

PRESENT: S.N. Bridge, Chairman
J. Shomo, Vice-Chairman
W.F. Hite
T. H. Byerly
K. A. Shiflett
T. Cole
D.L. Cobb, Director of Community Development
R. L. Earhart, Senior Planner and Secretary

ABSENT: J. Curd

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, April 8, 2008, at 7:00 p.m. in the Meeting 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. Byerly moved to approve the minutes of the Regular meeting held on March 11, 2008. Ms. Shiflett seconded the motion, which carried unanimously.

County of Augusta – Add the Public Use Overlay Zoning Designation

A request to add the Public Use Overlay zoning designation with proffers to approximately 25 acres of land owned by the County of Augusta located on the north side of Augusta Springs Road (Rt. 811) just west of the intersection with Kunkle Tanyard Road (Rt. 859) in Augusta Springs in the Pastures District.

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

1. Additional permitted uses will be limited to:
 - A. Active and passive recreational facilities to include:
 - baseball fields, soccer fields, and basketball courts (unlighted)
 - walking trail
 - picnic shelters, picnic tables, grills, and benches
 - playgrounds
 - B. Recycling centers, dumpster sites or solid waste transfer stations
 - C. Carnivals, circuses, fairs, festivals, revivals, animal shows, exhibitions, and similar special events not permitted under 25-21 of this Chapter.

Ron Sites, Director of Parks and Recreation, County of Augusta, stated he is requesting a Public Use Overlay for this parcel in order to develop this area as a park. He introduced Donna Fridley, and stated she has served as an “informal” chairman on the planning committee that has been working with staff regarding the park. He stated the County purchased the property from Stillwater approximately three years ago. Mr. Sites proceeded to show the Planning Commission and those in attendance pictures of the park and the relative location of the ball fields, basketball court, and picnic shelter on the site plan. He stated the playground that was displayed in the picture will be moved to the approved site. He stated the property will have a fence around the perimeter and there will be trees that will serve as a buffer on the northeast boundary. Mr. Sites also stated the existing VDOT Entrance Permit will be acceptable. He stated he is looking forward to approval of the park as he feels it will be a great asset to the community.

Mr. Byerly asked Mr. Sites why “unlighted” courts and fields were proffered as opposed to lighted.

Mr. Sites stated the fields will be used primarily for practice purposes. He stated there will be security lights on site as the Ordinance permits.

Mr. Cole asked Mr. Sites if there will be a gate to the entrance of the park and if so if it will be locked at night.

Mr. Sites stated the park will operate from dawn to dusk and the gate will be locked at night. He stated he is working to determine if the park can operate under the same hours as the solid waste collection site

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

Mr. Byerly stated the park will be a wonderful addition to the community. He moved to recommend approval of the request with proffers.

Mr. Shomo seconded the motion.

Ms. Shiflett stated the park will be a good use of the County's property.

Mr. Bridge stated he appreciates the work and effort the citizens in the community have put into working with staff in completing the park.

The motion carried unanimously.

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“An Ordinance to Amend the Code of the County of Augusta, Virginia, Relating to Adult Businesses”

“An Ordinance to Amend the Code of the County of Augusta, Virginia, Relating to Adult Businesses”, which amends the provisions of Chapter 25, Title Zoning, of the Augusta County Code, to permit adult businesses which may be operated in a General Business district when the business shall be located at least 500 feet away from any residential zoning district, and at least 500 feet from the property line of any land used for any of the following: a dwelling, a residential care facility; a day care center; a public or private school; a public park; a community center; a public or private library, museum or cultural center; a place of worship or religious institution; a hotel, motel, bed and breakfast, boardinghouse or tourist home; and any other adult business. The ordinance also controls signage and hours of operation; prohibits viewing by specified means of sexual activities or specified anatomical areas; requires a separate, conspicuously marked room for adult merchandise, inaccessible to persons under eighteen years of age; requires security cameras and videotaping, monitoring and recording; prescribes adequate lighting; and requires all owners, operators, managers, employees, associates and entertainers to be over eighteen years of age.

Ms. Earhart read the following statement, “Mr. Chairman, before we start the discussion on this proposed ordinance, I would like to read a statement. Normally, as planner for the County, I would be involved in the drafting of zoning ordinance amendments. However, since my husband and I own business property in the County which may be impacted by this ordinance, I have not participated in the drafting of the proposed ordinance nor will I be participating in the discussion on this issue. I have filed with Dale a formal declaration of personal interest form for the official record.”

Mr. Cobb summarized the Ordinance. He stated the County Attorney, Patrick Morgan, has recommended the following language be included under §25-310 of the Ordinance, “Adult businesses will be allowed in General Business Districts only.”

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

Ms. Shiflett stated the Commission was advised by the County Attorney the County cannot legally forbid adult businesses from operating in the County. She stated she feels a lot of time and effort has been put into the Ordinance, and feels that it effectively covers all of the issues. She moved to recommend approval of the Ordinance with the

recommended language from the County Attorney to be added under §25-310 of the Ordinance, to read “Adult businesses will be allowed in General Business Districts only.”

Mr. Byerly seconded the motion. He stated he has served on the Commission for many years, and the effort and time that went into this Ordinance is unbelievable. He stated he feels that we know what the courts will allow, and feels this Ordinance will get the job done for Augusta County.

Mr. Bridge stated he would like to thank staff for the time and effort put into drafting this Ordinance. He stated he feels this Ordinance will be effective for the County.

The motion carried unanimously.

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NEW BUSINESS

Consideration of Capital Improvements Plan and Budget

Ms. Earhart stated the County Administrator and Director of Finance have prepared the plan to present to the Board of Supervisors. She stated the County Administrator presented a briefing to the Planning Commission during the staff briefing that afternoon.

Mr. Bridge asked the Commission for comments or action on the plan.

Mr. Byerly made a motion to recommend approval of the Capital Improvements Plan and Budget as presented.

Ms. Shiflett seconded the motion, which carried unanimously.

Edenbrook Subdivision

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. The plat contains twenty four (24) lots zoned Rural Residential.

Ms. Earhart explained the location of the preliminary plat. She stated all of the comments have been addressed and the plat meets the technical requirements of the ordinance.

Ms. Shiflett moved to recommend approval of the preliminary plat as submitted.

Mr. Shomo seconded the motion which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

08-26 Ray A. Cupp

The Planning Commission voiced concern with the current site, being located in a Community Development Area and across the street from a large residential area with no screening of the outside storage. Ms. Shiflett moved to recommend the new permit include adequate screening of the outside storage to protect the character of the neighborhood.

Mr. Hite 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