

PRESENT: W. F. Hite, Chairman
J. Curd, Vice-Chairman
K. A. Shiflett
J. Shomo
R. L. Earhart, Senior Planner and Secretary

ABSENT: S. N. Bridge
T. H. Byerly
J. D. Tilghman
D. L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 14, 2006, at 7:00 p.m. in the Board Meeting Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Hite stated as there were four (4) members present, there was a quorum.

Mr. Hite asked for a moment of silence in memory of Mr. Byerly's wife, Martha.

MINUTES

Mr. Curd moved to approve the minutes of the Called and Regular meeting held on January 10, 2006 and the worksession on January 30, 2006. Ms. Shiflett seconded the motion, which carried unanimously.

Catherine Click – Rezoning

A request to rezone from General Agriculture to Single Family Residential approximately 49.8 acres owned by Catherine S. Click located on the south side of Weyers Cave Road (Rt. 256) just east of the intersection of Weyers Cave Road (Rt. 256) and Keezletown Road (Rt. 750/276) in Weyers Cave in the Middle River District.

Mrs. Earhart explained the request. She stated that the applicant has proffered the following on the 49.8 acres:

1. The minimum square footage for single family dwellings will be two thousand (2000) square feet.
2. Building permits for no more than twenty-five (25) dwelling units will be requested per calendar year.
3. There will be no more than 115 building lots created out of the 49.8 acres.
4. There will be no more than two street connections on to Route 256, one of which will align with the entrance to the Weyers Cave Community Center and the other with Shreckhise Shrubbery Sales and Landscaping entrance. In addition, no lots will have direct access to Route 256.
5. The developer will provide a sidewalk from Route 256 to the Roller property (Tax Map 28-1).
6. The developer will dedicate up to 24' of right-of-way to VDOT from the existing right-of-way line of Route 256 along the entire frontage of the property.

Walter Trobaugh III, President of Trobudd, Inc., Manager of Associated Developers, stated that since the last Planning Commission meeting, he had met with Ms. Shiflett and Ms. Frye to revise the originally submitted proffers. He stated that 4 of the proffers were the originally submitted proffers and two of the proffers are new from the last meeting. He stated they added the proffers which stated no more than 115 dwellings can be built and they will provide a sidewalk to the adjacent property.

Mr. Curd asked if the subdivision was going to have curb and gutter?

Mr. Trobaugh said no, it would have side ditches.

Mr. Curd asked if they were going to allow further subdivision of the property.

Mr. Trobaugh stated that they would not allow further subdivision of the property, he stated that they have an estimate of 88 lots as the maximum; he stated that 115 is on the high side.

Mr. Curd asked Mr. Trobaugh why not proffer 88 lots instead of 115 lots.

Mr. Trobaugh stated that he could proffer for that.

Mr. Curd asked Mr. Trobaugh if he would be willing to amend the proffer to say 88 lots instead of 115 lots.

Mr. Trobaugh stated that he would be willing to proffer 90 lots.

Mr. Curd asked why they kept the 25 building permits a year.

Mr. Trobaugh said based on their economic model, that was all the developer could live with.

Mr. Curd asked if there were going to be 90 lots, then how many units would there be per acre.

Ms. Earhart stated that there would be less than two units per acre.

There being no one else desiring to speak in favor of, and no one to speak in opposition to, the request Mr. Hite declared the public hearing closed.

Ms. Shiflett stated that she and Mr. Trobaugh did meet and had a good discussion. She stated that she is still concerned with the 25 units because of the school increase, but that is what they have been doing historically. However, with the number of lots tied down and the connection to the Community Center, she could support it. Ms. Shiflett moved to recommend approval of the request with the amended proffers.

Mr. Shomo seconded the motion, which carried unanimously.

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Shields Enterprises, LC – Rezoning

A request to rezone from Single Family Residential to General Business approximately 8 acres owned by Shields Enterprises, LC located in the southwest quadrant of the Interstate 64 and Route 340 interchange at Ladd, in the Wayne District.

Mrs. Earhart explained the request. She stated that the applicant has submitted 8 proffers. She stated that the first 3 are similar to the proffers submitted for January's meeting. She stated that 5 new proffers have been added since January's meeting. She stated that the applicant has proffered the following on the 8 acres:

1. The only permitted use of the property will be for warehouses and mini-warehouses. No activities such as sales, repairs, or servicing of goods from units shall be permitted. In addition, no uses will be allowed by Special Use Permit.
2. No outside storage will be allowed on the property, including the storage of RVs, boats, trucks, or cars.
3. A 30' landscape buffer will be installed along the property lines adjacent to residential zoning. As part of site plan approval, a landscape plan for the 30' buffer area will be submitted for approval by the Planning Commission. The landscape plan will indicate which trees will be retained and what trees and shrubs (by species and size) will be planted and where they will be planted. All landscaping will be installed in accordance with the landscape plan and permanently maintained by the property owner.
4. Within the 30' landscape buffer, no trees will be disturbed on the property prior to the approval of the landscape plan by the Planning Commission.

5. A 10' landscape buffer consisting of 5' tall evergreens will be planted 15' apart along the boundary of any property zoned General Business but still used for residential purposes at the time of development of the site.
6. A 6' high fence will be installed to secure the site.
7. Building height shall not exceed one story.
8. No back lit pole signs will be erected on the property in excess of 25' in height.

Bill Watkins, agent for Mr. Shields, stated that Mr. Shields was not able to attend tonight's meeting due to an illness in the family. He stated that the area around the proposed site has changed substantially over the past 10-15 years and will continue to do so. He stated that the area has been zoned residential, but now is mainly commercial. He stated that it seems as though the mini-storage proposal is most appropriate for the area. He stated that the mini-storage will generate less traffic than a residential neighborhood and it will not require any type of sewer, which would make this request the most appropriate use for this property. He stated that the suggestions by the Planning Commission were considered and are the focus of the new and revised proffers. He stated that during the January meeting the Planning Commission asked them to respond to the needs of the residential areas around the Shields' property. He stated that they proffered a landscaped buffer. He stated that they will respect the natural growth and will integrate the existing trees with the landscape buffer. He stated that they will add to them as necessary. Mr. Watkins stated that the site will be excavated and will be below the sight of the residences. He stated that they will only be within view of the businesses. Mr. Watkins stated that they also added a 6' high fencing proffer. He stated that they will link buildings to the fence as necessary to secure the site. He stated that they also added a lighting proffer due to the Planning Commission's interest.

Mr. Curd asked Mr. Watkins if he was willing to modify proffer #5 to 6 foot tall trees instead of 5 foot tall trees. He also asked him if the landscaping was going to be inside the fencing or outside the fencing.

Mr. Watkins stated that they would amend proffer #5 to include 6 foot tall trees, planted 10' on center. He stated that the landscaping would be outside of the fencing.

Mr. Curd asked Mr. Watkins if he knew what the overall square footage was going to be for the units.

Mr. Watkins stated that he did not know what the overall square footage was going to be for the units, he stated that it would depend on the excavation, geographic and topographic layout of the property.

Mr. Curd asked if the units were going to be one story and if they were going to allow any type of RV storage.

Mr. Watkins stated that the units would be one story and they would not allow any type of RV storage.

Mr. Curd asked Mr. Watkins about what type of building materials he was planning to use for the construction of the mini-storage units.

Mr. Watkins stated that they would use the same materials that they have always used to build the mini-storage units. He stated that they did not want to raise the rent of the mini-storage units, so they were going to continue using the same materials. He indicated they can't do brick or decorative block and be competitive in the market. He stated there wasn't anything like that in Augusta County. He stated that they have chosen a light gray with blue trim as their signature color scheme.

Mr. Curd asked if there were going to be any type of security gates installed.

Mr. Watkins stated that Brian Ochs would be the best person to explain the security design of the mini-storage units.

Mr. Ochs, General Manager for Shields Enterprises, stated that there will be 24/7 security at the mini-storage units. He stated that they will have a key coded gate entry with each individual renter having their own pass code. He stated that if for some reason a renter's lease is terminated then their pass code will be taken out immediately. He stated that Expo has the same security system.

Mr. Curd asked about what hours Shields employees will be on site.

Mr. Ochs stated that the Shields employees will work Monday through Friday from 8:30 a.m. to 5:00 p.m. He stated that again there is 24/7 access to the facility with the pass code.

Mr. Curd asked if it was going to be a completely enclosed facility.

Mr. Ochs stated that it would be completely enclosed.

Ms. Shiflett expressed concern about the design guidelines with residential up against business zoned properties. She stated people at the Comprehensive Plan meetings have been concerned about our entrance corridors. She voiced her concern about that many buildings against the interstate and the residences. She stated that there is no design ordinance yet, but that it will come soon.

Mr. Watkins stated that the people in the area do not want to see residential development and there is a practical problem of sewage disposal. He stated that it is unrealistic to expect that this land should be developed residentially. He stated that there is commercial development all around the Shields property.

There being no one else desiring to speak in favor of this request, Mr. Hite asked if there was anyone who wanted to speak in opposition to the request.

Gordon Parker, 70 Cardinal Lane, a resident of the neighborhood since 1970 stated that he has seen a considerable amount of change in the area; most of the changes have been on the other side of the interstate. He stated that they still have managed to maintain a residential view in his quadrant. He stated that when the interstate was built it disrupted the area. He stated that he tried to get the business property rezoned to residential but failed. He stated that he hoped that the residential property would expand and the business property would not creep into their neighborhood. He stated that he wanted his quadrant to remain residential; he stated that he did not believe VDOT had finished their plans for the interchange. He stated that the businesses on Route 340 towards Stuarts Draft have boomed, which has increased the traffic already; he stated that with more development, the traffic will increase even more. He stated that Ms. Schwab was concerned about the lighting and the tree buffers. He stated that he told her that she would be the most effected by the development. He stated that he was very concerned about the storage, manufacture and distribution of illegal drugs and contraband. He stated that he didn't want the storage units to be visible; he stated that they are not a pretty sight. He stated that he and the community would rather it not be there. He stated that he wanted it to remain residential.

Mr. Curd asked Mr. Parker if he and the community would rather the property be zoned Commercial or Residential?

Mr. Parker stated that he would rather have mini-storage units instead of condominiums or apartments.

Anna York, 50 Cardinal Lane, a resident for 8 years also spoke in opposition to the request. She stated that the residential neighborhood is nice, quiet and safe. She stated that she would rather have residential instead of commercial and she isn't discussing the density of the residential, that's another matter. She stated that nothing in the area is open 24 hours. She stated that sound travels, noise travels, especially uphill to her house. She stated that she is concerned about the lighting. She stated that she disagrees with the statement that the land is a prime commercial area. She stated that the 3 corners are commercial, they are adjacent to the interstate and Route 340. She stated that even though the other 3 corners are commercial, her corner is still residential, and she stated that the road is not adequate enough to support a traffic increase. She stated that she does not think the road is designed for trucks. She stated that she dose not think it should be commercial, she would like for her quadrant to remain residential.

Mr. Watkins stated that the staff reports indicate VDOT doesn't need more Right Of Way. He stated that they stayed out of the area that VDOT indicated they needed. He stated that it made part of their land unusable. Mr. Watkins also stated that the County's lighting ordinance will be applicable to this site. He stated that the new facility will be graded down and the buildings will be no more then one story high. He stated that it is not fair to the property owner to deny him any use of the property.

Mr. Hite asked Mr. Watkins if the clearing that allows Ms. York to see the site is to be planted with the trees.

Mr. Watkins stated that the whole south property line will be screened. He stated that there is a 30 foot buffer and a double row of trees.

Mr. Hite asked Mr. Watkins about the possibility of a buffer along the interstate.

Mr. Watkins stated that from the east of the interstate you can not see the site. He stated that it is best seen from Waynesboro and points north of Route 340.

Mr. Curd asked about the sign proffer.

Mr. Ochs stated that it is not their intention to put up a sign.

Mr. Curd asked if there were going to be any openings in the fence or was it going to be fully enclosed.

Mr. Ochs stated that there would be no openings in the fence; he stated that the property will be fully enclosed. He stated that they will use the interstate fence. He stated that the buildings will act as a barrier between the storage openings and the interstate fencing.

Mr. Shomo stated that the interstate fence is required and if something were to happen to it then it would be replaced.

Mr. Shomo asked Mr. Ochs about what they were planning on doing with the bare strips around the area, were they going to plant grass on it.

Mr. Ochs stated that they were going to do some type of grass in the bare areas and it would be maintained. He stated that it was used as a garden area.

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

Mr. Curd stated that due to the location and since this is a gateway to the County, it should be as safe and as eye appealing as possible. He stated that with the exception of the building materials, the developer is doing what he can to make it as attractive as possible. He stated that he is appreciative of his willingness to work with the Planning Commission. He stated that this request is not in compliance with the Comprehensive Plan and it has been zoned residential since 1975. He stated that it would have less impact on schools and fire and rescue as Business. He moved to recommend approval with the modification of proffer number 5 to read, a 10' landscape buffer consisting of 6' tall evergreens will be planted 10' apart along the boundary of any property zoned General Business but still used for residential purposes at the time of development of the site;

proffer number 6 to read, a 6' high fence will be installed and maintained to fully enclose the site; and proffer number 8 to read, no signs will exceed 25' in height.

Mr. Shomo seconded the motion.

Mr. Shomo asked Ms. York about the noise pollution she is currently receiving.

Ms. York stated that on summer evenings there is a small amount of interstate noise, but the tree cover helps to cover most of the noise.

Mr. Shomo stated that he feels that the buildings and the additional buffers would cut the noise pollution down even more. He stated that it is probably the best alternative.

Ms. Shiflett stated that it is nice to have an applicant that is willing to work with their requests. She stated this request has both pros and cons, but she comes down on the con side. She stated that she does not feel as though this will be an appropriate use for a residential subdivision. She stated that it is not as bad as it could be, but it's not good either. She stated that she could not support the motion for approval.

Mr. Hite stated that he agreed with Mr. Curd. He stated that he does not like the current materials used in building the storage units. He stated that if they were to spend more money to make the buildings more attractive, then you may be able to demand a higher rent. He stated that if we don't ever try to do better then how do we know it can't be done. He stated that if we continue with what we have already done, then it won't get better. He stated that he can not support the motion for approval.

The vote was two to recommend approval with the revised proffers and two against. Mr. Hite stated that the vote on the motion was a tie which is a defeat.

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OLD BUSINESS

Augusta Agricultural Industrial Exposition, Inc. - Rezoning

A request to rezone from General Business to General Industrial approximately 2.3 acres owned by Augusta Agricultural Industrial Exposition, Inc. located on the south side of Jericho Road (Route 637), approximately 0.25 of a mile east of the intersection of Jericho Road (Route 637) and Ramsey Road (Route 635) in the Beverley Manor District.

Ms. Shiflett made a motion to remove the request from the table.

Mr. Curd seconded the motion, which carried unanimously.

Ms. Earhart explained the request. She stated that Mr. Wood has worked with the Augusta County Service Authority on various options for the property to be hooked up to water and

sewer, and Mr. Wood has agreed to hook into the County's water and sewer, one way or the other.

L.E. Wood, 144 Huntington Place, Waynesboro, stated that he understood the Planning Commission's concern with the water and sewer availability. He stated that he would be hooking into the County's water and sewer. He also stated that Augusta Expo is looking into possibly upgrading their system and turning it over to the Service Authority, which could be an option for him.

Mr. Curd stated that the size of the structure concerned him because of the access on to Jericho Road which is a gravel road.

Mr. Wood stated that Augusta Expo has offered to let him use the private road they own. He stated that he does not intend to use Jericho Road.

Mr. Curd asked Mr. Wood if he was planning on fencing in his property.

Mr. Wood stated that he was not planning on fencing the property. He stated that he wants people to have access to his equipment on weekends. He stated that he has been operating for 20 years near this site and has never had a problem with theft.

Mr. Curd asked Mr. Wood which road his customers would use to access his business.

Mr. Wood stated that his customers would use Expo Road.

Mr. Curd asked if Mr. Wood's address was going to be Jericho Road.

Mr. Wood stated that the physical address will be off Expo Road.

Mr. Curd asked what if Expo decides to not allow you to use their access.

Mr. Wood stated that it will be written up in the contract for permanent use of the road for access to his property. He stated that he appreciates the Planning Commission's patience and cooperation with the project.

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

Ms. Shiflett stated that most of the Planning Commission's concerns have been addressed. She stated that the cons have been answered.

Ms. Shiflett moved to recommend approval.

Mr. Shomo seconded the motion, which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

SUP 06-08 Shenandoah Valley KOA

Mr. Curd moved to voice concerns about the possibility that these units could turn into full-time dwelling units. The Planning Commission recommends that time limits be placed on persons staying in the units to ensure that this doesn't become a de-facto residential subdivision in a Rural Conservation Area.

Ms. Shiflett seconded the motion, which carried unanimously.

SUP 06-09 Myron or Barbara Cook

Mr. Curd moved to recommend that the Board of Zoning Appeals limit the number of dogs allowed on the property to ensure that it doesn't become a nuisance.

Ms. Shiflett seconded the motion, which carried unanimously.

SUP 06-11-15 Stanley or Deborah Hurst

Ms. Shiflett moved to recommend that the permits be issued non-transferable, as is the normal practice by ordinance.

Mr. Curd seconded the motion, which carried unanimously.

VAR# 06-2 SKYBOX, LLC

Ms. Shiflett moved to express concern that this request may be more of a convenience than a necessity. In deciding whether or not to grant the variance, the Commission recommends that the lot be large enough to accommodate a reserve drainfield, in addition to the existing drainfield. The Commission is concerned that the proposed lot size of less than 0.6 of an acre may not be large enough to accommodate the sewage disposal needs of future homeowners.

Mr. Hite seconded Ms. Shiflett's motion, which carried unanimously.

Subdivision Ordinance/Agricultural Lot Creation

Ms. Earhart stated that the Planning Commission will consider the Subdivision Ordinance/Agricultural Lot Creation at the March 14, 2006 meeting. She asked the Commission members to call if they had any questions before the next meeting.

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2005 Annual Report

Mrs. Earhart presented the Planning Commission's 2005 Annual Report for consideration by the Planning Commission. She reviewed the highlights with the Commission.

Ms. Shiflett move to accept the 2005 Annual Report, which was seconded by Mr. Curd. The motion was unanimous to approve the 2005 Annual Report and forward it to the Board of Supervisors for their consideration.

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

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Chairman

Secretary