

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 9, 2008, at 2:45 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, consider renewal of the Middle River and Crimora-Madrid Agricultural and Forestal Districts, and consider recommendations regarding amending the Fishersville Small Area Plan and Countywide Future Land Use Plan. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Gregory L. or Barbara S. Wells – Rezoning

Chairman

Secretary

PRESENT: S.N. Bridge, Chairman
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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, September 9, 2008, 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 seven (7) members present, there was a quorum.

MINUTES

Mr. Byerly moved to approve the minutes of the regular meeting held on August 12, 2008.

Mr. Curd seconded the motion, which carried unanimously.

Spillman, LLC - Rezoning

A request to rezone from General Agriculture to General Business with proffers approximately 2.4 acres owned by Spillman, LLC located on the south side of Jefferson Highway (Route 250) across from the intersection of Jefferson Highway (Route 250) and Kingsbury Drive (Route 1001) in the Wayne District.

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

1. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the entrance to the property will be modified to line up with Kingsbury Drive. In addition, access will be provided to adjacent property owners in a manner consistent with VDOT access management standards.
2. At the time the use of the property changes or is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by the study and reviewed by VDOT in accordance with § 15.2-2222.1 of the Code of Virginia at the developer's expense at a time acceptable to the County.

William Spillman, Spillman, LLC, P.O. Box 131, Brandy Station, Virginia, stated the family has inherited the facility and the current operator is nearing retirement. Increased government regulations and reduced funding have made it difficult to find a new operator for the facility. He explained at this time, there are no plans to change the use of the facility, but in the future if the business is sold, he would prefer the parcel to be zoned General Business.

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

Ms. Earhart read a letter written by Bruce M. Bowman, DVM, which was submitted to the Community Development Department as follows:

Dear Becky:

In reference to your letter dated August 26, 2008 concerning a request to rezone from General Agriculture to General Business property owned by Spillman, LLC, located on the south side of Jefferson Hwy across from the intersection of Route 250 and Kingsbury Drive. After reviewing the request and proffers, I would like to go on record as an adjoining property owner who fully supports this request. I believe this will be beneficial to the business community in our area and appreciate your notification.

Sincerely,
Bruce M. Bowman, DVM
President, Commonwealth Veterinary Clinic, P.C.

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

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

Mr. Curd stated the request is in compliance with the County's current Comprehensive Plan, located on a designated thoroughfare, and has public water and sewer. He moved to recommend approval of the request with proffers.

Mr. Shomo seconded the motion.

Ms. Shiflett stated she can support this request as it is in compliance with the County's Comprehensive Plan and compatible with adjacent zoning and uses.

Mr. Bridge stated he too can support this request as it is in compliance with adjacent business use.

The motion carried unanimously.

Gregory L. or Barbara S. Wells – Rezoning

A request to rezone from General Agriculture to General Business with proffers approximately 1.3 acres owned by Gregory L. or Barbara S. Wells located on the south side of Parkersburg Turnpike (Route 254), approximately 0.1 of a mile east of the Route 262 interchange adjacent to the Staunton City Limits in the Pastures District.

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

1. Access shall be limited to no more than one ingress/egress point on to Route 254 from parcels 17 and 17A. The existing driveway serving the house on parcel 17 will remain until such time as the use of that property changes from a single dwelling. Access to parcel 17B will be combined with the new entrance to the business lots.
2. At the time the use of the property changes from a business office (less than 6000 square feet) and a single family dwelling or either is enlarged and a site plan or preliminary plat is required, the property owner will prepare a Traffic Impact Analysis meeting the requirements of VDOT (if the use meets the minimum thresholds for the study) and will install any improvements recommended by the study and reviewed by VDOT in accordance with § 15.2-2222.1 of the Code of Virginia at the developer's expense at a time acceptable to the County.
3. Owner/developer will install a double row of "Green Giant" Arborvitae planted 10' on center and 5-6 feet in height at the time of installation along the southern property boundary of parcel 17. The trees will be planted at the time of development of the site if the adjacent property (TM55A (5) 17B) is still zoned General Agriculture. The buffer will be maintained until such time as the use or zoning of the adjacent property is changed to business.

Greg Wells, P.O. Box 74, Charlottesville, Virginia, stated he is present with his wife, Barbara Wells, and Engineer, Bill Moore, Balzer and Associates. He stated his appreciation to the Planning Commission for considering his request. Mr. Wells stated he owns Valley Termite and Pest Control, and would like to move the business to this location. He stated it is a small company with six employees. He stated adjacent property owners to the back of the property (Hattie M. or Charles N. Kelley) are not interested in rezoning their property at this time.

Mr. Curd asked if there was a recorded easement to the Kelley's property.

Mr. Wells stated there was a recorded easement to the Kelley's property and he has a copy of that deed with him tonight.

Mr. Curd asked if the easement was exclusive.

Mr. Moore stated it does not specify in the deed as to what type of easement is granted to the Kelleys.

Mr. Byerly asked if it were metes and bounds to the street.

Mr. Moore explained the deed states the easement is a fifteen foot (15') ingress/egress right of way.

Mr. Bridge asked if the easement ran along the western edge of the Wells' property.

Mr. Wells answered yes.

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

Mr. Curd stated the request is adjacent to Business zoned property to the east, west, and north. He stated he was concerned with the Kelleys not being able to access their property with a right of way, but the recorded deed addresses that concern. He stated his second concern was public sewer not being available. He stated he would like to see comments from the Health Department.

Mr. Bridge asked if there were any comments from the Health Department at this time.

Mr. Moore stated a Soil Scientist had inspected the property and proposed a men's and women's bathroom with a conventional septic. He stated there should be no issues with approving a septic, as there is plenty of room on the back of the property for a drain-field.

Mr. Byerly stated his concern was a right of way to the Kelley's property, but this concern has been addressed.

Mr. Bridge stated that too was his concern, but since visiting the site and there being a recorded easement, he does not see this as an issue.

Mr. Hite explained Ms. Earhart met with the Kelleys on site during the Planning Commission's viewing. He stated the Kelleys did not have a problem with this rezoning, so therefore, he can support the request. Mr. Hite moved to recommend approval with proffers.

Mr. Byerly seconded the motion which carried unanimously.

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New Business

Renewal of the Middle River and Crimora-Madrid Agricultural and Forestal Districts

Ms. Shiflett stated she owns property within the Middle River Agriculture and Forestal District. She stated she has filed a Declaration of Personal Interest Form for the record. However, she stated she can participate in the discussion and decision tonight.

Mr. Cobb presented to the Planning Commission an update on the renewal of the Middle River and Crimora-Madrid Agricultural and Forestal Districts. He stated there are four agricultural and forestal districts in the County, and two are under consideration for review and renewal at this time. Mr. Cobb explained the Crimora-Madrid Agricultural and Forestal District was renewed in November of 1998 for a period of ten years with a total of 1,870 acres. He stated at this time approximately 650 acres have been confirmed to remain in the District, 250 have asked to be withdrawn from the District, and approximately 560 acres are undecided at this time. He stated the Advisory Committee met in August of this year. Mr. Cobb stated adjacent property owners have been notified and these meetings have been advertised accordingly. He stated property owners that the County has not heard from have been notified they have until the Board of Supervisors October meeting to decide whether or not they want to remain in the District. Mr. Cobb stated the Middle River Agricultural and Forestal District was the first district to be created in Augusta County. He explained it was created in 1990 for a period of seven years, with approximately 6,000 acres. He stated in 1997 it was renewed for a period of ten years. The following year, approximately 3,000 acres were added and the time period was extended for another year. He stated of approximately 9,000 acres, 5,000 acres have signed up to remain in the District, 1,200 have asked to be withdrawn, and approximately 2,500 acres the County has not heard from. Mr. Cobb stated the Advisory Committee recommended renewing the districts for a period of ten years with the same stipulations as originally approved. He stated there was an additional recommendation from the committee, to withdraw tax parcel 27-151A, located adjacent to Gentry Road totaling approximately 59 acres owned by J. H. Rubush and Sons because the County's current Comprehensive Plan plans for a road to be built, extending Triangle Drive (Rt. 2011) towards the airport in Weyers Cave.

Ms. Earhart showed the location of the Districts and parcels on the maps.

Mr. Bridge stated this is not a public hearing but, the Commission would like to receive public input and comments.

Charles H. Patterson, III, 1330 Patterson Mill Road, Grottoes, Virginia, stated he appreciates the Planning Commission and the County's effort to preserve agriculture in

Augusta County. He stated farmers are reluctant to talk to staff and the Boards, therefore he felt he should come and state his appreciation.

John O'Donnell, Winchester, Virginia, stated he has been a member of the Agriculture and Forestal District. He explained he inherited land and he eventually would like to build a home. He explained he would like to divide the property into separate parcels, but was told that he could not do so under the current provisions of the District until the District expires. He stated at this time, he has not signed up to have his property remain in the District. Mr. O'Donnell stated he would like to remain in the District, but if he is not able to divide his property, he will have to withdraw. He asked the Planning Commission for any recommendation.

Mr. Cobb stated under the current Subdivision Ordinance, Mr. O'Donnell is able to deed the property to a family member, however, the property will then have to be held for a period of three years.

Mr. O'Donnell stated it will cost him an enormous amount of money if he cannot deed the property to himself.

Mr. Cobb stated he could deed the property to a spouse.

Mr. O'Donnell stated he is aware of that option, but he cannot do anything until the District has been renewed. He stated he would prefer to stay in the District, but he does not feel that would be an option.

Mr. Cobb stated under the current Subdivision Ordinance, Mr. O'Donnell cannot create a lot in the Agricultural and Forestal District unless it is under Family Member Exception.

Mr. Byerly asked Mr. Cobb if Mr. O'Donnell could exit the District to divide his land and then sign in again.

Mr. Cobb stated Mr. O'Donnell would have to start the process over again, and the Board of Supervisors has made it clear they have no intent to entertain those types of requests on a monthly basis.

Mr. O'Donnell stated there will be other family members that will also exit the District for the same reasons.

Mr. Byerly stated the dilemma is self imposed and supercedes any power the Planning Commission may have.

Mr. O'Donnell stated there is nothing that can be done until the Board of Supervisors makes their decision regarding these Districts.

Mr. Cobb stated yes.

Mr. Byerly stated he regrets Mr. O'Donnell's situation, and wished it were possible for the County to offer some type of incentives.

Mr. Bridge stated these districts are important for the County in preserving agriculture and it is necessary to have these types of restrictions for preservation. He stated he can support the recommendation of the Advisory Committee.

Ms. Shiflett stated she supports the Agricultural and Forestal Districts. She stated she would like for the County to have more incentives for members in the districts. She stated she supports the recommendation of the Advisory Committee to remove parcel TM#27-151A in Weyers Cave due to the road plans. She moved to recommend to the Board of Supervisors that the Middle River and Crimora-Madrid Agricultural and Forestal Districts be renewed with the provisions that the Advisory Committee has recommended.

Mr. Shomo seconded the motion which carried unanimously.

Fishersville Small Area Plan and Countywide Future Land Use Plan

Ms. Earhart briefly explained the history of the Fishersville Small Area Plan and where it stands today. She stated there was a public hearing in August on the Fishersville Small Area Plan, in which the Planning Commission made recommendations to the Board of Supervisors. At the Board of Supervisors' meeting on August 27th, there were several issues brought up regarding the densities that were being recommended. The Board of Supervisors asked that the Planning Commission reconsider their recommendation regarding the densities, specifically, the Medium Density Residential classification. Ms. Earhart stated the Countywide Comprehensive Plan defines Medium Density Residential as detached residential dwellings with a density of 3-6 dwelling units per acre. Medium Density Residential in the Fishersville Small Area Plan is defined as detached residential dwellings with a density of 3-4 dwelling units per acre. There was also some concern regarding the Mixed Use definitions. The Countywide Comprehensive Plan defines Mixed Use as a mixture of residential types as well as business and industrial uses. The Fishersville Small Area Plan divides Mixed Use into two categories. The first category is Community Mixed Use, which is a more intensive use category with up to 40% of the property being used for business and/or industrial use, with a residential density of 6-12 dwelling units per acre. The second category is Neighborhood Mixed Use, with the residential density being 4-8 dwelling units per acre, but smaller business uses with up to 15% of the property being used for business. There was concern regarding the terms having different meanings for different areas of the County. There was a suggestion by the Board Member in the Wayne District, that the term Mixed Use only have one meaning, but that it be defined in the County Comprehensive Plan as a density of 6-10 dwelling units per acre and business use on up to 30% of the total land area. Another recommendation that was suggested as it relates to the definition of Medium Density Residential in the Fishersville Small Area Plan is that it also be recommended Countywide with a density of 3-4 dwelling units per acre. With those recommendations, it was asked that the Planning Commission

consider these recommendations and provide comments to the Board of Supervisors. The purpose of the worksession this afternoon was to review every piece of property that is planned for Mixed Use and decide whether or not a blended Mixed Use Category would be applicable. From a staff perspective, there were some properties that were not appropriate for up to 30% of the total land area being used for business and/or industrial use. Therefore, it was suggested the Planning Commission consider a Planned Residential Category for those parcels. There were approximately 40 areas in the County that were planned for Mixed Use. Ms. Earhart stated those maps are available and asked the Planning Commission how they wish for her to proceed.

Mr. Bridge stated since these have already been discussed, it would be preferred for Ms. Earhart to summarize each small area.

Ms. Earhart explained the maps that were given to the Planning Commission at their worksession. The chart below describes the area, property owner, and recommendation on each of those areas.

	Map	Property Owner	PC Recommendation
1.	Weyers Cave	Route 11 North- East- Dharti and Weaver	Mixed Use
2.	Weyers Cave	Route 11 North- West	Business to the creek
3.	Weyers Cave	Route 256 North- Houff	Mixed Use
4.	Weyers Cave	Roller & Blosser	Planned Residential
5.	Weyers Cave	Triangle Drive Extended	Mixed Use (at least until the road plans are finalized)
6.	Weyers Cave	Blosser and Cave View	Mixed Use
7.	Weyers Cave	Various Owners south of BRCC	Mixed Use
8.	Route 340 North	East Side/ Gore Family	Mixed Use

	Map	Property Owner	PC Recommendation
9.	Verona	Baker	Mixed Use
10.	Verona	Staunton- Beverley Road LLC and Moore	Mixed Use
11.	Verona	Ironwood and Brannon	Mixed Use
12.	Route 11 South	Dahl	Planned Residential
13.	Route 11 South	Various Owners	MDR
14.	Route 11 South	Glen Burnie/Spring Lakes, Various Owners	Planned Residential
15.	Route 11 South	Frontier Drive South- Boyd Homes and others	Business and Planned Residential based on existing zoning
16.	Route 11 South	Frontier Drive- Roller and Todd	Mixed Use
17.	Route 11 South	Eavers Brothers	Mixed Use
18.	Route 11 South	Eavers Brothers/MEG	Business
19.	EXPO	Marshall, Henderson, Brement, and Crossroads Baptist Church	Planned Residential
20.	Craigsville	By prison	Planned Residential
21.	Craigsville	South of Town, Various Owners	Mixed Use Parcel south of railroad tracks- MDR
22.	Stuarts Draft	Indian Ridge and Railroad Tracks	Planned Residential

	Map	Property Owner	PC Recommendation
23.	Stuarts Draft	Stoney Run and others	Planned Residential
24.	Stuarts Draft	Shenandoah Acres	Planned Residential
25.	Stuarts Draft	Route 340 North Across from Schools	Mixed Use
26.	Stuarts Draft	Stone Valley and Others	Mixed Use
27.	Stuarts Draft	Route 340 North to Kindig Road	Planned Residential
28.	Stuarts Draft	Route 340 North Kindig to Conner	Planned Residential
29.	Stuarts Draft	Route 340 North Conner to Ladd	Mixed Use
30.	Stuarts Draft	Mt. Vernon to Shalom Road north of Hall School	Mixed Use
31.	Stuarts Draft	Hall School and Shalom Road	Planned Residential
32.	Stuarts Draft	Shalom to Route 631	Planned Residential
33.	Fishersville	Route 250 and Sangers Lane	Mixed Use
34.	Fishersville	Route 250- Crescent	Mixed Use
35.	Fishersville	Route 250 south- Hoy and Arehart	Mixed Use
36.	Fishersville	Route 250 and Route 640- Elm Spring, LLC	Mixed Use

	Map	Property Owner	PC Recommendation
37.	Fishersville	Teaverton	Planned Residential
38.	Fishersville	Village Green at the Lake	Mixed Use
39.	Fishersville	Terrell	Planned Residential
40.	Fishersville	Ivy Ridge	Business, Industrial, and MDR; match the zoning

Ms. Earhart stated if the Planning Commission agrees with a recommendation away from two Mixed Use categories, which is what the Fishersville Small Area Plan recommended, and agrees a single Mixed Use category would make the most sense, then a recommendation should be made to have one category and recommend future land uses for all the parcels currently designated Mixed Use Countywide. If the Planning Commission agrees with the Mixed Use categories in the Fishersville Small Area Plan, then other actions will have to be taken.

Mr. Bridge again stated this is not a public hearing, but the Planning Commission would welcome any comments from the public regarding the Mixed Use definitions or categories.

Steve Earhart, 3016 Village Drive, Waynesboro, asked the density requirements and types of businesses that will be permitted in the Planned Mixed Use category.

Ms. Earhart stated the recommendation that was discussed during the Board of Supervisors meeting, was 6-10 dwelling units per acre and up to 30% business and industrial use.

Donna Hoy, 6 William Pine Tree Lane, Lyndhurst, Virginia, stated she is present tonight in regards to approximately 80 acres located in Fishersville near Augusta Medical Center that she and her family own. She asked the Planning Commission that they approve the Mixed Use land designation change that was presented to them tonight for her property.

Mr. Curd explained the Comprehensive Plan created the Future Land Use designation Mixed Use, but did not give a specific density. He stated he feels it is a good attempt for the Fishersville Small Area Plan to specify a density in Mixed Use. Mr. Curd stated one option the Planning Commission has would be to combine the two categories of Mixed Use. If so, he stated he feels a designated density or density range should be defined, as well as a maximum cap on business and industrial uses. He stated a range of 6-10

dwelling units per acre, and approximately up to 30% business use has been discussed as an option. Another option, he stated he prefers, would be to keep the two types of Mixed Use, the Neighborhood Mixed Use and Community Mixed Use, as it will provide more specificity, especially in the Urban Service Areas. Mr. Curd stated the Planned Residential designation will be a third category, with 4-8 dwelling units per acre, with no business or industry uses. For the Hoy-Arehart property in particular, Mr. Curd stated in looking at the location, it would be better to change the designation from Neighborhood Mixed Use to Community Mixed Use because currently there are only two areas in Fishersville that are Community Mixed Use. One is the Christians Creek area, near Brands Flat, and the other is on the opposite end of Fishersville near the Waynesboro City Limits. By designating the Hoy-Arehart property Community Mixed Use, it will provide another Community Mixed Use Area in the middle of Fishersville. Mr. Curd stated he feels this property should be Community Mixed Use, as it is in an Urban Service Area, where the County wants to concentrate 80% of its growth and it will allow more density in this area. Mr. Curd also stated it will be compatible with adjacent zoning in the center of Fishersville.

Mr. Byerly stated the purpose of these land use designations is to reduce the pressure of growth and development in the County's agriculture areas. He stated one way of doing is this to increase the density in the Urban Service Areas. Mr. Byerly stated this also gives property owners and developers more flexibility as they develop and design developments and neighborhoods.

Mr. Bridge stated it is the goal of the County's Comprehensive Plan to increase the density in Urban Service Areas and create opportunity for development to be in those areas as opposed to agriculture land. He stated the two Mixed Use categories provide more flexibility and options for developers and landowners. Mr. Bridge stated he would support having the two types of Mixed Use land designations, Community Mixed Use and Neighborhood Mixed Use.

Ms. Shiflett stated there are pros and cons to both sides, but the proposal was to have unified land designations throughout the entire County, which would simplify and make it easier to define. She stated she supports a proposal for a Planned Residential land use, because there are areas in the County where business would not be as compatible because of existing development. She stated she supports Mixed Use and Planned Residential land designations for the entire County.

Ms. Earhart stated there may need to be a worksession for the Planning Commission to more specifically study the maps and consider the types of Mixed Use designations and Planned Residential land designations before they make their recommendation to the Board of Supervisors.

Mr. Byerly stated the obstacle is trying to get a full understanding of the ramifications of the two uses. He stated he prefers to keep it simple, but at this time he is not able to make a motion.

Mr. Shomo stated he too needs more time to decide after reviewing the areas.

Mr. Cole stated he likes the flexibility of the two Mixed Use categories, but he will not be able to make a decision until after reviewing his options further.

Mr. Hite moved to have a worksession to review the two Mixed Use land use designation categories and densities, as well as the Planned Residential Categories, and maps before making a recommendation to the Board of Supervisors.

Mr. Shomo seconded the motion which carried unanimously.

Ms. Earhart explained if there are changes made to the land use category it will need to be re-advertised for public hearing.

A worksession was set for October 2, 2008 at 5:30 pm.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

08-50 Darrell L. Gregory

The Planning Commission voiced concern about the site being located in an Urban Service Area and slated for medium density residential development. Mr. Shomo moved to recommend to the Board of Zoning Appeals that no livestock trailers be allowed to be kept on the site and that the site be kept neat and orderly in order to be compatible with the surrounding residential area.

Mr. Curd 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