

PRESENT: K. A. Shiflett, Chairman
J.D. Tilghman, Vice-Chairman
S. N. Bridge
J. W. Curd
J. Shomo
R. L. Earhart, Senior Planner

ABSENT: T.H. Byerly
W. F. Hite
D. L. Cobb, Director of Community Development and
Secretary

VIRGINIA: At the Called Meeting of the Augusta County
Planning Commission held on Tuesday, July
13, 2004, 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 rezonings, three master plans and the upcoming items on the BZA agenda. The Planning Commission traveled to the following sites which will be considered by the Commission at their regular meeting:

1. Stuarts Draft Family Center, Inc., and Stuarts Draft Baptist Church – Rezoning
2. Augusta Health Care, Inc. – Rezoning
3. Ralph E. or Ava E. Griffin – Rezoning
4. Spring Lakes at the Woodlands Master Planned Community – Map and zoning regulations amendment

Chairman

Secretary

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

ABSENT: W. F. Hite
D. L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, July 13, 2004, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

* * * * *

DETERMINATION OF A QUORUM

Ms. Shiflett stated as there were six (6) members present, there was a quorum.

Resignation of Dale Cobb as Secretary

Ms. Shiflett indicated because of other obligations Dale Cobb, Director of Community Development, has asked to be relieved of the duties of Secretary to the Planning Commission. She stated she would entertain a motion to replace him. Mr. Cobb will attend the meetings as he can, but he does not feel like he can be here often enough to continue with the Secretary's responsibilities.

Ms. Tilghman made a motion to elect Becky Earhart, Senior Planner, as the new Secretary for the Planning Commission.

Mr. Byerly seconded the motion, which carried unanimously.

* * * * *

MINUTES

Mr. Bridge made a motion to approve the minutes of the Called and Regular meeting held on June 8, 2004. Ms. Tilghman seconded the motion, which carried unanimously.

* * * * *

Stuarts Draft Family Center, Inc., and Stuarts Draft Baptist Church – Rezoning

A request to rezone 10.26 acres from General Agriculture to Duplex Residential and 0.12 acres from General Agriculture to General Business owned by Stuarts Draft Family Center, Inc., and Stuarts Draft Baptist Church located on the north side of Stuarts Draft Highway (Route 340) just west of the intersection of Stuarts Draft Highway (Route 340) and Rose Avenue (Route 1501) in Stuarts Draft in the Beverley Manor District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. The residential property shall be developed as “housing for older persons” in accordance with applicable federal and state law, including Virginia Code § 36-96.7.
2. The applicant shall subject the residential property to covenants running with the land which (a) restrict its use to “housing for older persons,” and (b) restrict all common open space to the use specified. Such restrictions shall be for the benefit of, and enforceable by, all present and future residential property owners and the Board of Supervisors of Augusta County. Such restrictions shall be subject to review and approval by the County.
3. 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.
4. No more than 36 duplexes will be constructed on the 10.26 acres zoned Duplex Residential.

Betsy Michael, Terra Development, 136 Lariot Circle, Staunton, VA 24401, stated she would first discuss the .12 of an acre request. This parcel would be used for the expansion of the existing Creative Wonders Daycare. This facility has reached its current capacity and is in need of additional building space. The second 10.26 acre parcel would be used for a senior retirement community named Village at Colter Place. This retirement community has been designed to

promote increased social interaction between occupants and the neighbors. This will be accomplished by designing sidewalks along all streets and the incorporation of a community center with a lap pool, a picnic area, and putting green in the neighborhood. She indicated this community will have covenants and restrictions; one of which will be every duplex must be occupied with one person over the age of 55 and no one under the age of 19 will be allowed to reside in the home longer than 3 months. With all the special amenities, she indicated Village at Colter Place will have huge benefits to the residents of Augusta County.

Mr. Byerly asked why the diagram showed 34 units.

Ms. Michael indicated the plan shows 34. When they submitted their proffers they indicated it would be 36, but 34 is all the plan shows at this time, until they get into the design phase.

Ms. Tilghman asked if they were all going to be duplexes.

Ms. Michael indicated they are all one floor duplexes. They will be very nice duplexes with brick exterior.

Ms. Tilghman asked what their plans for landscaping were.

Ms. Michael indicated they were going to do pretty heavy tree buffers all the way around the property.

Mr. Curd asked if the road would go through the property and join at Stuarts Draft Baptist Church.

Ms. Michael indicated that was correct and that it would stop at the end of their property.

Mr. Curd asked if the road would be aligned with the intersection of Route 1501.

Ms. Michael indicated it would be.

Randolph Jerry Carr, Jr., 161 Vance Lane, Stuarts Draft, VA 24477, stated he wasn't in opposition to the request. He also stated he recently purchased some land that is diagonal from the retirement community. This property is zoned agriculture. He asked if in the future he decided to do something that is permitted in an agriculture zoned district how this would impact his opportunity to do so.

Mrs. Earhart stated the things he can do by right he would still be able to do. She indicated if he is asking what would be the impact of having more neighbors if he were to choose to apply for a Special Use Permit for a business use on that

property, the impact would probably be more. It would depend if the use would be compatible with the neighborhood at that time.

Mr. Carr indicated that is why he was bringing it up now. If this request is approved, it will be the neighbors at that time. He does have future ambitions to use the property and he purposely bought property that was zoned for agriculture uses.

Ms. Shiflett stated he would have an opportunity to learn a little more about his property and the request. The Planning Commission's decision tonight will be a recommendation to the Board of Supervisors and they will make the final decision at another public hearing. This would give him an opportunity to speak with the Community Development Department on what his options would be with regard to the Comprehensive Plan and the uses planned for his property.

Mr. Carr indicated he had read the literature that would allow him to have an automotive shop, a hairdressing shop, or he would be able to build and sell storage buildings.

Mrs. Earhart stated those uses would require a Special Use Permit and he would still have to get special permission. One of the things the Board of Zoning Appeals would look at would be the surrounding area and what the Comprehensive Plan allows for that area.

Mr. Carr stated he thought there may be more objections to any of these uses with a retirement community adjacent to him. He asked if it could be put in writing that this development will not affect his plans in the future for his property.

Ms. Shiflett indicated there are things you can do by right in an agriculture zoned area. The uses he was describing were uses permitted by Special Use Permit.

Mrs. Earhart stated the Planning Commission couldn't protect his right to do something in the future that still would require additional approval by the Board of Zoning Appeals.

Mr. Carr indicated he didn't feel like he was getting any answers and he would have to object to the request totally.

Ms. Michael stated there would be a 20' landscape buffer around the entire perimeter of the property to protect the neighbors.

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

Ms. Tilghman stated she thought this was an appropriate use for this property. The one thing that bothers her is this is very good agriculture land, but because

of where this property is located it is not going to remain in agriculture use forever. She indicated with this request being a retirement community, it wouldn't impact the schools. She stated she thought the request was in order and in compliance with the Comprehensive Plan. She made a motion to recommend approval of the request with proffers.

Mr. Byerly seconded the motion, which carried unanimously.

* * * * *

Augusta Health Care, Inc. – Rezoning

A request to rezone from General Agriculture to General Business approximately 47 acres owned by Augusta Health Care, Inc., located on the northeast side of Goose Creek Road (Route 636) and south of the CSX railroad tracks in the Wayne District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. Property owner will donate up to 110' of right-of-way along Route 636 from its intersection with Route 285 to the CSX railroad tracks in accordance with the road improvement plans to be approved by the Virginia Department of Transportation and as generally described on the concept drawing entitled "VDOT R/W Option A" prepared by Patton Harris Rust & Associates and dated April 2004.
2. Access to Route 636 will be limited to one street connection to be lined up with Village Creek Drive and the one existing commercial entrance serving Parcel 71H which will be limited to serving only the 1.4 acre parcel.
3. The property owner will pay one half of the cost of a traffic signal, including design, construction, right-of-way, and installation, at the intersection of Routes 285 and 642.

Kathleen Heatwole, Augusta Health Care, Inc., P.O. Box 1000, Fishersville, VA 22939, stated also here tonight were Dr. Tom Gorsuch, Chairman of the Board, and Dick Graham, CEO, Augusta Health Care, Inc. She stated she would start with an overview of the campus. About 90 acres of their property is still zoned agriculture. She indicated they had 2 main functions they would like to put on this property. The first is an office development for physicians and the second is a hospice house. She gave detailed information on these two projects.

Mr. Curd asked if they had any other property appropriate for these projects that would already be zoned correctly.

Ms. Heatwole indicated there were none as ideal as this location. They feel this is a perfect location.

Mr. Curd stated all this growth would increase the already congested traffic problems on the roads. He indicated he didn't see anything regarding improvements to Route 636. He commented the donation of the right-of-way was generous, but it doesn't help the County with the services they need to provide.

Ms. Heatwole indicated the donation of the right-of-way is a significant amount of land for a four lane divided highway. She understood funding for roads was always a big issue and she stated she thought this was a big step for them to take.

Mr. Byerly stated he looks at medical, educational and airport facilities as infrastructure which is the responsibility of the locale. In his mind, he separates those from other businesses. He stated he appreciated the right-of-way. He also stated he applauded the hospital for staying on the leading edge.

Ms. Tilghman stated there is still obviously a good bit of land zoned agriculture in the front of the hospital. She asked if they had plans for that property.

Ms. Heatwole indicated they did not.

Ms. Tilghman asked if there would be adequate parking.

Ms. Heatwole stated there would be parking for each office development. She stated the new parking lot that was built two years ago provided a great relief for parking. At this point she felt they were in good shape regarding parking.

Dick Graham, CEO, Augusta Health Care, Inc., stated this project would begin to move some of the parking away from the main hospital.

Henry Moffett, 24 Clover Green Court, stated he was neither in favor of, nor in opposition to, the request. He asked if the primary road was going to be used by emergency vehicles. He was concerned with the noise this could create.

Ms. Heatwole indicated the emergency vehicles would not be using this road to access the emergency department.

Mr. Graham indicated the only reason emergency vehicles would use this road would be to possibly take patients to see doctors in the doctor's office.

Ms. Shiflett stated the road is only accessing physician's offices and that would only be open during regular business hours. This road would not be used by emergency ambulance traffic at all.

Mr. Moffett indicated he expected more traffic, but he didn't want emergency vehicles using the road at night.

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

Mr. Shomo made a motion to recommend approval of this request with proffers.

Mr. Bridge seconded the motion.

Ms. Tilghman stated she appreciated this is inevitable, but she thought it has to be realized this would be increasing the traffic on this road. She indicated she was glad Augusta Health Care, Inc., dedicated the right-of-way. She stated she thought it was right that they paid for half of the traffic light. She also stated it is a business, they take care of people, but it is a business. She indicated she would vote in favor of it, but she wanted to state her reservations.

Mr. Curd indicated he had the same concerns. He stated he wasn't sure the Commission was being completely responsible without considering the impact on the traffic. He asked about the intersection with Route 285 and the increased traffic on Route 636. He also asked what would happen if the ambulances were delayed because of traffic. He again stated the dedication of the right-of-way was commendable, but the impact of traffic is a concern for him.

Mr. Byerly stated health or hospital care is for the general public. He indicated to him the burden lies with the County, not the hospital, to provide the infrastructure and the roadways to the facility. He segregates hospitals from other types of businesses. He stated he has a tender spot in his heart for high quality health care.

Mr. Shomo indicated he agreed with Mr. Byerly.

The motion carried with a 5 to 1 vote with Mr. Curd opposed.

Ralph E. or Ava E. Griffin – Rezoning

A request to rezone from General Agriculture to Single Family Residential approximately 102 acres owned by Ralph E. or Ava E. Griffin located on the north side of Howardsville Turnpike (Route 610) approximately .5 of a mile west of the intersection of Howardsville Turnpike (Route 610) and Patton Farm Road (Route 633) in the South River District.

Mrs. Earhart explained the request and stated the following proffers had been submitted:

1. Developer will dedicate up to 25' of right-of-way to VDOT from the existing center line of Route 610.
2. All buildings will be setback from Kennedy Creek fifty (50) feet.
3. All principal buildings will be setback from the common boundary with Tax Map 85G1 (1) 1 at least one hundred (100) feet.
4. The minimum lot size for single-family dwellings will be one acre.
5. No more than 70 single family dwelling lots will be created out of the 102 acre parcel.
6. The minimum square footage for single family dwellings will be twenty-eight hundred (2800) square feet.
7. All lots will be served by public water.
8. Building permits for no more than twenty-five (25) dwelling units will be requested per calendar year.
9. A 25' landscaped buffer strip consisting of a double row of a mixture of six (6) foot tall evergreens, which at maturity will be no less than thirty (30) feet tall, will be planted ten (10) foot on center along the eastern property line adjacent to tax map 85G1 (1) 1 and as generally depicted on the master plan for Shannon Lee at Kennedy Creek prepared by Balzer and Associates dated June 18, 2004.
10. Ten (10) acres of open space will be created as part of this subdivision and deeded to the Homeowners Association. A Homeowners Association, approved in form by Augusta County, will be established to permanently maintain the open space and amenities created in the subdivision.

Ray Burkholder, Balzer & Associates, 1557 Commerce Rd., Suite 201, Verona, VA 24482, stated as Mrs. Earhart explained it is in the Comprehensive Plan slated for Low Density Residential. He explained the property is not currently being farmed. He indicated the Griffins still own the property to the right and are operating a poultry house on that property. He stated they have tried to take active measures to try and protect the residents that would be living in the area. He indicated with the current development in the area, it makes it very difficult to continue to operate a farm at this location. He stated there hasn't been anything submitted in writing regarding the operation of the poultry houses. He indicated the Griffins have agreed to notify the neighbors when the poultry houses would be cleaned out. He stated this will be a very high quality development with 2800 square foot homes with sidewalks and several other amenities.

Mr. Curd asked why there was no public sewer.

Mr. Burkholder stated public sewer would have had to come through the Hamptons and that subdivision was allowed to be developed without public sewer.

Mr. Curd asked why there wasn't a connector road to the Hamptons.

Mr. Burkholder stated they don't have any public stubs to this property so they actually have to acquire property from them to connect a road in.

Mr. Curd asked how many entrances are proposed.

Mr. Burkholder indicated there was one entrance.

Mr. Curd asked if curb and guttering was planned.

Mr. Burkholder indicated there would be curb and gutter.

Mr. Curd asked where the proposed entrance would be.

Mr. Burkholder stated it would be right in the middle.

Mr. Curd asked if they would be willing to do a 35' dedication to VDOT instead of 25'.

Mr. Burkholder indicated they would be. He indicated the master plan shows this.

Mr. Curd commented the poultry house is pretty close.

Mr. Burkholder stated it was. They have two lots that are adjacent to the property with the poultry houses.

Mr. Curd asked what they are planning for landscaping.

Mr. Burkholder indicated it would be a double row of evergreen plantings along the entire property boundary adjacent to the poultry houses.

Mr. Byerly asked if it would be possible with septic to use 3/4 of an acre to create more open space.

Mr. Burkholder indicated that could be possible.

Ms. Shiflett indicated it's not just the odor from cleaning out poultry houses that cause a problem. It's the continual feed trucks, load out trucks and the dust and noise that comes with those.

Mr. Burkholder again indicated that it is in compliance with the Comprehensive Plan and the property can't be sold and used as agriculture. He stated the property owner understands he is creating his own opposition.

Mr. Curd asked for clarification on the density.

Mr. Burkholder stated he thought it was 70 units per 102 acres.

Mr. Curd stated technically it wouldn't be in compliance with the Comprehensive Plan; that would be one unit for every two acres. He asked if he was correct.

Mr. Burkholder stated the Hamptons was 1.4 units so it is in compliance with what is out there currently.

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

Mr. Bridge stated he had a conflict of interest and has filed a form for the official record. He indicated he would not be participating in the discussion or the vote on this request.

Ms. Tilghman stated these homes are going to be very nice homes right next to an intensive agriculture facility. She indicated there is still a lot of farm land around this property. She stated there are as many cons as there are pros to this request. She stated she realizes the County is looking at this as potential development down the road, but there's always more land shown than you know you can possibly use. She indicated the soils were Class II and III, which are considered the best for farming purposes in the County.

Ms. Shiflett stated she had a major problem with placing more residential development this close to any type of intensive agriculture facility. The problems don't need to be compounded. She stated these are good soils for farming and she couldn't support the request.

Mr. Curd stated the traffic increase is a concern of his. Getting the funding for road construction is also a problem. He stated he applauded the landscaping and the proffers submitted.

Mr. Byerly stated this is a request where you could argue both sides and make a reasonable case. He stated he thought the mood of the Board of Supervisors is there is caution given to putting a development of this size adjacent to an intensive agriculture facility. The 70 drainfields also give him a little heartburn. He stated he thought there may be serious problems with the location of the intensive agriculture facility.

Ms. Tilghman made a motion to recommend denial of the request.

Mr. Curd seconded the motion, which carried unanimously.

Spring Lakes at the Woodlands Master Planned Community – Map and Zoning Regulations Amendment

A request to amend the map and zoning regulations for Spring Lakes at the Woodlands Master Planned Community. Spring Lakes is located on the eastern side of Old Greenville Road (Route 613) just south of the Route 262 interchange in the Beverley Manor District.

Mrs. Earhart explained the request.

Ed Blackwell, Blackwell Engineering, stated he was here to answer any questions. There are nine lots in this area that need to be changed from Area D to Area B. Apparently, years ago, when these plans were done these lots were drawn to the size required by Area B zoning but they were designated in Area D.

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

Mr. Byerly stated this request seemed to be a reasonable request. He made a motion to recommend approval of the amendment to the zoning map and regulations.

Mr. Bridge seconded the motion, which carried unanimously.

Berkshire Subdivision – Master Plan

Berkshire Subdivision containing 5 lots zoned Single Family Residential (12); 33 lots zoned Rural Residential (1); and 3 lots zoned General Agriculture located immediately southeast of Beagle Gap Forest, Section 2, off Route 823 in the Wayne District.

Mrs. Earhart explained the master plan. She stated at the time the plan was submitted there were some items that still needed to be addressed. As of 5:00 p.m. it appears the fire flow concerns have been addressed, although this is a verbal confirmation and is not in written form from the Augusta County Service Authority (ACSA). She indicated there was still an issue with the subdivision name and with the three lots still being zoned General Agriculture. She indicated staff recommendation states they look at rezoning those lots to the residential zoning.

Brasil Hamrick, Hamrick Engineering, 156 Laurel Hill Rd., Verona, VA 24401, stated he didn't find out about the fire flow issue until 3:00 p.m. He was able to talk with Bruce Crow, Fire Chief and William Monroe, ACSA and they both gave statements to Tina Tinsley indicating this issue was resolved. He indicated he brought a new master plan tonight that does indicate a fire hydrant within the spacing limitation the Fire Chief wanted to see. He stated the comment

regarding the name of the subdivision has been a concern of the Community Development staff for quite some time. The developer indicated he was going to be spending a couple million dollars on this development and he would like to have the ability to market it as he sees fit; moving away from the name Beagle Gap. He indicated, regarding the three agriculture zoned lots, they are satisfied with the zoning they have. He stated they would deed restrict those lots the same as the RE1 lots. Staff has recommended deed restricting those lots to disallow any inoperable vehicles and high grass.

Mr. Curd asked why there was not public sewer.

Mr. Hamrick indicated public sewer is not available. They have provided public sewer to all of the smaller lots. It would require three different pump stations to get those lots into the public sewer and the ACSA doesn't like to take in pump stations for a small, limited number of lots.

Mr. Curd asked if there would be curb and guttering, sidewalks and open space.

Mr. Hamrick indicated there would be none of these items and the property is all wooded now.

Ms. Tilghman asked even if the developer paid for the pumping stations, did the ACSA still not want it.

Mr. Hamrick indicated the ACSA looks at it from the standpoint they won't get a return for their maintenance costs.

Ms. Tilghman asked what the reasoning was for leaving those three lots General Agriculture.

Mr. Hamrick stated they were satisfied utilizing them with their current zoning.

Mr. Curd indicated there are things you can do in an agriculture zoned district that are not permitted in a residential area. This is the Planning Commission's concern.

Mr. Byerly asked if the name of the subdivision was a marketing request to differentiate the area.

Mr. Hamrick indicated that was correct.

Mr. Bridge asked Mrs. Earhart to explain why the County may appreciate it all being the same name.

Mrs. Earhart explained the property was rezoned at the same time. She indicated it was a continuation of the same subdivision. The more times the

subdivision name is changed the more confusing it can be. Staff is trying to be very consistent wanting to keep the names the same.

Mr. Hamrick asked if there is an ordinance that requires this.

Mrs. Earhart stated the name has already been given to the subdivision.

Ms. Shiflett indicated she still didn't see the point in leaving those three lots zoned agriculture. She stated it doesn't make sense not to go on and rezone them and make them match the rest of the subdivision.

Mr. Bridge indicated he agreed with Ms. Shiflett.

Mr. Hamrick asked if they were breaking any laws by leaving it agriculture.

Mrs. Earhart stated the concern would be the implication of being able to create more than one lot per calendar year.

Ms. Tilghman asked if these lots were going to be like the other lots.

Mr. Hamrick indicated they would be exactly like the other lots.

Ms. Tilghman asked if their intention was to subdivide one of those three lots.

Mr. Hamrick indicated they would market them as three lots.

Ms. Shiflett asked what their objection to rezoning the three lots was.

Mr. Hamrick indicated they liked it just the way it is.

Ms. Shiflett stated they still did not have fire flow approval in writing and we only have one chance to get it right.

Mr. Hamrick indicated there would be ample opportunity between now and the Board of Supervisors meeting to get that done. He asked if a good compromise on the name change would be Berkshire at Beagle Gap.

Mr. Curd made a motion to recommend approval of the plan contingent upon (1) written confirmation from the ACSA of adequate fire flow (2) the name be changed to Beagle Gap and (3) they rezone lots 12, 13, and 14 from General Agriculture to Rural Residential to match the surrounding lots.

Ms. Tilghman seconded the motion.

The motion carried on a 4 to 2 vote with Mr. Bridge and Mr. Shomo opposed.

* * * * *

Wayne Heights Subdivision – Master Plan

Wayne Heights Subdivision, Section 2 containing 4 lots zoned General Business located north of Route 340 at the entrance to Stuarts Draft Middle School in the Beverley Manor District.

Mrs. Earhart explained the plan and stated the plan meets the technical requirements of the Ordinance.

Ray Burkholder, Balzer & Associates, 1557 Commerce Rd., Suite 201, Verona, VA 24482, stated this is a unique situation. He indicated this master plan was previously prepared by the late Jerry Harris and approved by the County. Mr. Harris never pursued dedicating the road to the Department of Transportation (VDOT). In order to do this there has to be an active master plan, so basically this is a re-approval.

Ms. Shiflett asked where the access to the corner lot was.

Mr. Burkholder indicated it would be shared with the one above it.

Mr. Byerly asked if the re-approval brings the plan to modern specifications.

Mr. Burkholder indicated it does.

Mr. Bridge made a motion to recommend approval of the master plan as prepared.

Mr. Byerly seconded the motion, which carried unanimously.

* * * * *

Shannon Lee at Kennedy Creek – Master Plan

Shannon Lee at Kennedy Creek Subdivision containing 72 lots zoned Single Family Residential (pending) located immediately adjacent to The Hamptons at Kennedy Creek Subdivision, north of Howardsville Turnpike (Route 610) in the South River District.

Mrs. Earhart explained the plan and stated the plan does not meet the technical requirements of the Ordinance.

Mr. Burkholder asked if they were to put open space where the two lots are adjacent to the poultry house, would this make a difference.

Ms. Shiflett indicated she didn't think that would eliminate the conflict and it would not change her decision.

Mr. Byerly made a motion to table the plan until the August meeting.

Ms. Tilghman seconded the motion, which carried unanimously.

* * * * *

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Ms. Shiflett asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following action:

04-48 Allen Troy & Pamela I. Rutherford

Mr. Bridge made a motion, seconded by Ms. Tilghman, to indicate a concern about locating a landing pad so close to a residential subdivision. They recommended that the Rutherfords land at the airport. The motion carried on a vote of 5 – 0 vote with Mr. Byerly abstaining.

04-50 Douglas G. or Jeannette C. Morris

Mr. Byerly made a motion, seconded by Mr. Bridge, to voice a concern about the appropriateness of carport sales and outside storage in an area slated for residential development. The motion carried unanimously.

04-53 David P. Ramsey

Ms. Tilghman made a motion, seconded by Mr. Bridge, to indicate a concern about the appropriateness of operating a landscape and lawn care business in an area slated for residential development. The motion carried unanimously.

04-8 S & H Enterprises, LC (Variance)

Mr. Curd made a motion, seconded by Ms. Tilghman, to recommend denial of the variance. There doesn't appear to be a hardship to compliance with the Zoning Ordinance to warrant the granting of the variance. The motion carried on a 5 – 0 vote with Mr. Byerly abstaining.

* * * * *

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

* * * * *

Chairman

Secretary