

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

ABSENT: J. Curd, Vice-Chairman
S. N. Bridge
D. L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, March 14, 2006, 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, Subdivision Ordinance 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. Barren Ridge Properties - Rezoning

Chairman

Secretary

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R. L. Earhart, Senior Planner and Secretary

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

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

MINUTES

Mr. Byerly moved to approve the minutes of the Called and Regular meeting held on February 14, 2006, and the minutes from the Worksession on February 6, 2006. Mr. Shomo seconded the motion, which carried unanimously.

Barren Ridge Properties – Rezoning

A request to rezone from Single Family Residential to General Business 0.367 acres owned by Barren Ridge Properties located on the west side of Kingsbury Drive (Rt.1001) just north of the intersection of Kingsbury Drive (Rt. 1001) and Jefferson Highway (Rt. 250) in the Wayne District.

Mrs. Earhart explained the request. She stated that the applicant has proffered the following on the .367 acres:

1. A single row of 6' tall evergreens planted 10' on center, will be planted along the northern property line adjoining Tax Map 67C (9) Blk 2, Lot 9, if that property is still zoned Single Family Residential at the time of development. All plantings shall be permanently maintained.
2. No outside storage or display shall be allowed on the property, including any new dog kennels with outside cages and runs. However, animals will be allowed to exercise on the property under the supervision of appropriate personnel.
3. Prohibited uses of the property will include vehicle repair shops.
4. There shall be no direct access to Kingsbury Drive from this parcel.

Dr. Bruce Bowman, 2356 Jefferson Highway, stated that he has been apart of the property for 5 years. He stated that he bought the property from Dr. Boyd in 1990, which used the property for the same things that he is requesting to use the property for. He stated that Dr. Boyd worked on the property under a Special Use Permit since 1954. Dr. Bowman stated that he wants to expand the utility building which would extend onto the other lot that he is requesting to be rezoned. He stated that his business is growing to the point of expansion. He stated that the building is used for his pet cremation service, it already has one cremation unit and the expansion of the building would allow for him to put in a second cremation unit. He stated that he operates his cremation service in full compliance with the regulations of his DEQ permit. He stated that he does not intend to have an increase in business for the cremation service. He stated that the building will be completely enclosed. He stated that they will also use the property for pet and community pet exercise.

Mr. Shomo asked if Dr. Bowman was the only doctor in the practice.

Dr. Bowman stated that there are 3 doctors total in his office.

Mr. Curd asked Dr. Bowman to explain what the DEQ regulations were.

Dr. Bowman stated that the DEQ has strict standards. He stated that there is a primary burner and a scrubber. He stated that the cleaning system burns away the smell and the smoke. He stated that the DEQ allows him to have 5 minutes of visible smoke out of the chimney stacks for a 60 minute burn. He stated that fire and smoke comes out of the chimney, but he is only allowed to have 5 minutes of it visible.

Mr. Shomo asked Dr. Bowman if he used gas to fuel the cremation units?

Dr. Bowman stated that they use propane to fuel the units. He stated that the units have to burn between 800 and 2200 degrees to be effective.

Jay Thomas, 66 Johns Valley Drive, a neighbor to the clinic stated that Dr. Bowman was a neat, clean and thoughtful neighbor and he supports Dr. Bowman's request.

Ms. Earhart stated that the Planning Commission received 4 letters from the adjacent property owners who were in favor of Dr. Bowman's request. The letters were from

Raymond McMillen, Renee McMillen with Copymate, Tom McMillen with International Mapping Technologies, Inc., and Alice F. Lowry.

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. Byerly stated that Dr. Bowman's request seemed to be a reasonable request. He moved to recommend approval of the request with the proffers.

Mr. Shomo seconded the motion, which carried unanimously.

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Ordinance Amendment to modify requirements for Ingress to and Egress from Off-Street Parking Facilities

“An Ordinance to Amend The Code of Augusta County, Virginia, to Modify Requirements for Ingress to and Egress from Off-Street Parking Facilities,” which amends the Zoning Ordinance of Augusta County, to reduce from 24 feet to 18 feet the minimum width of access drives which lead from public or private streets to off-street parking facilities or loading areas, and to clarify that such access drives must be located on property under common ownership with, or on an easement appurtenant to, the property on which the off-street parking facilities or loading areas are situated.

Mrs. Earhart explained the amendment. She stated that the intent of the amendment is to clarify the requirements for access roads leading to parking lots. Currently, the County requires those access roads to be 24' which may result in wider access roads than the streets they come off of. The new language will require them to be at least 18' in width which will still provide enough room to accommodate emergency equipment. However, the aisle width between rows of parking will remain 24' for two-way traffic and 18' for one-way traffic.

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

Ms. Tilghman moved to recommend approval.

Ms. Shiflett 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.

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

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 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.
6. Where storage buildings themselves are not utilized to fence, and thus secure, the site, a minimum of a 6' high, commercial grade chain link fence will be installed. At the primary entrance to the facility a minimum of a 6' high aluminum fence with the appearance of wrought iron will be installed. At the interstate boundary, VDOT fencing will be utilized, provided it remains intact and provides adequate security. Otherwise, additional fencing will be installed to insure security is maintained.
7. Building height shall not exceed one story.
8. No sign shall exceed 25' in height.

Ms. Earhart stated that at the February 14th meeting this request received a 2 to 2 vote. She stated that the By-Laws require an action be taken by a majority vote. Because there was no majority vote at the last meeting, the request is back on the Planning Commission's agenda for the March meeting.

Ms. Earhart stated that VDOT has been studying the plans for redevelopment in the area. She stated that VDOT is looking at the interchange in the area and the possibility of redesigning the interchange. She stated that VDOT has provided comments for the Shields Property Rezoning, which stated that up to 25 feet of right-of-way may be required.

Ms. Shiflett asked if Mr. Shields was planning on proffering any of the 25 foot right-of-way requested by VDOT.

Tom Shields, Sr., 3202 Village Drive, stated that the area in question by VDOT is not in their plan for development. He stated that the area is about 40 feet high and is a very steep grade. He stated that he has worked with VDOT for 7-10 years when it comes to

their right-of-ways and feels as though he does not need to proffer land or setbacks. He stated that he has already stayed out of their right-of-way. Mr. Shields stated that he would also like to address some of the other issues presented at the February 14th meeting. He stated that brick on the buildings wouldn't be reasonable because the buildings were in an area where they could not be seen.

Mr. Hite stated that the area and Mr. Shields' other buildings were currently very visible.

Mr. Shields stated that the new buildings will be located on the 8 acres behind the bank, down in the hollow.

Mr. Hite asked Mr. Shields if the buildings were going to be lower than the ones they have in the area now.

Mr. Shields stated that the new development will be a little higher.

Ms. Earhart stated that Mr. Shields has not currently proffered a donation of right-of-way. She stated that based on VDOT's initial comments, they asked for Mr. Shields to hold off on his request until further studies could be done. They finished those studies quicker than anticipated and indicated they could need anywhere from 0' to 25' of additional right-of-way along Interstate 64. She stated that this request is scheduled to be heard in April by the Board of Supervisors. She stated that Mr. Shields would have time to amend his proffers before it was heard by the Board of Supervisors.

Mr. Shields stated that there will be no building in VDOT's right-of-way. He stated that there is a 50 foot set-back required. He stated that he has always negotiated well with VDOT and doesn't anticipate this to be a problem in the future. If the rezoning is turned down, he will have no alternative but to build on the existing site which VDOT needs.

Ms. Earhart stated that it is up to the Commission to be satisfied and she knows that he will work well with VDOT, but the issue is the possible sale of the property, and not knowing who might own the property when the time comes to negotiate right-of-way.

Mr. Bridge asked Mr. Shields if he would be willing to amend his proffers and come back at the April Planning Commission meeting or would he like for the Planning Commission to vote on his request based on his current proffers.

Mr. Shields stated that he wanted the Planning Commission to act on the request based on the current proffers he submitted. He stated that the setback area is currently not being used. He stated that he will work with VDOT later on the issue.

Brian Ochs, General Manager for Shields Enterprises, asked Ms. Earhart if the landscape proffer could be amended to where a grass buffer between the development and the interstate could address the concern of right-of-way from VDOT.

Ms. Earhart stated that they could amend the proffers to include a grass buffer.

Mr. Curd stated a grass buffer wasn't the same thing as donation of right-of-way.

Mr. Ochs stated that it was not in the best interest of their business to build the mini warehouses in VDOT's right-of-way, because then they would have to waste time and resources to tear them down. They want to work with VDOT.

Mr. Curd stated that amending the proffers by adding a 9th proffer and coming back to the April Planning Commission meeting would be in the best interest for everyone. It will not slow down the process. Forcing the Planning Commission to make a decision tonight is risking getting a denial recommendation. He stated without the extra proffer he is inclined to recommend denial, although the rest of the Planning Commission may not agree and the Board of Supervisors may not agree.

Mr. Shields stated he would resubmit his application and submit a proffer on the right-of-way.

Mr. Bridge made a motion to table the request until April and allow Mr. Shields time to refile his request for the next Planning Commission meeting.

Mr. Byerly seconded the request, which carried unanimously.

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SUBDIVISION ORDINANCE

Ms. Earhart stated that the Community Development Department staff continues to work on the Subdivision Ordinance. She stated that the staff met with local engineers and surveyors and got good feedback from them. She stated that the staff is also looking at the issues of alternative sewage treatment systems and fire protection requirements. She stated that it will be several months before the Ordinance is ready to bring back to the Commission for additional discussion.

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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 06-19 Frederick V. or Susette L. Johnson

Ms. Shiflett moved, seconded by Ms. Tilghman, to recommend that the Board of Zoning Appeals consider the compatibility of the proposed use with the area and the ability of the roads to accommodate the increased traffic.

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

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Chairman

Secretary