

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

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 12, 2006, 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 rezonings and the upcoming items on the BZA agenda.

1. Marguerite E.R. and George W. Gartner - Rezoning
2. Lone Beech, L.L.C. - Rezoning

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Chairman

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Secretary

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J. Curd, Vice-Chairman  
S. N. Bridge  
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J. D. Tilghman  
R. L. Earhart, Senior Planner and Secretary  
D.L. Cobb, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 12, 2006, 2006, at 7:00 p.m. in the Meeting Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Hite stated as there were seven (7) members present, there was a quorum.

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**MINUTES**

Mr. Bridge moved to approve the minutes of the Called and Regular meeting held on August 8, 2006. Ms. Tilghman seconded the motion, which carried unanimously.

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**Marguerite E.R. and George W. Gartner**

A request to rezone from Exclusive Agriculture to General Agriculture approximately 0.3 of an acre owned by Marguerite E.R. and George W. Gartner located on the east side of Roman Road (Route 732) approximately 0.8 of a mile north of the intersection of Roman Road (Route 732) and Todd Road (Route 745) in the North River District.

Ms. Earhart explained the request.

William Braithwaite, representing George W. Gartner, stated that they are interested in moving their boundary line back, acquiring property from the Gartners, to give us more of a back yard.

Mr. Hite asked if there was anyone wishing to speak in favor, or in opposition to the request.

Mr. Hite declared the public hearing closed.

Mr. Byerly stated that this is a reasonable request. He moved to recommend approval.

Ms. Shiflett seconded the motion.

The motion carried unanimously.

### **LONE BEECH, LLC**

A request to rezone from Duplex Residential to Townhouse Residential approximately 107.5 acres owned by Lone Beech, LLC located on the south side of Goose Creek Road (Rt. 636) just west of the intersection of Goose Creek Road (Rt. 636) and Village Creek Drive (Rt. 1382) in Fishersville in the Wayne District.

Ms. Earhart explained the request. She stated that the applicant has submitted the following proffers, and noted that they have been amended:

1. There will be no more than one entrance on to Route 636 (Goose Creek Road) from this parcel as shown on the Master Plan entitled "Village on Goose Creek" dated June 16, 2006, with revisions through August 30, 2006 and prepared by Balzer & Associates. The one entrance shall be a boulevard entrance with a divided, grass median. Lone Beech Drive will also be built as a boulevard from its intersection with Village Creek Drive through its intersection with Honeysuckle Drive. The boulevards shall be built as depicted on the Master Plan referenced above. The entrance to the Limited Business zoned parcels off Village Creek Drive shall be right-in only. There shall be no exit directly on to Village Creek Drive. Modifications to the existing Village Creek Drive to convert the road into a boulevard shall be made by the developer, at no cost to the County or the Virginia Department of Transportation, prior to the issuance of the building permit for the 68<sup>th</sup> townhouse unit.
2. The minimum pavement width of all streets created in the subdivision will be 20 feet. The developer will install sidewalks on both sides of the roads within the development as shown on the Master Plan entitled "Village on Goose Creek" referenced above.
3. There will be no more than 188 townhouse lots created out of the 107.5 acre tract. Tax Map 67F (9), Lots 17A and 17B shall be permanently maintained as open space and conveyed to the new property owners association for maintenance.
4. The minimum square footage for each townhouse unit will be 1400 square feet.
5. Street lights will be installed throughout the entire development and in no case shall less than 41 streetlights be installed in this section of the development and 50 in the entire Village at Goose Creek development. Maintenance and monthly operating expenses of the streetlights shall be the sole responsibility of the Property Owner's Association.

6. There shall be no solid waste containers (dumpsters) allowed in the subdivision.
7. The developer will dedicate to VDOT a minimum right-of-way width of 44 feet measured from the existing Route 636 centerline along the frontage of the property along Goose Creek Road (Route 636). The right-of-way to be dedicated shall be shown on the master plan, construction plans, and all recorded plats.
8. The developer will enter into a signal agreement with VDOT to contribute 50% of the funds towards a signal light at the intersection of Goose Creek Road (Rt. 636) and Village Creek Drive.

Scott Williams, P.O. Box 5586, Charlottesville, VA 22905, stated that he is a partner with Crescent Development Group, LLC, the applicant for the rezoning, and contract purchaser of this property. He stated that his company became interested in the Village on Goose Creek approximately two years ago. As he evaluated the property and plans that had been previously approved, he stated that it became clear that the master plan would be difficult to build. He further stated that the road and lot grading would be very costly; resulting in an increase of the purchase price of the home, as well as having a negative impact on the land; the end product would be homes with steep slopes and little usable yards. After reviewing the site with Balzer and Associates, it was determined that there were two pronounced ridges on the property, and if the development could be concentrated on those ridges, than the impact of the site would be significantly less. By doing so the amount of pavement and grading would decrease, thus increasing the amount of open space. The problem that would be created with this concentration however, would be the fact that they would be unable to maintain the previously approved density and continue with the existing zoning. The goal of the plan was a design that pulls homes away from the back yards of existing homes and creates a green space between them. It was decided that if the site were zoned townhouse residential, they would maximize the units with one story living, as designed in Phase One, four unit buildings would be utilized as much as possible to maximize the number of end units, which would be 1 story or 1.5 story homes. Mr. Williams also went on to explain the first plan that was created, which had two entrances on Route 636. After submitting the plan, he noted that this plan was not going to be achievable as the second entrance was going to be impacted by the widening and expansion of Rt. 636. He noted that the initial staff report identified two possible alternative second accesses: a connection to Crossroads Road, and a connection under Rt. 636 to Augusta Medical Center's North Campus. After studying these alternatives, he noted that the only possibility was to create one large boulevard style entrance. In June of 2006, he stated that an application to rezone the property to townhouse residential and an associated master plan was submitted; however this plan included the boulevard entrance. He stated that the staff report identified the road access as the primary concern. He stated that the staff requested that he confer with VDOT, and if the second entrance onto Rt. 636 would not work, then to further explore other options. He also noted that the staff

report also stated that the boulevard entrance may have impact on some residents in the first phase of the Village on Goose Creek. Mr. Williams then went on to explain that a meeting was held with the Homeowner's Association of the Village of Goose Creek and he explained for the most part, the response was a positive one. He also noted that a suggestion was accepted, in that a construction entrance would be put in their plans that would go through the future business property. Mr. Williams explained that after meeting with the company's consultant, as well as with VDOT, it was concluded that the only way to satisfy the County's requirements of having two accesses for developments with more than 100 lots was with a boulevard entrance. He further proffered to pay 50% of the cost of installing a traffic signal to safely handle the traffic. Mr. Williams noted one item on the staff report that he did in fact disagree with, was the statement made by the School Board that a change to townhouse residential would increase the number of students. Mr. Williams explained that the town homes will be designed to attract retirees, with 1 story and 1.5 story end units, and that the interior units will be designed to attract young professionals. He went on to further explain that his company will work with specific existing homeowners to provide landscaping to reduce the impact that the headlights from traffic will have. He also noted that they have proffered that the entrance to the business lots off Village Creek Drive will be restricted to right in only to help with possible headlight issues and the possibility of u-turns. Mr. Williams stated that they will work with VDOT to determine what can be planted in the existing right-of-way and that any plantings agreed upon will be planted and maintained at their expense. Mr. Williams further concluded that their plan will create twice as much open space, provide sidewalks, and will be more visually appealing from Interstate 64. He noted that the plan meets the goals of the County's Comprehensive Plan directing growth to Urban Service Areas, and helps further the County's goal of expanding Rt. 636 with minimal cost to the County. Thus, he requested that the Planning Commission forward this rezoning request to the Board of Supervisors with a recommendation for approval.

Mr. Hite asked if there was anyone wishing to speak in favor of this request.

Julian W. Rittenhouse, 38 Goose Meadow Court, Fishersville, VA 22939, stated that they have had many discussions on this plan and he understood the plans submitted by Mr. Williams. He states that more green space with less road frontage is more desirable to the Homeowner's Association, and that they like this plan. The only objection is the loss of Farm Gate Road. He stated that he is concerned about the impact that the boulevard entrance will have on the community. He stated that the Homeowner's Association voted to approve the Staff's recommendation to approve this plan. He also asked to make his letter part of the record.

Ray Burkholder, Balzer and Associates, stated that they have worked with VDOT in making this boulevard entrance a safe entrance, allowing for emergency access to the subdivision. He concluded by stating that he believes that this boulevard entrance will work very well.

Mr. Hite asked if there was anyone wishing to speak in opposition to this request.

Henry Moffett, 24 Clover Green Court Fishersville, VA 22939, urges the Staff, Commission, and Board, to deny this request. He stated that he bought his home based on the previously approved master plan. He believes that the request will take a quiet, two lane residential street and turn it into a four lane highway. He further stated that there is nothing in the staff report that states that a second entrance is impossible, only expensive. He believes that approval of this request would not be right or fair to the current 32 homeowners. Mr. Moffett further noted the denial from the Augusta County School Board. He urged the County to review the concerns of traffic safety, noise and dust control. He concluded that to approve this request would create numerous problems for the County, and he again requested that this plan be denied.

Jean Heatwole, lot 1A, 8 Clover Green Court Fishersville, VA 22939, stated that she will be adversely affected by the plan. Ms. Heatwole concluded that she cannot express her disappointment strongly enough.

Steven Rosensteel, 18 Clover Green Court, Fishersville, VA 22939, lot 2A, stated that he is near the middle of the street and the entrance to the businesses is directly behind his property. He stated that he endorsed Mr. Moffett's opinion in opposition because the plan will:

- Compromise property values
- Deny quiet use of homes
- Suffer excessive noise
- Light pollution from the vehicles
- Carbon Monoxide
- Unsafe driving conditions by mixing residential and business traffic
- Provide no sight or sound barriers
- Negative impact on local schools

He further stated that this was a test case for the County; in that nowhere else in the County is there a development such as this. Mr. Rosensteel requests that the rezoning be denied.

Carl Eaby, 9 Goose Meadow Court Fishersville, VA 22939, Lot 16B, also stated that he supports Mr. Moffett's opinion; he also noted that he has brought letters from Mr. and Mrs. Meade from Lot 3B, and Mr. and Mrs. Petit, and he requests that these be entered into the record. He states that he does agree with the opposed opinions. He stated that his lot faces lots 17 A and B and he does not know where the extension of Lone Beech Drive is supposed to go. Mr. Eaby stated that he has found the markers on the property; however, he cannot find this on the plans. He states that if it goes on the west side, then

it would be directly behind his house, thus resulting in the traffic lights shining in his house, and the intersection would also be close to his house. Because of this he notes that he would also have to go along in opposition of this plan.

John Shields, 12 Clover Green Court Fishersville, VA 22939, stated that he will be adversely impacted by these plans. He further stated that he supports the statements made in opposition earlier. He believes that the only acceptable standard should be a second entrance, and if this second entrance cannot be achieved, then another option would need to be explored. Mr. Shields further states that:

- The elimination of Farm Gate Rd. will impact traffic, noise, safety, sight, and the quality of life.
- Will reduce lot sizes
- Will negatively impact business lots and the existing community
- The plan does not address the problem created by the elimination of Farm Gate Rd.
- He also noted that Lone Beech, LLC is the owner of the property requesting rezoning, as well as the owner of 6 limited business lots being placed within the community
- Lone Beech, LLC and the future developer, Crescent Development Group, will be doing the site preparation work on the business lots

Mr. Shields went on to further state that the goal would be to create a separate business community, and to allow a road system that would be safe for the existing community, as well as address the concerns of future businesses. Mr. Shields went on to further discuss his ideas and described a possible road network he had depicted on a map to the Commission. In conclusion, he went on to state that he believes the Planning Commission is in a unique position and that he hopes his ideas and concerns will be considered.

Bill Tueting, 92 Fieldhaven Place Staunton, VA, stated that he does not oppose the plan. However, he stated that houses, even those designed for retirees, will bring young people, and that observation comes from experience. He also made a recommendation for the developer to pay 100% for the traffic light, since it would be a problem created by the developer.

Ms. Earhart presented two letters from Homer and Judy Petit, 23 Clover Green Court, Fishersville, VA 22939 and Elihue and Joan Meade, lot 3B, 28 Clover Green Court, Fishersville, VA 22939, and stated that these letters will be entered into the record. She explained that the letters stated the individuals were in support of the comments from Mr. Henry Moffett, Mr. Steven Rosensteel, Mr. Carl Eaby, and Ms. Carol Jean Heatwole.

Ms. Earhart read a letter written by Ms. Joan Mortner and Mr. Istvan Debreceni, which was submitted to the Community Development Department as follows:

To Members of the Planning Commission  
And Board of Supervisors  
Augusta County, VA

Regarding the request to rezone from Duplex Residential to Townhouse  
Residential 107.5 acres owned by Lone Beech, LLC on Goose Creek Road:

If this request is granted, we propose that in exchange, the six commercial lots at the intersection of Goose Creek Road and Village Creek Drive be restricted to office use only.

Yours truly,  
Joan Mortner  
Istvan Debreceni

Mr. Hite asked if the applicant would come back up to the podium.

Mr. Williams reiterated that they are not proposing a change in the density at all. He stated that the plan will still consist of 188 lots, as first proposed. He stated that he would be paying for half of the light, while AMC is paying the other half of the cost. Mr. Williams went on to explain that the boulevard was not the developer's primary choice, but a forced choice, and there are no other choices in existence. He stated that if the current owner does put Farm Gate in, then it will cost someone a large amount of money down the road, and he stated that someone would be the County of Augusta. He commented on Mr. Moffett's statement, in that Mr. Moffett said that the road is not impossible, only expensive. Mr. Williams went on reading the statements from VDOT, explaining that the plan would be impractical and expensive. Mr. Williams stated that they have worked exhaustively to find an alternative, and he does not believe that there are any.

Mr. Hite asked the Commissioners if they had any questions for Mr. Williams.

Mr. Curd asked Mr. Williams why not proffer the landscaping.

Mr. Williams stated that he was willing to proffer. He stated that an agreement would have to be made with the individual property owner and he would need to secure an easement. He stated that that he is more than willing to enter into an agreement, so as long as it is approvable by the Association and individual property owner.

Ms. Earhart stated that it is her understanding that the property that they want to proffer the improvements on is not the actual property that is up for rezoning. She stated that since it was not a subject of the rezoning, she does not know how we can accept the proffer.

Mr. Williams stated that they have spoken with VDOT they are willing to work with landscaping within the right of way. He indicated they are willing to proffer that and work with the homeowners on that.



Mr. Curd asked if they will be increasing the pavement in Phase I.

Mr. Williams explained that the existing pavement will be one way of the boulevard and the rest of the boulevard will be west of the existing pavement.

Mr. Hite inquired about the pricing of the units.

Mr. Williams explained that that end units will be around \$350,000.00 and the interior units will be around \$250,000.00. He stated that this was a guess, as he does not have the final plan.

Mr. Byerly asked Mr. Williams about the time projected for build-out of the project.

Mr. Williams estimated approximately ten years.

Mr. Shomo questioned Mr. William's statement about the landscaping.

Mr. Williams said that he would need an agreement with each owner since there is no open space behind the affected properties.

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

Mr. Curd stated that he does believe that the second entrance is preferred by all parties and it may be possible, but he does not believe that it is practical. He then went on to describe the positive effects of the plan:

- In compliance with the Comp Plan
- Public water and sewer
- In an Urban service area
- Will not affect fire and rescue
- Will not affect schools
- VDOT prefers the proposed plan
- More open space that can be enjoyed
- Half the amount of asphalt
- Will save the County money
- Good for the environment
- Will not increase business lots
- No increase in density
- Minimum house size increases
- Sidewalks and streetlights, but no dumpsters
- Donation of 44' or right-of-way
- 50% cost of a traffic light
- Right-in only for business lots off Village Creek Drive
- Homeowner's Association is in favor of this plan.

Mr. Curd then explained that he would have to assume that the Homeowner's Association speaks for the majority. Mr. Curd stated that he too prefers a second entrance, but again reiterated the facts from VDOT as well as the costs for the county. He stated that he does not agree with Mr. Moffett, in that the subdivision's character will be changed in a negative way. Mr. Curd moved to recommend approval with proffers.

Mr. Byerly seconded the motion.

Mr. Hite stated that the motion has been made, and asked if there were any questions.

Mr. Byerly stated that Phase I is beautiful and the County is proud of it. He stated his appreciation for the professionalism of the discussions here tonight. He stated that it is his job to hear all the information and make a decision based on the information that he has. He again stated that he would prefer a second entrance; however, it is not feasible. The bridge will be built, it is needed now, and the second entrance will be eliminated. He stated you cannot assume that the second entrance would handle all of this traffic. He indicated he was concerned that an incorrect decision on this request could result in a financial burden on the County. He stated that he does like the open space that the proposal allows, and he does appreciate the right of way donated for VDOT. He stated that he believes that this type of housing will not attract the school aged child, and he does not believe that this rezoning will have an impact on the school system.

Mr. Bridge concurred and stated that he does not believe that it is the best option, but he believes that the developer has made the best effort with the given situation and with the screening he can support the motion.

Ms. Shiflett agreed with what had been said, that with the choices that were given, this is the best choice. She urged the homeowners to take the developer up on the offer of the screenings.

Mr. Hite asked if anyone else had any comments or questions to make. He stated that he would like to thank all that participated in the public hearing and Mr. Williams in his efforts to work with the Homeowner's Association. He agrees that the majority of the homeowners in Goose Creek support the plan, so he too offers his support of the plan.

Mr. Hite stated the motion has been made, properly seconded, to recommend approval with proffers. The motion carried unanimously.

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**NEW BUSINESS**

**Village on Goose Creek, Phase 2 – Master Plan**

Contains 188 Townhouse Lots; 6 Limited Business Lots, located on the South Side of Goose Creek Road (Route 636) and southeast of AMC in the Wayne District.

Ms. Earhart explained the master plan. She stated that this Master Plan meets the technical requirements of the ordinance.

Mr. Bridge stated that since the Master Plan meets the technical requirements he moved to recommend approval.

Ms. Shiflett 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 no formal action on the BZA items.

B. Subdivision Ordinance

Ms. Earhart explained to the Commission the materials given to members. She stated the packet included the revised Subdivision Ordinance. She further explained that the red lettering indicates what is being deleted and the blue lettering is the new language. The packet also included the Notice of Public Hearing and the actual Ordinance that will make all of the aforementioned changes in their entirety. She stated that currently the ordinance will be heard by the Commission at their October 10, 2006 meeting and by the Board of Supervisors at their October 25, 2006 meeting. She went on to mention that Staff has recommended that the Board consider a joint public hearing where comments could be heard by both bodies at the same time and written comments received. She stated they would let everyone know what the schedule will be.

Mr. Shomo stated that he had a question for Ms. Earhart about the Subdivision Regulations, as far as what is going to be done with boundary line adjustments.

Ms. Earhart explained that in terms of the subdivision ordinance what is being recommended is boundary line adjustments would count as a division, unless the property is to be farmed, in which case he/she would then be required to sign an affidavit that it be kept in agriculture use for ten years, otherwise it counts as your one lot every 3 years in General Agriculture, and one lot every 5 years in Exclusive agriculture.

Ms. Earhart also noted that September 19, 2006 was the Boards and Commissions dinner.

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

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Chairman

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Secretary