

PRESENT: J. Curd, Chairman
W.F. Hite
T. H. Byerly
K. A. Shiflett
J. Shomo
J. D. Tilghman
R. L. Earhart, Senior Planner and Secretary
J. Wilkinson, Zoning Administrator

ABSENT: S.N. Bridge, Vice-Chairman

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 2007, at 4:00 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 rezoning and the Floodplain Overlay District Ordinance. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Spottswood Properties, LLC – Rezoning

Chairman

Secretary

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

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 2007 in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mr. Curd 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 August 14, 2007. Ms. Shiflett seconded the motion, which carried unanimously.

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Spottswood Properties, LLC - Rezoning

A request to rezone from Single Family Residential to Limited Business with proffers approximately 1.942 acres owned by Spottswood Properties, LLC located on the east side of Shultz Lane (Route 1203) just south of the intersection with Lee Jackson Highway (Route 11) in Greenville in the Riverheads District.

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

1. All access to the property will be off Shultz Lane. There will be no direct access off Route 11.
2. The minimum setback from Route 1203 will be fifty feet (50').

3. Prior to any new building being built on the site and if the adjacent tracts are still zoned Single Family Residential, a landscape plan will be submitted to the Planning Commission for review and approval in order to provide adequate screening for the dwellings.
4. As part of site plan approval for any development or redevelopment of the site, the site will be in compliance with Minimum Standard 19 (MS-19) of the ESC Regulations.

Mary Earhart, 76 William McClure Lane, Greenville, VA, stated she is the wife of Dale Earhart and they are Spottswood Properties, LLC. She explained to the Commission the proposed usage for the site would be an accounting firm. She explained she will be preparing tax returns during tax season, and the greatest amount of traffic to the business would be mid January thru mid April. During the off season, she explained the bulk of her work will be conducted at her clients' places of business. Ms. Earhart stated she currently has one employee and there will be parking provided for six additional employees. Ms. Earhart explained her work will be conducted in the building and she noted to the Commission she will keep the property compatible with the existing dwellings surrounding the property.

Mr. Curd asked Ms. Earhart if she had any plans for a sign.

Ms. Mary Earhart answered at the current time, she has not given the idea a lot of thought. She stated she would intend for the sign to be placed on the northern side of the property.

Mr. Curd asked if there was to be parking in the rear.

Ms. Mary Earhart stated the entrance will be the existing easement near the old gas station.

Mr. Curd asked if there was anyone wishing to speak in opposition of the request.

Nancy Belote, 4245 Lee Jackson Highway, Greenville, VA, stated her property is south of the property requesting to be rezoned. Ms. Belote voiced concern with the property being rezoned to Limited Business, as she is concerned with her property value decreasing. Ms. Belote stated she was also concerned with the business property possibly being subdivided, and at that time what type of business would then reside on the new lot. Ms. Belote asked the applicant if there were any current plans to develop the side yard that is adjacent to her property.

Ms. Shiflett asked Ms. Becky Earhart to explain Limited Business zoning.

Ms. Becky Earhart explained Limited Business restricts the size of the building to no more than 10,000 square feet. She also explained the use for the business must remain enclosed in the building. Ms. Earhart read from the Ordinance examples of what is

permitted, such as consumer related businesses, offices, financial institutions, apartments, religious institutions, and fitness centers. She stated Ms. Belote was specifically concerned with motor vehicle repair or sales on the parcel and that would be difficult to approve in Limited Business, because the business could not be conducted entirely within an enclosed building.

Ms. Belote asked if there would be any type of screening.

Ms. Becky Earhart answered any other development of the site will require that a landscape plan will have to be approved by the Planning Commission.

Ms. Belote reiterated the fact she is concerned about the rezoning decreasing her property value. She also stated she is concerned with the amount of increased traffic on Route 11 and questioned whether or not there would be lights on the parking lot.

Ms. Becky Earhart stated the applicant will have to meet the County's Lighting Ordinance if zoned business or industrial. Ms. Earhart stated while there is no height restrictions on the height of the light pole, the light will have to shine down and cannot encroach on Ms. Belote's property.

Ms. Belote asked if there were any immediate plans for the side lot.

Ms. Mary Earhart stated there are no plans for additional buildings at this time. She stated there will be some type of lighting on the parking lot, as they work long hours during tax season. She explained she was informed by the Heath Department the septic field is on the vacant side, so it would not be adequate to divide the property. She stated if the rezoning were not approved, the property would most likely be sold.

Mr. Curd asked if there was public water on the property.

Ms. Mary Earhart answered there are two (2) wells on the property, one of which is abandoned. She explained the Heath Department has stated this would be sufficient for the type of limited business that is planned.

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

Ms. Tilghman moved to recommend approval of the request with proffers. She complimented the applicant on their work in restoring the building. She stated that without public sewer in Greenville, they will be limited in what they can do on this lot. She stated she feels Limited Business would be an appropriate transition between Residential and General Business Zoning.

Mr. Shomo seconded the motion.

Mr. Byerly stated he appreciates the applicant for remodeling the building and enhancing the neighborhood.

Ms. Shiflett commended the applicant's effort in working with adjacent property owners in addressing their concerns.

The motion carried unanimously.

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“An Ordinance to Amend Floodplain Overlay (FPO) District Regulations”

“An Ordinance to Amend Floodplain Overlay (FPO) District Regulations,” which amends **§ 25-472 (Floodplain districts)** of the Zoning Ordinance of Augusta County, Virginia, to incorporate as the basis for Floodplain Overlay Districts in the county the Flood Insurance Study for County of Augusta prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 28, 2007, as amended. The proposed ordinance further amends the Zoning Ordinance, as follows:

- A. Amends § 25-4 (Definitions)** to modify the definition of the term “base flood elevation.”
- B. Amends § 25-4 (Definitions)** to define the terms “base flood,” “basement,” “development,” “encroachment,” “historic structure,” “lowest floor,” “new construction,” “start of construction,” “substantial damage,” “substantial improvement” and “watercourse.”
- C. Amends § 25-473 (Special definitions)** to modify the special definition of the term “manufactured home” and to specially define the term “recreational vehicle,” for purposes of Floodplain Overlay District regulations.
- D. Amends § 25-475 (Permit and application requirements for approval of development in Floodplain Overlay District)** to impose a requirement for a zoning permit to undertake uses, activities and development within a Floodplain Overlay District, and to require maintenance of flood carrying capacity within an altered or relocated portion of any watercourse.
- E. Amends § 25-476 (Development and use)** to prohibit all development, use or encroachments in the Floodway District and the Approximated Floodplain District, unless a registered professional engineer certifies that the same shall not result in any increase in flood levels during occurrence of the base flood discharge.

- F. **Amends § 25-477 (Design criteria for utilities and facilities)** to add elevation requirements for manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions.
- G. **Amends § 25-478 (Existing structures in Floodplain Overlay Districts)** to clarify that in the event of repair, reconstruction or substantial improvement of a structure in a Floodplain Overlay District, the entire structure must fully comply with the Virginia Statewide Building Code and the National Flood Insurance Program.
- H. **Amends Chapter 25 (Zoning), Division H (Overlay Districts), Article XLVII (Floodplain Overlay (FPO) Districts) by the addition of a new § 25-479 (Variances)** which establishes additional factors to be considered and procedures to be observed by the board of zoning appeals where such board considers an application for a variance from the Floodplain Overlay District regulations.
- I. **Amends Chapter 25 (Zoning), Division H (Overlay Districts), Article XLVII (Floodplain Overlay (FPO) Districts)** to effect minor amendments to the Floodplain Overlay District regulations to conform with the requirements of the National Flood Insurance Program.

Mr. Curd explained the request. He stated Mr. Wilkinson had provided an excellent overview at the Planning Commission’s Worksession and was available to answer any questions.

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

Ms. Shiflett moved to recommend approval of the ordinance amending the floodplain overlay district regulations and adoption of the maps as written.

Mr. Byerly seconded the motion, which carried unanimously.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mr. Curd asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following actions.

07-72 Kyle N. or Kim H. Brydgc

Ms. Tilghman moved to recommend that any expansion of the business be allowed only in a manner compatible with the future residential character of the neighborhood. This property is located in a Community Development Area and slated for low density residential development in the Comprehensive Plan. Ms. Tilghman recommended that the size of the operation be allowed to expand to no more than 150 dogs, to take into consideration when setting the number of dogs allowed the size of the dogs, for instance limiting the number of large dogs they may have at any one time, and to encourage the incremental growth of the business with periodic County review.

Mr. Bridge seconded the motion which carried unanimously.

07-73 Kathleen or Rudy Mullins

This property is located within a Rural Conservation Area. Ms. Shiflett moved to recommend that the Mullins not be allowed to build a new building for their business operations. She further recommended that the investment should be made in Business zoning, not in an agricultural area.

The motion carried on a 5 to 1 vote with Mr. Hite opposed and Mr. Byerly abstaining.

07-75 Virginia M. Engleman

This property is located within an Urban Service Area slated for business development. Rather than approving a Special Use Permit at this location, Ms. Shiflett moved to recommend that the property owner apply for business zoning.

Mr. Curd seconded the motion which carried unanimously.

07-76 and Variance 07-15 Blossman Propane Gas & Appliance

Mr. Curd stated he feels that there are better sites for this business than on a site that does not meet the ordinance setback requirements and that buying property that does not meet the requirements does not constitute a hardship. Mr. Curd moved to recommend the Board of Zoning Appeals deny these requests.

Mr. Shomo 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