

PRESENT: J. D. Tilghman, Chairman
S. N. Bridge
J. Curd
K. A. Shiflett
J. Shomo
R. L. Earhart, Senior Planner and Secretary

ABSENT: W. F. Hite, Vice-Chairman
T.H. Byerly
D. L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 14, 2005, at 3:30 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, 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:

1. Marion S. Simmons – Public Use Overlay
2. Vista Coast, L.L.C. – Rezoning

Chairman

Secretary

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 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

Mr. Bridge made a motion to approve the minutes of the Called and Regular meeting held on May 10, 2005. Ms. Shiflett seconded the motion, which carried unanimously.

Marion S. Simmons – Public Use Overlay

A request to add the Public Use Overlay zoning designation to approximately 2 acres owned by Marion S. Simmons located at the end of Cedar Lane approximately 0.9 of a mile west of the intersection of Cedar Lane and Lee Highway (Rt. 11) in Verona 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. Water storage tanks;
 - b. SCADA transmission antenna with a height not to exceed 75’.

William Monroe, P.E., Augusta County Service Authority, stated the request was for construction of a water tower. Based on an engineering report they had prepared, the site and elevation are very suitable for the tower.

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

Mr. Hite made a motion to recommend approval of the request with the proffer.

Mr. Byerly seconded the motion, which carried unanimously.

* * * * *

Vista Coast, L.L.C. - Rezoning

A request to rezone approximately 10.2 acres from General Agriculture to Single Family Residential and approximately 11.6 acres from General Agriculture to Rural Residential owned by Vista Coast, L.L.C., located on the south side of Wayne Avenue (Rt. 639) approximately 0.1 of a mile east of the intersection of Wayne Avenue (Rt. 639) and Princess Lane (Rt. 1572) in Stuarts Draft in the South River District.

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

- 1. There will be no more than one street connection on to Wayne Avenue (Route 639) and no lots will have direct access to Wayne Avenue (Route 639) for the Tract B as depicted on the plat prepared by Hamrick Engineering dated September 27, 2004. Only one lot entrance on to Wayne Avenue will be allowed on Tract A, with no street connections allowed.
- 2. No more than 1 single family dwelling lot will be created out of Tract A and no more than 20 single family dwelling lots will be created out of Tract B as

depicted on the plat prepared by Hamrick Engineering dated September 27, 2004.

3. The minimum square footage for the single family dwelling on Tract A will be eighteen hundred (1800) square feet and thirteen hundred (1300) square feet on Tract B.
4. All buildings will be setback from the creek one hundred (100) feet.
5. The developer will dedicate up to 37' of right-of-way to VDOT from the existing center line of Route 639.

Max Von Arnswaldt, 5378 Middlebrook Rd., Middlebrook, VA, stated he thought this was a conservative request. He stated he thought Tract B was compatible with the adjoining Mil-Mar Subdivision and Tract A creates a very nice buffer for the adjacent property owner to the northeast.

James Wellborn, 499 Wayne Ave., Stuarts Draft, VA 24477, stated he lived east of Tract A. He asked if Tract A was one residential lot.

Ms. Tilghman indicated that was correct.

Mr. Wellborn asked if the plat was clear on access to Tract A.

Ms. Tilghman stated they would ask the developer.

Mr. Von Arnswaldt stated they have an existing entrance permit from VDOT for Tract A.

Mr. Bridge asked if determination had been given where the Route 608 bypass would be.

Mr. Von Arnswaldt stated the Rural Residential lot would give a wide potential right-of-way for VDOT. He stated it would obviously not work on Tract B with the density that they are proposing.

Ms. Shiflett stated the County has spent a great deal of money having the road alignment study done and it looked like to her that any homes on this tract of land would impede the bypass alignment. She stated it is on the six-year plan. She stated she didn't think Tract A gives you enough land to be able to put a home and a road there. She stated she had a real problem with allowing development on land that we potentially have to purchase within six (6) to ten (10) years.

Mr. Bridge commented with the creek running through, it would also be a detriment to building a road there also. He stated Tract A is really not as large as it looks simply because the creek is there.

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. Bridge asked Mrs. Earhart if the fire flow issues have been resolved.

Mrs. Earhart stated in speaking with the Service Authority today it is something, if the property is rezoned, they can take care of potentially by enlarging or replacing the line. She stated the purpose of the comments from the Service Authority were to put the developer on notice that if the property was rezoned and if they pursue it, it would be at the developer's expense and not the Service Authority's expense to upgrade the water line and provide the fire flow.

Mr. Byerly asked Mrs. Earhart to show him where the stream was located.

Mrs. Earhart explained where it was located and she showed him where the current alignment of the Route 608 bypass was to come.

Ms. Shiflett stated it looked to her that we were doing ourselves a disservice by allowing development on this property. She indicated Mil-Mar has already pushed the road out further than the ideal alignment. She stated it looked like Tract B is the more desirable place to put the road because of the creek. Since it is on the six-year plan it isn't just a conceptual idea. She stated she didn't think she could support the request at this time. It's a possibility in the future this may be a fine place to build houses, but until the road alignment is finally decided she didn't think it was appropriate now.

Mr. Byerly stated with VDOT's indecisiveness they have not been able to tell them where a road should go. This has caused delays in several reasonably good projects lately. He stated he doesn't buy letting VDOT drive all the decisions.

Ms. Shiflett stated she understood this was a Timmons plan.

Mrs. Earhart stated this was a County requested project and it's an engineered project that the County has worked on. She also stated it was in the County's Comprehensive Plan and as well as VDOT's six-year plan.

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

Mr. Bridge seconded the motion. He stated he concurred with Mr. Byerly. For something this important, VDOT should be able to provide us with something. He stated we would be doing a disservice to the County and the developer, if we recommended approval of this.

Ms. Tilghman stated she totally agreed with Mr. Bridge. She stated she thought they would be doing a disservice to the County and the developer if they recommended approval. She indicated we need better cooperation and decision making from VDOT.

Mr. Byerly asked if there was any way the County and VDOT could resolve these types of situations and not hold the developer up. He stated this didn't make a bit of sense to him.

The motion to deny carried on a six (6) to one (1) vote with Mr. Byerly opposed.

* * * * *

Zoning Ordinance Amendment

AN ORDINANCE TO AMEND THE CODE OF AUGUSTA COUNTY, VIRGINIA, TO INCREASE FEES CHARGED IN CONNECTION WITH AGRICULTURAL AND FORESTAL DISTRICTS, CERTAIN ZONING AND SUBDIVISION REVIEWS AND APPLICATIONS, AND ERECTION OF STREET SIGNS, AND TO DELETE THE FEES FOR ERECTION OF STREET SIGNS FROM THE SUBDIVISION ORDINANCE AND ESTABLISH THEM UNDER ARTICLE I (ZONING AND SUBDIVISION) OF CHAPTER 19 (SERVICES CHARGES AND PERMIT FEES).

Mrs. Earhart explained the fee changes. She stated from time to time, Community Development looks at the fees we are charging for various applications and approvals to determine if the fees are covering our expenses. As a result of that review, we are recommending that various fees be increased.

The largest changes are in the rezoning category. If the request is to either switch Agricultural districts or to go back to an Agricultural district, we are recommending a reduction in the fee to \$150.00 and hope that will serve as an incentive to rezone property back to an agricultural classification. If you are rezoning property for development, the cost will increase from a \$250 to \$350 base fee and from \$5 an acre to \$10 an acre for the incremental part of the fee. Although there is a great deal of variation in terms of advertising costs for rezonings due to the number of ads being advertised in any of the three newspapers each month, the length of the ad being placed, and whether or not the request is tabled or withdrawn which requires additional ads to be placed in the paper, it was felt that on average the proposed fee would cover the direct costs associated with the application, not including staff time. Agricultural and Forestal District application fees will be increased from \$300 to \$500, the maximum allowed by State law. This fee amount does not cover the advertising expenses of the application, but the law will not allow a higher fee.

Special Use Permits and Variances will be increased \$50.00 to \$250, reflecting an increase in advertising costs. Plat and site plan fees are also being recommended to be increased.

The last item covered relates to street sign fees. Those fees are currently in the Subdivision Ordinance. They will be moved from the Subdivision Ordinance to Chapter 19 of the County Code, Service Charges and Permit Fees. The hardware fees will be increased to reflect County costs.

Mrs. Earhart also explained we do try to advertise in the newspaper closest to the rezoning. We try to determine which newspaper is most read in that community and notice the rezoning in that newspaper.

Ms. Shiflett stated if she understood these fees correctly, none of these fees are for staff time.

Mrs. Earhart indicated that none of the fees include staff time; it was strictly the out of pocket expenses that were being incurred.

Ms. Tilghman indicated this was a public hearing if anyone would like to comment or ask a question.

Mr. Byerly asked what the effective date would be.

Mrs. Earhart indicated it would be July 1st.

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. Byerly stated he would view this as cost recovery. He made a motion to recommend approval of the zoning ordinance amendment.

Mr. Bridge seconded the motion, which carried unanimously.

* * * * *

Broadmoor Subdivision, Units 8, 9, and 10 – Master Plan

Broadmoor Subdivision, Units 8, 9, and 10 containing 32 residential lots and one (1) detention lot zoned Single Family Residential (10) located on the east and west sides of Sylvan Drive, south of Stuarts Draft Highway (Route 340) in the existing Broadmoor Subdivision in the South River District.

Mrs. Earhart explained the plan. She stated the revised plan that was submitted today has not been to the engineer or to VDOT for formal review. Mr. Brenneman has gone over the changes with staff, but the engineer was out on inspections and VDOT has not had an opportunity to provide us written comments. She indicated the fire flow had been reviewed by the Service Authority and it does meet the fire flow policy of the County. An issue that does still stand is the proposed connection to adjacent property and how that is done,

whether it's a street or just shown as being dedicated to the County for future use. She indicated there were still some issues related to drainage; specifically some regional drainage staff would like worked out with the adjacent property owner.

James Brenneman, Brenneman Engineering, P.O. Box 189, Lyndhurst, VA 22952, stated they have 26 or 27 acres there. This part of the development is 32 more lots. He stated the issues with drainage involve the pond. He indicated there is a pond between this property and the adjacent property. The amount of drainage that goes through that pond is very significant; hundreds of acres of drain down through this pond. He stated with the amount of drainage that is coming down through that this property, he thought it was a better decision to make individual detention ponds for each unit and not deal with that 500 – 700 acres of water going through a regional detention pond. He stated VDOT was concerned with traffic counts. VDOT wanted to know what his projection of traffic would be on Unit 7's street. He gave them a projection of what the traffic would be and reminded VDOT when the street was built 8" of stone and 7" of asphalt was put down. The street was built very heavy preparing for the amount of traffic that would in the future come through Unit 7. He indicated that satisfied VDOT. He stated they are willing to work with the stub street issue; whatever the Planning Commission decided. He indicated VDOT tells him one thing and County staff tells him another. He just needs to know who his boss is and what needed to be done.

Ms. Shiflett asked if they had contacted the adjacent property owner and even talked about a regional plan for detention that might benefit both parties.

Mr. Brenneman indicated Barry Lotts did a 40 lot master plan in 1996 for the adjacent property. He stated that property is under contract right now by a new potential owner who would develop it with that master plan. He indicated he had not seen the master plan.

Ms. Shiflett asked if he saw any advantages to a regional detention area over individual ones. She stated it looked like it would give them more building lots possibly.

Mr. Brenneman stated the individual basins he put in are in low areas where he wouldn't want to build a house anyhow. They don't want to put homes in where they would have wet crawl spaces.

Mr. Byerly asked if the individual detention ponds would be a better control than a joint larger system.

Mr. Brenneman stated one of the problems in designing a detention basin is you have to look at the big storm that comes in and floods everything. He has to be able to pass that storm through the device. He indicated it's much easier to deal with a 1, 2, 3, 5 or 10 acre watershed than a 500 – 700 acre watershed.

Mr. Shomo asked for clarification as to where the current building has stopped.

Mr. Brenneman showed him the location.

Ms. Tilghman stated she thought this was a large lot to expect a homeowner to maintain long term.

Mr. Brenneman stated he tried to talk Kennard Campbell into a recreational area. Mr. Brenneman indicated that Mr. Campbell said this would have retired people in there and he didn't really want a ball diamond in there.

Kennard Campbell, 2249 Stuarts Draft Highway, stated he refuses to put anyone in low areas. He stated he didn't think that was a good idea. If it was a large lot, then so be it. He indicated he was certainly in favor of preserving our land by creating more building lots in our residential areas but at the same time he was not willing to put someone in a low area.

Ms. Tilghman stated she appreciated what Mr. Campbell said, but in the past the County has run into problems with up keep on extremely large lots.

Mr. Campbell stated he would love to put three (3) or four (4) homes there but he can't because it's so low.

Mr. Byerly asked what the acreage on this lot was.

Mr. Brenneman indicated it was 2.5 acres.

Mr. Campbell stated they put the stub street on the plan and VDOT says to take it off. He comes to the County and the County says to put it back on. He stated we are playing politics with people's lives and this is wrong.

Ms. Tilghman stated this is in our Comprehensive Plan. She indicated the County has made a decision that they were going to require access to adjacent property. She stated she agreed it was politics, but she didn't think he could expect the County to automatically say VDOT is always right and we are always wrong.

Mr. Campbell stated that was correct but he agreed with VDOT this time. He asked for the Commission to please tell him which way to go.

Ms. Tilghman stated her understanding was that County staff needed to have a conversation with VDOT because we don't want to have a disagreement with VDOT every time something like this comes up. She stated quite obviously, sometimes VDOT is right and sometimes the County is right.

Mr. Campbell stated he understood that and he didn't care which way we go. He stated in fact they had it on the plan and then were asked to take it off.

Mr. Byerly indicated it looked like we had two (2) things to talk about; the detention and who is boss on the transportation issues. He asked who had the final say.

Mrs. Earhart stated the VDOT issue came up at 12:30 this afternoon when staff was reviewing the revised submittal with Mr. Brenneman. She indicated staff needed to sit down and have a conversation with VDOT about this issue. She stated Mr. Campbell was exactly right, they are in the middle. We had the comments; they took it off because VDOT told them to in subsequent meetings. When the plan was resubmitted at 12:30 staff did not have time to discuss the plan with VDOT and come to a resolution. She indicated the new subdivision regulations with VDOT will allow them to take into the system stub streets, stubbed out to the property line which is staff's preference. That way when you buy lots 13 or 14, you know you're on a corner lot, so that everyone has full disclosure. County staff's preference would be to have that connection made. She stated staff has not had a chance to sit down and explain to VDOT what their rationale is because the developer didn't get the plans back until today and staff did not know it was going to be an issue until right before the meeting.

Mr. Byerly stated the County feels very strongly on their position.

Mrs. Earhart stated that was correct. She indicated staff has tried to convince VDOT of the advantage of the stub street much like they tried to convince VDOT that they wanted two (2) entrances in Ivy Ridge.

Mr. Byerly asked if the detention was in compliance.

Mr. Shomo commented the detention was in compliance.

Mrs. Earhart stated the engineer did have some concerns and he suggested looking at the adjacent property. She stated she thought Mr. Brenneman expressed his opinion on it, but again to the best of her knowledge Mr. Brenneman did not talk to Todd Flippen in the last couple of days about resolution of his comments. She indicated as far as she knew the drainage concerns of staff are still out there.

Mr. Campbell asked the Commission to stop playing with their lives over something that someone else is fighting over. He stated what they do on that property is speculation, they have no plans yet. He asked the Commission to please let his guys continue working otherwise he would have to go to his 400 acre farm and create a lot.

Ms. Tilghman stated their intent is not to play with his life. She stated it could actually be to their advantage and we don't know that until the question is asked.

Mr. Curd asked who would maintain the detention pond. He asked if it would be the property owner or if there would be a homeowners association.

Mr. Campbell indicated it would be the property owner and there would not be a homeowners association. So whoever buys that lot will maintain two (2) acres.

Mr. Curd asked how old the subdivision was.

Mr. Campbell indicated the first master plan was done 20 years ago.

Mr. Curd asked if there were any other detention ponds within the subdivision.

Mr. Campbell indicated this was all of them. He indicated there was really no other way to deal with all this water coming through the development; it's just not feasible.

Mr. Curd asked if the road extension at Sylvan Drive was not shown on the plan, what would be shown. He asked if the property that was going to be taken up by the road would be shared between the two (2) adjacent property owners.

Mrs. Earhart stated that area is currently shown on the master plan for public purposes but not being improved. She also stated at a minimum it would need to have language indicating who it would be dedicated to for public purposes. She indicated the note needed to be tweaked so that it is clear that it is being dedicated to the County for public purposes for use at some future date. What staff wants to see is that the street will go ahead and be built now so that it's clear. She indicated the third option is to take it off the master plan completely.

Mr. Curd asked if Mr. Campbell would have to pave it.

Mrs. Earhart stated that is what staff is recommending he does. Staff wants to see it on the master plan and then built. She indicated VDOT wanted it taken off and the note be amended to be clear that it is for public use and there is some standard language and we can get with Mr. Brenneman on that.

Mr. Campbell indicated he would be happy to pave the road; he has no problem with that. In fact it was on the plan and they were asked to take it off.

Mr. Curd stated the potential property owner needed to be made aware that some time in the future it may have a road going through there.

Mrs. Earhart stated what can happen is that this would end up in no man's land and nobody owns it and staff wants to make sure this doesn't happen. VDOT's new subdivision regulations will allow them to take little stub streets like this where the County has the plan and is promoting interconnectivity, they will go ahead and take it. Either that or the County will own it. Staff does not want it to remain out there in limbo where it's not clear who owns it because long term we've had problems getting subdivisions to connect.

Mr. Curd asked what the time frame was to resolve this.

Mrs. Earhart stated it was just a matter of having a conversation with VDOT.

Mr. Campbell stated it could be resolved right now. He would do what either one of them wants him to do. He stated we don't have to wait to find out. He will do whatever is required of him; it's resolved as of right now.

Mr. Bridge stated in order to recommend approval tonight; they would have to know what the resolution is. He stated the plan shows one thing and this is what we are voting on.

Mrs. Earhart stated unless they would like to make a motion contingent upon that being shown as a road built to the property line. She indicated if this is what the Commission wants, Mr. Brenneman can bring in a plan showing this and it can be taken to the Board of Supervisors like that.

Ms. Shiflett stated that would still not address the County Engineer's comments regarding drainage.

Mrs. Earhart explained again that the County Engineer had not had an opportunity to review the plan brought in today. He was out on inspection at that time.

Mr. Campbell asked who makes these decisions. He stated they are in limbo in this County. He again asked who makes these decisions.

Ms. Tilghman indicated the Commission had a vote, but the final decision was made by the Board of Supervisors. She explained to Mr. Campbell that he did have to understand that these plans are difficult to vote on when they come in the day of the meeting. The Commission expects to get some advice from County staff. The Commission hasn't always listened to staff, they have voted against staff more than once, but they do expect to be able to get staff's opinion on how things look. This is not always easy when they receive the final master plan the same day as the meeting.

Mr. Campbell indicated this master plan had been in the Community Development Department for about three (3) weeks.

Mrs. Earhart stated Mr. Brenneman brought the revised plan and the fire flow calculations in today.

Mr. Campbell stated he appreciated the Commission's job.

Mr. Byerly stated he understood where Ms. Shiflett was coming from but the plan before them is complete with the detention ponds irregardless of the potential for a regional facility. That doesn't really impact his decision.

Mr. Shomo stated he agreed with Mr. Byerly. He stated we need to recognize this isn't a novice sitting here telling us this is what is going to happen. If Mr. Campbell says this will happen, it will happen. He made a motion to recommend approval of the plan.

Mr. Byerly indicated he was in favor of the County making a decision, whatever it might be.

Mr. Curd added to the motion to recommend approval of the plan contingent upon the road extension being shown on the plan all the way to the property line.

Mr. Byerly seconded the motion.

Mr. Shomo asked if Mr. Brenneman would have to bring in another plan.

Mrs. Earhart stated Mr. Brenneman would have to bring in another plan to the County because there is nothing we can adopt and approve without a new plan. She stated it would not come back to the Planning Commission.

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

* * * * *

Ivy Ridge Residential Development Revised – Master Plan

Ivy Ridge Residential Development containing 52 lots zoned Single Family Residential and 1 detention pond lot located on the south side of Ladd Road (Route 631) in the South River District.

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

Mr. Bridge seconded the motion, which carried unanimously.

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

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

Mr. Curd seconded the motion, which carried unanimously.

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 the following action:

05-37 Rental Pro, Inc.

Mr. Bridge made a motion, seconded by Ms. Shiflett, because of the size and location of the lot, stipulations should be added so that unlimited storage will not be allowed on the property. They recommended if display is allowed in the front of the building that a setback from Route 250 be established. They also recommended a 25' setback from all residentially zoned property. Motion carried unanimously.

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

Chairman

Secretary