

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

ABSENT: W.F. Hite

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

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DETERMINATION OF A QUORUM

Mr. Byerly stated as there were six (6) 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 May 12, 2009.

Mr. Cole seconded the motion, which carried unanimously.

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An Ordinance Amending the Zoning Ordinance of Augusta County Relating to "Projections into Required Yards".

This ordinance amends §25-17. Railroads by generally by adding a new paragraph and changing item H:

- G. For the purpose of loading and unloading cargo to and from rail cars only, buildings, loading docks, canopies, and other loading facilities adjacent to railroad property may be constructed or extended beyond any lot line and over the railroad rails.

H. In no **other** case shall any projection extend beyond any lot line.

Ms. Earhart read the following statement, "Mr. Chairman, before we start the discussion on this proposed ordinance, I would like to make a statement for purposes of the State and Local Government Conflict of Interests Act. My husband owns business property in the County which may be impacted by this ordinance, however I am able to participate in the drafting of this ordinance and its discussion tonight fairly, objectively, and in the public interest. I have filed a written declaration of personal interest, as required by the Act.

Ms. Shiflett stated she too has filed a written declaration of personal interest as required by the Act, as she is employed by and a stockholder in Railside Enterprises. She stated she too is able to participate in the discussion of the ordinance tonight fairly, objectively, and in the public interest.

Ms. Earhart explained the ordinance amendment. She stated paragraph H needed to be reworded for clarity. It should read "In no case other than G above shall any projection extend beyond any lot line".

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

Mr. Cole asked Ms. Earhart to provide an example of a situation where this proposed amendment would apply.

Ms. Earhart explained in this particular circumstance, Railside Industries owns a parcel that extends on both sides of the railroad tracks. They want to build a covered loading and unloading facility that will actually be built over the railway into the railroad's right of way and extend on the other side of their property. Ms. Earhart stated representatives from Shenandoah Valley Railroad have participated in the drafting of this ordinance.

Ms. Shiflett explained Railside Industries has several thousand feet of rail siding which they transload salt, grain, etc. that needs to be covered in order to be protected from the weather.

Mr. Bridge asked if the siding belongs to the railroad.

Ms. Shiflett explained it is built on Railside Industries' property, but it belongs to the railroad.

Ms. Earhart clarified the amendment allows for the buildings and structures to not only extend into the required setback, but over the property lines as well.

Mr. Bridge moved to recommend approval of the amendment to the County's Zoning Ordinance with the revised language.

Mr. Leonard 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 items on the BZA agenda. The Commission took the following action:

09- 40– Elizabeth Jane Howell

This property is located in a Community Development Area slated for Low Density Residential Development. The property is located in close proximity to residential developments. The Planning Commission is concerned about this becoming a permanent business site which would not be compatible with the County’s Comprehensive Plan. Therefore, Mr. Bridge moved to recommend if the request is approved, the Board of Zoning Appeals consider placing a time limit on it. At such time as the surrounding area becomes more intensely developed, the permit would no longer be issued and the applicant would need to find a business location. In addition, the Board of Zoning Appeals limits the frequency of the sales so as to allow the site to be cleaned up between sales and that there be no permanent outdoor storage associated with this use permitted on the property.

Mr. Leonard seconded the motion which carried unanimously.

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Ms. Earhart updated the Commission on the Route 250 Multi-modal Study. She explained the Board of Supervisors will be meeting with Staunton City Council on Monday, July 20, 2009 with the final report due in early September.

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

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Chairman

Secretary