

PRESENT: W.F. Hite, Chairman
J. Curd, Vice Chairman
T. Cole
B. Garvey
K. Leonard
K. Shiflett
E. Shipplett
R.L. Earhart, Senior Planner and Secretary
K. Hull, Associate Planner

ABSENT: T.K. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, January 10, 2012, at 4:15 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center to discuss the rezonings. The Planning Commission traveled to the following sites which will be considered by the Commission:

1. Deanne P. Johnson, Timothy C. Zirkle, Rutherford Construction, Inc., and Lofton Leasing, LLC – Amend and Restate the Proffers
2. Department of Virginia, Veterans of Foreign Wars of the United States- Rezoning

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Chairman

Secretary

PRESENT: J. Curd, Chairman
K. Leonard, Vice Chairman
T. Cole
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W.F. Hite
K. Shiflett
E. Shipplett
T.K. Fitzgerald, Director of Community Development
R.L. Earhart, Senior Planner and Secretary
K. Hull, Associate Planner

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, January 10, 2012, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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ELECTION OF OFFICERS

Mrs. Shiflett presented the nominating committee report. She placed into nomination the names of James Curd as Chairman, Kyle Leonard as Vice Chairman, and Becky Earhart as Secretary.

Mr. Garvey moved, seconded by Mr. Shipplett to elect the slate by acclamation. The motion carried unanimously.

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MINUTES

Mr. Hite moved to approve the minutes of the Regular Meeting on November 8, 2011 as received.

Mr. Leonard seconded the motion, which carried unanimously.

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NEW BUSINESS

Deanne P. Johnson, Timothy C. Zirkle, Rutherford Construction, Inc., and Lofton Leasing, LLC – Amend and Restate the Proffers

A request to amend and restate the proffers on 10.2 acres zoned Duplex Residential and owned by Deanne P. Johnson, Timothy C. Zirkle, Rutherford Construction, Inc., and Lofton Leasing, LLC, located on the west side of Colters Place just north of the intersection of Colters Place and Stuarts Draft Highway (Route 340) in Stuarts Draft in the Beverley Manor District.

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

1. Access to the residential subdivision will be provided via a public street which will be built to state standards at no cost to the County and dedicated for public use from Route 340 to the northern property boundary with Tax Map 75-52D owned by the Stuarts Draft Baptist Church.
2. No more than 36 duplexes will be constructed on the 10.26 acres zoned Duplex Residential.

Mrs. Earhart indicated they are asking permission to delete the proffers requiring the occupancy of the duplexes to be restricted to persons age 55 and over.

Mr. Shipplett stated as an employee and investor in one of the companies seeking the amendment, he has a conflict of interest with this request. He stated that he had filed a Conflict of Interest form with the County and would not be participating in the discussion or the vote on this request.

Ms. Deanne P. Johnson, 62 Merriweather Circle, Stuarts Draft, stated that she is here representing herself as well as Mr. Zirkle who owns lot 3, Lofton Leasing who owns lots 4, 7, 8, 11, and 12, as well as Rutherford Construction who owns the 26 remaining vacant lots. She is requesting to release the proffers on the age restriction. She has been a realtor for the last 32 years and with the economic conditions and the housing market as such it is not viable to restrict the property to persons 55 years and older. She stated additionally there are no facilities in place and there will be no walking trails or a clubhouse to attract older residents. She said this is only a duplex residential facility. She has spoken with the other owners and they all agree that during these economic conditions the age restriction should be removed. She mentioned they feel it is not possible to either lease or resell the units with the age restriction. She asked that the age restriction be removed from the proffers.

Mr. Garvey asked how many of the units have been sold out of the eight (8) that are there.

Ms. Johnson stated she has two (2) lots which she purchased in June 2010 and the only other one was sold to Mr. Zirkle in March of 2011. She stated Lofton Leasing acquired the others.

Mr. Hite asked why the proffer was placed on the property when it was rezoned in 2004.

Ms. Johnson stated initially there were concerns that there had been a lot of development in Stuarts Draft. She stated it was placed on the request so the schools would not be impacted. She stated initially the idea was formulated that this would be an active adult retirement community but there are no facilities to support that.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Mr. Hite stated there is no real problem with letting the applicants delete the proffer. He stated there should be no impact on the schools. He moved to recommend approval of amending and restating the proffers.

Mr. Garvey seconded the request, which carried on a 6-0 vote with Mr. Shiplett abstaining from the vote.

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Department of Virginia, Veterans of Foreign Wars of the United States – Rezoning

A request to rezone from Single Family Residential to Attached Residential with proffers 0.759 acres owned by Department of Virginia, Veterans of Foreign Wars of the United States located on the east side of Montgomery Road (Route 1401) approximately 0.2 of a mile south of the intersection of Montgomery Road (Route 1401) and First Street (Route 1402) in the Beverley Manor District.

Mrs. Hull explained the request. She stated the applicant has submitted the following proffers:

1. No more than 4 residential dwelling units will be constructed on the 0.759 acre parcel.
2. There will be no more than 2 duplex buildings and each will have brick exteriors or vinyl siding.
3. Construction of the two duplex residential buildings will be in general conformity with Rezoning Exhibit A Showing Proposed Improvements on Tax Map #65A-1-B-12 dated 12-13-2011.

4. Construction of the two duplex residential buildings will be in general conformity with Rezoning Exhibit B.

Mr. Jerome Lane, 201 Estate Lane, Staunton, stated he is here on behalf of the Veterans of Foreign Wars (VFW). He stated he was approached regarding the need for housing for the veterans who have come back from Iraq and Afghanistan by Kim Deshano, the VFW Quartermaster. He mentioned currently they are being sent to the Mission or area hotels for temporary stay. He further mentioned they do not have the money to put the veterans in hotel rooms for an extended period of time. He stated it is their desire to build two (2) duplexes with two (2) units each. He stated they will be renting one of the units for additional income. He stated they receive requests to help with heat, electric, and food bills. He stated they do not have the money to help with those types of services. He mentioned he is a building contractor and will do most of the building himself. He stated they do not want to create any impact to the area. He stated they have hired Balzer and Associates. He stated the units will be brick and vinyl. He stated that the Virginia Department of Transportation (VDOT) will not allow them to have a separate driveway for each building but they are willing to do whatever is necessary to meet VDOT requirements.

Mr. Hite asked if two (2) units would be rented.

Mr. Lane stated yes. He mentioned they will use the other two (2) units for VFW housing. He stated they cannot afford to build both buildings right away.

Mr. Hite clarified, asking if both units in the one building will be used for VFW housing.

Mr. Lane stated yes. He mentioned there is a need for this type of housing. He stated they have to send the veterans to the Mission and it needs to stop.

Mr. Shipplett stated there will be a lot of filling that needs to be done. He asked will there be basements in the duplex units.

Mr. Lane stated there will be exaggerated crawl spaces on them. He cannot afford basements but the units will be street level.

Mr. Shipplett asked if there would be enough room for storage.

Mr. Lane stated yes.

Mr. Leonard asked how many people would utilize each unit.

Mr. Lane stated one family would stay in one (1) unit. He stated that this site is the headquarters for the state so many veterans come to this area after arriving back in the country. He stated they will not do anything that is out of line. He stated this is not a big development but it is a need that must get filled.

Mr. Leonard asked if families would be coming here from other parts of the state.

Mr. Lane stated yes. He stated there is a possibility that families would come here from Richmond or Roanoke.

There being no one desiring to speak, Mr. Curd declared the public hearing closed.

Mr. Garvey thanked Mr. Lane for his services and mentioned this is very admirable of him and the VFW. He was not aware that this site is the state's headquarters.

Mr. Leonard mentioned that normally spot zoning is frowned upon but prior to 1971 duplexes were built in the area, He stated he feels that the applicant is proposing an admirable thing and is in favor of the request.

Mr. Cole mentioned he agrees with what the other Commissioners are saying. He asked if this type of VFW housing is being done somewhere else in the country. He asked do they know the arrangement will be successful because it does not seem highly funded.

Mr. Lane stated there are other states that have rental property for veterans coming back. He stated this would be more feasible rather than paying for hotel rooms. He said it is hard to keep people in hotel rooms. He said the overall goal is to have housing for the veterans but if the units are empty they would rent them out so they have income coming in. He stated they get requests for money for groceries and it is their desire to generate income to be able to fund miscellaneous expenses.

Mr. Hite stated there are planning issues with spot zoning property but there are existing duplexes along the street. He feels that this request would not hurt the neighborhood in any way. He moved to recommend approval with the proffers.

Mr. Shipplett seconded the request, which carried unanimously.

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STAFF REPORTS

2011 ANNUAL REPORT

Mrs. Hull summarized the report. She explained there were thirteen (13) total requests that came before the Planning Commission in 2011. She mentioned ten (10) were rezoning requests. She stated there were six (6) requests to amend and restate proffers, four (4) of those were part of a rezoning and two (2) were stand alone requests. She stated there was one (1) request to add a Public Use Overlay designation as well as eight (8) Zoning Ordinance amendments. She stated in that count are the miscellaneous ordinance amendments that were grouped into one because there were too many to list individually. She stated the Planning Commission gave recommendations on five (5) requests for approval with proffers, two (2) recommendations for approval without proffers, two (2) recommendations for denial,

and one (1) request they tabled. She mentioned the Planning Commission heard one (1) request to add the Public Use Overlay designation and two (2) requests to amend and restate proffers. She mentioned out of the two (2) requests to amend and restate proffers, one (1) was recommended to the Board of Supervisors for approval and the other was recommended for denial, but the Board of Supervisors approved both requests. She further mentioned that out of the four (4) requests to amend and restate proffers as part of a rezoning, three (3) were recommended for approval with the rezoning, while one (1) was recommended for denial as part of the Interstate Business Park rezoning. In regards to recommendations on rezoning requests, she mentioned they had a total of 136 acres that were requested to be rezoned in 2011, but only a little less than 1/3 (31 acres) of that acreage was recommended for approval by the Planning Commission. She stated both the Interstate Business Park and the EJ's, LLC requests were recommended for denial and later approved by the Board of Supervisors which accounted for approximately 18 acres. She further mentioned the Barterbrook Investment request was tabled by the Planning Commission which accounted for almost 87 acres. She stated the request has now been withdrawn and may be considered again shortly. She went over the recommendations by Comprehensive Plan Area with the Commissioners. She stated all of the requests for rezoning brought before the Planning Commission were located in Urban Service Areas. She stated of the 31 acres recommended for rezoning, only 11.18 acres of land recommended to the Board of Supervisors was zoned General Agriculture and none of that acreage was being used for agricultural purposes. She stated the requests were seeking changes from one type of residential or business zoning to another or were seeking to change the zoning to reflect the existing use of the property.

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CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Earhart reviewed with the Commission the requests coming before the BZA.

Mr. Curd asked if there were any comments regarding the upcoming items on the BZA agenda.

The Planning Commission took no 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