Commission's concern is the right in right out turn on Baker Lane that would be an inconvenience for those accessing Baker Lane and not wanting to access this development.

Mr. McDermott stated staff has indicated the median was going to be closed regardless of this rezoning, but we have provided a solution. He stated there are ways to keep that median open and protect the interstate. He stated he feels this VDOT Residency is not familiar with this type of traffic pattern.

Mr. Leonard stated he would like for the applicant to consider bringing Baker Lane out at Site Drive #1.

Mr. McDermott stated Mr. Leonard is not an expert and a traffic engineer would tell the Commission they would be creating a larger problem by bringing Baker Lane out at that intersection because it would be bringing all the traffic to that one traffic light. He stated there are better solutions. Mr. McDermott stated his client informed him they will meet VDOT standards in regards to the Lewis Creek crossing and that will be included in the proffers.

Mr. Bridge stated he has mixed feelings regarding this project because it is using a lot of agriculture land. But, he stated he also understands in the Comprehensive Plan public hearings, the public had an opportunity to attend and offer feedback to the Planning Commission. He stated in their decision making, this tract of land was designated for this type of use and the developer has done a wonderful job in working with staff. He stated while he does hate to see this land be rezoned, the County designated this land for this type of use and because of that he can support this request.

Mr. Byerly stated he appreciates the expressions from the citizens. He stated this is government at work. He stated citizens have fourteen more days to go into the Community Development office for the details. He stated the parcel is next to an interstate. He stated it was heard in the Comprehensive Plan hearings citizens did not want any type of retail scattered throughout the agriculture community. He stated he does not know of any better location. He explained it can be served by County water and sewer as well as in close proximity to law enforcement and fire and rescue at a reasonable cost to the citizens. He stated he is aware that it is a large project. He stated he can support the request. He stated he feels the developer and staff can work with VDOT in regards to the median and Baker Lane.

Mr. Leonard voiced concern regarding making sure the requested language from the Commissioners is in the proffers.

Mr. Byerly stated his preference would not be to request proffers because they are unknowns, but list the concerns of the Commissioners. He stated requesting proffers is not an option.

Mr. Cole stated he feels the Commission should allow the developer more time to better study the water quality issues. He moved to table consideration of the request.

Mr. Byerly stated he cannot support tabling the request. He stated he would like to see it move forward.

Mr. Hite stated he agrees with Mr. Byerly in that he would like to see it move forward. He stated he did not know what would change if it were tabled.

Ms. Earhart stated for clarification, she feels the motion needs to reflect the concerns of the Planning Commission.

Mr. Leonard moved to recommend approval of the request subject to the proffers being amended to include any crossing of Lewis Creek meet VDOT standards and if feasible, an 80 foot riparian buffer along Lewis Creek.

Mr. McDermott stated they would have to check with their engineer. He stated he knows there is a possibility but they will need a precise confirmation.

Mr. Leonard also stated he would like clarification in regards to the 80 foot buffer. Was that from the creek or from the floodplain as amended?

Mr. McDermott stated the buffer will be measured from the nearest improved facility in the development to the closest point and at no time will it be less than 80 feet to the modified floodplain line. He stated the location of the creek line and the grading will need to be addressed prior to that. He stated he thinks this can be proffered. He stated it will be very close to the 80 feet that is being proposed. He stressed this again will have to be approved by the engineer.

Ms. Earhart stated the Commission may also want to include some language to quantify some type of design standards as this property could possibly change hands.

Mr. McDermott stated it was proffered originally, but staff asked it to be removed.

Mr. Leonard moved to recommend approval of the request subject to the proffers being amended to address the Lewis Creek crossing be designed to meet VDOT standards, 80 foot minimally disturbed riparian buffer from Lewis Creek, design guidelines added to

proffers, project would meet water quality standards, and the VDOT and ACSA comments to be addressed.

Mr. Hite seconded the motion.

Mr. Morgan stated he had a problem with the way the motion was expressed. He stated proffers are voluntary by the applicant party. He stated he feels the Commission cannot insist on changes being made to the proffers. He stated the Commission can only recommended the changes to be considered.

Mr. McDermott stated the design guidelines are only being added back in to the proffers.

Mr. Morgan stated yes they are being added back into the proffers.

Ms. Earhart stated her notes indicate what the applicant and the Commission agreed to the buffer proffer. She apologized if that were not the case.

Mr. Morgan stated in conversation, it was discussed whether or not the buffer can be 80 feet. He explained the applicant had stated that he was not sure whether or not it can be, but they would certainly like for it to be.

Mr. McDermott stated he agrees with Mr. Morgan in that he is advising the Commission that a governmental body cannot dictate what the applicant agrees to.

Ms. Earhart stated it was her understanding that the applicant had agreed to these proffers.

Mr. McDermott asked Ms. Earhart to specify which proffer she was alluding to.

Ms. Earhart stated she apparently misunderstood on the proffers regarding the buffer, water quality standards, and design guidelines.

Mr. McDermott explained what he stated, with respect to design guidelines, was that he would include in the proffers the architectural language that was there before and even though the Commission cannot recommend the applicant be required to include certain things in the proffers, as a representative of the applicant, he stated he knows they will amend the proffers to provide for example, any crossing of Lewis Creek to meet VDOT standards and they will provide the proffer to provide for a specific width of a riparian buffer off of Lewis Creek. He stated he hopes it will be 80 feet, but if it is not it will be very close. He stated it will be greater than 35 feet which was proffered before, but again he stated he is not the engineer.



Ms. Shiflett asked Mr. McDermott what he plans to do in regards to the Augusta County Service Authority and VDOT comments that have not been received.

Mr. Morgan stated it would be adequate to state that those issues be addressed.

Mr. McDermott stated in regards to the Augusta County Service Authority, there was a question regarding one sentence. He explained whether the sentence is in the proffers or not, is not going to affect whether or not the Service Authority enters into an agreement. He stated it is not binding on the Service Authority. He explained he does not know whether or not they would accept it the way it is written, but if they do not, the sentence can easily be removed, but he would like to hear their response. In regards to VDOT's concerns, he stated he has issues on five year versus ten year bonding.

Ms. Shiflett stated she is leaving that decision up to VDOT. She explained she does not know how the Service Authority or VDOT will comment because the proffers have been revised again. She stated all the Commission is requesting is that the applicant address those issues with staff and review.

Mr. Byerly called for a vote.

The motion carried unanimously.

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## **New Business**

### **Valley College Park**

Located at the intersection of Route 256 and Route 11 in Weyers Cave in the North River District. The plat contains 4 lots zoned General Business.

Mr. Cobb explained the location of the preliminary plat. He stated the property has County water and sewer. He stated staff's concern with this plat is that it does not have adequate fire flow. Mr. Cobb stated the Augusta County Service Authority has recommended four options to increase fire flow to 2,000 gallons per minute. Mr. Cobb stated an agreement has been drafted and is pending the signatures of Mr. Shah, the County, and the Augusta County Service Authority to provide improvements to the water lines to increase fire flow. The plat meets all other technical requirements of the Ordinance.

Ms. Shiflett stated the plat meets all technical requirements of the ordinance with the exception of fire flow which will be addressed in the agreement. She moved to recommend approval of the plat with the stipulation that the agreement be finalized prior to the Board of Supervisors' meeting.

Mr. Cole seconded the motion which carried unanimously.

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**STAFF REPORTS**

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

Mr. Byerly asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following action:

**09-23 – Kenneth V., Jr. or Carol C. Butler**

This property is zoned Single Family Residential in compliance with the Comprehensive Plan Land Use designation of Medium Density Residential. Since this request is for an accessory building larger than allowed by the district regulations, Mr. Bridge moved to recommend the Board of Zoning Appeals consider the standards of the Augusta County Zoning Ordinance which require the accessory building to be no larger than the size of the home and questions the need for an accessory building of this size in a residential district and that consideration be given to the existing residential neighborhood and the accessory building, if approved, be compatible with adjacent properties.

Ms. Shiflett seconded the motion which carried unanimously.

**09-27 – James F. or Margaret E. Bosserman**

Since this property is located in a small lot residential development, Mr. Leonard moved to recommend to the Board of Zoning Appeals that they deny the request due to the incompatibility of the use with adjacent properties.

Mr. Cole seconded the motion which carried unanimously.

**09-28 – Jason C. and Amanda K. Linke**

This property is zoned Single Family Residential in compliance with the Comprehensive Plan Land Use designation of Low Density Residential. Since this request is for an accessory building larger than allowed by the district regulations, Mr. Bridge moved to recommend the Board of Zoning Appeals consider the standards of the Augusta County Zoning Ordinance which require the accessory building to be no larger than the size of the home and questions the need for an accessory building of this size in a residential

district and that consideration be given to the existing residential neighborhood and the accessory building, if approved, be compatible with adjacent properties.

Ms. Shiflett seconded the motion which carried unanimously.

**09-24 – Doris S. Wright**

Since this property is located in an Urban Service Area and planned for medium density residential development, Ms. Shiflett moved to recommend to the Board of Zoning Appeals that they consider limiting the number of vehicles allowed on the property and that measures be taken to ensure the development of the property be compatible with adjacent properties.

Mr. Bridge seconded the motion which carried unanimously.

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

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Chairman

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Secretary