

PRESENT: W. F. Hite, Chairman
J. Curd, Vice-Chairman
T. H. Byerly
S. N. Bridge
K. A. Shiflett
J. D. Tilghman
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, June 13, 2006, at 3:45 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, 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. Robert B. Dunlap – Rezoning.

Chairman

Secretary

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 13, 2006, at 7:00 p.m. in the Meeting Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Hite stated as there were seven (7) members present, there was a quorum.

MINUTES

Mr. Byerly moved to approve the minutes of the Called and Regular meeting held on May 9, 2006. Mr. Bridge seconded the motion, which carried unanimously.

Bill V. Neff- Teaverton Amendment

A request to amend the zoning regulations for the Teaverton Planned Unit Development located in the southwest quadrant of the intersection of Long Meadow Road (Route 608) and Westminister Road (Route 1319) in Fishersville in the Wayne District. The amendment pertains to Area 6A (9.1 acres) which was originally planned for business uses. The new zoning regulations will allow for twelve single family dwellings and forty-six townhouses on individual lots.

Ms. Earhart explained the request. She stated that this request contains approximately 9 acres that has been zoned Master Plan Community since 1975. She stated that water

and sewer is available. She stated that all the documents have been reviewed by the County Attorney. She stated that the request has received all the necessary approvals.

Ray Nicely, Director of Planning for Valley Engineering, stated that this request was a straight forward request. He stated that this request keeps with the Comprehensive Plan. He stated that this property is current zoned for commercial use and several years ago a request for mini-warehouses was submitted and turned down by the Board of Zoning Appeals. He stated that the Teaverton property owners would prefer to see residential development instead of commercial development. They have complied with those desires and the requests of the County.

Ms. Earhart stated that the new zoning regulations will allow for 12 single family dwellings and 46 townhouses on individual lots. She stated that the minimum lot size for the single family dwellings will be 8,000 square feet and the minimum house size will be 2,000 square feet for one story and 2,500 square feet for multi-story with 1,500 on the first floor. Ms. Earhart stated that the minimum lot size for the townhouses will be 2,000 square feet and the minimum square footage for the townhouses will be 1,500 square feet. She stated that additional right-of-way was donated for the future improvement of Route 608. She stated that the new units will be a part of the Teaverton Property Owners Association.

Kenneth Guyre, 183 Wyndham Hill Drive, Fishersville, stated that he is opposed to the request. He stated that Route 608 and Route 250 could not handle an increase in traffic. He stated that there are currently no turning lanes; he also stated that there was no room to add turning lanes. He stated that there are blind intersections that are blocked by buildings and shrubbery. He stated that the only way to solve the traffic issue would be to widen Route 608 and re-locate the intersection of Route 608 and Route 250. He stated that a major change like this would require a lot of money that's probably not in the budget. He stated that Teaverton is becoming a project that has endless growth with the development of Wyndham Hills, Emerald Hills, the new strip mall and Rosemary Ridge. He stated that 5 years ago the Planning Commission denied a request for a subdivision in the same area due to the roads not being able to support the traffic increase. Mr. Guyre stated that he has done his own personal traffic study. He stated that every morning between the hours of 6:30 a.m. and 8:30 a.m. the traffic is always backed up on Route 608. He stated that he has observed this for about 5 years. He stated that turning from Route 250 onto Route 608 is very dangerous. He stated that he has seen many accidents happen on those two roads and was a victim himself of a traffic accident because of the increased traffic. He stated that there are numerous times you can see cars running red lights. He stated that it is unwise and dangerous to develop on Route 608 and Kiddsville Road.

Jane Zimmerman, 358 Westminister Drive, Fishersville, stated that she had some questions and concerns about this proposed development. She stated that she and her husband would rather see residential development instead of mini-warehouses or commercial development. She stated that the area already seems congested and she asked the Planning Commission if they would enforce the plans for the new development once they were approved.

Mr. Hite stated that anything approved as part of the proffers for the development would be enforced.

Ms. Zimmerman stated that she would like to know an estimated time of completion and exactly how much distance there would be on Westminister between the townhomes. She stated that traffic has been a concern for her and her husband also; she stated that the traffic is very bad on Route 608 and at the Route 250 intersection.

Mr. Nicely stated that he does not deny that there are traffic problems in this area. He stated that everywhere you go there is some type of traffic problem. He stated that having a 9 acre commercial site would increase the amount of traffic twice the amount a residential development would. He stated that a wide right-of-way has been proffered for Route 608. He stated that because of VDOT's budget constraints, a large amount of right-of-way was proffered for the possible future development of turn lanes. He stated that with this development there are some key points that the developer made to try to lessen the impact the development would have on the traffic increase. He stated that there is no access onto Route 608 or Old Fishersville Road from the development. He stated that the developer is trying to control the traffic increase as best as they could.

Mr. Bridge asked what the proposed start and finish date would be for this project.

Mr. Nicely stated that the single family portion of the project would not be developed all at once; he stated that the development would be constructed over a period of 4 to 5 years.

Ms. Earhart stated that there would be a 35 foot setback from Westminister Drive.

Mr. Nicely stated that there would be a 50 foot setback from Long Meadow Road.

There being no one else desiring to speak in favor of, and no one else to speak in opposition to, the request Mr. Hite declared the public hearing closed.

Mr. Curd stated that this request is in an Urban Service Area slated for Business. He stated that he feels as though residential development would be more compatible than commercial. He stated that Mr. Guyre brought up some very valuable points about the traffic conditions on Route 608 and the intersection of Route 608 and Route 250. He stated that commercial zoning could make the traffic conditions worse than residential. He stated that you also have to look at the effect residential zoning would have on things like schools, and fire and rescue compared to commercial zoning. He stated that no matter what goes on the property it will have an effect on some type of service.

Mr. Bridge asked if VDOT has any plans to improve Route 608.

Ms. Earhart stated that there is no money in VDOT's budget to improve Route 608. She stated that even short term projects are not in the budget.

Ms. Tilghman stated that she agrees with Mr. Curd, this decision is a hard decision. She stated that the ideal thing for this property would be for it to stay undeveloped. She stated that even though that sounds like the best choice, it's actually not a choice at all. The property will be developed and it's a matter of whether or not the community and the Planning Commission wants commercial development or residential development. She stated that homes and apartments are more compatible with Emerald Hills and Wyndham Hills. She stated that with the last proposal for a subdivision, the Planning Commission had a little more control over the denial of that request. She stated that the plans for this residential development have to be followed and there is no way to tell how much the traffic will increase because of this development. She stated that the developers are trying to limit the traffic on Route 608 by not putting an access road on Route 608. Ms. Tilghman stated that she feels as though there is no easy solution, but that the most desirable choice for development would be residential.

Ms. Shiflett stated that she agrees with Ms. Tilghman. She stated that there is a big difference in this request and the last request brought to the Planning Commission. She stated that the last request was a difference between agriculture or residential development. She stated that this request is a difference between commercial or residential. She stated that commercial development would not be compatible with the surrounding area. She stated that residential development was the best choice of development for the area.

Mr. Byerly stated that most requests that come before the Planning Commission are less than ideal. He stated that residential development is the best choice for the property. Mr. Byerly moved to recommend approval of the request.

Mr. Bridge seconded the motion, which carried unanimously.

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Eugene Troy Horn, Joe W. Huffer, and James W. and Teresa Clinedinst Howdyshell

A request to rezone from Exclusive Agriculture to General Agriculture approximately 190 acres owned by Eugene Troy Horn, Joe W. Huffer, and James W. and Teresa Clinedinst Howdyshell, located on the north side of North River Road (Route 730) approximately 0.5 of a mile east of the intersection with Bear Trap Farm Road (Route 764) in Mount Solon in the North River District.

Ms. Earhart explained the request. She stated that the applicant has submitted the following proffers:

1. The only permitted uses of the properties will be those allowed in Exclusive Agriculture zoning.
2. The only uses permitted by Administrative Permit will be those allowed by Administrative Permit in Exclusive Agriculture zoning.

3. The only uses permitted by Special Use Permit on Tax Map 10, Parcels 49 (portion) and 50 (portion) will be those allowed by Special Use Permit in Exclusive Agriculture zoning.
4. The only uses permitted by Special Use Permit on Tax Map 10, Parcel 51 (portion) will be those allowed by Special Use Permit in Exclusive Agriculture zoning and an excavating or general contracting business.

James Howdysshell, 682 North River Road, Mount Solon, stated he is not planning on developing his property more than he already has. He stated that he has operated an excavating business for over 20 years. He stated that the business has grown over time. He stated that his intentions are to use the property for agriculture purposes only with no desire to develop the land. He stated that currently he is zoned out of what he wants to do in his excavating business. He stated that currently he uses about 1 acre for his business. He stated that his business is screened from public view from the road. He stated that this rezoning request is so large because he was told that the Planning Commission would not spot zone parcels, so he got some of the neighboring properties to go in with him for this request to be rezoned.

Betty Honig, 758 Lick Run, Mount Solon, wanted to know why exactly this request for rezoning was being made. She stated that she didn't think that there was much of a difference between Exclusive Agriculture and General Agriculture.

Mr. Hite stated that Mr. Howdysshell needs a Special Use Permit to operate his excavating business. He stated that in Exclusive Agriculture zoning you are limited to Special Use Permits for agriculture businesses only. He stated that in order to have a Special Use Permit for an excavating business, Mr. Howdysshell's property would have to be rezoned for General Agriculture. He stated that Mr. Howdysshell is not planning on doing anything different than he is currently doing with his excavating business.

There being no one desiring to speak in favor of, and no one to speak in opposition to, the request Mr. Hite declared the public hearing closed.

Mr. Curd asked if Proffer #4 was worded so that this request was limited to only 1 excavating business or general contractor business.

Mr. Hite stated that a Special Use Permit is issued non-transferable; therefore any change of ownership or anyone else wishing to start a business in that area will be required to go through the same process to acquire a Special Use Permit as Mr. Howdysshell did with the exception of the fact that the property will already be rezoned to allow the Special Use Permit.

Ms. Earhart stated that Mr. Horn was not willing to make changes to the proffers. He stated that he would only go along with the request if the proffers stay as submitted. Ms. Earhart stated that Mr. Horn lives out of town. She stated that she feels as though the

current wording limits this parcel to 1 excavating or general contractor business for the entire parcel.

Ms. Shiflett stated that the applicants and staff have come up with a creative solution to not cause more problems. She stated that she feels as though the Commission and staff are moving in the right direction to correct the problem.

Mr. Byerly stated that he would like to compliment the staff and the applicants for their time and efforts on this request. Mr. Byerly moved to recommend approval of the request with the proffers.

Ms. Shiflett seconded the motion, which carried unanimously.

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Robert B. Dunlap

A request to rezone from Single Family Residential to General Agriculture approximately 12.1 acres owned by Robert B. Dunlap located on the north side of Shutterlee Mill Road (Route 742) at the intersection of Shutterlee Mill Road (Route 742) and Homes Lane (Route 740) in the North River District.

Ms. Earhart explained the request. She stated that the applicant has submitted the following proffer:

1. No more than 4 lots can be created out of the 12.1 acre tract.

Michael Mims, 271 Bells Lane, Staunton, stated that this is a request to zone property back to General Agriculture. He stated that the property owner eventually wants to fence the property off to raise cattle and build a house in the middle of the hay field. He stated that he may subdivide the property into 4 different parcels, so that later on he would be able to give a piece of his property to each of his children.

There being no one desiring to speak in favor of, and no one to speak in opposition to, the request Mr. Hite declared the public hearing closed.

Mr. Shomo moved to recommend approval of the request with the proffer.

Mr. Byerly seconded the motion, which carried unanimously.

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NEW BUSINESS

River Hills Subdivision Master Plan

River Hills Subdivision, containing 42 lots zoned Single Family Residential located on Route 11 in Greenville adjacent to Riverheads Elementary School in the Riverheads District.

Ms. Earhart explained the request. She stated that the staff is still waiting on written comments from the Augusta County Service Authority.

Ms. Shiflett stated that there has been an on-going problem with plans not being submitted in time to allow the proper amount of time to receive all comments and feedback required for the plans. She stated that the staff needs to have a set amount of time for proper review of the plans. She stated that lately the Commission has been approving Master Plans pending the plans being signed by all property owners. She stated that signatures were important but not as important as comments on Master Plans. She stated that since the comments from the Augusta County Service Authority have not been received for the River Hills Master Plan, she stated that she could not support this Master Plan.

Mr. Bridge stated that he agrees with Ms. Shiflett. He stated that he would like to see something put into place that requires enough time to allow the staff to receive all the information and comments needed for each request.

Mr. Curd stated that right-of-way connections can create problems. He stated that one developer needs to work with the other. He stated that it is not fair to the staff, Commission and community to ask them to act on same day submittals. He stated that the Augusta County Service Authority's comments are very important to this Master Plan.

Ms. Shiflett made a motion to table the Master Plan until all comments have been received.

Ms. Tilghman seconded the motion, which carried unanimously.

Mr. Hite stated that he agrees with the rest of the Commissioners about the need for requirements or deadlines for resubmitted Master Plans, so that the staff, the Commission, and community have the proper information to make the best decision.

Mr. Bridge asked about how the Commission would go about making requirements for deadlines on resubmitted Master Plans.

Ms. Earhart stated that if the Planning Commission thought that 5 days prior to the Planning Commission meeting would be an appropriate amount of time for review then it would need to be added to the Subdivision Ordinance.

Mr. Bridge made a motion to recommend to amend the Subdivision Ordinance to require 5 working days prior to the Planning Commission for review and comment of all resubmitted Master Plans.

Ms. Tilghman seconded the motion, which carried unanimously.

Ms. Tilghman stated that the Ordinance will not take effect until it is brought up in front of the Planning Commission for a vote.

Mr. Byerly stated that he feels as though 3 days would be a good amount of time for review and comment instead of 5 days.

Ms. Tilghman stated that since Planning Commission meetings are on Tuesdays, the staff would need to work on the Master Plan comments during the week before the meeting.

Mr. Hite stated that 5 days sounds good. He stated that 5 days is better than 30 days when the Master Plan is tabled due to lack of information.

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MATTERS TO BE PRESENTED BY THE PUBLIC

Jeff Gentry, EGS & Associates, stated that it was not his intent to submit a revised Plan for River Hills the morning of the Planning Commission meeting. He stated that the Fire Chief has been reviewing this Master Plan for fire flow since June 2, 2006. He stated that he didn't receive any comments from the Chief until today. He stated that the Augusta County Service Authority and the Fire Chief has had a copy of the Master Plan since November of 2005, he stated that after those departments reviewed the plans submitted in November, the developers had a pretty good idea of the direction they needed to go with the plans. He stated that he had a meeting with the Community Development staff in April of 2006. Mr. Gentry stated that the staff presented more issues with the plans. He stated that the staff wanted to see a connection to the adjacent property. He stated that in their studies a connection with the adjacent property does not seem practical. He stated that there will be only 1 entrance for the development.

Ms. Shiflett stated that Mr. Gentry makes a good point. She stated that it is hard to get answers or comments out of some of the departments that the plans are routed to. She stated that the staff needs to start putting pressure on some of these departments to get their comments back to the staff in a timely manor. She stated that hopefully setting a requirement for the Master Plans will force other departments to submit their comments faster.

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MATTERS TO BE PRESENTED BY THE COMMISSION

Ms. Tilghman stated that the Commission needs to be moving ahead with making changes to the rules regarding family member exceptions and boundary line adjustments.

Ms. Shiflett stated that the Commission is giving people more time to create lots using the family member exception and boundary line adjustment clauses in the ordinances.

Ms. Earhart stated that the Commission needs to set up a worksession to finalize the Commission’s recommendations for amending the Subdivision Ordinance. She stated that the July Planning Commission meeting could be a possible alternative to having a worksession. She stated that it would just depend on how many applications for rezonings there are for the July Planning Commission agenda.

Ms. Shiflett asked if fire flow could also be discussed or would it be left out of this round of changes.

Ms. Earhart stated that fire flow may need to be left out if the study isn’t back to the Service Authority yet, if the Planning Commission wants to hold public hearings on the ordinance this summer.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

06-38 Christopher A. or Suzanne J. Botkin

Ms. Shiflett stated with the location of this request being so close to Business zoned property she thought that this business would be more compatible at a business location. She stated however, if the permit was approved by the Board of Zoning Appeals that the Board allow no outside storage of business related materials.

Mr. Bridge seconded the motion, which carried unanimously.

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

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Chairman

Secretary