

PRESENT: T. Byerly, Chairman
K. Shiflett, Vice Chairman
S. Bridge
W.F. Hite
J. Curd
K. Leonard
D. Cobb, Director of Community Development
R. L. Earhart, Senior Planner and Secretary

ABSENT: T. Cole

STAFF: J. Wilkinson, Zoning Administrator
D. Wolfe, P.E., County Engineer
J. Staples, Administrative Assistant

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, December 8, 2009, at 7:00 p.m. in the Smith Transfer West Conference Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mr. Byerly stated as there were six (6) members present, there was a quorum.

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MINUTES

Ms. Shiflett moved to approve the minutes of Regular Meeting held on November 10, 2009.

Mr. Curd seconded the motion, which carried unanimously.

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NEW BUSINESS

ELECTION OF OFFICERS

Mr. Byerly presented the nominating committee report. He placed into nomination the names of Kitra Shiflett as Chairman, Wayne Hite as Vice Chairman, and Becky Earhart as Secretary.

Mr. Bridge moved the nominations cease.

Mr. Curd seconded the motion, which carried unanimously.

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OLD BUSINESS

A. ZONING ORDINANCE

The Planning Commission continued discussion on the Zoning Ordinance changes from the worksession held on today's date at 3:00 pm.

Mr. Wilkinson provided examples of less intensive industrial uses that could be permitted in the flex space.

Ms. Shiflett asked if the limited industrial uses provided by staff are examples of uses that would be permitted in the flex space. She stated if all flex space will be regulated through the Special Use Permit process then why not allow all industrial uses in flex space. She suggested the limited uses staff has provided should only be used as examples.

Mr. Bridge asked if the list of limited industrial uses staff has provided are permitted by-right or by Special Use Permit.

Mr. Wilkinson answered Special Use Permit.

Mr. Bridge suggested if flex space in General Business was going to be opened up to all industrial uses then it should be permitted under a Special Use Permit.

With regards to the General Industrial District, Mr. Leonard stated concern with opening up too much space to business use. He asked how to limit the amount of flex space used for business in General Industrial.

Mr. Cobb stated the price of land will have some limitations. He also explained allowing no more than twenty-five percent (25%) of the gross floor space will also be a limiting factor.

Ms. Earhart encouraged the Commission not to use the business uses as an example of permitted uses in the flex space in the General Industrial District because not all the examples comply with the concept of limited business uses.

Mr. Leonard stated he feels examples should be included to clarify which type of uses would be permitted.

Ms. Earhart stated staff can provide examples of limited business uses that would better clarify permitted uses within the flex space of the General Industrial District.

Mr. Leonard stated the proposed definition of flex space in the General Industrial District will restrict a large number of businesses because it states, "Business uses will consist of offices (shall not include office uses with high turnover or high intensity traffic), retail accessory to industrial uses, and light industrial uses".

Ms. Earhart gave an example of a retail cabinet shop in the front of the building and the cabinet manufacturing operation in the rear of the building.

Mr. Leonard questioned whether or not the definition of limited business uses in the flex space in the General Industrial District provided enough clarification to an applicant applying for a Special Use Permit.

Ms. Shiflett questioned the requirement for a flex space building having to be no more than two (2) stories.

Mr. Cobb stated when staff first reviewed the concept of flex space it was regarding building structure. He explained after the public hearing, the concept has become more based on flexible uses. He explained if the uses are going to be approved through the Special Use Permit process the building type, use, etc. can be reviewed on an individual basis.

The Commission recommended deleting the proposed requirement of flex space in the General Industrial and General Business Districts that no building shall exceed two (2) stories in height.

§25-304.F and G; §25-384. C, D, E, and F. Ms. Earhart explained the Draft Ordinance language which contains mandatory setbacks for certain Special Use Permit uses in Business and Industrial Districts. The examples given to the Commission in “Attachment K” provide minimum setbacks which must be met in order to apply for a Special Use Permit in the Business and Industrial Districts. Ms. Earhart stated the Board of Zoning Appeals can require a greater setback if desired on a case by case basis.

The consensus of the Planning Commission was to retain the language in Attachment K relative to the minimum setbacks for certain uses to apply for a Special Use Permit.

§25-306.2 and §25-390. Mr. Cobb stated currently, the ordinance requires a one hundred-fifty foot (150') minimum lot frontage requirement in General Business and General Industrial Districts. He explained public comment was concern as to why there is a frontage requirement if the lot fronts on a private street or interparcel travelway and there is no direct access to a public street. The suggestion was if there was going to be a lot frontage requirement, for it to be no more than twenty feet (20'). Mr. Cobb stated staff has suggested the requirement be reduced to one hundred feet (100') in General Business and Industrial and fifty feet (50') for lots that have curb and gutter and share a joint entrance and fifty feet (50') for lots on private streets or travelways.

Ms. Earhart stated if the Commission desires to recommend reducing the lot frontage requirement, the change will require advertising for another public hearing as the reduction will increase the density in the General Business and Industrial Districts.

Ms. Shiflett stated she supports increased density in the General Business and Industrial Districts.

The Commission recommended staff's suggestion to reduce the lot frontage requirement to one hundred feet (100') in General Business and Industrial and fifty feet (50') feet for lots that have curb and gutter and share a joint entrance and fifty feet (50') for lots on private streets or travelways.

§25-307.A.1. Mr. Cobb stated public suggestion was to clarify the location of the “limits of parking” line for corner lots when there is no parking in the front. He explained staff has provided an illustration described for the purpose of the worksession as

“Attachment B” depicting the parking facility as it relates to the ability to use the reduced front setback and alternative text. He stated the intent is to allow buildings to be set close to the road with parking in the rear.

The Planning Commission recommended staff’s suggestion for §25-307.A.1.

§25-308 and §25-387. For the purpose of the worksession, the Commission referred to “Attachment L”. Mr. Cobb stated staff has provided cost estimates for buffer yard requirements. He explained the attachment includes three (3) options provided in the draft ordinance as well as additional options that were proposed at the November 19, 2009 worksession.

Mr. Wolfe explained staff’s revised alternatives as follows: (a) require a ten foot (10’) wide landscaped buffer with the option of a fence, wall, berm, or combination of the three (3). Mr. Wolfe noted if the developer chose to landscape with the berm, it would exceed ten feet (10’) in width; (b) a landscaped buffer, twenty feet (20’) in width. Mr. Wolfe explained the buffer would consist of vegetation.

The Commission supported staff’s recommendation on the two (2) types of buffering requirements.

Mr. Cobb stated the buffer would only be required for business or industrial parcels that are adjacent to residential areas.

Ms. Earhart stated the current draft requires a buffer for any tract that is adjacent to a parcel that is not zoned business or industrial. Ms. Earhart stated public comment was a buffer should not be required in business or industrial if the lot is adjacent to a parcel that is slated for business or industrial development in the Comprehensive Plan. Ms. Earhart suggested four (4) options. She stated a buffer could be required if the parcel is adjacent to residential, or a buffer could be required if the parcel is adjacent to residential and agriculture. Other options she stated would be to require a buffer in business and industrial if the parcel is adjacent to a lot zoned agriculture, but is designated as residential in the Comprehensive Plan. Lastly, she stated the buffer could be required if the business or industrial parcel is adjacent to a lot that is designated as a Rural or Agriculture Conservation Area in the Comprehensive Plan. She explained some of the requirements can be handled at the rezoning stages. She stated the goal is to determine how much protection to provide land that is zoned agriculture that may or may not be planned for residential development.

Ms. Shiflett questioned the requirement if a parcel is zoned agriculture or even business, but is used as a residence.

Ms. Earhart stated the concern that was raised by public comment was why a developer would have to pay to buffer an adjacent parcel that would eventually be used for business.

Mr. Cobb gave the example of large scale shopping centers that are adjacent to agriculture that would be required to buffer the entire length of that parcel line.

Ms. Earhart stated the argument was that it was arbitrary to require a developer to buffer a parcel that was slated for business or industrial growth in the Comprehensive Plan.

Mr. Bridge stated the restrictions are not arbitrary if the parcel is not zoned business.

Mr. Leonard stated staff has taken the current buffer requirement and reduced it to a minimum.

Ms. Earhart explained the advertised draft states a landscaped buffer yard shall be required adjacent to any property line that is not entirely zoned business or industrial. She stated staff has recommended adding §25-308.F and §25-387.F. Alternative Compliance to include examples of situations when the buffer requirements may be modified. Those include if there is a separate business or industrial lot between you and the non business or industrial lot; there is existing vegetation either on the lot or the adjacent lot to provide the required buffer benefits or; there is a residential use on the adjacent lot, but it is not within five hundred feet (500') of the proposed business or industrial use.

Mr. Leonard asked if there is an existing vegetation strip, would the buffer not be required.

Ms. Earhart answered yes.

Mr. Curd argued it was not fair to business developers to be penalized for developing in locations that are designated for development in the Comprehensive Plan.

Mr. Leonard stated the proposed landscape requirements are minimal.

Ms. Earhart stated the proposed buffer requirement will be less than the current twenty-five foot (25') setback.

The Commission supports the advertised draft which states a landscaped buffer yard shall be required adjacent to any property line that is not entirely zoned business or industrial. The Commission also supports staff's recommendations to add §25-308.F and §25-387.F. Alternative Compliance to include examples of situations when the buffer requirements may be modified and allowing any modification to be made by the Board of Zoning Appeals rather than the Zoning Administrator.

§25-421. Mr. Cobb stated a concern was raised that the Planned Unit Development Ordinance had not been changed as requested during the public meetings on ordinance changes. He stated staff has concentrated its resources on drafting the new Planned Residential district. He stated if the Commission and Board of Supervisors wish for staff to look at the Planned Unit Development District in more depth it can be done after the first of the year. He explained another option would be to see how the Planned Residential District works and make changes accordingly.

The consensus of the Commission is to see how the Planned Residential District works prior to making changes to the Planned Unit Development District.

Ms. Earhart explained "Attachment M" the concept of Planned Residential. She stated there was public concern the current draft of Planned Residential is not attractive to developers. She stated the goal of the district is to create walkable, livable communities with a mixture of housing types, implementing the recommendations of the Comprehensive Plan. Ms. Earhart stated public suggestion was to be able to do "chunky" style development, for example townhouses in one pod and single family in another. She stated staff agrees that "chunky" style zoning seems to work. Another suggestion is to delete the prohibition about Multi Family and Townhouse zoning being adjacent to one another. Ms. Earhart stated staff's concern with deleting the prohibition would be too many massive buildings next to one another. It was suggested to retain the limit of no more than six (6) townhouses per building, but raise the number to eight (8) for apartments. She stated staff agrees that it would be most logical to allow for apartments with four (4) units on the bottom floor and four (4) on top. Another request is to eliminate the limitation on the size of the parking lots in the development. Ms. Earhart responded the limitation could be raised to sixteen (16) to eighteen (18) spaces per lot with the lots still needing to be separated, but the desired final outcome is not to have a mass of parking.

Mr. Leonard asked if “separation” was going to be defined.

Ms. Earhart stated it was defined as at least forty feet (40’) of non-paved or non-graveled surface. She stated the goal is to keep the community feel. She stated one could get the larger parking lots, but it would have to be done through a different zoning classification.

Staff has received a request for developers to be allowed to shift dwelling types within a development without additional approval from the Board of Supervisors. Ms. Earhart stated Commissioners have recommended any changes to the plans must require a rezoning with adjacent property owner notification.

Recreation within the Planned Residential developments was discussed. Public request was to require recreation only if there is a Multi-Family component to the project and have the recreation only serve the Multi-Family residents. Ms. Earhart explained if recreation is not required, then what has been accomplished other than having more houses, closer together, on private streets. Another suggestion with regards to recreation is to delete the language that requires the recreation to be in the center of the development and only require that it be accessible to all residents. Ms. Earhart stated staff has suggested if the recreation component is retained and the recreation has to be shown on the conceptual plan, this language could be modified as suggested. The Commissioners recommended requiring recreation for the entire development.

With regards to the front setback, Ms. Earhart stated there was a request to delete the setback if adjacent to something other than an arterial or collector street. The Commission had asked staff to review setbacks in Crozet. Ms. Earhart stated in looking at the GIS mapping for Crozet, the setback appears to be greater than twenty feet (20’). Ms. Earhart stated the setback for Staunton and Waynesboro is also greater than twenty feet (20’).

Ms. Earhart stated the current proposed draft language limits the height of buildings to fifty feet (50’). She stated however, the limitation was to implement some business uses within the development. In order to keep the single family community feel, staff is questioning if the limitation should be thirty-five feet (35’).

Mr. Leonard stated he could not see the need for more than three (3) stories.

Ms. Earhart stated it may be utilized in multi-family.

Mr. Leonard supports the building height to be no more than thirty-five feet (35').

Ms. Earhart also stated under this section, with regards to bonding, phasing of recreation could be added to be consistent with the other Planned Unit Development ordinance where bonding will only be required when the development is platted.

§25-422. The recommendation was to add a provision for stormwater management facilities and recreational vehicle parking lots if recreational vehicle parking is restricted on residential lots. Ms. Earhart stated the provision is covered in the Accessory use sections, §§25-52 and 54.

§25-35. With regards to parking, Mr. Cobb stated the number of parking spaces required for warehouses was inadvertently deleted from the draft and needed to be reinstated. He also stated that the requirement for fast food restaurants was inadvertently changed. After staff reviewed the sites, he explained fast food restaurants was one category that was using all of its required parking so no reduction should have been made to those requirements. He stated staff is recommending the number of spaces be changed back from the draft ordinance requirement of one (1) space for every seventy-five square feet (75 sq. ft.) to the current ordinance requirement which requires one (1) space for every fifty square feet (50 sq. ft.). The Planning Commission concurred on both changes.

Mr. Cobb explained for corner or through lots, it was proposed to allow the owner of a parcel to choose which yard is the front yard. With the draft ordinance, this language change was only made in the definitions section. He stated staff has recommended making this change to the text in every applicable district. The Planning Commission concurred.

Mr. Cobb discussed height within the zoning districts. He stated the advertised language increases the height limit in General Business, General Industrial, and General Agriculture to seventy-five feet (75').

Ms. Earhart stated staff has suggested several options. She explained one option would be the setback for a building would be based on the building's height. For example, if the building were seventy-five feet (75'), it would be required to be set back seventy-five feet (75').

Mr. Curd stated the taller the building, the greater the setback should be as the height will affect the adjacent property owners.

Mr. Leonard asked why the great difference in height limitation from the current ordinance to the proposed ordinance.

Mr. Cobb stated business uses were taken into account (i.e. hotels).

Ms. Earhart explained with the new equipment in fire departments, safety and fire codes were also a factor in determining the maximum height requirement on a building. The limit was considered as to the ability for the fire department to fight a fire.

The Planning Commission recommended retaining the seventy five feet (75') height limit, but for every foot over thirty-five feet (35') up to fifty feet (50'), require an additional foot of side and rear setback and for buildings over fifty feet (50') and up to the seventy-five feet (75') limit, require an additional two feet (2') of setback for every foot of increased height.

§25-415 and §25-430.2. Ms. Earhart stated the suggestion with regards to the Planned Residential Zoning District, was to give more points for high quality open space for environmental resources and passive recreation. She explained the advertised draft ordinance concentrates on the provision of recreational facilities. Ms. Earhart explained another option staff has suggested would be to add points for high quality open space.

Mr. Bridge questioned what authority will determine "high quality".

Mr. Cobb stated "high quality" would be defined in the definition of recreation in Planned Residential Dwelling Districts.

With regards to recreation in Planned Residential Dwelling Districts, the Planning Commission supported the draft as advertised.

§25-4. Definitions. The Commission continued discussion on limited agriculture.

Mr. Bridge recommended including additional animal species in the definition of an animal unit in limited agriculture to include miniatures.

Mr. Curd recommended if the Board of Supervisors supports including limited agriculture on lots less than five (5) acres, the acreage should include the amount of fenced in acreage, but should exempt 4-H and similar projects.

Mr. Leonard commented the agricultural zoning ordinance recommendations are not perfect, but the material provides a “base” to work with.

The Commission recommended further review of the agricultural districts, however if the Board does act on the ordinance, to accept the language as drafted with the addition of additional animal species.

Mr. Cobb encouraged the Commission to discuss these changes with Board Members from their district. As more than ninety-percent (90%) of Augusta County is zoned agriculture a review would need to be extensive.

Mr. Curd moved to recommend approval of Chapter 25 of the Augusta County Code with the changes as presented in Attachment A and as further modified during today’s worksession and meeting. Mr. Bridge seconded the motion which carried unanimously.

SUBDIVISION ORDINANCE

Mr. Wolfe discussed several requested revisions to the Subdivision Ordinance, Chapter 21 of the Augusta County Code.

§21.9.1.A. Mr. Wolfe explained staff has recommended adding “when feasible” language to the section in order to add the ability to make site specific decisions.

§21.9.1.C. Mr. Wolfe stated no revision is required. He explained the Board of Supervisors can issue a variance under §21-62. Staff recommends leaving the language as drafted.

§21-33.D, E, F, G. with regard to the time frame for plats and site plans. Mr. Wolfe explained staff has recommended leaving the language as drafted with the addition to §25-676, *“Site plans are good for five (5) years and add the following editor’s note: The Code of Virginia was amended effective March 27, 2009, (§15.2-2209.1. Extension of approvals to address housing crisis) and provides that any site plan valid under §15.2-2260 and outstanding as of January 1, 2009 shall remain valid until July 1, 2014, or such later date provided for by the terms of the locality’s approval, local ordinance, resolution or regulation, or for a longer period as agreed to by the locality.”*

§21-36.A. and §25-240.1 regarding the overage on bonds. Mr. Wolfe explained the request was to make the 10% overage the permanent policy for bonds. He stated it is a policy decision.

The Planning Commission recommended leaving the language as drafted.

With regard to the placement of monuments, several people asked that specific sight distance requirements between monuments be deleted and replaced with the intervisibility standard. Mr. Wolfe stated staff has recommended making the change.

The Planning Commission concurs.

Mr. Bridge moved to recommend approval of Chapter 21 with the revisions to the Board of Supervisors. Mr. Leonard seconded the motion which carried unanimously.

FLOODPLAIN OVERLAY DISTRICT

Mr. Byerly asked the Commission what they wanted to recommend to the Board of Supervisors regarding the Floodplain Overlay District.

Ms. Shiflett moved, seconded by Mr. Hite, to recommend approval of the advertised draft of the Floodplain Overlay District as amended. However, if the Board of Supervisors is not comfortable taking action on the comprehensive rewrite of the District without more extensive review or independent of action on the full Ordinance, the Commission recommends approval of the interim ordinance which includes only the minimum changes required by FEMA.

The motion carried unanimously.

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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 items.

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

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Chairman

Secretary