



COUNTY OF AUGUSTA
COMMONWEALTH OF VIRGINIA
DEPARTMENT OF COMMUNITY DEVELOPMENT
P.O. BOX 590
COUNTY GOVERNMENT CENTER
VERONA, VA 24482-0590



MEMORANDUM

TO: Augusta County Planning Commission
FROM: Becky Earhart, Senior Planner *Becky*
DATE: April 29, 2016
SUBJECT: Regular Meeting

The Regular Meeting of the Augusta County Planning Commission will be held on **Tuesday, May 10, 2016, at 7:00 p.m.**, at the Augusta County Government Center, in the Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **4:00 pm** in the Board of Supervisors' Conference Room at the Augusta County Government Center for a staff briefing from Pat Morgan, County Attorney, on the impacts of the new proffer bill. Upon the conclusion of his presentation, we will go on the viewing and a site visit to the Berry Farm (See Attachment). We will have dinner in the Community Development Department Conference Room at approximately 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting, as well as the county parks information. If you are unable to attend the meeting, please let Jean or me know as soon as possible, so that we can adjust the meal count.

BE/jm



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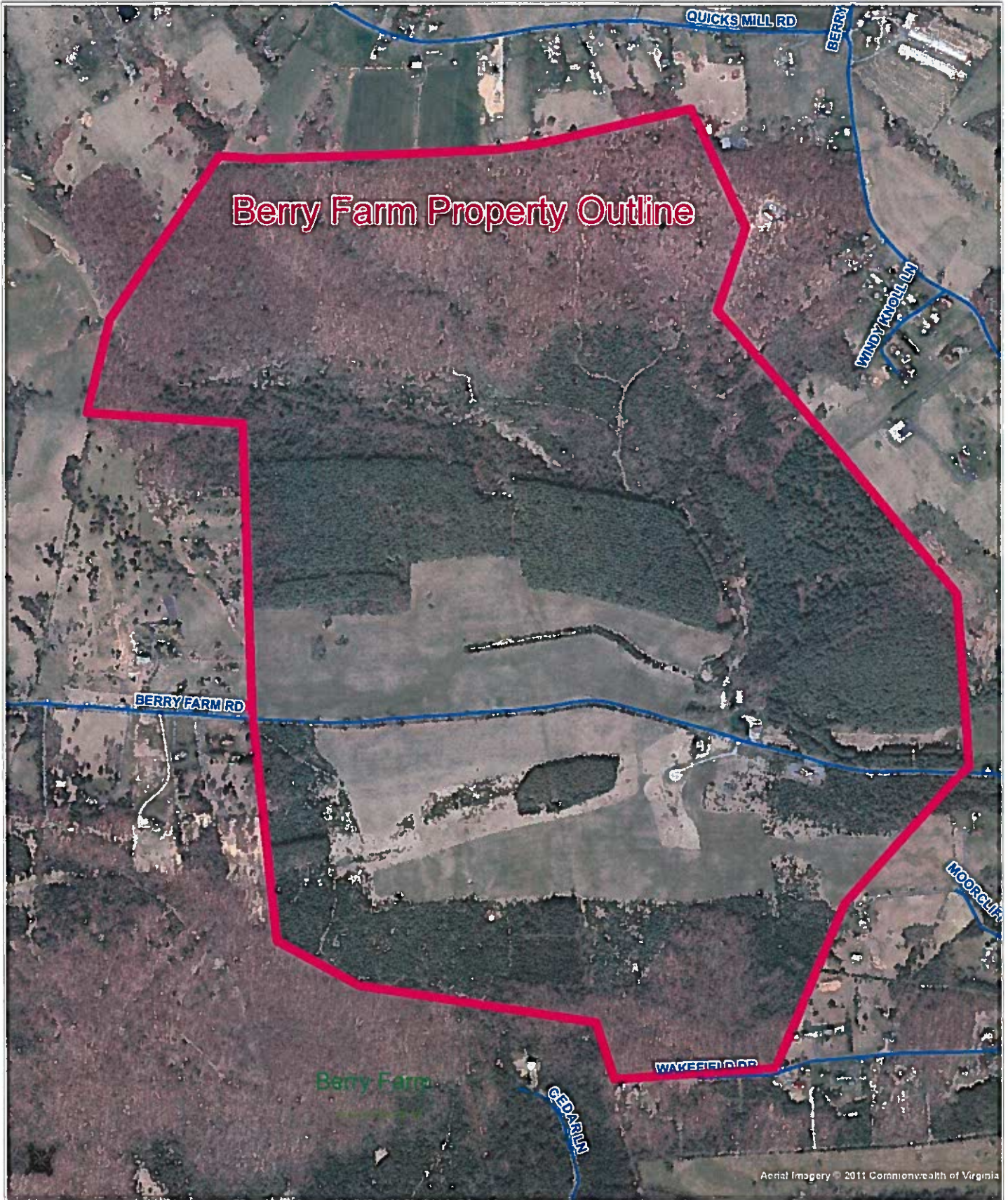
Ref. # 16-423

MEMORANDUM

TO: Planning Commission
FROM: Becky Earhart, Senior Planner *Becky*
SUBJECT: Parks and Recreation Tour- Part 3
DATE: April 22, 2016

We have set up the third and final part of the parks and recreation tour for you. Enclosed you will find maps of the Berry Farm property. It actually sits on both sides of Berry Farm Road (Rt. 626). However, the County has always concentrated its parks and recreation use of the property to the western side of the road. Tuesday's discussion will include existing uses of the property, including the lease to Project GROWS, as well as plans for the future. Parks and recreation staff will again be joining us to share their insights with us.

If you have any questions about the plans for Tuesday's tour or specific questions for Parks and Recreation, please let me know as soon as possible so that we can have the answers by Tuesday.



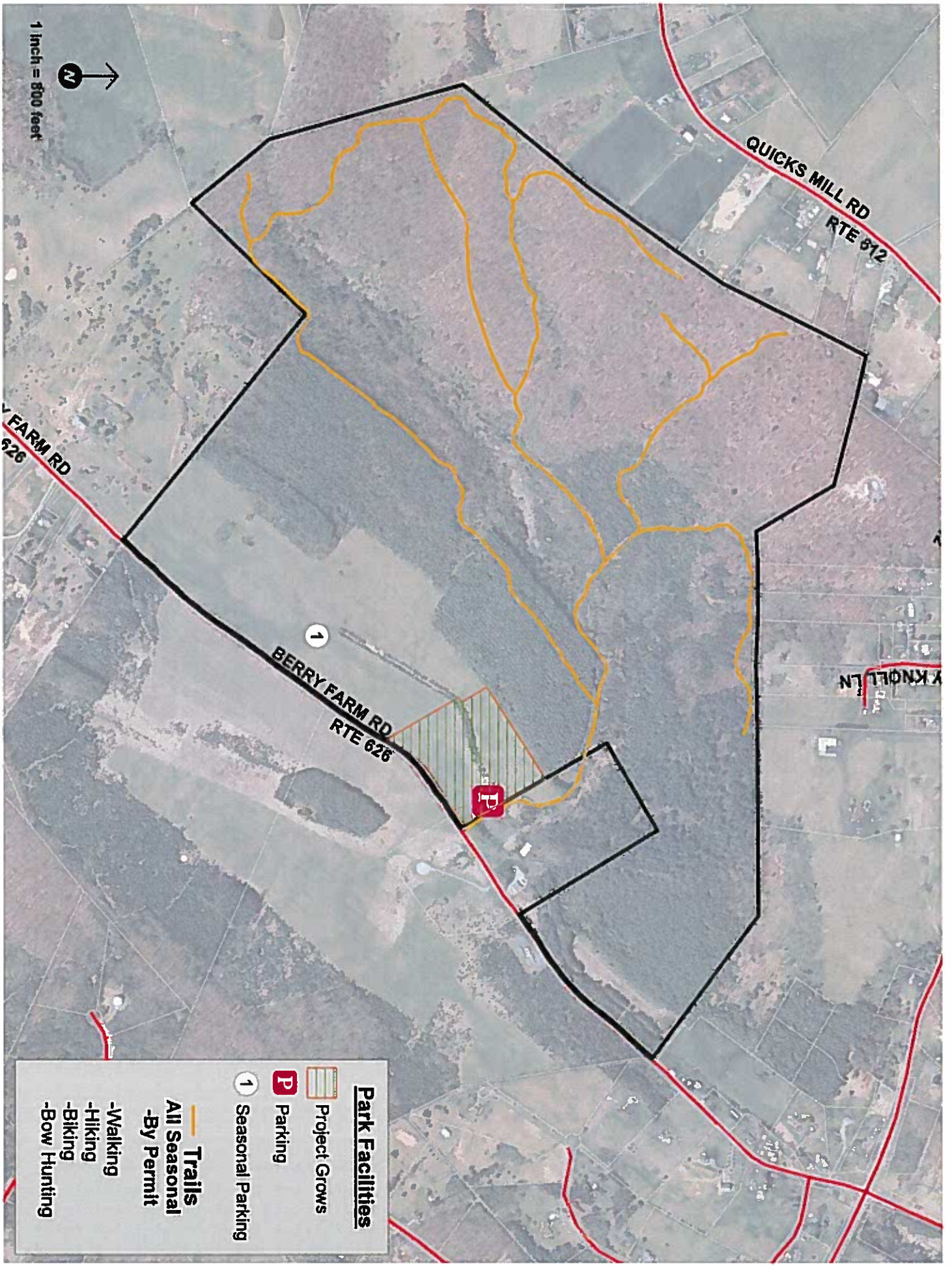
Berry Farm Property Outline

Berry Farm Property



Map by GIS/IT/Map (08/04/2011)

Berry Farm, Staunton, Va.



**A D V A N C E D
A G E N D A**

Regular Meeting of the Augusta County Planning Commission

Tuesday, May 10, 2016, 7:00 P.M.

1. CALL TO ORDER
2. DETERMINATION OF A QUORUM
3. MINUTES

Approval of the Called and Regular Meetings on April 12, 2016.
4. PUBLIC HEARINGS
 - A. A request to add the Public Use Overlay to approximately 9.5 acres owned by Mary Ann Heerschap located at 87 Reeves Road, Mt. Solon in the North River District.
 - B. An ordinance to add Paragraph G to §25-384 of the Augusta County Code allowing daycare centers by special use permit in General Industrial Districts.
5. MATTERS TO BE PRESENTED BY THE PUBLIC
6. NEW BUSINESS
7. OLD BUSINESS
8. MATTERS TO BE PRESENTED BY THE COMMISSION
9. STAFF REPORTS
 - A. Information for Commission – Code of Virginia, Section 15.2-2310 (Board of Zoning Appeals Items)
10. ADJOURNMENT

PRESENT: S. Bridge, Chairman
K. Shiflett, Vice Chairman
J. Curd
T. Jennings
R. L. Earhart, Senior Planner and Secretary
J. Wilkinson, Director of Community Development

ABSENT: C. Foschini
K. Leonard
E. Shipplett

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, April 12, 2016, at 3:30 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.

The Planning Commission traveled to the following site, which will be considered by the Commission:

1. KKH Properties, LLC – Rezoning

They also traveled to Crimora Park and Stuarts Draft Park to obtain background information prior to the review of the Parks and Recreation Master Plan update.

Chairman

Secretary

PRESENT: S. Bridge, Chairman
K. Shiflett, Vice Chairman
J. Curd
T. Jennings
K. Leonard
E. Shipplett
R. L. Earhart, Senior Planner and Secretary
J. Wilkinson, Director of Community Development

ABSENT: C. Foschini

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, April 12, 2016, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Leonard moved to approve the minutes of the called and regular meetings held on March 8, 2016.

Mr. Shipplett seconded the motion, which carried unanimously.

KKH Properties, LLC

A request to rezone from General Business to Single Family Residential approximately 0.3 of an acre owned by KKH Properties, LLC located on the southeast side of Middle River Drive (Rt. 1922), approximately 175 feet south of the intersection with Verona Court Boulevard (Rt. 1919) in Verona in the Beverley Manor District.

Mrs. Earhart explained the request and stated the property is slated for business development, which is consistent with the existing zoning. The property has been zoned General Business since 1969. It is unclear why the property was zoned General Business, other than the fact the house to the south of the property was once the Verona cannery.

Keith Hebert, owner of KKH Properties, LLC stated the Staff comments indicate there are no issues with the rezoning request. He asked the Commissioners if they had any questions.

There being no questions by the Commission, Mr. Bridge opened the public hearing.

There being no one to speak in favor of or against the request, Mr. Bridge closed the public hearing.

Mrs. Shiflett stated the request was reasonable and is a good fit with the surrounding neighborhood. She moved to recommend approval of the request.

Mr. Jennings seconded the motion, which carried unanimously.

MATTERS PRESENTED BY THE COMMISSION

Mr. Shipplett asked if there were any updates on the discussion held at the March meeting regarding the new proffer legislation.

Mrs. Earhart stated Mr. Morgan, County Attorney, has listened to a webinar regarding the new legislation and is currently doing research as well. He has suggested the new legislation will make it difficult to talk with developers or suggest proffers for rezonings. He is advising the Commissioners not to speak with any developers regarding rezonings.

Mr. Jennings suggested that Mr. Morgan give a presentation on the results of his research.

Mrs. Earhart stated she plans for Mr. Morgan to address the Commission at the May workession meeting.

STAFF REPORTS

Code of Virginia – Section 15.2-2310

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

The Planning Commission took no action on the BZA items.

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

Chairman

Secretary

**COUNTY OF AUGUSTA
STAFF REPORT
Mary Ann Heerschap
May 10, 2016**

SUMMARY OF REQUEST: A request to add the Public Use Overlay to approximately 9.5 acres owned by Mary Ann Heerschap located at 87 Reeves Road, Mt. Solon in the North River District. The applicant has proffered the only additional permitted use of the property will be a school with no more than 44 students.

PROFFER: Additional permitted uses of the property will be limited to a school with a maximum enrollment of 44 students.

VICINITY ZONING: General Agriculture surrounds the site.

PREVIOUS ZONING: General Agriculture

COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION: Agriculture Conservation Area

SOILS: Not Applicable

COMMENTS FROM ENGINEER: This property drains to Mossy Creek which is listed on the Virginia DEQ 2014 Impaired Waters List. This impaired segment extends from the headwaters downstream to its confluence with North River. The impaired uses are recreation and aquatic life, the specific impairments are E. Coli, fecal coliform and violations of the general benthics standard. The sources are agriculture, non-point sources and wildlife other than waterfowl. TMDLs are approved for the bacterial and benthic impairments and must be considered by the applicant. Federal TMDL ID # 1585 and Federal TMDL ID # 10673.

Additionally, the 2007 Augusta County Comprehensive Plan lists the Mossy Creek watershed as a Priority Watershed for Groundwater Protection due to the presence of karst features and the location of Source Water Assessment Program zones.

Use of water quality protection measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse will be required depending on the disturbed acreage. With respect to water quantity, all points of discharge must comply with the Adequate Channel provisions of 9VAC25-840-40 subdivision 19.

The applicant is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams.

This property lies within Zone X on the FEMA FIRM and therefore is outside the Special Flood Hazard Area.

Natural Resources Recommendations from the Comprehensive Plan

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Agricultural Conservation Areas, a riparian buffer of 100 feet on either side of a stream or the limit of the floodplain (wider of the two) is encouraged, and stormwater should not be piped through in a manner to short-cut the buffer. Additionally, there should be no development or filling in floodplain areas and reforestation is encouraged.

Portions of this site contain slopes that may be in excess of 25%. In Agricultural Conservation Areas, the Comprehensive Plan recommends no grading, roads or building sites on slopes >25% and ridgelines.

Wetlands may or may not exist on the site. For Wetland areas, the Comprehensive Plan recommends provision of a 100 foot buffer from the edge of wetlands and enhanced water quality treatment for any water discharging to the wetlands.

For unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends provision of open space amenities through development of layout and lot sizes, as well as maximizing continued use of active agricultural and forestry areas.

COMMENTS FROM ZONING ADMINISTRATOR: If rezoned to a Public Use Overlay in order to have a children's school, the existing single family dwelling to the south may be impacted by traffic congestion, noise, and lights from the increased traffic created by school.

COMMENTS FROM ACSA: Public water and sewer are not available in this area.

COMMENTS FROM HEALTH DEPARTMENT: A sewage disposal system designed to accommodate the school will need to be obtained. If public water is not available, the Office of Drinking Water will need to be contacted regarding requirements for a well to serve the school (Lexington Field Office phone – 540-463-7136). If meals will be served, a food establishment permit will need to be obtained from the Health Department.

COMMENTS FROM FIRE-RESCUE: This request will have little to no impact on service delivery. There is concern that public water is not available for fire protection.

TRAFFIC: Rt. 766 Reeves Road
AADT: 180 vpd (2013)
Speed Limit: 35 mph unposted gravel
Functional Class: Rural local

COMMENTS FROM VDOT:

1. A 44 student private school is expected to generate 100 to 120 additional vehicle trips per day on Reeves Rd. Approximately 40 of those trips could be expected in the a.m. peak hour. The school would increase the traffic by approximately 56% on Reeves Road based on expected trips and the 2013 traffic counts we have available. This section of gravel road has received a high volume of complaints in the past for continued maintenance. The additional traffic will only worsen the condition and VDOT would not expect to increase the maintenance of the roadway. The road is not planned for any improvement projects in the near future.
2. Access to any State maintained roadway must be in accordance with Appendix F of the VDOT Road Design Manual. The proposed location of the entrance(s) must be approved by VDOT and must meet the VDOT Intersection Sight Distance and Access Management Regulations requirements.
 - A commercial entrance location on Rt. 766 appears to be available at the existing private entrance location. The entrance would have to meet the moderate volume commercial entrance standards which means the existing entrance will likely need to be enlarged, but would not need to be paved since it connects to a gravel surfaced roadway.

Unless a condition of the permit is to limit the number of vehicle trips generated, it is my opinion that the proposed use is going to negatively affect the condition of the gravel roadway. A more appropriate commercial trip count would be less than 50 vehicle trips, which is the requirement of a low volume commercial entrance, coinciding with a low volume roadway. It's important to note that a vehicle trip is counted in one direction, so a single car dropping off a student(s) is two trips and there would be an additional two trips when picking up.

SCHOOL BOARD STAFF COMMENTS: This request will have no significant impact on North River Elementary School, Stewart Middle School, and Fort Defiance High School.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATION: VDOT has indicated that Reeves Road has received a high volume of complaints in the past for continued maintenance. The additional traffic will only worsen the condition and VDOT would not expect to increase the maintenance of the roadway. At this point, there are no plans for any road improvements on Reeves Road. VDOT has indicated that one way to address their concerns is to limit the number of vehicle trips per day. (Dropping off a student at the school and leaving and then going back to the school in the afternoon to pick the student up and leaving the site again is considered to be 4 trips.) If the traffic generated by the school was limited to no more than 50 vehicle trips a day and if any new school structure were built meeting the principal building setbacks and away from the existing residential neighbors, staff could recommend approval.

Heerschap



Heerschap



**COUNTY OF AUGUSTA
STAFF REPORT
Daycare Centers in General Industrial Districts
May 10, 2016**

An ordinance to add Paragraph G to §25-384 of the Augusta County Code allowing daycare centers by special use permit in General Industrial Districts provided:

- A. There be designated areas for pick-up and delivery adequate to prevent traffic congestion and ensure pedestrian safety;
- B. Proposed playgrounds and common gathering areas be located in side and rear yards only and adequately fenced. Playground structures must meet principal building setbacks;
- C. Proposed use is compatible with the anticipated industrial traffic using the shared roadway; and
- D. Applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

**AN ORDINANCE TO
TO AMEND SECTION 25-384
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to amend Section 25-384 of the Augusta County Code allow day care centers by special use permit in Industrial Zones within the County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that the Section 25-384 of the Augusta County Code is amended by adding paragraph G. to read as follows:

**CHAPTER 25. ZONING
DIVISION F. INDUSTRIAL DISTRICTS**

§ 25-384 Uses permitted by Special Use Permit

G. Day care Centers.

Day care centers may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of

vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds and common gathering areas may be located in the side or rear yards only and must be adequately fenced. Any playground structures are subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The proposed use will be compatible with the anticipated industrial traffic utilizing the shared roadway; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

COMMUNITY DEVELOPMENT STAFF RECOMMENDATIONS: A request was made to allow daycare centers for both children and adults in General Industrial districts. Currently, they are allowed with an Administrative Permit in General Business and Village Mixed Use Districts and by Special Use Permit in General Agriculture, Rural Conservation, and all our residential zoning districts, except the Recreational Vehicle Park District. To mitigate concerns about the compatibility of the use with the amount and type of traffic, especially heavy truck traffic, in some of our industrial areas, this ordinance has been drafted to permit daycare centers in General Industrial districts by Special Use Permit only. By requiring a Special Use Permit, it allows the Board of Zoning Appeals to consider each request individually and gives existing industrial neighbors the opportunity to raise any concerns they might have. Recommend approval of the Amendment.