

PRESENT: T. Byerly, Chairman
K. Shiflett, Vice Chairman
S. Bridge
T. Cole
W.F. Hite
K. Leonard
R. L. Earhart, Senior Planner and Secretary

ABSENT: J. Curd

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, April 14, 2009, at 3:00 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 Capital Improvements Plan and Budget. The Planning Commission traveled to the following sites which will be considered by the Commission:

1. Thomas G. or Sherry H. Snyder – Rezoning
2. Boyington Properties, LLC – Amend the Proffers

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Chairman

Secretary

PRESENT: T. Byerly, Chairman
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S. Bridge
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J. Curd
W.F. Hite
K. Leonard
R. L. Earhart, Senior Planner and Secretary

ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, April 14, 2009, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Bridge moved to approve the minutes of the regular meeting held on March 10, 2009.

Mr. Curd seconded the motion, which carried unanimously.

Thomas G. or Sherry H. Snyder – Rezoning

A request to rezone from Single Family Residential to General Agriculture with proffers approximately 2.5 acres owned by Thomas G. or Sherry H. Snyder located on the south side of Parkersburg Turnpike (Route 254) just west of the intersection with Village Green Drive (Route 1082) in the Pastures District.

Mrs. Earhart explained the rezoning request and explained the applicant had submitted the following proffers:

1. Public water and sewer will be utilized in the development of this property.

2. No manufactured or mobile homes will be allowed on the property.
3. No livestock, poultry, or swine will be permitted on this property.

Ms. Sherry Snyder stated the only reason they would like to rezone the property is because her son wishes to build a house on the backside of the property. She stated that they have 2.5 acres and their house fronts on Parkersburg Turnpike. She stated that the back of the property to Misty Dawn Lane. She stated Misty Dawn Lane adjoins their property and that is where water and sewer are available. She stated back in 1992 there were not enough funds to build the road up to the Virginia Department of Transportation's (VDOT) Standards necessary to be accepted into the system. She stated that right now it is a gravel road going to their property. She stated they will not be asking for any livestock as stated in the proffers. She stated it would cost a minimum of \$15,000 for 160' to bring the road up to VDOT standards. She stated this would be very cost prohibitive to her son who is trying to build a home. She explained if the property is rezoned to General Agriculture, they will be able to create a lot by Family Member Exception in order to give her son the acre. She stated they will not have any intensive farming or any other agricultural use. She stated that she talked with her neighbors and they have no problem with this request.

Mr. Bridge asked the applicant how the lot will be accessed.

Mrs. Snyder stated access will be off of Misty Dawn Lane. She stated sewer is already at the property line and it has access to water.

Mr. Bridge asked if the applicant will have permission for access even without bringing the road up to VDOT standards.

Ms. Snyder stated that if the property remains residential they would have to bring the road up to VDOT standards. She stated that if the lot is rezoned to General Agriculture, they do not have to bring the road up to VDOT standards.

Mr. Bridge asked Ms. Earhart if that was correct since it was originally platted as a street.

Ms. Earhart stated the County would not get involved if it is shown as a right of way. She stated it was platted as a street but the road was never improved as a public street. She stated it would be up to the applicant to verify that they have the right to utilize the road, but as they indicated there are others that are currently using it as public access.

Mr. Byerly asked the applicant if the neighbor that owns the adjacent lots would share in the cost of improving the road.

Ms. Snyder stated that she does not think they are financially up to improving the road.

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

Ms. Shiflett stated the Commissioners understand the reason for the applicant's request. Ms. Shiflett explained approving the request would be poor planning as they would be "downzoning" the property as it has been substantially subdivided with access to water and sewer.

Mr. Bridge stated he would not be in favor of downzoning any property. He explained the cost of developing the road is substantial, but it would certainly be worth having the lot in the back and it would help out the entire neighborhood.

Mr. Cole stated there is a higher expectation of the use of the property due to the water and sewer. He stated from a planning standpoint he feels the property should be kept residential as originally planned.

Mr. Byerly stated that he concurs. He stated the Commissioners sympathize with the applicants, but this would be downzoning the property. He hoped the neighbors would join in on the extension of the street.

Mrs. Snyder stated with a dwelling on the back lot, there will be more revenue for the County. She stated that the road was not completed the first time because they were trying to save funds. She stated that the road will not affect anyone else in the neighborhood.

Mr. Byerly stated he understands, but they are looking at the planning issues for the entire County. He stated this request is not in compliance the County's Comprehensive Plan.

Ms. Shiflett stated that zoning is forever. She stated that they have to base their decisions on what is best for the area. She stated that they do not make zoning decisions based on what just one person is doing at a specific time. She stated that if the applicant can partner with someone else to bring Misty Dawn Lane up to standards that would be great.

Ms. Snyder stated that there is no one else to help her bring the road up to standards.

Ms. Shiflett stated there is another vacant platted lot.

Mr. Leonard stated that if the road is continued to the applicant's property it will help sell lots and increase the value of the property in the future.

Ms. Snyder stated she is not interested in selling lots.

Mr. Leonard stated the next person to purchase the property would be dealing with a substandard road.

Ms. Earhart stated that there was a grant to provide water and sewer to serve all of the residents. She stated that they were able to get the money for water and sewer but the County did not have enough money to complete all of the roads. She stated that they

had tried on several attempts to upgrade the road many years ago. She stated that the right of way was platted but there was not enough money to get all of the roads completed and into the system. She stated that they tried to get the portions of the road completed that served the most of the citizens. She stated that it was unfortunate that they did not have enough funds for all the roads.

Mr. Bridge moved to recommend denial of the request.

Mr. Leonard seconded the motion, which carried unanimously.

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Boyington Properties, LLC – Amend the Proffers

A request to amend the proffers on approximately 9.9 acres owned by Boyington Properties, LLC located on the south side of Jefferson Highway (Route 250) just east of the intersection with Aero Drive (Route 1006) in the Wayne District.

Ms. Earhart explained the request to amend the proffers. She stated the applicant submitted the following revised proffers:

1. There will be no business development on the west side of Pratt’s Run.
2. No freestanding sign shall exceed 25’ in height.
3. The total sign area per parcel will not exceed two (2) square feet per linear foot of lot frontage.
4. Prohibited uses shall include: gasoline retail outlets, warehouses and distribution centers.
5. Prohibited uses on Lots 2, 3, 4, & 5 as shown on the plan identified as Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc., shall include restaurants with drive-through windows.
6. Access will be provided to adjacent property identified as Tax Map 67, Parcel 67 as shown on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc.. No additional development on any lots in Boyington Place will occur until the improvements as described on Exhibit A “Boyington Place” dated March 3, 2009 and prepared by Balzer and Associates, Inc. are bonded in a form acceptable to the County.
7. No building permit for Lots 4 and 5 may be applied for until the developer has obtained a Final Letter of Map Revision from FEMA for all improvements covered by the Conditional Letter of Map Revision for the site.

Howard Vance, Balzer and Associates, stated he is representing Boyington Properties, LLC. He explained it is the desire of the applicant to proceed with developing the commercial properties. He stated that when the project originally started there was a demand for residential lots. He stated that it was a joint project between the residential and commercial owners. He stated that since then the property has changed hands and the economic conditions are not such that warrant the residential development right now. He stated that it is the desire of the client to be able to proceed with the

development of the business lots. He stated that the only thing that is prohibiting the development is the requirement for access to TM#67-67 which has changed locations.

Ms. Shiflett stated that Exhibit A indicates the road was to be graded and stoned and Ms. Earhart stated road graded and seeded.

Mr. Vance stated that it will be seeded in order to stabilize the area for Erosion and Sediment Control. He stated that changed after the mailing was sent out.

Ms. Shiflett asked if there is an agreement with the owner of the adjacent property to build the improvements.

Mr. Vance stated not at this time. He stated that it is understood there needs to be easements in place. He stated once the proffers are amended they can approach the property owner. He stated that the original agreements were that the two owners would share the costs of the road crossing and stormwater plan. He stated his client will put in the culverts and full drainage pond which will be required.

Mr. Bridge asked if the plan shown will be enough to meet all stormwater and drainage regulations.

Mr. Vance stated yes. He stated that the pond was designed when the residential portion was all single family. He stated that Mr. Byrd has since rezoned a portion of that property to townhouses. He stated that he does not think it will change, but the pond may have to be upgraded slightly when the plans are turned in.

Mr. Leonard stated he did not see the pond shown on Exhibit A. He asked if it were located along the creek bed.

Mr. Vance stated it is located in the lower half of the easement towards Kroger.

Mr. Leonard asked if the majority of the water will be coming from the development side where the asphalt will be.

Mr. Vance stated they will need to study the impervious area. He stated that the land area is greater on the residential side than the commercial side.

Mr. Leonard asked why not continue with the stone as shown on the original design.

Mr. Vance stated one reason is costs. He stated seeding the property will keep it in a natural state and once it is seeded it will then be graded. He stated that they will need to do a flood study before they can develop the two lower lots. He stated that based on their studies the FEMA maps are incorrect. He stated that they are in the process of getting that fixed with FEMA.

Mr. Byerly asked about the timetable for build out.

Mr. Vance stated it is Mr. Wright's intent to proceed with the development. He stated he feels that the housing market will be picking up in the future.

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

Mr. Bridge stated that based on the proffers and after viewing the site it seems everything is in order, he would support this request. He moved to recommend that the amended proffers be approved.

Mr. Leonard seconded the motion, which carried unanimously.

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Capital Improvements Plan and Budget

Ms. Earhart stated the Planning Commission heard Mr. Coffield's presentation on the Capital Improvements Plan and Budget. She stated that this will be considered by the Board of Supervisors on April 29, 2009.

Ms. Shiflett thanked Mr. Coffield for all of his hard work on the plan and budget. She moved to recommend approval on the Capital Improvements Plan and Budget.

Mr. Hite seconded the motion, which carried unanimously.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mr. Byerly asked if there were any comments regarding the upcoming item on the BZA agenda.

09-13 - Guy W. III and Therressa D. Landrum

Ms. Shiflett stated that since this property is located in a Community Development Area and planned for low density residential development, she moved to recommend to the Board of Zoning Appeals that consideration be given to the existing residential neighborhood and due to the topography, the ability to screen the use from the view of the neighbors.

Mr. Bridge seconded the motion, which carried unanimously.

09-14 – Carl J. or Suzanne E. Fisher

Ms. Shiflett stated that this property is zoned Single Family Residential in compliance with the Comprehensive Plan Land Use designation of Low Density Residential. She stated that since this request is for an accessory building larger than allowed by the district regulations, she moved to recommend that the Board of Zoning Appeals consider the standards of the Augusta County Zoning Ordinance which require the accessory building be no larger than the size of the home and questions the need for an accessory building of this size in a residential district since no business use could be made of the building. She expressed concern that the property owners may seek a rezoning to be allowed to use the building for business purposes which would not be compatible with the Comprehensive Plan.

Mr. Leonard seconded the motion, which carried unanimously.

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Ms. Earhart stated that the County was working on Zoning Ordinance amendments and staff has been directed by the Board of Supervisors to draft and finalize the ordinance changes so that they can be effective January 1, 2010. She stated that Mr. Beyeler and Mr. Garber are representing the Board of Supervisors in providing staff direction on this project. She stated that if there is anything that the Commissioners have an opinion on, please let staff know. She stated that they will try to do all of the changes at one time.

Mr. Byerly wanted to encourage the Commissioners to take the Capital Improvements Plan and Budget and provide the information to their neighbors.

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

Chairman

Secretary