

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, November 9, 2004, 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 rezonings, a master plan 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. Augusta County Company, L.L.C. – Public Use Overlay

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Chairman

Secretary

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VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, November 9, 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 seven (7) members present, there was a quorum.

MINUTES

Mr. Byerly made a motion to approve the minutes of the Called and Regular meeting held on October 12, 2004. Mr. Bridge seconded the motion, which carried unanimously.

Augusta County Company, L.L.C. – Rezoning

A request to add the Public Use Overlay designation to 6.106 acres owned by Augusta County Company, L.L.C., and located on the east side of Lee Jackson Highway (Route 11) just south of the intersection of Lee Jackson Highway (Route 11) and Stuarts Draft Highway (Route 340) in Greenville in the Riverheads District.

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

1. Additional permitted uses at this site will be:
 - a. A sewage treatment plant not to exceed a capacity of 250,000 gallons per day, as permitted by the Virginia Department of Environmental Quality.
 - b. SCADA transmission antenna with a height not to exceed 75'.
2. The Greenville Area Wastewater System As Built Drawings prepared by Timmons and stamped June 30, 2004 will be followed, including, without limitation, the berm and tree buffer, shown on sheet C-10, both of which will be permanently maintained by the then current owner of this site.

Doug Woodworth, 2780 Stuarts Draft Highway, Stuarts Draft, VA 24477, stated he was the attorney for Augusta County Company, L.L.C. He explained this sewage treatment plant serves Riverheads High School and the Greenville area. He stated this request is simply a zoning matter that needed to be taken care of and he hoped the Commission would recommend approval to the Board of Supervisors.

Oscar "Bo" Beasley, Deputy Executive Director, Augusta County Service Authority (ACSA), P.O. Box 859, Verona, VA 24482, stated they have been operating this facility for two (2) years. They have the permit for this facility from the Department of Environmental Quality. The ACSA has worked with the owners to get the site into its current operating status. He stated the ACSA will fully comply with the proffers.

There being no one else 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 the request with proffers. She stated the request was in line with what was previously planned. She also stated the ACSA needed the Public Use Overlay zoning designation to operate this facility.

Mr. Shomo seconded the motion, which carried unanimously.

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James Lee Wimer – Rezoning

A request to rezone from Single Family Residential (15) to General Agriculture approximately 5 acres owned by James Lee Wimer located on the east side of East Side Highway (Rt. 340) approximately 0.1 of a mile north of the intersection

of East Side Highway (Rt. 340) and New Hope Crimora Road (Rt. 612) in Crimora in the Middle River District.

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

1. No more than one new lot will be created out of the approximately 5 acre parcel.
2. No mobile (or manufactured) homes will be placed on this property.
3. The minimum square footage for single-family dwellings will be 1500 square feet.
4. No livestock, poultry, or swine will be kept on this 5 acre tract.
5. No Special Use Permits will be requested for any business use on the property.
6. The existing tree buffer of at least 20 feet in depth will be maintained along the southern property boundary.

Mrs. Earhart also explained the manufactured home and the garage were located on the Single Family Residential portion of the property.

Sharon Falls, 705 South River Road, Grottoes, VA 24441, stated four (4) months ago her brother-in-law, James Wimer, approached the County about getting a Special Use Permit for the garage to operate a business out of it. She stated this opened a can of worms. She stated he has lived at this location for 12 years. In starting this process he found his garage and manufactured home were located in the Single Family Residential portion of the property. She indicated some of the things that have happened have been self inflicted, but not intentional. She stated in order to get a reasonable resolution to the situation they have come back with another request with proffers added. She indicated the idea was the three (3) brothers would live together on this land. She and her husband have intentions of building a home and moving onto this property. She stated rezoning this property to agriculture would fix everything. This would also allow them to create their 1.2 acre tract under the family member exemption rule. She indicated they have proffered to build a 1500 square foot home in keeping with the existing zoning. She asked the Commission to try and see it their way and help them out as a family.

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

Mr. Curd asked if the proffers run with the land or would they be applicable to a new owner if the property were to be sold.

Mrs. Earhart explained the proffers become part of the zoning so the property will be zoned General Agriculture, if the rezoning is approved, with the additional six (6) items that were proffered included on the five (5) acre parcel.

Mr. Curd asked if it they were on private water and sewer.

Ms. Falls indicated they were but she stated none of the land perks. Their water would come off one brother and the easement for the sewer goes to another.

Mr. Curd asked what their plans for the garage were.

Ms. Falls indicated nothing. They were not going to pursue a Special Use Permit.

Mr. Curd asked if they would be willing to rezone only the two (2) acres.

Ms. Falls stated the bank will only let them have 1.2 acres. She stated the rest of Mr. Wimer's land still has a mortgage on it. She stated they proffered the 1500 square foot home which indicates she is keeping the intent of the zoning and keeping the buffer.

Mr. Curd asked what the bank would say about moving the manufactured home if the rezoning is not approved.

Ms. Falls stated Mr. Wimer cannot move the home because he has two (2) put together under one (1) roof.

Mr. Wimer stated where the home is located is the only place it can go. The ground is really swampy.

Ms. Falls stated they can't get a septic system, nor were they able to get an alternative system.

Ms. Shiflett asked if there was anything prohibiting a 1.3 acre parcel being created with a house on it if it's left in Single Family Residential.

Ms. Falls indicated it was and she explained the lot behind the 1.2 acre tract would not stand alone. According to the Subdivision Ordinance you would have to take all of the land and it just isn't theirs.

Mr. Bridge stated they have to be careful about rezoning land from residential back to agriculture. He stated this may influence other actions in the County and

it could open a can of worms. He stated he thought it would create problems down the road. They are trying to figure out a way to get this worked out.

Ms. Shiflett stated from a planning standpoint, rezoning land from residential to agriculture so a house can be built doesn't make a lot of sense. Houses belong in residential zoning as much as possible. She didn't think the proffers changed what was done last month that much. She stated she didn't think it was appropriate to change the zoning.

Ms. Tilghman stated her main concern is Mr. Wimer who has a home on the property that isn't in compliance. She indicated that was where her greatest sympathies were lying right now. She made a motion to deny the request. She also recommended if the Board of Supervisors approves any part of the rezoning that they approve bringing the garage and home into compliance with County regulations.

Mr. Bridge seconded the motion.

Mr. Byerly stated he agreed with Ms. Tilghman. He thought this is an issue that should be resolved by the Board of Supervisors.

The motion carried unanimously.

Mrs. Earhart explained the master plan for Gateway Business and Professional Park that had originally been on the agenda had been deferred to the January meeting.

OLD BUSINESS

Shannon Lea at Kennedy Creek – Master Plan

Shannon Lea at Kennedy Creek containing 80 building lots and 3 open space lots zoned Single Family Residential located immediately adjacent to The Hamptons at Kennedy Creek Subdivision, on the north side of Howardsville Turnpike (Route 610) in the South River District.

Ms. Tilghman made a motion to remove the plan from the table.

Mr. Byerly seconded the motion, which carried unanimously.

Mrs. Earhart stated at the time the master plan was submitted there were items that needed to be corrected. Those items have been corrected and she stated the plan meets the technical requirements of the ordinance.

Mr. Bridge made a motion to recommend approval of the plan.

Mr. Byerly seconded the motion.

Mr. Curd asked if all staff comments were addressed.

Mr. Cobb indicated all the technical requirements have been met. The staff comments are things that will have to be addressed at the construction plan stage.

Mr. Curd asked how many entrances were off of Route 610.

Mrs. Earhart stated they ended up doing only two (2).

Motion carried unanimously.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Mr. Curd stated several of the Board of Supervisors have asked him if they could get a copy of the Planning Commission's minutes.

Mr. Cobb and Mrs. Earhart stated they would check with the County Attorney and see if this was an option and have an answer for Mr. Curd by tomorrow afternoon's worksession.

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Ms. Shiflett appointed Dale Cobb and herself as the nominating committee for 2005 officers. She stated they would have a report for the January meeting.

Mrs. Earhart asked the Commission to be thinking about their time commitments regarding the Comprehensive Plan worksessions. The Commission decided the first Tuesday of each month would be set aside as a worksession date, if one is needed.

Mr. Cobb stated we have a minimum amount of people on our staff. He asked when the Commission started thinking about ordinances that needed to be added that they bear in mind what is really going to be a benefit to the County. He asked if the ordinances were really necessary. He also asked them to only pass ordinances that they thought would be necessary to benefit Augusta County.

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:

04-73 Norman V. Coyner, Thomas F. Sensabaugh, Robert Eavers

Ms. Shiflett made a motion, seconded by Mr. Bridge, to indicate a concern about keeping businesses in areas slated for business development rather than in agricultural areas. The Commission also wants to be sure that any development of the parcel be done in compliance with the Route 608 Corridor Study. Motion carried unanimously.

Mr. Byerly stated mini warehouses are just not an attractive use. He has a real concern with this.

The motion carried unanimously.

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

Chairman

Secretary