

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 9, 2007, at 3:00 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. Estate of Tursell M. Larsen – Rezoning
2. SHC Developers, Inc. – Rezoning
3. Shields Enterprises, LC - Rezoning

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Chairman

Secretary

PRESENT: J. Curd, Chairman
S.N. Bridge, Vice-Chairman
W.F. Hite
T. H. Byerly
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J. Shomo
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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, October 9, 2007 at 7:00 p.m. 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 September 11, 2007. Mr. Byerly seconded the motion, which carried unanimously.

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Arthur J. or Christine A. Fioramonti and John O. and Barbara O. Marsh

A request to rezone from Exclusive Agriculture to General Agriculture approximately 117.7 acres owned by Arthur J. or Christine A. Fioramonti and John O. and Barbara O. Marsh located on the southeast side of Middlebrook Road (Rt. 252) approximately 0.3 of a mile north of the intersection of Middlebrook Road (Rt. 252) and Mt. Hermon Road (Rt. 681) in Middlebrook in the Riverheads District.

Ms. Earhart explained the request.

Christine Fioramonti, 6360 Middlebrook Road, Middlebrook, stated she is the agent and neighbor of Dr. Marsh. She explained the purpose of the request is to straighten the boundary line that runs through the property, so a fence can more easily be put up.

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

Tom Nelson, 6003 Middlebrook Road, Middlebrook, stated he had no objection to the request. He commended the Fioramontis and Dr. Marsh on preserving the land.

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

Ms. Tilghman stated this is a reasonable request. She moved to recommend approval of the request.

Mr. Byerly stated since portions of the properties are zoned General Agriculture this request would be the most reasonable option. He seconded the motion which carried unanimously.

Estate of Tursell M. Larsen

A request to rezone from General Agriculture to Rural Residential with proffers approximately 90 acres owned by the Estate of Tursell M. Larsen located on the south side of Ladd Road (Rt. 631) just west of the intersection of Ladd Road (Rt. 631) and Bel-Grene Drive (Rt. 1090) in the South River District.

Ms. Earhart explained the request. She stated the applicants have submitted the following proffers:

1. Access to the 90.5 acre tract will be limited to a single entrance on to Ladd Road (Route 631). There will be no individual lot entrances off of Ladd Road.
2. The strip of land between Route 631 and Interstate 64 identified as Tax Map 76, Parcel 10A will be dedicated to the County for future road improvements.
3. The minimum square footage for single-family dwellings will be 2000 square feet.
4. All lots will be served by public water.

Alex Patterson, P.O. Box 77, Fishersville, stated he is one of the applicants for the request and the grandson of Tursell Larsen. He explained the property has been in his family for half of a century. He stated the request is in compliance with the Comprehensive Plan. Mr. Patterson further stated he intends to build his home at the back of the property.

Mr. Curd asked the size and number of intended lots.

Mr. Patterson stated the minimum lot size in Rural Residential zoning is two acres. He stated the potential for the parcel would be for forty homes with estate size lots approximately 2.7 – 3.8 acres.

Mr. Curd asked if there will be a Home Owners Association or any type of declarations and covenants.

Mr. Patterson stated there will be covenants similar to those in Bel-Grene Subdivision. He explained it is his goal to get along with the adjacent subdivisions and he feels this request will improve the value of the Bel-Grene Subdivision. He stated the subdivision will consist of large lots with beautiful homes and, in reality, will probably have approximately thirty home sites.

Mr. Curd asked if there have been any septic evaluations done on the lots.

Mr. Patterson answered half of the proposed lots have been tested. He stated rock was found at approximately three of those lots. He further stated Barry E. Lotts is present to answer any technical questions the Commission or adjacent property owners may have.

Ms. Shiflett asked if these sites will be served by conventional septic or engineered systems.

Mr. Patterson stated most of the lots will be served by conventional septic systems.

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

Patricia Via, 85 Meadow Lane, Fishersville, stated her property adjoins the parcel proposed for the rezoning and that she is very supportive of the request. She further stated she feels approval of the request and future development of this site will be an asset to adjoining properties.

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

Dave Mitchell, 85 Windy Grove Lane, Fishersville, stated his concern with the request is three acre parcels will not conform to the five to twenty acre tracts in Windy Grove and Bel-Greene Subdivisions. He stated he would prefer to see a minimum lot size requirement stated in the proffers.

Patti Moulton, 108 Meadow Lane, Fishersville, stated there are exclusive homes on large lots on the two existing subdivisions and the rezoning will create smaller homes on smaller lots. She stated this rezoning will devalue her home and investment. She further stated she is concerned with the increased traffic burden on Ladd Road if these lots were to be a

minimum of two acres with approximately forty homes. Ms. Moulton suggested a proffer of a minimum lot size of five acres.

Diane Hinch, 44 Windy Grove Lane, Fishersville, stated she is concerned with the size of the lots and the amount of traffic that will be created with this rezoning and future development.

Angela Atkins, 28 Meadow Lane, Fishersville, stated she would like to reiterate the concern of lot size and the amount of increased traffic.

Wallace Lawson, 246 Caldwell Lane, Fishersville, explained he owns twelve acres adjacent to the request. He stated he is in favor of the request. However, he explained he would like to have access to their property, as he does not want to be “locked in”, if he were to develop his own property in the future.

Mr. Curd asked the location of Mr. Lawson’s property.

Ms. Earhart explained to Mr. Lawson his property is “technically” adjacent to the Larsen request, but it is separated by Interstate 64. State Law however, requires Mr. Lawson to be notified as an adjacent property owner.

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

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

Mr. Patterson stated he can assure concerned property owners that this request will not devalue their property. He explained the proposed homes in this development will be valued at \$750K and up. He stated the spec home proposed on the property will be valued at \$1.3 million. Mr. Patterson further stated he does not see this development devaluing the adjacent subdivisions.

Mr. Curd asked if there are any road improvements to be made on Route 631, such as an entrance and turn lanes, and who would be responsible for paying for them.

Mr. Patterson answered this will not be a large development. He stated a turn lane may be required. He stated that was the reason why a strip of land was given to VDOT in the proffers, as the road may be widened by VDOT in the future.

Mr. Curd asked the direction of the turn lane.

Mr. Patterson stated the lane will be coming from Route 608.

Ms. Shiflett stated intentions for the property sound wonderful, but there is nothing in the proffers regarding the number or size of the lots. She asked Mr. Patterson if he had any intentions of proffering things to alleviate the neighbors' concerns.

Mr. Patterson stated he feels it would be impossible to have all the lots exactly two acres. He further stated the entrance will be premium entrance with a boulevard entering the development called Flora Road. He stated this development will be in compliance with the future land use plan.

Ms. Earhart stated if the proffers on the request were to change, the request would have to be advertised again. She explained a traffic study has been completed and road improvements such as turn lanes will be handled during the construction stage. She stated it was not necessary to proffer VDOT requirements. Ms. Earhart explained the applicant can change the size of the homes, but he cannot add proffers or change the number of lots or minimum lot size without having to reapply.

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

Mr. Shomo asked Barry E. Lotts, surveyor, how many lots he feels he can create on this development that are served by a conventional septic system.

Mr. Lotts stated he does not know at this time.

Mr. Shomo asked Mr. Lotts if he knew the number of lots that will be served by the engineered septic systems.

Mr. Lotts stated he does not know the number at this time because they are experiencing issues with wetlands on the property.

Ms. Tilghman asked how many lots have been tested.

Mr. Lotts stated at this time they have started on the front and are going down the side and around the property to Ladd Road.

Ms. Tilghman commented from the viewing, the entrance looks very nice. She asked Mr. Lotts if he knew at this time how much of the front of the development will be public land.

Mr. Lotts stated the turn lane will be approximately 150' with 100' of taper. He stated there will be easements in the front and the development will have a sign and a paved roadway that will meet County and VDOT standards.

Mr. Bridge stated he is concerned with the size of the subdivision. He voiced concern with the compatibility of the two existing subdivisions in regards to lot size. He commended Mr. Patterson on his work on the development.

Mr. Shomo stated he too has concern with the size and density of the lots. He stated he feels approving the request would be premature.

Ms. Earhart explained zoning in Rural Residential will allow for two acre parcels to be created. She stated while the property owners in Windy Grove Subdivision, which is zoned General Agriculture, have larger lots, it is not a zoning restriction. Ms. Earhart stated in General Agriculture, the lots can be as small as one acre. She explained there is a similar situation in Bel-Grene Subdivision. This subdivision was approved as Rural Residential, so unless there are deed restrictions, two acre lots are permitted from a zoning standpoint. She explained to the Commission if they wanted Mr. Patterson to proffer a maximum number of lots or lot sizes greater than the two acres that are permitted, the Commission's concern would have to be made in the form of a motion and Mr. Patterson would have to withdraw his request and resubmit his application if he wishes to do so.

Mr. Shomo moved to recommend tabling the request to include minimum lot size in the proffers and additional time for the soil study to be completed.

Mr. Curd stated a motion has been made to table the request until more information is received on minimum lot size and a soil study is completed.

Mr. Bridge seconded the motion.

Ms. Tilghman stated she appreciates the concern of the neighbors in regards to the minimum lot size. She stated because of the roads and topography, realistically the developer will not be able to get forty lots from this parcel. Ms. Tilghman further stated lot size will not determine the quality of the development. She stated now is not the time to increase lot sizes, but to stabilize or lower lot sizes.

Mr. Byerly stated the Commission is not giving the developer a sense of direction. Therefore, he cannot support the motion.

Mr. Bridge stated he is concerned in supporting a motion that does not specify the number of lots that will be created.

The motion failed on a 2 to 5 vote with Ms. Shiflett, Ms. Tilghman, Mr. Curd, Mr. Byerly and Mr. Hite in opposition.

Mr. Bridge stated his only concern is the number of lots that will be created by this development.

Mr. Shomo stated he agrees with Mr. Bridge, and stated forty-five homes on this parcel is too many for the engineered septic systems.

Mr. Byerly questioned if the developer were to proffer a specific number of lots or lot size, would this have to be advertised again for public hearing.

Ms. Earhart answered yes.

Mr. Byerly stated he feels this request will need to be either approved or denied so the developer will know whether or not he will have to reconsider the proffers that were submitted.

Ms. Shiflett stated she can support two acre lots as a minimum according to the County's zoning requirement and she can support the proffer of a minimum of 2,000 square feet for the size of the homes. Ms. Shiflett moved to recommend approval of the request with proffers.

Mr. Byerly seconded the motion.

The motion carried on a 5 to 2 vote with Mr. Bridge and Mr. Shomo in opposition.

SHC Developers, Inc.

A request to rezone from Single Family Residential to Townhouse Residential with proffers approximately 35.3 acres owned by SHC Developers, Inc. located on the north side of Howardsville Road (Rt. 701) just west of the Riverheads School Complex in the Riverheads District.

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

1. The developer will build, in a manner and on terms acceptable to the County and the Service Authority, a water tank and pump station to serve this development and will dedicate the improvements to the Service Authority upon their completion.
2. Prior to a building permit being issued for the 100th unit (single family detached or townhouse) in this development, a second access to Route 701 will be constructed.
3. All streets in the subdivision will be constructed with curb, gutter, and sidewalks on both sides of the street.

Ricky Campbell, 706 Old White Hill Road, Greenville, explained his family started the business in 1985 and it is located on Swortzel Shop Road. He stated he has completed three projects for Riverheads High School. He stated he would like to thank Nancy Sorrells and staff for their help in putting together a project the community can be proud of. Mr. Campbell stated he is the President of SHC Developers, Inc. He explained he is requesting 35.3 acres presently zoned Single Family Residential to be rezoned to Townhouse Residential. He explained the preliminary plat will be called C Layman Subdivision and will consist of affordable housing, approximately \$250K - \$350K, with roads that will be named after teachers, and meets the requirements of the Comprehensive Plan. There will be townhomes for the elderly and single family residences for younger families. Mr. Campbell further explained the parcel currently consists of four lots and that he is asking for 190 units. He explained this request will preserve farm land in that he is taking a parcel that is designed for residential development and taking it to its greatest potential. He explained the development will consist of sidewalks, green space, spring fed ponds, and an oversized water tank that will be proffered to provide for the schools and fire flow, and also serve a future middle school. He stated partnering with the County and the School Board has resulted in a stoplight and turn lane on Route 11 and Route 701. He explained presently this intersection scores a Level of Service D with VDOT in the morning and evening hours. He stated this grade will be brought up with the improvements of the development.

Mr. Hite stated his appreciation to Mr. Campbell for dedicating the water tank to the Augusta County Service Authority. He asked Mr. Campbell if the water tank was going to be privatized due to costs.

Mr. Campbell answered presently there is a sewer system that retains a privilege fee. He stated any further development in that corridor associated with that pressure zone will be paying a privilege fee to help fund the water tank.

Ms. Tilghman asked the location for the water tank.

Mr. Campbell explained there are two proposed locations. One of the locations will be on this property. The second proposed location will be adjacent to the property in a single family residential development where there is a three acre parcel that may be used as an optional location.

Ms. Tilghman asked Mr. Campbell if he had any plans for recreation and walking trails.

Mr. Campbell answered there will be green space. He proceeded to show the Commission the location of the green space and the location of the ponds.

Mr. Curd asked the amount of green space in the development.

Mr. Campbell stated there is a large percentage of space allowed.

Ms. Earhart explained from a zoning standpoint, in Townhouse and Single Family Residential Zoning, there are no requirements for green space. The preliminary plat does show green space and the calculations can be provided when the preliminary plat goes before the Planning Commission.

Ms. Tilghman stated she is concerned with a need for recreational facilities and green space for families with young children.

Mr. Campbell stated there will be green areas and the development will have access to the recreational facilities at Riverheads High School and Riverheads Elementary School.

Ms. Tilghman questioned whether or not there will be certain restrictions and limits on using these facilities.

Mr. Campbell stated the development will have two direct accesses to the facilities.

Mr. Bridge questioned the D grade at the intersection of Route 11 and Route 701. He asked what will be the plan or is it the responsibility of VDOT.

Mr. Campbell stated he is partnering with the County and the School Board. He stated Nancy Sorrells will be responsible for the traffic light and he will be responsible for the water tank.

Mr. Curd asked the total number of lots.

Mr. Campbell answered including the existing house on the parcel, there will be a total of 191 lots.

Mr. Curd asked if the townhomes and single family residences will have the same property owners association.

Mr. Campbell stated there will be a Home Owners Association. However, from a legal standpoint he does not know at this time whether or not they will be separate. Mr. Campbell stated the roads within the development will be state maintained, so it will not be necessary for the single family homes to be a part of the townhomes association unless it is for maintenance purposes.

Mr. Curd asked the number of homes and the number of townhomes.

Mr. Campbell answered there will be 71 homes and 120 townhomes in the development. He stated the trend for developing is townhome living. Mr. Campbell explained according to a VDOT traffic analysis, single family homes average ten trips per day, while townhomes average six trips per day. He concluded there will be more homes, but less traffic.

Mr. Curd asked if there would be phasing of the development.

Mr. Campbell answered there will be three phases.

Mr. Curd asked Mr. Campbell what the anticipated build out was.

Mr. Campbell answered ten to fifteen years.

Ms. Tilghman asked the size of lots in the development.

Mr. Campbell stated the lots will be approximately 75 x 120 square feet for the single family dwellings and the townhome lots will be smaller.

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

Nancy Sorrells, Board of Supervisors, Riverheads District, stated she has been working with Mr. Campbell, the other developers, Augusta County Service Authority, VDOT and the School Board on this project for approximately one year. Ms. Sorrells stated the property is in an Urban Service Area, so approving the rezoning would be appropriate for the community. She further explained the request will be taking on a new level of quality that will enhance the community. She stated townhomes will be new to the Riverheads community and she feels this development is necessary, and it will be a great asset to families and teachers, where they can now walk to school and the recreational facilities. Ms. Sorrells explained the Riverheads Community wants and needs a middle school. There are currently problems with the water pressure and fire protection issues. She stated a middle school will not be possible until those issues are resolved and she feels this water tank is the solution. Ms. Sorrells explained the purpose for her funding the traffic light is so she can move forward with the issue now, rather than having the developer responsible when the 100th house is built for example, which may be ten years down the road. She stated the intersection is currently failing before the first house is even built. She concluded by stating this request will be different, but she feels it will enhance the community without destroying farmland.

Mr. Curd commended the financing arrangement for the infrastructure needed for the development.

Mr. Bridge asked the School Board's opinion on the request with the increase in population as it relates to the development.

Ms. Sorrells stated the School Board understands they cannot do anything about restricting development and growth in the area. She stated the townhomes are less likely to have school age children. She stated the community has been pushing for a middle school, and she feels this development will increase growth and the future need for a much needed middle school.

Ms. Tilghman asked Ms. Sorrells if she knows any details about the recreational facilities for the development.

Ms. Sorrells stated the schools' facilities are for community use, however the school has priority.

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

Tom Nelson, 6003 Middlebrook Road, Middlebrook, stated he is not in opposition, but does have ideas for the development. He asked if the future middle school was to be placed on the property owned by the School Board. Mr. Nelson recommended a type of buffer between the school and residential areas, as well as posted signs to be placed at the school to keep trespassers from using the facilities after hours. He also questioned whether or not there would be a designated walking trail, the nature of the sign for the development and in regards to the water tank, how tall will it be and will there be any type of screening. Mr. Nelson also asked how the water tank and development would affect adjacent properties served by wells.

Joseph Williams, 2776 Lee Jackson Highway, Greenville, asked the location of the accesses from the subdivision to the schools and whether or not they will be lighted. Mr. Williams voiced concern regarding a safety issue of having children and adults walking along Route 701. Mr. Williams also questioned failing water and sewer issues for the elementary school, and how the development would impact the already existing problem. He also made a suggestion for the water tank to have lights and be painted "Red Pride" to show the pride in the Riverheads Community.

Dale Smith, 180 Howardsville Road, Staunton, explained he owns property across from the proposed development, which currently has drainage issues. Mr. Smith stated water is draining on his property from Riverheads High School. He stated new development will only add to the already existing drainage problem on his property. Mr. Smith asked the Commission to consider having the developer construct a culvert from the bottom of the road to the creek, rather than having the water from the development drain onto his property. He stated he agrees with Nancy Sorrells on the need for a stoplight at the intersection of Route 11 and Route 701. Mr. Smith further stated he feels it would be necessary for the speed limit to be lowered from 55 mph to 35 mph because of increased traffic concerns.

Mr. Shomo asked Mr. Smith to clarify the location of his property and where he would recommend the speed limit to be lowered.

Mr. Smith stated he feels it should be 35 mph from Old Greenville Road to Route 11.

Mr. Byerly asked Mr. Smith to elaborate on his drainage issues.

Mr. Smith stated there is currently a culvert that drains into his field, and he is recommending the culvert be extended to the creek.

Walt Sailer, 3834 Old Greenville Road, Staunton, explained his property adjoins the back of the proposed development. Mr. Sailer stated he is concerned with the legal responsibility of people trespassing on his wooded property. Mr. Sailer explained there is currently a fence on the boundary line, but it will need to be replaced as it is in terrible condition. He asked if he would be responsible for paying for the new fence that is needed.

Chapman Williams, 4164 Old Greenville Road, Greenville, asked Mr. Campbell for a layout of the development and the location of the schools.

Jon Almarode, 332 Carson's Mill Road, Greenville, stated he is not opposed to the request, but he is concerned with the water issues and the lack of recreational facilities. He asked if the development will be served by County water.

Mr. Shomo stated the development will be served by County water.

Ms. Earhart stated townhouse zoning requires public water and sewer.

Mr. Curd asked Mr. Campbell to respond to the issues raised by property owners.

Mr. Campbell stated there will be a designated playground, and recreational and green space areas. He stated once grading is complete, he has plans to give a portion of the property to Riverheads Elementary School for an outdoor lab. He stated currently, there is a spring house on the property and there are plans of expanding the pond. Mr. Campbell stated in regards to drainage issues, State Code requires the water to be routed to an adequate drainage area. He explained the water will follow an open VDOT ditch which will adequately handle more water. Mr. Campbell further stated engineers have designed these ditches to meet State Standards for drainage.

Mr. Shomo asked if the development would consist of one pond.

Mr. Campbell stated there will be three ponds in the development.

Mr. Shomo asked if the drains were going to be open ditch as opposed to closed, as he can agree with Mr. Smith's concerns on drainage.

Mr. Campbell stated the ditch will run along the roadway and the drainage design will follow guidelines.

Mr. Shomo asked the percentage of green space in the development.

Mr. Campbell stated he does not know the percentage, but he stated it will be acres of green space. Mr. Campbell further explained the water tank will be 36 feet in diameter and 33 feet in height, which he stated will be no higher than a two story house. He answered access to the schools will be from Route 701. Mr. Campbell agreed with Mr. Smith that the speed limit needs to be lowered. In regards to the drainage issues, Mr. Campbell stated State Code requires the water to drain to an adequate channel, which he stated is Christians Creek. Mr. Campbell stated Riverheads Elementary is failing and needs to be renovated, and the School Board will handle those issues. He stated there will be several easements in the development with access to water and sewer as well as walking trails to and from the schools.

Ms. Earhart asked Mr. Campbell to point out the location of the access trails to the schools.

Mr. Campbell explained the locations on the map provided. He stated there will be a road connection with sidewalks provided on both sides of the road.

Ms. Sorrells stated the specifics of access and safety issues will be addressed with the School Board.

Joseph Williams asked Mr. Campbell to address the accesses in relation to the residences of Todd and Karman Lloyd and Mr. Smith in relation to Route 701.

Mr. Campbell proceeded to show Mr. Williams on the map the location of access points in relation to the Lloyd and Smith residences.

Mr. Byerly stated it is already known how much run off is coming from the tract presently and asked Mr. Campbell if he was only responsible for the increase in runoff from his development.

Mr. Campbell stated he is not creating the drainage problem for Mr. Smith, as that is an already existing drainage problem.

Mr. Curd asked if there was going to be any screening of the School Board's property.

Mr. Campbell stated there are currently rows of trees that screen the property.

Mr. Curd asked Mr. Campbell to address Mr. Sailer's concerns with fencing on his property.

Mr. Campbell stated there is a fence on the property. He stated he feels property owners will be aware of their boundary lines.

Mr. Curd asked Mr. Campbell if he had any idea on the size of sign in the development.

Mr. Campbell stated there will be some type of subdivision sign at the entrance, but he is unsure at this time on the size.

Ms. Earhart stated there are maximum size requirements for signs.

Mr. Curd asked if there is going to be any type of screening for the dumpsters.

Mr. Campbell stated the purpose of putting the townhouses in the rear of the development is to keep the dumpsters out of the way.

Mr. Curd asked if there was any type of specific screening such as fencing.

Mr. Campbell stated not at this time.

Mr. Curd asked if it will be permitted to have a lighted sign.

Ms. Earhart stated there will be requirements for the lighting.

Mr. Curd asked Mr. Campbell if the access to the schools will be lighted.

Mr. Campbell stated he does not have plans for that at this time.

Mr. Smith stated he would like to clarify there is a culvert that goes into his field and he stated either the culvert needs to be removed, or the developer needs to pipe the entire length to the creek.

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

Ms. Earhart stated there will be a public hearing required for the water tank as it will require Public Use Overlay Zoning.

Mr. Shomo stated he would like to thank property owners for their comments.

Mr. Bridge stated he feels the collaborative effort of all those involved deserves to be commended. He stated the decision will not be acceptable to everyone, but he feels this development is off to a good start and if all procedures are covered he can support the request as written.

Mr. Curd stated the concerns addressed are legitimate. He stated Mr. Campbell has alleviated his concerns with the Exclusive Agriculture bordering a large portion of the property in that the natural woods will be preserved. He stated he is also concerned with the speed limit.

Ms. Earhart stated on a routine basis Board Members will ask if a speed study can be completed. VDOT will conduct the study and then determine if the reduction will be appropriate.

Mr. Curd stated his other concern is the impact on fire and rescue and the schools, but he feels that is a larger issue for the County to address. Mr. Curd stated other concerns were the impact on the watershed and the increased traffic on Route 701. The positives of the request, he stated are this request is in an Urban Service Area and will have public water and sewer with curb and gutter and sidewalks. He stated the positives outweigh the negatives.

Mr. Shomo asked Mr. Campbell at what stage will the water tank and stoplight be completed.

Ms. Sorrells stated she is currently working on the stoplight.

Mr. Campbell stated he will build the water tank.

Mr. Shomo asked where the water will come from to supply the tank.

Mr. Campbell stated the water will be brought in from the County system, from private wells owned by the Augusta County Service Authority and from the City of Staunton.

Ms. Shiflett advised Mr. Campbell to work with the neighbors on alleviating their concerns, especially those of Mr. Sailer and Mr. Smith. Ms. Shiflett commended the parties involved in the development and stated she feels those issues can be worked out.

Mr. Byerly stated developing the property will create no loss to Augusta County agriculture. He stated he feels this is a well planned development and it is the best use of resources for the County and Riverheads Community.

Ms. Tilghman stated she has concerns, but they are outweighed by the positive impact on the community. She stated she is concerned with the water runoff and the lack of recreational facilities in the development, but she feels these concerns can be addressed.

Mr. Bridge moved to approve the request with proffers.

Mr. Byerly seconded the motion which carried unanimously.

Shields Enterprises, LC

A request to rezone from General Industrial to General Business approximately 4.3 acres owned by Shields Enterprises, LC located on the west side of Ivy Ridge Lane just south of the intersection of Tinkling Spring Road (Rt. 285) and Ivy Ridge Lane in Fishersville in the South River District.

Ms. Earhart explained the request.

Barry E. Lotts, Surveyor, stated he is representing Mr. Shields. He explained the purpose of the request is to enlarge the already existing business lots and use the drainage ditch as a border with the Industrial zoning.

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

Mr. Byerly moved to recommend approval of the request.

Ms. Tilghman seconded the motion.

Ms. Shiflett stated the drainage ditch makes a logical zoning divide.

Mr. Curd agreed.

The motion carried unanimously.

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NEW BUSINESS

Spring Lakes, Phase 4 Recreation Plan

Located on the east side of Whispering Oaks Drive in the Spring Lakes Subdivision in the Beverley Manor District.

Ms. Earhart stated when Spring Lakes was approved as a Planned Unit Development in the late 1970's it was required that recreation plans for multi family developments seek approval of the Planning Commission. Ms. Earhart explained the recreation planned for Spring Lakes, Phase 4.

Mr. Shomo asked if a safety fence is required around the pool.

Ms. Earhart stated yes.

Mr. Shomo asked if the pool requires a lifeguard.

Ed Blackwell, Blackwell Engineering, stated he is working for the developer. He stated the pool does require a fence around the perimeter. He stated the tot lot will also have a fence around the perimeter. Mr. Blackwell stated the pool is not required to have a lifeguard.

Mr. Bridge moved to approve the recreation plan for Spring Lake Phase 4.

Ms. Tilghman seconded the motion which carried unanimously.

JIMCO, LLC

Consider request to withdraw 48.38 acres from the North River Agricultural and Forestal District.

Mr. Byerly made the following statement: Mister Chairman, before we begin this discussion, I would like to state for the record that I am an adjacent property owner of the property under consideration for request tonight. Therefore, I wish to abstain from voting.

James Mohler, 3962 Scenic Highway, Mount Solon, explained the recommendations given to the Planning Commission. He stated his first option would have been to have the 125' x 125' section of land removed from the District, but he supports the recommendation to have the 48.38 acres withdrawn from the District. Mr. Mohler further explained he owns the surrounding 435 acres. He stated there are three homes adjacent to the request that have the potential to be on the Historic Homes Registry, and he has received letters from these landowners stating they are in support of the withdrawal and these homes will not be put on the registry.

Ms. Shiflett moved to recommend approval of the request as presented.

Mr. Shomo seconded the motion which carried on a 6 to 0 vote with Mr. Byerly abstaining.

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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.

07-78 EJ's L.C.

This property is located in an Urban Service Area and slated for business development in the Comprehensive Plan. Ms. Shiflett moved to recommend that the property owner be encouraged to apply for a rezoning rather than be granted a Special Use Permit. When applying for the rezoning, the applicant is encouraged to develop a coordinated access plan with adjoining properties on Route 340.

Ms. Tilghman seconded the motion which carried unanimously.

Variance 07-17 John H. Rubush, Jr.

Ms. Tilghman moved to recommend that all options be explored to insure that this is truly a hardship and that a variance can be granted in this instance.

Mr. Bridge seconded the motion which carried on a 6-0 vote, with Ms. Shiflett abstaining.

07-82 Cash Enterprises, LLC

Mr. Bridge stated he is concerned about the number of children planned for this facility and the ability of the applicant to be able to provide for adequate parking and recreational space, while still maintaining the safety of the children at this site. He moved to recommend that the Board of Zoning Appeals consider this concern in their decision making.

Ms. Tilghman seconded the motion which carried on a 6-0 vote, with Ms. Shiflett abstaining.

07-81 Danny Lee Grinde

Mr. Shomo moved to recommend that all activity be confined to the inside of the building at this location. They are concerned that the granting of this permit will create a cluster of outside storage activity that could result in a junkyard-like appearance.

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