

PRESENT: T. Byerly, Chairman
K. Shiflett, Vice Chairman
S. Bridge
T. Cole
J. Curd
W.F. Hite
K. Leonard
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 10, 2009, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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MINUTES

Mr. Bridge moved to approve the minutes of the called and regular meeting held on January 13, 2009.

Ms. Shiflett seconded the motion, which carried unanimously.

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OLD BUSINESS

William Theodore Bear, III – Rezoning

A request to rezone from Single Family Residential to General Business with revised proffers approximately 0.556 acres owned by William Theodore Bear, III located in the southwest quadrant of the intersection of Green Hill Lane (Rt. 836) and Buffalo Gap Highway (Rt. 42) in Churchville in the Pastures District.

Mr. Bridge moved to remove the request from the table.

Ms. Shiflett seconded the motion which carried unanimously.

Ms. Earhart explained the request. She stated she has given the Planning Commission copies of the revisions on this request. Ms. Earhart stated there was a question at the last meeting regarding the location of the reserve drainfield. Ms. Earhart stated the Health Department has located the drainfield and the location is shown on the map provided. She explained Mr. Bear is requesting the business zoning be decreased to 0.489 acres. She stated Mr. Bear has also submitted the following revised proffers:

1. There will be no direct access off of Buffalo Gap Highway (Route 42).
2. The only permitted use of the property will be a parking lot.
3. Within 12 months of rezoning approval, construction of the parking lot (with at least 25 spaces) and a wall or fencing along the proposed drainfield site as depicted on the plat prepared by Lotts, Austin, & Associates will be completed. A masonry wall at least 3' tall or a fence constructed of woven wire, split rail, vinyl or similar type conventional fencing and at least three feet tall will be constructed and permanently maintained.
4. Within 120 days of rezoning approval, the business zoned portion of the property will be created as a separate lot.

Ms. Earhart stated the proposed lot has been zoned Single Family Residential since October 1947 and it is in a Community Development Area slated for Low Density Residential Development. She explained public water is available, but public sewer is not available. Ms. Earhart explained since Mr. Bear is asking for less land to be rezoned to business, the Planning Commission has the option to recommend the original amount of 0.556 acres be rezoned to business, the revised amount of 0.489 acres, or some other lesser amount. The Commission however, cannot recommend more land be rezoned than the amount being requested.

Mr. Byerly asked if the reduced acreage will be for the proposed reserve drainfield.

Ms. Earhart stated a portion of the proposed drainfield is included. She stated the remainder of the area will be in the proposed General Business zoning.

Mr. Byerly stated this is not a public hearing. He explained Mr. Bear is present to answer any questions.

Mr. Leonard stated since the parking lot is going to take up part of the reserve drainfield, then is he to assume there is not enough area for the proposed reserve drainfield left on the existing lot.

Mr. Bear explained the location of the drainfield on the map. He stated some of the proposed drainfield does extend on the proposed General Business portion of the property and that the required buffer can be used as part of the reserve area, as it will serve a dual purpose. He stated that portion is not asphalted and can serve as part of the reserve area.

Mr. Leonard questioned whether or not there will be parking on that area of the drainfield.

Mr. Bear explained the location of the asphalt and showed the Commission on the map where the parking lot would stop. He explained to address the concern about protecting the reserve drainfield area, the fence will actually not be placed on the property line, but rather at the edge of the drainfield area in order to separate the parking area from the reserve site.

Ms. Shiflett stated she heard Mr. Bear mention an asphalted parking lot. She asked Mr. Bear if he intends to asphalt or gravel the parking area.

Mr. Bear stated he expects the parking lot will eventually be asphalted.

Ms. Shiflett specifically asked Mr. Bear's plan for the parking lot and fence within twelve months.

Mr. Bear stated his initial understanding was the County agreed gravel would suffice, but he suspects the lot will eventually be asphalted. He stated he does not know, however, if it will be in twelve months.

Ms. Shiflett asked Mr. Bear if he had an idea of what type of fencing he will be using within the twelve months.

Mr. Bear answered a chain-link fence is what is intended, but he has tried to leave himself with other options in case he were to change his mind.

Ms. Shiflett asked if the parking lot were to be graveled, would he mark parking spaces.

Mr. Bear stated it is his understanding the spaces will need to be marked somehow.

Ms. Shiflett stated if the spaces aren't marked she can see it being confusing.

Ms. Earhart stated the parking spaces will have to be marked. She explained how they will be marked is up to Mr. Bear as there are various options.

Mr. Leonard asked if the two handicapped spaces meet the Augusta County Code.

Mr. Bear stated it does meet the requirements for that section of the parking lot. He stated the Americans with Disabilities Act (ADA) actually allows more leeway, but it is his understanding that the two parking spaces do meet the minimum code requirements.

Ms. Earhart explained this is only a depiction of the site. She stated Mr. Bear will have to prepare a site plan, at which time if there is an issue, they will be required to meet the Code requirements.

Mr. Cole stated the proposed reserve drainfield for the house is on both tracts. He stated if the parcel with the house is to eventually be sold separately, would that present a problem.

Mr. Bear stated there is an easement that surrounds the proposed drainfield.

Mr. Byerly stated for clarification, he understands there will be an easement that will go with the house and lot if it were to be sold.

Mr. Bear answered yes.

Mr. Byerly asked if it needed to be incorporated into the proffers to state that the easement be included with the proposed property zoned business.

Ms. Earhart stated yes if the Commission wants that to be binding because there is nothing in the proffers that indicates anything to do with the drainfield easement.

Ms. Shiflett asked if the easement needs to be addressed now or at the site plan stage.

Ms. Earhart stated it cannot be dealt with during the site plan stage because the County would not normally require a reserve area for an existing drainfield. She stated there may be a way to reword the proffers to include this easement.

Mr. Byerly stated he understands Mr. Bear's intent in regards to the proposed reserve area, that there be an easement on the parcel to be zoned business if that parcel were to ever be sold. He asked Mr. Bear if he would have a problem including that intent as a binding agreement under proffer number four.

Mr. Bear stated he assumed it would be required.

Mr. Byerly explained to Mr. Bear the County has to view these as separate parcels, because there may come a time when they will have two different owners.

Ms. Earhart explained staff can work with Mr. Bear if he agrees to change the proffer to include the agreement regarding the easement. She stated the County will have to advertise the request before the Board of Supervisors' March meeting and therefore there will be time to allow for this change.

Mr. Bear stated he does not have a problem with this change. He asked when this change will be made.

Ms. Earhart explained the request will go before the Board of Supervisors in March. She stated she will contact Mr. Bear before the deadline in order to make this change in the proffers.

Mr. Bridge moved to recommend approval of the request to rezone 0.489 acres from Single Family Residential to General Business and to include in the proffers, "Within

120 days of rezoning approval, the business zoned portion of the property will be created as a separate lot to include the drainfield easement granted to the adjacent residential lot”.

Mr. Cole seconded the motion.

Ms. Shiflett stated she still has some reservation regarding the safety issues of traffic parking along Route 42.

Mr. Cole asked if parking was allowed along Route 42.

Mr. Bear stated there are “No Parking” signs posted on the corner along Route 42.

Steve Morris, 203 Hotchkiss Road, Churchville, asked to speak on the safety concerns.

Mr. Byerly stated he would allow him to speak if he wished to make a comment for the record regarding this safety issue.

Mr. Morris stated Mr. Bear is going to a great expense to get twenty-five vehicles off of Route 42 for safety issues. He stated if the County is so concerned with safety, they need to consider the parking issue at Buffalo Gap High School during a football game with vehicles being parked on both sides of Route 42.

The motion carried on a 6 -1 vote with Mr. Curd opposed.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mr. Byerly asked if there were any comments regarding the upcoming item on the BZA agenda. The Commission took no formal action on the BZA item.

B. ANNUAL REPORT 2008

Ms. Earhart summarized the report. She explained that there were eleven rezoning requests, three requests for a Public Use Overlay zoning, three Plans of Development for a multi-family projects, and one request to amend and restate proffers. Ms. Earhart further stated the Commission considered amendments to the Zoning Ordinance. The acreage being recommended for rezoning decreased in 2008 from over 575 acres in 2007 to just over 150 acres this year. One request, the Crescent development project involved over 90% of the acreage recommended for rezoning last year. The Planning Commission also considered seven (7) preliminary plats and participated in worksessions on the Adult Business Ordinance and the Update to the County’s Development Regulations.

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

Chairman

Secretary