

PRESENT: K. A. Shiflett, Chairman
J.D. Tilghman, Vice-Chairman
S. N. Bridge
T.H. Byerly
J. W. Curd
J. Shomo
D. L. Cobb, Director of Community Development
R. L. Earhart, Senior Planner and Secretary

ABSENT: W. F. Hite

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, August 10, 2004, at 5:00 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 and the upcoming items on the BZA agenda. The Planning Commission traveled to the following site which will be considered by the Commission at their regular meeting:

1. William R. Guin – Rezoning

Chairman

Secretary

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R. L. Earhart, Senior Planner and Secretary

ABSENT: W. F. Hite

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, August 10, 2004, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Ms. Shiflett stated as there were six (6) members present, there was a quorum.

MINUTES

Ms. Tilghman made a motion to approve the minutes of the Called and Regular meeting held on July 13, 2004. Mr. Byerly seconded the motion, which carried unanimously.

Malcolm J. or Georganne L. Kelly and Richard F. Wilson, Sr., - Rezoning

A request to rezone approximately 79 acres from Exclusive Agriculture to General Agriculture owned by Malcolm J. or Georganne L. Kelly and Richard F. Wilson, Sr., located on the north side of Little Calf Pasture Highway (Route 42) just east of the intersection of Little Calf Pasture Highway (Route 42) and Stuart Knob Lane (Route 845) in Augusta Springs in the Pastures District.

Mrs. Earhart explained the request.

Georganne L. Kelly, 3219 Little Calf Pasture Highway, Craigsville, VA, 24430, stated her husband wants to pursue lawn green bowling. She indicated he has already built a green, but he didn't know he needed permits. She stated they had forgotten about this being zoned Exclusive Agriculture and obviously you can't have such a use in this particular zoning. This is the reason for the rezoning request.

There being no one desiring to speak in favor of, or in opposition to, the request, Ms. Shiflett declared the public hearing closed.

Ms. Tilghman made a motion to recommend approval of this request. She stated she understood we consider this downzoning when we rezone from Exclusive Agriculture to General Agriculture, but this property is definitely more appropriate being zoned General Agriculture. The property has never had an intensive agriculture use and it is adjacent to Augusta Springs.

Mr. Shomo seconded the motion.

Mr. Byerly stated there is some history behind this the public should be aware of since downzoning is being perceived. He indicated it was requested by the prior owner to be zoned Exclusive Agriculture. This was not at the County's request. He indicated in his eyes it was not a downzoning. This property really should have been zoned General Agriculture. He could support the request.

The motion carried unanimously.

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William R. Guin – Rezoning

A request to rezone from General Agriculture to Single Family Residential approximately 58.4 acres owned by William R. Guin located in the northwest quadrant of the intersection of Lee Highway (Route 11) and Sidney Gap Road (Route 696) in Mt. Sidney in the North River District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. No more than 60 single family dwelling lots will be created out of the 58 acre parcel.
2. The minimum square footage for single family dwellings will be two thousand (2000) square feet.

3. No manufactured or mobile homes will be allowed on the property. A deed restriction will be placed on the property prohibiting their placement.
4. Building permits for no more than twenty-five (25) dwelling units will be requested per calendar year.
5. All principal buildings will be setback from the common boundary with Tax Map 27-63 at least two hundred (200) feet.
6. All principal buildings on Lot 29 as generally described on the master plan entitled "Gwydir" prepared by Balzer and Associates and dated July 16, 2004 will be setback from the centerline of the existing Route 696 one hundred twenty-five feet (125') until such time as Route 696 is relocated and improved at which time the normal setback for Single Family Residential districts shall apply.
7. Property owner will donate between 50'-60' of right-of-way and construction easements along Route 696 from its intersection with Route 11 to the western property boundary in accordance with the road improvement plans to be approved by the Virginia Department of Transportation and as generally described on the master plan entitled "Gwydir" prepared by Balzer and Associates and dated July 16, 2004.
8. Lots 1-4 and Lots 30-33 as generally described on the master plan entitled "Gwydir" prepared by Balzer and Associates and dated July 16, 2004 will not be created until such time as construction has begun on the road improvement project for Route 696.
9. There will be no new lot or street connections to Lee Highway (Route 11). The existing house and farm entrances will remain open until lot 34 is developed, at which time those entrances will be closed.

Ray Burkholder, Balzer and Associates, Inc., 1557 Commerce Rd., Suite 201, Verona, VA 24482, stated they had worked with staff and VDOT to work through their concerns. He stated he would go through all the proffers and give an explanation for each one. He indicated they were trying to limit the total number of dwelling units to address the school system's concerns. They also proffered to limit the amount of building permits requested in a calendar year to 25. He indicated the minimum square footage for the dwellings would be 2000 square feet. This is going to be a high quality development. The property is family owned property so there is a lot of pride in the property. They want to do this development and want it done right. He indicated on the western property boundary there are a lot of woods back there that would act as a natural buffer. This portion of the property can't be watered or sewerd so they are trying to preserve this portion. He stated the property owner is willing to dedicate 50 – 60' of right-of-way for the road at the developer's expense so a turn lane can be put in. He explained 2/3s of the property would be served by public water and sewer. The other utilities would have to be brought up from Route 11 and this would be done at the developer's expense. He indicated they are not going to extend the facilities until there is a need for them; knowing they can put in homes and get their money back. He sees this as a positive thing. He stated they are addressing the narrowness of Sidney Gap Road by making improvements to the road. He asked the Commission to make

suggestions and they would be happy to address those as well. He explained initially they had submitted a master plan but they have deferred the plan until all the concerns could be met.

Bobby Guin, 1375 Deerfield Valley Rd., West Augusta, VA 24485, stated he was the owner of the property. His reason for requesting the rezoning was for his benefit and the County's benefit. He hopes this development will be something everyone can be proud of.

Mark Lloyd, 201 Valley View Lane, Mt. Sidney, VA 24467, stated he was present on behalf of the Mt. Sidney Ruritan Club. He handed out a letter dated August 10, 2004 with several concerns listed. Their concerns were as follows:

1. With the increase of homes in the new Harshbarger subdivision, our school district is severely overcrowded and the full effect of this has not been seen yet.
2. Route 11 is a very busy road and these homes would increase traffic dramatically.
3. Water and sewer needs will rise, putting strain on our resources and ability to service these homes adequately.
4. The Mt. Sidney County dump site is difficult to get into now with the use it receives from the current residents of the Mt. Sidney area. Adding a substantial number of new homes will over use the dumpster.
5. The subdivision will cause a loss of our natural farm landscape. After all, that is what has attracted so many people to want to live in the Shenandoah Valley.
6. The restriction of family owned farmland in the surrounding area in order to accommodate this development is unreasonable.

Mr. Lloyd stated they didn't feel another development was warranted at this time.

Eddie Sheets, 200 Flint Hill Rd., Mt. Sidney, VA 24467, stated he was here in opposition to the rezoning. He is a school teacher and he is concerned with the effect this will have on his classroom. He is also a concerned farmer who is one farm over from the proposed subdivision. He indicated he teaches at Stewart Middle School; a school that was built for 720 students. He also indicated he checked with the school today and they have 948 students registered for the 2004 – 2005 school year. As a farmer, he stated he thought agriculture land should stay agriculture land. It amazes him at how much ag land is being swallowed up by development. He stated he thinks this needs to be stopped. To him he didn't feel like the farmers should have to face restrictions because of someone else coming in and changing the zoning on an adjoining property. He indicated traffic and specifically traffic at the dumpster site is also a concern. He indicated a neighbor of his spoke with the Augusta County Service Authority (ACSA) and his understanding is that water and sewer facilities in the area were

nearing maximum usage. He stated those are four (4) reasons this request should not be approved.

Stephen Wine, 227 Sidney Gap Road, Mt. Sidney, VA 24467, stated he agreed with Mr. Sheets. One thing he is concerned about is future agriculture uses being affected. He didn't know why he should be affected when he has done absolutely nothing to change anything. If the uses of his farm are affected it could impact his resale value. He indicated the plan calls for no more than 60 lots. He stated he didn't see 60 lots on the plan. He asked where the other 20 lots were coming from. He also stated this is a pretty fast development with allowing 25 building permits per year. It would take a little over two (2) years for the whole development to be built.

Misty Turner, 728 Burkes Mill Rd., Mt. Sidney, VA 24467, stated she was in opposition to the request. She is concerned with the impact on the schools and whether or not VDOT can make improvements to Sidney Gap Road. She stated it was a gravel road that is not highly traveled and they like it that way.

Susan Bennett, 160 Flint Hill Rd., Mt. Sidney, VA 24467, stated she, Mr. Sheets and Mr. Wine were neighbors. She indicated they had bought a portion of the Good farm. She stated she currently sells real estate. She is very aware of the need for housing. She was a little concerned she did not receive a letter notifying her of the proposal. Her property is .6 of a mile from the property. She stated schools are already a problem. She has a child that is headed to the elementary school soon and she does not want him a trailer. She isn't opposed to more housing; she is opposed to that many homes going onto such a narrow road.

Robert Shull, 456 East Side Highway, Grottoes, VA 24441, stated he has hunted the property and the surrounding property for years. He is concerned with the affect this development would have on the wildlife. With 80% of this soil considered the best for farming, he asked where else would you find property this good for farming. He was also concerned about trailers being used as classrooms. He indicated you can't even access the intersection at the dumpster site because of so much traffic.

Mr. Burkholder stated most of the concerns that have been raised were ones they have also considered and they have submitted proffers addressing those. He indicated the dumpster site would remain a problem unless there are funds to improve it. He felt this development would be a solution. He indicated they would be willing to go less than 25 homes per year. This was just a starting point for them. He stated the utilities are there. He stated he realized the property was agriculture land but it is in the Comprehensive Plan for development and the plan has to be used as a tool. He stated the developers and the County are going to have to work together to make these road improvements and other improvements to help solve these problems. He indicated in their discussions with the ACSA, water and sewer were not a problem.

Ms. Tilghman asked if they were going to need a pump station for the large lot that runs along Route 11.

Mr. Burkholder indicated they can gravity sewer that down Route 11. He also indicated they would show it developed on their revised master plan.

Mrs. Tilghman asked what the restrictions and width were for the power line easement.

Mr. Burkholder indicated he believed it was a 120' easement and they could not build any homes under it.

Ms. Tilghman asked if it was feasible to put homes on the upper end of the property.

Mr. Burkholder indicated it was. They have planned large lots around the power line. He stated he didn't think there would be 60 lots. It may be more like 50 – 55 lots.

Ms. Tilghman asked if public water and sewer would be available to all the lots.

Mr. Burkholder indicated it would be. He stated he didn't think they would be affecting the uses of the land zoned Exclusive Agriculture.

Ms. Shiflett stated if the property is rezoned to residential it forces the setback to increase considerably from 100' to 500' for intensive agriculture uses. She asked Mrs. Earhart if she was correct on that.

Mrs. Earhart explained yes, that would be the case unless a waiver was signed.

Mr. Burkholder asked how the waiver could be implemented.

Mrs. Earhart indicated they would have the option to add that to their proffers.

Ms. Shiflett commented the large lots would have to be kept mowed and there are no animals allowed in a residential zoning.

Mr. Burkholder indicated most of it is wooded. Six (6) acres of the 15 acre tract would have to be mowed.

Mr. Curd asked if a pump station is necessary, would the developer be willing to pay for it.

Mr. Burkholder indicated they would have to.

Mr. Curd asked if he understood correctly. He asked if the developer would be willing to improve the dump site.

Mr. Burkholder indicated they would not; they would be willing to pay for the road improvements.

Mr. Curd asked if they would be willing to improve the rest of Route 696.

Mr. Burkholder indicated they would not be willing to do that at this time. He indicated they are restricting the development of those lots until such time as the road is improved.

There being no one else desiring to speak in favor of, or in opposition to, the request, Ms. Shiflett declared the public hearing closed.

Mr. Curd stated he had two (2) or three (3) concerns. The impact this would have on the schools since they are already at capacity is a concern. He indicated Route 696 is a mess and the development will affect much more than what they are willing to pay to improve. He stated he thought there is more appropriate land in the Urban Service Area for this type of development.

Mr. Byerly stated he had a question for Mr. Cobb or Mrs. Earhart. He asked what VDOT would require to consider this a Rural Rustic Road.

Mr. Cobb indicated this was a non design road and then rural rustic road from the top of the hill down.

Mrs. Earhart stated it would be a regular road project with VDOT dollars to the top of the hill or to the property line. From that point to the intersection with Flint Hill Road it is being studied for the feasibility to utilize Rural Rustic Road funds.

Mr. Bridge stated the majority of the property is planned for development. He indicated he did have concerns for the schools as well. The road and the dumpster were also concerns of his and he stated he wasn't sure what could be done about those.

Ms. Shiflett stated schools are a problem. She commented one (1) more child would be too many until something better can be done. There is nothing in the budget for improvements to the schools and road improvements are the same way. She stated timing is a real concern for this project. She commends the efforts to try and resolve some of these problems but some just can't be answered. If the extension of water and sewer is something that is intended to be done; this needs to be in writing. She stated again, timing was an issue.

Mr. Byerly indicated this request is a challenge for the Commissioners. It has a lot of pluses and a number of minuses. He stated timing will never be perfect. The school population is a concern. He stated one of the pluses is it does have large tracts of open space. The road is also a concern of his. It may be a long time before those seven (7) lots are ever developed. He would like to see the 11 acre development plan. He would also like to see a waiver for the Wine tract so that he is not negatively impacted. He stated it is a challenging situation although there is a residential subdivision to the south.

Ms. Tilghman stated she agrees with Mr. Byerly. This request has many pluses and minuses. She indicated Mr. Burkholder did a good job of trying to accommodate the agriculture land on this. She stated the two (2) things the owner can't control are the roads and the schools. She also stated not everyone sees road improvements as a positive thing.

Mr. Byerly stated he is sensitive to ag production, but he hasn't really seen any ag production from this parcel for the last 10 years. It hasn't been intensively farmed and no row crops have been there. It has only been hay at best so it isn't taking a farm out of ag production.

Ms. Tilghman made a motion to recommend denial of the request.

Mr. Curd seconded the motion.

The motion carried with a 4 to 2 vote with Mr. Byerly and Mr. Bridge opposed.

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Shannon Lee at Kennedy Creek – Master Plan

Shannon Lee at Kennedy Creek Subdivision containing 72 lots zoned Single Family Residential (pending) located immediately adjacent to The Hamptons at Kennedy Creek Subdivision, north of Howardsville Turnpike (Route 610) in the South River District.

Mr. Byerly made a motion to remove the master plan from the table.

Mr. Bridge seconded the motion, which carried unanimously.

Mrs. Earhart explained this was the master plan that went with the Griffin rezoning from last month. She stated they are still attempting to address some of the concerns raised by the Planning Commission. There has been a death in the family and they are taking the appropriate amount of time to go through those concerns. She stated they would like to have this master plan tabled again to allow them time to address those issues.

Mr. Byerly made a motion to table the master plan until the September meeting.

Ms. Tilghman seconded the motion, which carried unanimously.

STAFF REPORTS

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

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

04-58 HGC, Limited Partnership c/o Marathon Ashland Petroleum

Ms. Tilghman asked if they could expand.

Mr. Cobb stated the BZA put a stipulation on their Special Use Permit this site could not be expanded.

Mr. Byerly asked if there were any major changes other than demand to the site since that restriction was placed on the Special Use Permit.

Mr. Cobb indicated there was nothing.

Ms. Tilghman asked if the Special Use Permit was issued for an indefinite amount of time.

Mr. Cobb indicated there was a list of restrictions on lighting and various other things but yes the Special Use Permit was issued without a time limit.

Ms. Tilghman made a motion for the BZA to deny their request. While she could see the need for expansion if it was 10 or 15 years down the road, she can't see it now.

Mr. Shomo seconded the motion and asked what the situation was with the sewer. He asked if the new facility was in place and in working order.

Mr. Cobb indicated it was operational and had plenty of capacity.

The motion carried with a 5 to 1 vote with Mr. Bridge opposed.

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

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Chairman

Secretary