

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

ABSENT: T. Cole

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, November 10, 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 rezoning. The Planning Commission traveled to the following site which will be considered by the Commission:

1. Michael Shane Clatterbaugh – Rezoning

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Chairman

Secretary

PRESENT: T. Byerly, Chairman
K. Shiflett, Vice Chairman
S. Bridge
W.F. Hite
T. Cole
J. Curd
K. Leonard
R. L. Earhart, Senior Planner and Secretary
D.L. Cobb, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, November 10, 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 seven (7) members present, there was a quorum.

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MINUTES

Mr. Bridge moved to approve the minutes of Joint Worksession of September 28, 2009 and the regular meeting held on October 13, 2009.

Mr. Leonard seconded the motion, which carried unanimously.

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NEW BUSINESS

Michael Shane Clatterbaugh – Rezoning

A request to rezone from Limited Business to General Business with proffers approximately 0.5 acres owned by Michael Shane Clatterbaugh located on the south side of Tinkling Spring Road (Rt. 285) just east of the intersection of Meadow Run Court (Rt. 1307) in Fishersville in the Wayne District.

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

1. The following uses shall be prohibited uses on the site:
 - a. All uses which utilize the outdoor display or storage of vehicles, equipment, manufactured homes, boats, and building supplies; and the outdoor storage of merchandise or other goods, excluding company vehicles.
 - b. All uses not conducted entirely within an enclosed building, including "drive-through" facilities, but not including parking, loading and unloading facilities, and dumpster sites.
2. If the adjacent property is still zoned Single Family Residential at the time of any additional development of the site, the property owner will install a 6' tall wooden or vinyl privacy fence as part of the rear buffer yard. The decorative side of the fence shall be faced to the adjacent property.

Michael S. Clatterbaugh, 46 Tinkling Spring Road, Fishersville, stated he is requesting the property to be rezoned because of his growing business. He explained the current setbacks for Limited Business hinder his ability to build a new building and provide parking for the business.

Ms. Shiflett asked Mr. Clatterbaugh if he would consider proffering a vinyl privacy fence.

Mr. Clatterbaugh stated he was concerned with the expense of a vinyl fence versus a wooden fence.

Ms. Shiflett asked the number of proposed parking spaces behind the building.

Mr. Clatterbaugh stated approximately six (6) or seven (7), but he would prefer to have more depending on the size of the building. He stated the widening of Route 285 will take away his parking in the front of the existing building.

Mr. Leonard asked Mr. Clatterbaugh if the lot is served by a septic system.

Mr. Clatterbaugh stated the lot is currently served by a septic system, but he will be connecting to public sewer so he can build over his drainfield.

Mr. Byerly asked if there was anyone wishing to speak in favor of the request.

Mr. Byerly asked if there was anyone wishing to speak in opposition to the request.

Robert F. Rubin, 19 Lea Drive, Fishersville, stated he has lived behind Mr. Clatterbaugh's property for approximately three (3) years. He explained there is a fifteen foot (15') easement along the rear of the property. Mr. Rubin stated he did not know the

size of the proposed building, but there are no other large commercial businesses on this side of the road. He stated he sympathizes with Mr. Clatterbaugh, but he is also concerned with the value of his property if the property were to be rezoned. If the property is rezoned, Mr. Rubin asked for the privacy fence to be constructed prior to the construction of the building. He stated he sympathizes that Mr. Clatterbaugh bought too small a building for his business, but that was not his fault.

Mr. Leonard stated the building can be constructed without having to have the property rezoned.

Mr. Rubin stated that was correct, but the County controls how large the building can be.

Bob Robson, M.D., P.O. Box 61, Fishersville, stated he owns the medical office adjacent to Mr. Clatterbaugh's property. He stated he does not feel this type of zoning would be compatible with the adjacent zoning. He stated a dentist office was located in the building prior to Mr. Clatterbaugh's purchase of the property. He stated that nothing on our side of the road is appropriate for this use. He further stated we back up to residential and building a warehouse here is inappropriate. Mr. Robson stated it seems Mr. Clatterbaugh's business is growing out of the existing building, therefore Mr. Clatterbaugh should consider moving to another location before we are stuck with a large warehouse here. Mr. Robson also voiced concern of how the rezoning would impact his business if a large warehouse were to be located next door.

Mr. Clatterbaugh stated he understands the concerns of the adjacent property owners. He stated he did not anticipate his business to grow at this rate when he first purchased the property. He stated he anticipates constructing the accessory building no matter what the property is zoned. He stated the building will be less than four thousand square feet (4,000 sq. ft.). He explained regardless of the outcome of the request, he will continue to operate his business from this location. Mr. Clatterbaugh stated he would be willing to plant a tree buffer, but he was concerned about the rate of growth. With regards to the privacy fence, Mr. Clatterbaugh stated he feels he should not have to construct a vinyl fence because the option of a wooden privacy fence was already proffered.

Mr. Leonard questioned whether or not Mr. Clatterbaugh planned to leave the existing pine tree to the rear of the property.

Mr. Clatterbaugh answered the tree can remain since it is in the setback.

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

Mr. Leonard stated he was concerned with the amount of parking needed on the parcel. He asked the Commission if there were an established number of parking spaces that they wanted Mr. Clatterbaugh to provide.

Mr. Byerly stated the widening of Route 285 will take the existing parking spaces away in the front of the property. He asked if it would be possible for Mr. Clatterbaugh to proffer establishing parking in the rear of the property.

Ms. Earhart stated parking will be determined during the site plan stage and will be based on the size and use of the proposed building. She stated additional parking can be proffered to be provided in the rear of the property if Route 285 were to be widened.

Mr. Curd stated the request as presented does not address the right-of-way or the parking issue. Mr. Clatterbaugh has stated he is going to build anyway. However, Mr. Curd stated he sees no public benefit to the rezoning. He stated both neighbors are opposed to the rezoning and he cannot support the request as is it is being presented.

Mr. Byerly asked Mr. Clatterbaugh if he were interested in addressing Mr. Curd's concerns.

Mr. Clatterbaugh stated he would consider the proffer, but he does not see that as an issue. He stated the parking would then affect the size and location of the proposed building. He stated he is unsure of the number of parking spaces he can accommodate. He explained if the parcel were to be zoned to General Business, he can then place the building against one of the property lines using the General Business setbacks. Mr. Clatterbaugh further stated he feels the requested ten (10) feet right of way from VDOT is irrelevant to what he is requesting and he is not willing to proffer that donation.

Mr. Byerly explained the Planning Commission is unlikely to approve a rezoning for a parcel the County may eventually have to purchase right-of-way for the widening of Route 285.

Mr. Clatterbaugh stated he understands. He stated he feels the construction of the parking lot and building will not affect the widening of Route 285.

Mr. Byerly explained the responsibility of the Planning Commission is to plan ahead and as a Commission they must consider issues at the time of the request.

Mr. Clatterbaugh stated he does not feel the right of way dedication is pertinent to the rezoning.

Ms. Shiflett stated a road study has already been adopted for this corridor. She too explained the Planning Commission's responsibility is to consider how today's decisions will impact the future. She stated she cannot support the request as submitted.

Mr. Curd moved to deny the request stating there is no reason to change the zoning on this parcel.

Ms. Shiflett seconded the motion. The motion carried on a 6 to 1 vote with Mr. Leonard opposed.

Nominating Committee

Mr. Byerly appointed Kitra Shiflett, Becky Earhart and himself to the nominating committee. They are to report back at the December meeting.

Inclement Weather Ordinance

Mr. Bridge moved to recommend approval of the following ordinance.

WHEREAS, § 15.2-2214 of the Code of Virginia (1950), as amended, authorizes the Augusta County Planning Commission to fix a schedule of regular meetings.

WHEREAS, the Planning Commission now desires to establish its schedule for regular meetings during calendar year 2010.

BE IT RESOLVED BY THE AUGUSTA COUNTY PLANNING COMMISSION:

1. The Planning Commission shall hold regular meetings during calendar year 2010, in the Board Meeting Room at the Augusta County Government Center, on the dates and at the times set forth below:

January 12, 2010	7:00 p.m.
February 9, 2010	7:00 p.m.
March 9, 2010	7:00 p.m.
April 13, 2010	7:00 p.m.
May 11, 2010	7:00 p.m.
June 8, 2010	7:00 p.m.
July 13, 2010	7:00 p.m.
August 10, 2010	7:00 p.m.
September 14, 2010	7:00 p.m.
October 12, 2010	7:00 p.m.
November 9, 2010	7:00 p.m.

2. In the event the Chairman of the Planning Commission, or the Vice Chairman of the Planning Commission, if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members of the Planning Commission to attend a meeting, such meeting shall be continued to the next Tuesday. Such finding and declaration shall be communicated to the members of the Planning Commission and the press as promptly as possible. All hearings and other matters previously advertised

shall be conducted at the continued meeting and no further advertisement is required.

Ms. Shiflett seconded the motion which carried unanimously.

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Ordinance Review

Ms. Earhart stated at the conclusion of this meeting the Commission will move to the Smith Transfer Room to continue work on the revisions to the ordinances. She invited the public to join the Commission to hear the discussion on the proposed changes.

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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. The Commission took no formal action on the BZA items.

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

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Chairman

Secretary