PRESENT: J. D. Tilghman, Chairman

S. N. Bridge T.H. Byerly J. Curd K. A. Shiflett

K. A. Shiflett J. Shomo

R. L. Earhart, Senior Planner and Secretary

J. E. Sharp, Associate Planner

ABSENT: W. F. Hite, Vice-Chairman

D. L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County

Planning Commission held on Tuesday, April 12, 2005, at 4:00 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, master plans, and the upcoming items on the BZA agenda. The Planning Commission traveled to the following sites which will be considered by the Commission at their regular meeting:

- 1. EBCO, L.L.C. Public Use Overlay
- 2. PTM, L.P. Amend and restate the proffers

Chairman Secretary

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R. L. Earhart, Senior Planner and Secretary

J. E. Sharp, Associate Planner

ABSENT: W. F. Hite, Vice-Chairman

D. L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County

Planning Commission held on Tuesday, April 12, 2005, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center,

Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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MINUTES

Mr. Byerly made a motion to approve the minutes of the Called and Regular meeting held on March 8, 2005. Mr. Curd seconded the motion, which carried unanimously.

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EBCO, L.L.C. - Public Use Overlay

A request to add the Public Use Overlay zoning designation to 1.224 acres owned by EBCO, L.L.C., located on the west side of School Boulevard (Rt. 9030) just north of the intersection of School Boulevard (Rt. 9030) and Stuarts Draft Highway (Rt. 340) in Stuarts Draft in the Beverley Manor District.

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

- 1. Additional permitted uses at this site will be:
 - a. Schools
 - b. Community centers and similar facilities
 - c. Meeting places of civic clubs and other organizations
 - d. Active and passive recreational facilities:
 - Baseball field (lighted)
 - Tennis courts (lighted)
 - Soccer field
 - Playground
 - Track

Dr. Gary McQuain, Superintendent, Augusta County School Board, stated he was representing the School Board tonight. They wanted to purchase the land for future recreational activities for the school.

Ms. Shiflett asked if the tennis courts would be lit.

Dr. McQuain indicated they would be in the future.

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

Ms. Shiflett stated she thought the request was in order. She made a motion to recommend approval of the request with the proffer.

Mr. Bridge seconded the motion, which carried unanimously.

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Cecil G. or Ruth H. Layman and Gino A. Bortone - Rezoning

A request to rezone 0.011 acres from Single Family Residential to Rural Residential owned by Cecil G. or Ruth H. Layman and 0.005 acres from Rural Residential to Single Family Residential owned by Gino A. Bortone. The property is located on the west side of Lee-Jackson Highway (Rt. 11)

approximately 0.25 of a mile north of the intersection of Lee-Jackson Highway (Rt. 11) and Chestnut Ridge Road (Rt. 694) in the Riverheads District.

Mrs. Earhart explained the request.

Gino Bortone, 2755 Lee Jackson Hwy., stated he fully supported the request.

Ruth Layman, 2751 Lee Jackson Hwy., stated in 1962 they bought one lot closest to the highway. They later bought a second lot behind their house. She stated a public street was planned next to their property. Later on it was found out the land wouldn't perk, therefore, it wouldn't sell. She stated they had planned on using the street and come in from the side but temporarily put in a driveway off Route 11 which is partially on Mr. Bortone's property. She indicated they have now asked the surveyor to combine their two (2) lots into one tract and adjust the lines with Mr. Bortone. She stated it would be beneficial to everyone if this could be done.

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

Mr. Shomo stated he sees this as being beneficial to both landowners. He made a motion to recommend approval of the request.

Mr. Bridge seconded the motion, which carried unanimously.

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<u>Gregory L. and Elizabeth G. Evans - Rezoning</u>

A request to rezone from General Agriculture to Exclusive Agriculture 1.164 acres owned by Gregory L. and Elizabeth G. Evans located on the west side of Stribling Springs Road (Rt. 730) approximately 0.3 of a mile south of the intersection of Stribling Springs Road (Rt. 730) and Freemason Run Road (Rt. 747) in the North River District.

Mrs. Earhart explained the request.

David Miller, 1094 Stribling Springs Rd., stated he was just trying to get the property lines straightened out so there is no argument as to which property the driveway is on if he sells the property in the future. He indicated the Evans have agreed to sell him the property.

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

Mr. Byerly stated this was a boundary line adjustment and the neighbors are in agreement. He made a motion to approve the request.

Mr. Shomo seconded the motion, which carried unanimously.

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Capital Improvements Plan

Mrs. Earhart stated the Commission heard the presentation by Mr. Coffield today during the worksession. She indicated this is a planning and budgetary document and it does require a recommendation from the Commission.

Mr. Shomo made a motion to approve the capital improvements plan.

Mr. Byerly seconded the motion.

Ms. Shiflett stated Mr. Coffield and his staff seemed to have done an excellent job of maintaining the fiscal health of the County and planning for the future.

Mr. Byerly recommended that anyone present pick up a copy of the plan. He stated he thought they were fortunate to live in a county that is well managed with a lot of thought given to the long term.

The motion passed unanimously.

Ms. Tilghman reiterated Mr. Byerly's comments.

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PTM, L. P. – Amend and restate the proffers

A request to amend and restate the proffers on 2.019 acres owned by PTM, L. P., located in the southeast quadrant of the intersection of Tinkling Spring Road (Route 285) and Interstate 64 in Fishersville in the South River District.

Mrs. Earhart stated because of her husband's business interests she has refrained from any involvement on this request.

Ms. Shiflett made a motion to bring the request from the table.

Mr. Bridge seconded the motion, which carried unanimously.

Mr. Sharp explained the request.

John Maxwell, Sheetz, Roanoke, VA, stated he was here to represent Sheetz.

Mark Johnson, LE & D, stated they are the design firm for the project.

Mr. Maxwell stated there were two (2) items at the January meeting that were requested of Sheetz. One item of concern was the improvements to the site to prevent trucks from exiting the right out and damaging the guardrail. Those improvements have been in place for several weeks and in an inspection today showed no further incidents related to the truck traffic.

Ms. Tilghman stated they viewed the site at 5:00 p.m. and there was damage done to the guardrail. She indicated it may have just happened today.

Mr. Maxwell indicated it must have because he was just by there this morning. He stated the other request was for VDOT to revisit the right turn lane on to the on-ramp for Interstate 64. He indicated VDOT has again expressed that is not something they can do at this time.

Mr. Johnson stated the original proffers referred to a schematic drawing showing multiple turn lanes there. He indicated during the process VDOT had not been given federal highway approval for them to encroach on to the controlled access to complete the work shown on those drawings. Therefore, they revised the drawings per VDOT's request and that is what they built and is what is out there now. He stated Sheetz had every intention of building everything in the original proffer.

Ms. Shiflett stated she noticed the lower entrance behind the visitor's center has been paved recently. She asked if their plans were to use this entrance as their main entrance.

Mr. Maxwell stated there is a future easement there, but they are not planning on using this entrance for their traffic. He indicated the paving was not the work of Sheetz.

Ms. Shiflett stated she realized Sheetz has done what they intended all along and that this was not their fault. Nevertheless, the reality is it has left us with a dangerous situation. She stated they have reports stating there should be a minimum of 1,000 feet of weave distance and there is nowhere close to that there. She stated even though it wasn't their fault they are going to have to try to mitigate some of the dangerous situations that the traffic causes there.

Mr. Maxwell stated they had addressed the U-turn situation at the last meeting. This is not something that Sheetz can control and there is a "no left turn" sign posted out there so if law enforcement chooses to enforce illegal traffic movement, then they can do so because that sign is in place.

Mr. Johnson stated per Brad Price, VDOT, they are in the process of constructing a median all the way through and beyond the entrance so a U-turn can't be done.

Ms. Shiflett asked if they had a time frame.

Mr. Maxwell indicated from Mr. Price these plans were already underway and he thought this would be done within the year. He explained they considered a height bar on their property as a further measure of safety with the right-out lane.

Mr. Johnson stated he had an email from Brad Price and the email stated in the third paragraph that the median should be completed within the year.

Mr. Curd asked if any other safety measures had been considered.

Mr. Maxwell stated he understood the main concern was the trucks going out that way. As far as further measures he wasn't sure what else they could do.

Mr. Bridge stated in the same email from Brad Price it stated that "the very best and safest configuration possible would be to close the entrances/exits at both Sheetz and the Exxon/McDonalds on to Route 285".

Mr. Maxwell stated he thought that was in the context of if the bridge was improved.

Mr. Bridge stated they also had a letter from the Federal Highway Administration (FHWA) giving four (4) or five (5) reasons as to why those entrances/exits should not be there.

Mr. Johnson indicated the right out is a stop/yield situation and there is also a signal light 400 or 500 feet up the road that allows cycle time to relieve that entrance. He stated he thought the weave could be controlled with the cycle time and the stop situation. He indicated there wasn't an active weave going on there.

Ms. Shiflett stated there was traffic trying to get to the Interstate ramp that has to weave in with the traffic that is coming out of Sheetz.

Mr. Johnson stated that traffic is already positioned in the correct lane to get to the ramp.

Mr. Curd stated the FHWA strongly opposed this right in right out. He indicated the Commission has been put on notice by them. He quoted "that a right in right out will cause an unsafe condition for both traffic streams". He stated that VDOT also indicated the best and safest thing to do is to close the right in right out. Mr. Curd indicated he would like to see the entrance closed all together without denying Sheetz their Certificate of Occupancy. He is concerned about safety.

Mr. Bridge stated he agreed with Mr. Curd. If the Commission has documentation from the Federal government and VDOT that this is unsafe, he thought as a Commission they would be remiss to ignore the State and Federal

government's suggestions. He stated he didn't see where he could vote in favor of it when they have the experts suggesting something different.

Mr. Byerly asked if the Federal stipulations were prior to VDOT's engineering. He didn't think the Federal concerns ever came to them.

Ms. Tilghman stated VDOT was aware of it and the Commission was not told.

Mr. Byerly stated as a result of not being told, he didn't think they should hold the owners responsible for information they were not even privy to.

Ms. Shiflett stated she didn't know if they could help what wasn't done in the past, but she believed their voting for an already dangerous situation would not help the matter either. She indicated she thought it was a dangerous situation and until the road improvements are done to alleviate some of the problems she couldn't vote to keep it like it is.

Mr. Curd stated he realized it wasn't Sheetz's fault. He asked if any consideration had been given to amend the proffers to eliminate the right in right out.

Mr. Maxwell indicated this had not been considered.

Ms. Tilghman stated the problem is when this came before the Commission originally, they voted not to allow those lanes. The Commission was overturned by the Board of Supervisors. She explained the Commission saw a potential traffic risk at that point. She stated she has a hard time with VDOT not informing the Commission that they had information from the Federal Highway Administration that this was an unsafe situation.

Mr. Maxwell stated Sheetz was not aware of any issues even after the building was constructed. They learned of the issue when they tried to get their Certificate of Occupancy. He indicated Sheetz was always willing to build the turn lane.

Mr. Curd asked Mr. Maxwell if he was aware that any access off of Route 285 will eventually go away anyway.

Mr. Maxwell indicated as with any road there is always the risk on entrances being changed with future development and expansion. He indicated they knew the potential was there.

Ms. Shiflett referred to an email from VDOT that stated elimination of the entrances would happen within the next couple of years.

Mr. Maxwell stated it was his understanding that the bridge is not in the six-year plan so this would not be in the near future plans for VDOT.

Mrs. Earhart indicated they have received information that the bridge improvements are in the draft six-year plan for 2006-2011. She stated it is now showing up in a plan, but it is still a draft.

Ms. Tilghman stated the Commission had several options. She explained the Commission did have to make a recommendation tonight; she stated it could not be tabled again.

Mr. Byerly stated it is important for any business to complete their Certificate of Occupancy. He indicated he is very safety conscious, but without an accident report to make a better judgment, he had nothing to verify any real serious safety issue. He made a motion to approve the request with the amended proffers as submitted.

Motion died due to a lack of a second.

Mr. Bridge commented based on what he stated earlier and the reports the Commission had been given, he made a motion to recommend denial of the request (Option 2).

Ms. Shiflett seconded the motion and stated none of the options are desirable. She indicated Option 2 follows her feelings on the matter the closest.

Mr. Curd stated he agreed with Mr. Bridge.

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

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Hillandale, Section 1 Lots 33A – 33I – Master Plan

Hillandale, Section 1 Lots 33A – 33I containing 9 lots zoned Single Family Residential (12) located off of Hermitage Road (Route 254) at the end of Herlock Road (Route 1410) in the Beverley Manor District.

Ms. Shiflett made a motion to bring the request from the table.

Mr. Byerly seconded the motion, which carried unanimously.

Ms. Tilghman stated Mrs. Earhart has had some calls concerning this master plan and people from the public wanting to speak. She explained master plans are not public hearings. The public is invited but are not asked for input. The reason is the mandate on master plans from the Planning Commission is that

they look at the plans to see if they meet the technical requirements of the Ordinances. If the plans meet the requirements then the Commission must approve them, if the plans do not meet the requirements the Commission does not approve them.

Mrs. Earhart explained the master plan. She stated staff was concerned with the road alignment and the fire flow which does not meet the County's requirements.

Tom Shumate, Sr., 1000 West Main St., Waynesboro, VA 22980, stated this is a nine (9) lot subdivision that includes water, sewer and street connections. He indicated his personal preference in road alignments in subdivisions is to have curves where possible. He stated he thought it helped slow traffic. He indicated he believed the curve system complies with the regulations. He asked that the plan be approved as drawn.

Ms. Shiflett asked Mr. Shumate if he would like to address fire flow.

Mr. Shumate stated they did a fire flow test and they got 365 gpm; the requirement is 500 gpm. He indicated they had 14 psi pressure and the requirement is 20 psi. He explained the cure for that is beyond the scope of their development. The Augusta County Service Authority has told him there are two (2) problems. The tank in Verona needs to be increased in size and the design is being done for that. The other problem is there is a portion of a waterline that is about a mile long that is only 6" in diameter and this should be greater. He indicated they do not have the ability to change this; the cost would be prohibitive. He stated he could not change the fire flow or the pressure.

Ms. Shiflett asked what development rights he had there without the development.

Mr. Shumate stated he imagined it would be one lot a year and this has to be in an agriculture zoning.

Ms. Tilghman commented the most basic concern is that the plan does not meet fire flow regulations and this can't be changed. Fire flow is very important. She stated she doesn't know how the Planning Commission can approve a plan that doesn't have sufficient fire flow. She indicated she understood that it isn't economically feasible to fix the problem.

Mr. Bridge asked Mrs. Earhart if the fire flow was a technical requirement.

Mrs. Earhart indicated it was.

Mr. Bridge made a motion to recommend denial of the plan since it does not meet the technical requirements of the Ordinance.

Ms. Shiflett seconded the motion, which carried unanimously.

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<u>Kingswood Meadow – Master Plan</u>

Kingswood Meadow containing 5 lots zoned Single Family Residential (10) located off of Mt. Torrey Road (Route 624) and adjacent to existing Kingswood Meadow Subdivision in the South River District.

Mr. Bridge made a motion to bring the plan from the table.

Mr. Byerly seconded the motion, which carried unanimously.

Mrs. Earhart explained the plan and stated the plan meets the technical requirements of the Ordinance.

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

Mr. Byerly seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Comprehensive Plan Update

Mrs. Earhart explained instead of having the Planning Commission take the primary responsibility for updating the Comprehensive Plan, the County will be appointing a Steering Committee. This will be a body that will include two (2) Planning Commissioners, two (2) Board of Supervisors members, seven (7) individuals from each of the magisterial districts and there may be some other atlarge appointments.

Ms. Tilghman appointed Mr. Curd and herself to the Steering Committee. She stated everyone was welcome and encouraged to attend those meetings.

STAFF REPORTS

A. <u>CODE OF VIRGINIA – SECTION 15.2-2310</u>

Ms. Tilghman asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took no formal action on the BZA items.

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B. <u>COMPREHENSIVE PLAN UPDATE - CONTRACT AND SCOPE OF</u> SERVICES

Mrs. Earhart explained the County will be entering into a contract with Kimley-Horn tomorrow night. She stated the first round of public meetings would be in the fall and the draft plan should be done next spring. She explained the first meeting of the Steering Committee is scheduled for May 2nd. Ms. Tilghman again stated these meetings are open to the public and she welcomed their participation.

C. VDOT's Interstate and Primary System, Six-Year Improvement Plan

Mrs. Earhart stated this Plan is a draft at this point, but it did have the Route 285 bridge in the construction plans. She indicated since this is an important road to the future development of the County it would be appropriate for the Planning Commission to authorize the sending of some type of support letter.

Mr. Byerly made a motion to authorize sending a support letter.

Mr. Curd seconded the motion, which carried unanimously.

D. VALLEY CONSERVATION COUNCIL WORKSHOP

Mrs. Earhart explained the Valley Conservation Council was sponsoring a workshop next week at the Government Center on Funding of Purchase of Development Rights Programs. The workshop is from 9:00 a.m. to 1:30 p.m. She asked if anyone was interested in attending that they RSVP by the end of the week.

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There being no further business to cowas adjourned.	ome before the Commission, the meeting
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 Chairman	Secretary