

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

ABSENT: D. L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, July 12, 2005, at 4:00 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, an ordinance amendment, master plans, and the upcoming items on the BZA agenda. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Paul W. Bradley, Sr. or Tracy L. Bradley; John M. or Melissa F. Campbell; Beulah E. Conner; James W. Humphries, Jr. or Carla F. Humphries; Christopher W. Huffman; Mildred F. Lloyd; Perry D. and Angela F. Mace; and Rodney E. and Dana L. Painter – Rezoning

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ABSENT: D. L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County
Planning Commission held on Tuesday, June
14, 2005, at 7:00 p.m. in the Board Meeting
Room, Augusta County Government Center,
Verona, Virginia.

DETERMINATION OF A QUORUM

Ms. Tilghman stated as there were seven (7) members present, there was a quorum.

MINUTES

Ms. Shiflett made a motion to approve the minutes of the Called and Regular meeting held on June 14, 2005. Mr. Curd seconded the motion, which carried unanimously.

Paul W. Bradley, Sr. or Tracy L. Bradley; John M. or Melissa F. Campbell; Beulah E. Conner; James W. Humphries, Jr. or Carla F. Humphries; Christopher W. Huffman; Mildred F. Lloyd; Perry D. and Angela F. Mace; and Rodney E. and Dana L. Painter - Rezoning

A request to rezone from Single Family Residential (15) to General Agriculture approximately 104.3 acres owned by Paul W. Bradley, Sr. or Tracy L. Bradley; John M. or Melissa F. Campbell; Beulah E. Conner; James W. Humphries, Jr. or Carla F. Humphries; Christopher W. Huffman; Mildred F. Lloyd; Perry D. and Angela F. Mace; and Rodney E. and Dana L. Painter. The property is located on the north side of Howardsville Turnpike (Rt. 701) just west of the Riverheads School complex in the Riverheads District.

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

1. The minimum square footage for single-family dwellings will be 1500 square feet.
2. No manufactured or mobile homes will be allowed on the property.
3. Only "limited agriculture" as defined by the County's Zoning Ordinance will be allowed and only if the lot is at least five (5) acres in area.
4. The only uses permitted by a Special Use Permit will be day care centers, residential care facilities, and passive recreational facilities requiring a building and active recreational facilities.

David Meeks, Rhea & Miller, 11 Terry Court, Staunton, VA 24401, stated he was representing the applicants tonight. He indicated Phil Miller was present to answer any questions as well. He listed the reasons the applicants didn't think the property should be zoned Single Family Residential. He stated the property has been zoned Single Family Residential since 1960 and it has never been developed to any extent. There are several reasons it has not been developed. He indicated the soil is very rocky. The second reason is to run water and sewer it would have to be run about ¼ of a mile and there is a creek in the middle of the property. Any sewage would have to drain down in the direction of the creek and then pumped back up. He stated the staff report indicates that VDOT would allow one (1) commercial entrance. With the creek being there, the road would have to be built over it. He indicated it just hasn't been feasible to develop the property. He stated several reasons why the property should be rezoned to General Agriculture. First and foremost, the property owners all want it to be. They are all present tonight to show their support and they've all signed off on it. The second reason is the property owners would like to have a few animals on the property. He stated he was not talking about an intensive agricultural operation. The property owners would just like to be able to have some horses there and they would like their children to have

the opportunity to be active with FFA projects. He indicated the property owners also wanted to be able to take advantage of the Family Member Exception rule in subdividing some parcels. He stated VDOT has indicated they will only allow one commercial entrance there, therefore he didn't see that there would be many subdivision lots created. He stated even if the lots were to double to 16 – 20 lots; it still wouldn't be a lot of lots. The neighboring property owners are concerned that there will be a lot more neighbors in the area. Mr. Meeks indicated he didn't see that happening. He indicated the property owners realize this rezoning would be reducing the setback from their property line for any intensive agriculture facility. He indicated they are willing to take that chance. He asked the Planning Commission to recommend approval.

Ms. Tilghman asked how many lots were there at the time the property was originally zoned. She asked if it was all one parcel.

Mr. Meeks indicated it was all one parcel and has been divided since.

Lloyd Earhart, 266 McKinley Rd., Middlebrook, VA, stated he wanted to speak for his grandson, Christopher Huffman. He indicated his grandson wanted to be able to subdivide a lot for his mother. He stated his grandson would also like to run some cattle on the property. He stated he would like to see the property put back like it was.

Anna Sailer, 3834 Old Greenville Rd., Staunton, VA 24401, stated she liked the property being rural. She doesn't want to see more homes in the area. She stated she was fine with them putting cattle on the property, but didn't want a lot more neighbors.

Linda Huffman, 4360 Lee Jackson Hwy., stated her son, Christopher, owns the 25 acre lot and he would like to be able to run cattle on his property. She indicated the people that live behind her son ride their horses all over his farm. If the property is rezoned that would make that alright. She stated her son bought the property with the intention of building a home there and giving them a lot to be able to build a home as well.

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

Ms. Shiflett stated to change the property from Single Family Residential (15) to General Agriculture with the intention of building 1500 square foot houses and opening this property up to as many family member exception lots as could be made, which could be quite a lot, doesn't seem to make a lot of planning sense. Nothing has really changed about the property since the 1960's when it was zoned residential. It's the same zoning as the neighbors'. It's the same zoning we have around many of our schools. She stated she didn't see a compelling reason to make the change.

Mr. Bridge stated he agreed with Ms. Shiflett. He stated in order for the zoning to be changed, there needs to be a compelling reason. He stated he felt this has more downsides than benefit.

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

Mr. Bridge seconded the motion, which carried unanimously.

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Trimen, L.L.C. – Amend and restate the proffers

A request to amend and restate the proffers on 2.63 acres owned by Trimen, L.L.C., located in the southwest corner of the intersection of Jefferson Highway (Rt. 250) and Goose Creek Road (Rt. 640) in the Wayne District.

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

1. In reference to the proposed connector road from Route 250 to Route 640 that Augusta County and/or the Virginia Department of Transportation proposes to design and construct, the owner will provide, at no cost to Augusta County and/or the Virginia Department of Transportation, a 60' width right-of-way which shall run parallel and adjacent to the western property line and which shall expand to 80' width at the intersections with Route 250 and 640.
2. There shall be no direct access to or from the property to Route 250 or the proposed connector road.
3. The existing entrance on to Route 640 shall be the only entrance for this property.
4. The aggregate square footage of all buildings on this property shall not exceed 15,800 square feet in area.
5. Permitted uses of this property shall be limited to those permitted in the County's Limited Business District (§25-292).
6. All exterior walls of Building Phase 2 shall be brick veneer and all exterior walls facing east, west, and north shall have design elements (including, without limitation, windows, doors, and masonry details) so as to compliment the existing building and as generally described and depicted on the conceptual renderings labeled A-C as prepared by Design Vision.

7. The dumpster site shall be located in the southwest corner of the property and screened as generally described and depicted on that certain plan entitled "Schematic Site Plan II" for Jefferson Commons prepared by Design Vision and dated March 22, 2005.

Steve Hinton, 59 Oakridge Lane, Mint Spring, VA 24463, stated there were not any real comments from the various departments. He stated basically they have amended the proffers to have Limited Business uses. He indicated the current proffers state that the current Rt. 640 entrance would be terminated when the new connector road was completed and then access to this parcel would be from the new connector road. He stated they have proven over the last 5-6 years that they will have businesses that are more professionally oriented and they will not have businesses like fast food restaurants, etc. The problem in going forward with this project has been an issue with the connector road. He stated earlier this year when the request was before the Commission the first time, they decided to table any further pursuit of the proffer amendments until they had an opportunity to go back to VDOT again and actually see their design concept and what their concerns were. VDOT's concern was they don't want an entrance proffered to connect to the new connector road. He stated VDOT indicated they did not have a problem with the new building going in; it was more of a problem of the upper entrance. Basically now after meeting with VDOT and discussing the situation with them, VDOT has no objections to the proposed amendments to the proffers. Mr. Hinton stated they asked VDOT how they would like the proffers restated and VDOT asked them to expect no access to the connector road. He stated there were some other issues regarding drainage. He indicated there is one important thing to understand. When this property was developed back in 2000, the stormwater management was designed for the entire project at completion. Everything is there for the project to be completed. He stated retention ponds are not going to get bigger; everything is going to stay pretty much the way it is. Mr. Hinton stated they had also spoken with Mr. Coleman and had him come and look at the situation. They showed Mr. Coleman maps and various connection routes. Mr. Hinton showed the Commission on the map where the connector road was proposed to come.

Mr. Curd asked if in any of their meetings with VDOT if any of their schematic drawings showed the connector road encroaching on this property.

Mr. Hinton indicated there would not be any encroachment. He indicated the road stays well within the proffered donation area and it does not come close to the new building.

Mr. Curd asked if they would be willing to move the detention pond if it is in the way.

Mr. Hinton stated he wasn't sure he could answer Mr. Curd's question. He also couldn't say if he would be willing to move the detention area. He is interested in working with Augusta County and would deal with that at the site plan stage.

Mr. Curd asked if the dumpster site was in the same location.

Mr. Hinton indicated it was in the same location; in the lower corner of the property.

Mr. Byerly asked if they would be responsible for VDOT's water into their detention facilities.

Mr. Hinton indicated they were not.

Ms. Shiflett indicated VDOT has not shared the schematic drawings with the Commission and previous conceptual drawings don't have a lot to do with where the road actually goes. She indicated we are still dealing with a lot of unknowns. She stated she knew the old Route 640 was planned to be abandoned once the new road went through, but with an entrance there that would make that more difficult also. She stated it was a wonderful plan and the pictures are beautiful. She stated she thought this would be a good addition at some point but she wasn't sure we were at that point until there is a more firm design from VDOT. She stated she still had a lot of questions on whether or not this was the right time to do this.

Mr. Byerly asked if Mr. Hinton had a feel as to when he might receive something from VDOT on when the plans would be finalized.

Mr. Hinton stated the more people he talks to within the administration of VDOT, developers, and the County, the more they say this is such a low priority that it may not happen for another 15 years.

Ms. Tilghman stated she believed there still had to be a public hearing held and that hasn't happened yet.

Mr. Hinton stated that in 1999 VDOT was telling them it may two (2) to three (3) years and here we are six (6) years later. He stated there is always a need someplace else. He indicated realistically for this to happen in the next 15 years would surprise him.

Ms. Shiflett indicated he may be correct on the construction side of things, but the design is underway and the money is allocated. Once we have an actual place and know where it is going to be, we can plan around it. She stated since they were already working on it she didn't think it would be that long. She indicated she does think we'll have a corridor and the right-of-way in the not too distant future, but she can't say exactly when.

Tom Shields, Jr., 3184 Village Dr., Waynesboro, VA 22980, stated he was a partner in this project. He stated he works in this location everyday. He indicated they worked in good faith with the County. He stated they entered into a partnership with the County and he was told this road was going to happen. Obviously, needs and money shift and priorities change. He indicated if the road is built within the next 15 years it would be a huge surprise to him. He indicated VDOT studies everything in depth and when you get comments from VDOT it has been scrutinized. He also indicated that VDOT would not comment that they have no objections to the restated proffers without studying it. He stated he hates having gravel in his parking lot. It is an embarrassment to him. He indicated he would just like to finish this project and get it behind him.

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. Curd indicated everyone thought this road would have been built by now. He stated this road isn't likely to be built in his lifetime. He commented VDOT's timeframe is dictating too much. He stated he didn't think this new building would impact the new road. He indicated there are other structures there that VDOT is going to have to design around as well. Mr. Curd thought the Limited Business uses would be better for the property. He stated we are getting a lot. We are getting no access on a new connector road. He stated we are getting a good proffered design, a good looking building; all things we may not get if it isn't approved.

Mr. Bridge asked what the worse possible scenario would be if the building was built and the road did encroach in some way upon the building.

Mrs. Earhart stated the cost of the road would be increased by the amount of the building, if the building would have to be purchased.

Mr. Byerly commented we often question VDOT's wisdom on how things happen. He stated he was trying to deal with the likelihood of that happening. He stated he thought they would have had some type of design from VDOT so the Commission could do their responsible task of making a good decision. Now that has gone away and we are further away from it than we were previously. He stated it is an excellent project and he commended them on the quality of the project. He indicated he agreed with Mr. Curd that the likelihood of an encroachment seems pretty farfetched for him. He stated he thought he could work with it.

Mr. Curd stated the main concern he had in February was the access to the connector road from this property. This has gone away and it has obviously satisfied VDOT. He stated he doubted the road would ever be built.

Mr. Byerly stated he considered tabling the request so they could get with VDOT but that doesn't look like that will benefit anyone. He again stated he thought he could live with it.

Mrs. Earhart stated if the Commission wanted that to be done they could get with VDOT. From what Mr. Hinton is indicating there may be some later design than what VDOT has shared with us and staff would certainly be happy to share that. Based on what Mr. Hinton is saying there is some design. She indicated staff would be happy to find that for the Commission.

Mr. Byerly indicated he would prefer having something since nothing has been offered. He wasn't sure how the other Commissioners felt.

Ms. Shiflett stated she agreed it's a good project and she would feel more comfortable if we had something in hand from VDOT.

Mr. Byerly indicated he was not one who liked to delay projects but the Commission is kind of in a bind.

Ms. Tilghman stated everyone agreed that the basic project is good.

Mr. Shields indicated he would rather have the Commission vote on the request.

Mr. Curd made a motion to recommend approval with the proffers.

Mr. Byerly seconded the motion.

Ms. Tilghman stated she was embarrassed with the cooperation we have from VDOT at times.

Mr. Byerly stated he was glad Ms. Tilghman expressed her frustration because he expressed his last month in regards to what they have been dealing with, with VDOT. He stated he doesn't think it is justifiable.

The motion carried with a six (6) to one (1) vote with Ms. Shiflett opposed.

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Zoning Ordinance Amendment

An ordinance to increase the permitted size of utility lots from 5,000 square feet to 12,000 square feet. Utility lots meeting the size requirements shall be permitted in all districts and shall be exempt from the lot area, setback, lot width, lot frontage, side yards, rear yard, and parking requirements of the County's Zoning Ordinance.

Mrs. Earhart explained the zoning ordinance amendment.

Bo Beasley, Deputy Executive Director, ACSA, stated they may have stirred the pot a little bit. He indicated they have some new regulations from the Virginia Department of Health that set new perimeters on the radius around a well and in order to meet the Health Department requirements we had to ask for the increase.

Mr. Curd asked what else could be placed on utility lots.

Mr. Beasley stated in regards to the Service Authority they could use it for a pump station or a site that would have an ancillary building for filtration systems for wells. Primarily what they use utility lots for is for their wells.

Mrs. Earhart indicated any other small utility uses could be placed on the lots.

Mr. Shomo asked if the 100' was to prevent contamination of some sort. He asked what was the major reason the Health Department made this change.

Mr. Beasley stated he was not sure what the major reason was.

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

Mr. Shomo made motion to recommend approval of this request.

Mr. Hite seconded the motion, which carried unanimously.

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Payne Farm Subdivision – Master Plan

Payne Farm Subdivision containing 3 lots zoned General Business located northwest of the intersection of Route 11 and Route 262 in the Beverley Manor District.

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. Hite seconded the motion, which carried unanimously.

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Stoney Run Subdivision – Master Plan

Stoney Run Subdivision, Section 3 containing 21 lots and one (1) residue lot zoned Single Family Residential (12) located on the south side of Offlitter Road (Route 656) near Stuarts Draft in the Riverheads District.

Mrs. Earhart explained the plan. She also explained the existing master plan has expired and this is why it is being brought to the Commission and the Board of Supervisors again. She indicated the plan does look different this time. She indicated the floodplain delineation has increased and much more of this land is in the floodplain. This is why some property is not available for development at this point. She indicated a note has been added to the plan that indicates that it wouldn't be developed until a flood study is done and until a secondary access to Route 608 has been developed. There is a portion of land that is zoned Multi-Family that we will be seeing a Plan of Development on in the near future and it is not owned by the applicant any longer; and therefore, is not part of the master plan anymore. She indicated at the time the master plan was submitted there were numerous things that needed to be corrected. Those things have been corrected and at this point the only outstanding issue is the possibility of right and left turn lanes. We received information late this afternoon from VDOT regarding this. After the developer spoke with VDOT, VDOT is now backing away from that and allowing them to only put in the right turn lane on existing right-of-way.

Roger Willetts, stated when the plan was originally submitted it was submitted with another 100 apartment units down at the end of Bowman's Run. He indicated until there was a second entrance out on to Route 608 they would not develop those apartments or bring that traffic out on Bowman's Run. He indicated they have actually reduced the size of the development by over one half. He stated this plan with double the amount of development was submitted to VDOT and they approved it and nothing was said about turn lanes then. That plan showed almost 60% more density than what is being proposed on the current plan. He indicated nothing has changed. He stated he brought the sewer from Hershey down to this project and it's a 24" sewer line. The understanding he reached with the Service Authority at the time is that if he built the line, \$454,000, then he would get the money back in connection fees. The problem arose when he had to cut the size of the project down by over 60% and he still has \$150,000 that he could collect if he could sell the lots. He stated he felt like he has done his part and done what he was asked to do. He indicated he called and talked to Brad Price and asked him what the deal was. Mr. Price indicated to him that VDOT didn't say anything about the turn lanes then because the State had some money and now the State doesn't have the money and now they want Mr. Willetts to do the turn lanes. In further discussion with Mr. Price he indicated to Mr. Willetts that he did not have to do the left turn lane. Mr. Willetts indicated this didn't make any sense to him. He again stated it was less than 60% of what they were originally approved for.

Ms. Tilghman indicated they could table the plan for 30 days.

Mr. Willetts stated he was like Mr. Shields; he just wanted to finish his project.

Ms. Tilghman stated they could go back to VDOT and ask why the two (2) turn lanes were needed. She asked Mr. Willetts if he wanted this done.

Mr. Willetts stated his point is they didn't require the turn lanes when he had 200 apartments, why are they requiring them now. He indicated that rationale just didn't make any sense to him.

Mrs. Earhart stated they could certainly talk to VDOT. Again, the time crunch that we are in is we received the information on our way out the door today and did not have time to look at it. She stated again we could go back to VDOT and ask for the rationale.

Ms. Tilghman indicated if Mr. Willetts forces them to vote one way or the other he is putting the Commission in a bind. She stated she is not obligated to agree with VDOT but she does feel obligated to get their side as to why they want a turn lane.

Mr. Willetts indicated he asked Mr. Price if the traffic criteria had changed and Mr. Price indicated it had not.

Mr. Byerly commented it sounded like Mr. Willetts had negotiated a good deal and asked if the Commission had to honor what VDOT wanted.

Mrs. Earhart stated they did not. The Commission's job is to recommend something to the Board of Supervisors and what that is, is up to the Commission. She indicated the Commission did not have to agree with VDOT.

Mr. Willetts asked if he could get the Commission to recommend approval with that requirement and then he can argue it with the Board. He stated he can do the right turn lane if he has to. He indicated the turn lane that Mr. Price is requiring is absolutely worthless; going the other direction is where all the traffic is.

Mrs. Earhart stated Mr. Willetts can agree to put it on the plan and if the Commission wants to do it they can pass another plan contingent upon it being changed between now and then but that is not the Commission's job. The Board of Supervisors looks to the Commission to get master plans in order prior to the Commission sending them on to the Board. The other concern she would have is if the situation is as Mr. Willetts indicates and it just doesn't make any sense, she didn't feel like the Commission has done any great service to future plans if they are saying they are going to go with VDOT just because VDOT says to put in a turn lane. She stated she didn't think that was the Commission's job either.

She stated she felt like the Commission needed to hear what VDOT's rationale is and then make an independent decision based on all the information.

Mr. Willetts indicated he would be willing to build the right turn lane if the Planning Commission would recommend approval.

Ms. Shiflett indicated she didn't think that was good planning. She asked if the Commission could approve it without the turn lane included.

Mrs. Earhart stated then the battle would be between VDOT and Mr. Willetts.

Mr. Bridge made a motion to table the plan for 30 days until staff has an opportunity to discuss with VDOT their rationale and their reasoning for the turn lanes.

Ms. Shiflett seconded the motion.

Mr. Curd stated this is not a new project. He would like to know what has changed.

Mrs. Earhart indicated one thing that has changed is personnel.

Mr. Byerly stated his hope would be that Mr. Willetts would not have to build either turn lane. He indicated he does not like holding up the project.

Mr. Curd asked if this is the last shot we have at this.

Mrs. Earhart stated her gut feeling is that we would not see it again. At some point if the Multi-Family is developed it will go out to Route 608 in another direction. She indicated Mr. Willetts has developed all the lots that he can because of the floodplain. She stated she thinks this would be the last opportunity they have in getting turn lanes if, in fact, they are important.

Mr. Curd stated he would like to see VDOT's logic behind this.

The motion to table the request carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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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Comprehensive Plan

Ms. Tilghman gave an update on the Comprehensive Plan. She indicated the main focus is the public comment surveys. She asked if the Commission could in any way enhance getting those out to the public. She stated something will be presented at the County Fair but she isn't sure what that will be, staff is still working on those ideas. Ms. Tilghman welcomed suggestions for different organizations that someone could speak to, to try and get people more involved in the process. She indicated the next Steering Committee meeting is August 1st and the first public meeting is October 17th.

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Ms. Tilghman also expressed her frustration with the uncooperativeness of VDOT. Last night at the Steering Committee meeting VDOT informed them that they didn't even have a Comprehensive Plan. It appears that VDOT and the County are going in different directions. The Commission as a whole agreed they would like to have a meeting with VDOT and discuss some of the concerns that have been raised.

Mrs. Earhart indicated staff would get in touch with the appropriate individuals at VDOT and set up a meeting for the Commission's worksession on August 9th.

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

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Chairman

Secretary