

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

ABSENT: D. L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 12, 2004, at 3:30 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 rezoning, a master plan and the upcoming items on the BZA agenda. The Planning Commission traveled to the following site which will be considered by the Commission at their regular meeting:

1. Ava E. Griffin – Rezoning

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Chairman

Secretary

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ABSENT: D. L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, October 12, 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 seven (7) members present, there was a quorum.

MINUTES

Mr. Bridge made a motion to approve the minutes of the Called and Regular meeting held on September 14, 2004. Mr. Byerly seconded the motion, which carried unanimously.

Ava E. Griffin – Rezoning

A request to rezone from General Agriculture to Single Family Residential approximately 123 acres owned by Ava E. Griffin located on the north side of Howardsville Turnpike (Route 610) approximately .3 of a mile west of the

intersection of Howardsville Turnpike (Route 610) and Patton Farm Road (Route 633) in the South River District.

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.

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

1. Developer will dedicate up to 35' of right-of-way to VDOT from the existing center line of Route 610.
2. There will be no more than one street connection on to Route 610 and no lots will have direct access to Route 610 from Parcel A. There will be no more than 3 shared entrances on to Route 610 from Parcel B as described by the Parcel Map prepared by Balzer and Associates dated September 17, 2004. (Shared entrances to have no greater than 10' separation between driveways).
3. All buildings will be setback from Kennedy Creek fifty (50) feet.
4. The minimum lot size for single-family dwellings will be one acre.
5. No more than 85 single family dwelling lots will be created out of Parcel A and no more than 6 lots will be created out of Parcel B as described by the Parcel Map prepared by Balzer and Associates dated September 17, 2004.
6. The minimum square footage for single family dwellings will be twenty-eight hundred (2800) square feet in Parcel A and twelve hundred (1200) square feet in Parcel B as described by the Parcel Map prepared by Balzer and Associates dated September 17, 2004.
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 beginning in 2004. Any unused building permits from 2004 can be carried over to the following year with a total of no more than 50 building permits requested by the end of 2005.
9. Street trees on a 75' spacing and 3' concrete sidewalks on both sides of the streets shall be built by the developer during the road construction process and maintained by the Homeowners or Property Owners Association.
10. Ten (10) acres of open space will be created as part of this subdivision and deeded to the Homeowners or Property Owners Association. A Homeowners or Property Owners 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 and Associates, 1557 Commerce Road, Suite 201, Verona, VA 24482, stated he wanted to read a letter from William Raike, Owner, White Mountain Partners, Inc. Mr. Raike's letter stated "I regret that I cannot attend tonight's meeting, but I have asked my representative to deliver these comments to you. First and foremost, I would like to express my appreciation for your service to the community. The issue at hand is our proposed community in Stuarts Draft, *Shannon Lea at Kennedy Creek*. We realize you must consider

the benefits and disadvantages of our proposal and believe the advantages of an upscale community such as *Shannon Lea* will benefit Stuarts Draft and Augusta County. We can honestly say that we've made every effort to address any concerns that have been raised that we can possibly address. As owner of White Mountain Partners, Inc., a Class "A" Virginia licensed builder, I have a desire to construct high quality homes in the 3,000 to 4,000 square foot size. An approval of *Shannon Lea* will allow us the opportunity to create a neighborhood unlike any other neighborhoods in the immediate area. Some of the items we propose in *Shannon Lea* are as follows: 1. A grand entrance. 2. Sidewalks on both sides of the streets. 3. Trees and early American style lighting along both sides of the streets. 4. Swimming pool with pool house pavilion and tennis courts. 5. A small park with paved biking and jogging trail. 6. Two ponds. We also intend to enforce covenants that will help preserve the environment along with maintaining the beauty of the neighborhood. National Developers and White Mountain Partners are not companies that will come to Augusta County to develop properties and exit, leaving behind a wake of problems. I was born in Waynesboro Community Hospital and attended Waynesboro schools, graduating from Waynesboro High School in 1978. My father is buried in Waynesboro and my family of five sisters, mother, nieces, nephews and life long friends all reside in the area. The *Shannon Lea* project is a step in the path I propose to make in returning to my home which I love. I can assure the Commission that every step will be taken by National Developers to create a neighborhood that can be a benchmark for others, a neighborhood that will aesthetically work in the area, a neighborhood, not just a development or subdivision. In summary, please consider our proposal an opportunity for Augusta County. National Developers will work together with you and all concerned to follow through on our promise.

Mr. Burkholder stated since the last proposal, they have purchased more land and added it to the subdivision. He stated there is a six (6) acre parcel with two (2) existing homes located there. He stated Ms. Griffin is trying to preserve her rights to try to build a home there for herself. He indicated they are willing to work with the Commission. He stated they would be more than happy to address any concerns or suggestions the Commission may have. The timing is good now for this development because they have a very responsible developer. He will do a good development. This property is in the Comprehensive Plan for development. He stated he thought there was a need for having diversity of homes. He indicated a quality development would bring in more businesses. He indicated the biggest reason for allowing this development is because this is responsible development; there is no public benefit in subdividing land here and there. Mr. Burkholder indicated there is already development in the area. You want the developments clustered together. He stated road improvements are needed. He again stated the timing is good and this project would be meeting a niche that isn't currently being met. He asked the Commission to work together with them to come up with a good solution.

Ava Griffin, 803 Howardsville Turnpike, Stuarts Draft, VA 24477, stated she and her husband moved to Stuarts Draft in 1977 in order for their children to have a better life. They started the poultry business after a year of no income. In 1988 they had an opportunity to buy this 101 acre tract. They had hoped to build a house on it or use it as their 401K. They never were able to get more than 80 bushels of corn per acre off the land. In 2002 their flock of turkeys were destroyed because they were thought to have avian flu. They later found out they didn't. Mr. Griffin passed away in July 2004. She stated she did not want the Commission's pity, she was just asking for a favorable decision so they can pay their bills and get on with their life.

Amy Brooks, 1018 Howardsville Turnpike, Stuarts Draft, VA 24477, stated she was the daughter of Mr. and Ms. Griffin. She asked the Commission for a favorable vote.

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. Curd asked approximately how many lots could be created by right.

Mr. Burkholder stated they haven't looked at that. Obviously, with family member exemptions it could get extensive.

Mr. Curd asked Mr. Burkholder to further explain Parcel B being separate from the rest of the development.

Mr. Burkholder stated there are two (2) homes on Parcel B. These homes share one driveway. Ms. Griffin is trying to keep the six (6) acres for her children.

Mr. Curd asked if this could be done by creating lots out of Parcel B and still make it part of the development.

Mr. Burkholder stated Ms. Griffin wants to keep this parcel separate because she can't afford to build a 2,800 square foot house.

Mr. Curd stated since VDOT is concerned with three (3) entrances, he asked Mr. Burkholder if internal access would be a possibility.

Mr. Burkholder stated he didn't think it would be because of the geometry back there. He stated they may be willing to reduce the number of entrances to two (2).

Mr. Curd asked about the extension of Shannon Court. He asked if they could put in a cul-de-sac or another street in the middle of the six (6) acres.

Mr. Burkholder indicated they could. He stated it was because of the covenants they would be creating a homeowner's association. Essentially there are two (2) different developments, they would not be held under the same covenants.

Mr. Curd stated that was what he was getting at. He thought it would be easier to have this parcel subject to the same covenants and restrictions.

Mr. Burkholder stated Ms. Griffin can't afford to do this. He indicated they would consent to go from three (3) entrances down to two (2).

Mr. Curd asked why there was no public sewer.

Mr. Burkholder stated it can't be sewer because the Hamptons were not forced to be on sewer. They would have to go through the Hamptons.

Mr. Curd asked if the drainfields were the new type of systems.

Mr. Burkholder indicated they would be. They are engineering systems and they are inspected annually.

Mr. Curd asked whose responsibility it would be if the systems failed.

Mr. Burkholder indicated that would be the homeowner's responsibility.

Mr. Curd asked if they would be willing to prorate the amount of building permits for 2004.

Mr. Burkholder stated realistically they are not going to build 50 homes of that size and move them. He thought the market would control this more than the proffer. Homes of that size are not going to be flying off the market.

Mr. Curd asked if they would be willing to make this development consistent with the Comprehensive Plan and make the development one (1) dwelling per 2 acres.

Mr. Burkholder stated he thought Mr. Raike had financially structured the development where he needed to be. He didn't think that could be negotiated.

Mr. Curd asked if this was from a feasibility perspective or a profitability perspective.

Mr. Burkholder stated if it isn't profitable, it isn't feasible.

Mr. Curd indicated he disagreed. He commented the development would necessitate road improvements and they were proffering 35' of right-of-way. He asked if they would be willing to proffer partially funding road improvements.

Mr. Burkholder stated this development would necessitate road improvements and they do have to put in a turn lane which they would have to fund.

Mr. Curd asked if they would be willing to donate more than 35' of right-of-way.

Mr. Burkholder stated they could. He thought 35' was enough. It wasn't something they had considered because it hadn't been brought up by staff. He stated they would certainly be willing to keep a setback there so a right-of-way could be purchased.

Ms. Tilghman asked where the intended entrance was.

Mr. Burkholder indicated it was right in the middle.

Ms. Tilghman stated they were talking about enough homes at build-out to where they could justify another entrance. She stated she is looking for a way to connect the three (3) proposed driveways to one driveway. She asked why Parcel B didn't go all the way over.

Mr. Burkholder indicated they were just trying to maintain six (6) acres.

Mr. Shomo asked if the homeowner's association would maintain the items listed in proffer 9.

Mr. Burkholder indicated the road would be maintained by VDOT.

Mrs. Earhart explained the street trees and the concrete sidewalks would be dedicated to the homeowner's association.

Mr. Shomo stated he wanted to make sure the general taxpayer would not be responsible for maintaining this.

Mrs. Earhart indicated the general taxpayers would not be responsible; the taxpayers that live in the development would be.

Mr. Shomo asked if the County or the State could be asked to take the trees and the sidewalks over.

Mr. Burkholder indicated it was outside of the right-of-way, so it could not.

Mr. Shomo asked if all the streets and the sidewalks were going to be constructed at the same time.

Mr. Burkholder indicated they were taking it a step at a time. They haven't looked at phasing yet.

Mr. Shomo asked what happens if they get through ten (10) lots, the street hasn't been done and Mr. Raike doesn't keep on going. He asked who would take over.

Mr. Burkholder stated if something happened that Mr. Raike couldn't continue, all subdivision projects are bonded and the road would be completed.

Ms. Shiflett stated the comments from VDOT indicate the three (3) entrances will not be permitted. She stated we don't have a lot of choice in that if VDOT says they will not be permitted.

Mr. Burkholder stated he had spoken to Mr. Shy about that. Mr. Burkholder wasn't sure why he used the language he used. If they were to cut off a parcel today VDOT would give them the access as long as they had sight distance. Mr. Shy told him it would be the Commission's call.

Mrs. Earhart explained we received VDOT comments last Wednesday and today. The comments that were received today were just as adamant as the ones received last week.

Ms. Shiflett stated Mr. Burkholder was asking them to go against the recommendations of VDOT.

Mr. Burkholder again stated he had spoken with Mr. Shy. The ideal situation would be to not have those entrances there, but they are only being used by the Griffin's for personal use.

Ms. Griffin stated a four (4) acre parcel goes to one (1) son and the two (2) acre parcel goes to the other son.

Ms. Shiflett asked if the driveway divided the two (2) parcels.

Steve Hill, Harrisonburg, stated one of the sons is going to attach his four (4) acre parcel and have access in behind the other son's property and control the other parcel. There will probably never be a third entrance.

Mr. Hite asked if we approve this six (6) acre lot, is there anything to keep this from being subdivided into six (6) one (1) acre parcels with six (6) separate entrances onto Route 610.

Mrs. Earhart explained the current proffer is there can be no more than six (6) lots and no more than three (3) shared driveways. If you approve it the way it is there is the potential for six (6) one (1) acre lots and two (2) additional driveway locations.

Mr. Burkholder stated essentially they are so close it's seen as one (1) driveway. He reiterated they would only do one (1) additional entrance.

Mr. Shomo asked how much area these new septic systems take up.

Mr. Burkholder indicated it is approximately half of what a conventional drainfield would. A conventional drainfield would be 50'x100' and the new systems are 50'x50'.

Mr. Shomo asked what the setback from the front would be for the homes.

Mr. Burkholder indicated it would be 35'.

Mr. Shomo asked if one of the systems fail, how would it fail in relation to the old systems.

Mr. Burkholder indicated it would be in the same way as the old systems.

Ms. Tilghman stated they had done a good job of making some changes since the last proposal. One comment we received she found interesting is the Stuarts Draft Fire Company and the Rescue Squad are now at their limit. She felt it was important to make that known. She stated she only had two (2) problems that she couldn't overcome right now. The school situation and the road are already overcrowded. She stated she thought they should only be allowed 25 homes in any 12 month period. She asked if they were asking for 25 homes every year.

Mr. Burkholder indicated that was correct except in 2005.

Mrs. Earhart explained 2005 was the only year they would be able to have more than 25 building permits per year. This would be because the building permits rolled over from 2004. The only reason we use calendar years rather than 12 month time periods is because it makes it easier to track.

Ms. Tilghman indicated the only other thing she would like would be for them to only have one (1) other entrance for a total of two (2) entrances.

Mr. Burkholder indicated they would be willing to do that and amend the proffer to show that.

Mr. Byerly stated this is a better proposal over the previous one. He stated he really likes the upscale neighborhood with the large square footage. He stated he didn't have a problem with the modern septic systems. His main concern was three (3) entrances on the six (6) acre parcel. He could live with two (2), but he had a problem with three (3).

Mr. Curd stated this is a real nice development and better than most. It has large lots, 2800 square foot minimum house size and they are offering to phase the project. This is a commendable project and a good example of doing more than

the minimum. He stated he does have a few concerns. There is no public sewer. He doesn't like to see residential development on private septic systems. He stated this project is not in compliance with the Comprehensive Plan in that it is denser than what the Comprehensive Plan calls for. From what he can tell, 73 acres is prime farming soil. That is a concern of his. He understands what Ms. Griffin is trying to do with the six (6) acre parcel, but keeping it separate from the rest of the development's covenants and restrictions is a concern of his. He stated this will be a significant traffic generator for Route 610. The proposal to build twenty-five (25) homes between now and December 31st and carry any unused building permits over to 2005, you could potentially build fifty (50) homes out of the ninety (90) total. He would rather see some prorating of that twenty-five (25). He is also concerned about the impact on fire/rescue, this will necessitate more volunteers. With all this said, he does commend the proposal.

Mr. Burkholder stated they tried to do better planning where they were able. He stated that was incorrect about the 73 acres of prime farming. The soil surveys are generalization and are not always accurate.

Mr. Curd asked how much of the land was prime soil.

Mr. Burkholder asked Mr. Robbie Griffin this question and he stated only about 15 acres of the land was prime farm land.

Mr. Byerly stated there are a lot of Class III soils in the County that you can't afford to farm. 80 bushels an acre today is not viable. Those Class III soils are poor soil but they've never been changed on our classification books. He didn't feel like this was productive farm land.

Ms. Tilghman stated before anyone could actually build on these lots, the roads have to be constructed.

Mr. Burkholder indicated that was correct.

Ms. Tilghman asked what the timeframe was.

Mr. Burkholder stated if everything worked like clock work they could begin construction as soon as it got warm enough.

Ms. Tilghman made a motion to recommend approval of the request with the amended proffer to allow no more than two (2) shared entrances on Parcel B. This would only allow one (1) additional entrance.

Mr. Byerly seconded the motion and stated he appreciated the effort. He hoped the audience felt they had seen their tax dollars at work with the Commission diligently trying to plan as best they can.

Ms. Shiflett indicated she appreciated this new proposal and the ability of the developers to work with the Commission. She stated she could empathize with the Griffins as she too is a poultry grower. She does have many concerns. She felt the Commission had done the best they could to get as many of these items nailed down. The quality outweighs the concerns.

The motion passed with a 5 to 1 vote with Mr. Curd voting in opposition and Mr. Bridge abstaining.

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NEW BUSINESS

Shannon Lea at Kennedy Creek – Master Plan

Shannon Lea at Kennedy Creek containing 78 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. More details will follow.

Mrs. Earhart explained the plan and stated the plan at this time does not meet the technical requirements of the ordinance.

Ms. Tilghman made a motion to table the plan until the November meeting. Mr. Hite seconded the motion, which carried unanimously.

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MATTERS TO BE PRESENT BY THE COMMISSION

Mr. Byerly stated he and his wife would like to have the Christmas dinner again at the log cabin. The date he would like to do that is the first Saturday night in December.

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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:

04-70 Michael D. Snead

Mr. Curd made a motion, seconded by Ms. Tilghman, to indicate a concern about the appropriateness of operating a motor vehicle repair business in an area slated for residential development. He would like to see a stipulation that there be no more than three (3) vehicles stored outside at any given time. The motion carried unanimously.

04-71 David or Patricia Dean

Ms. Tilghman made a motion, seconded by Mr. Bridge, to voice a concern about businesses being allowed to locate in agricultural areas that are not directly related to agriculture. The Planning Commission is concerned about the appropriateness of a contractor's business in an area slated for residential zoning. The motion carried unanimously.

04-72 Augusta Agricultural Industrial Exposition, Inc.

Mr. Curd made a motion, seconded Mr. Hite, for the BZA to limit the number of auctions to be held on the property and limit the time items to be auctioned can be stored outdoors on the property to 48 hours before and 48 hours after the auctions are held. The Commission also suggested the outside storage area designated on the site plan be moved away from the highly visible location along the interstate and suggested as an alternative that an area behind the main Expo Hall be considered. The motion carried unanimously.

B. COMPREHENSIVE PLAN JOINT WORKSESSION

Mrs. Earhart reminded the Commission to bring their Comprehensive Plans tomorrow night to the worksession. She encouraged them to read the last two (2) pages of Dr. Chandler's "Planning for Augusta County's Tomorrow Today: A Review and Critique of the 1994-2014 County Comprehensive Plan" if they didn't have time to read anything else.

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

Chairman

Secretary