

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

ABSENT: K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 16, 2010, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Ms. Shiflett stated as there were six (6) members present, there was a quorum.

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**MINUTES**

Mr. Hite moved to approve the minutes of the Called and Regular Meeting on January 12, 2010 as mailed.

Mr. Bridge seconded the motion, which carried unanimously.

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**NEW BUSINESS**

**Hillmont Apartments, LC – Rezoning**

A request to rezone from Single Family Residential to General Business with proffers approximately 4.1 acres and to amend and restate the proffers on 45.1 acres zoned Single Family Residential owned by Hillmont Apartments, LC located on the south side of Weyers Cave Road (Rt. 256) approximately 0.1 of a mile east of the intersection with Keezletown Road (Rt. 750/276) in Weyers Cave in the Middle River District.

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

1. The minimum square footage for one story single family dwellings will be thirteen hundred (1300) square feet.
2. The minimum square footage for two story single family dwellings will be sixteen hundred (1600) square feet.
3. Building permits for no more than twenty-five (25) dwelling units will be requested per calendar year.
4. There will be no more than 90 residential dwelling lots created out of the 45.7 acres.
5. There will be no more than two street connections on to Route 256, one of which will align with the entrance to the Weyers Cave Community Center and the other with Shreckhise Shrubbery Sales and Landscaping entrance. In addition, no lots will have direct access to Route 256.
6. The developer will provide a sidewalk from Route 256 to the Roller property (Tax Map 28-1).
7. The developer will dedicate up to 24' of right-of-way to VDOT from the existing right-of-way line of Route 256 along the entire frontage of the property.
8. No building or structure built on the General Business lots shall have more than 2 stories.

Jim Monger, applicant, stated that staff explained the request well. He and his partners feel that this will be a good mix for the County and for them to be able to have a business component to their project. He indicated that adding the business zoning will generate revenue for the County. He displayed pictures of buildings that he would like to see on the property and emphasized that the buildings would be compatible with the residential neighborhood.

Ms. Shiflett asked how they planned on handling the stormwater.

Mr. Monger stated that in the business portion of the project they will have a filtration pond on the west side of the proposed road and another pond on the other side of the road. He indicated that they are working on the design but realize that will be an issue.

Ms. Shiflett stated there is a tremendous amount of water flowing through that property and she wanted to be sure they understood.

Mr. Monger stated that his partner, Gary Gordon, lives near this site and travels by it every day. They are working with Blackwell Engineering, their engineers, and the County, to try and catch the water and release it at a slower rate.

James Shreckhise, 967 Keezletown Road, Weyers Cave, stated he lives on the property between this development and Harshbarger Subdivision. He stated he is not

against the business rezoning. He indicated that he likes the pictures of the proposed buildings and isn't against the business development. He stated that he is concerned about things that happened in the past and wants to be sure they aren't repeated with this development. He stated when Countryside developed Harshbarger, we tried to do some things right, but there are still major needs. There are no sidewalks, so pedestrians walk in the street at night- an accident waiting to happen. We were told there would be a minimal effect on the schools and no one would say that is what happened. The intersection in Weyers Cave continues to be widened a little bit at a time and eventually the cemetery will need to be moved. He stated they have a problem with vandalism and flood control. He stated while this project looks good, he doesn't see the need in building another small house subdivision. He asked what covenants are in place to insure that another Harshbarger won't happen on this property. He asked if vinyl and straight line housing was the best that they can do, can't we do better than another cheap and unimaginative subdivision. He stated the Commission might wonder why he is so pessimistic. He indicated that in talking to Harshbarger residents they have one thing in common- when the market gets better, they are moving out. He stated most houses have already had three (3) or more owners. If the subdivision was good, people would stay in their homes longer. He asked that this subdivision have larger lots, deed covenants, and put in the proper turn lanes and stormwater control. He asked for the Commission's help in creating a better sense of community. He stated he feels Weyers Cave is getting more than their fair share of minimum square footage housing. He concluded by saying 1300 square foot houses aren't big enough.

Randy Roller, 1093 Keezletown Road, Weyers Cave, indicated that he is on the southern boundary with this development. He indicated that Mr. Shreckhise did a good job of describing their concerns. He indicated that he talked to Catherine Click the original owner of this property and when she sold the property to another developer in 2006 it was with the understanding that the houses would be at least 2000 square feet. He indicated that he understands the economics of the housing market, but just because the new owners want less square footage, he doesn't think the houses have to be that small or the project that dense. He stated he doesn't support the houses being 1300 square feet. He stated that he was supportive of the business portion of the request, but asked the Commission to look at the square footage requirement for the houses.

David McCaskey, P.O. Box 1134, Staunton, stated he and his brother own the property to the east of this proposed development. He indicated that he is in support of the business zoning, but agrees with the comments on the house size and the proposed density of the development. He stated with Harshbarger and Bluestone Acres, the Weyers Cave area has enough small house subdivisions and needs more balance in its housing stock.

Gary Gordon, 383 Cline River Road, Mount Sidney, stated that he is one of the developers for this project. He indicated that he lives close by and drives by the site a couple of times a day and wants it to be something he is proud of. He indicated they

are planning on having curb, gutter, and sidewalks on one side of the street throughout the subdivision. He stated this will not be another Harshbarger. He indicated the lots will be ¼- ⅓ acre lots. He indicated that he has seen the field flood and knows the existing design won't work. While the original plan that was already approved for construction had two (2) entrances, he knew there was no way that would work. They are working on a design that will have detention on both sides of a single entrance across from the Weyers Cave Community Center. He stated that he has some of the same concerns as the Roller family. He stated he drives by this site all the time. I don't think I would ever build a two (2) story house less than 1800 square feet, but the 2000 square foot minimum really kills a one story house. He stated they envision this as a good subdivision for retirees and they want a single story house with a garage and it is hard to get all that on a small lot.

Mr. Curd asked if they had thought about a maximum number of single story houses.

Mr. Gordon said no, they would prefer the market to dictate that and people are going back to a more manageable size house.

Mr. Curd asked about covenants and restrictions and asked if their enforcement would be turned over to a homeowners association.

Mr. Gordon said yes.

Mr. Shipplett asked if they will have a homeowners association.

Mr. Gordon said they would need one for the stormwater management facilities. He said the sidewalks would be turned over to VDOT, but we can have the homeowners association enforce the restrictions.

Mr. Shipplett asked if they will have architectural review of the houses.

Mr. Gordon said at least at the beginning the developers will to protect their investment.

Ms. Shiflett asked what types of restrictions they will have.

Mr. Gordon said they will require paved driveways, limiting the amount of parking in the yards, because they don't want rv's and semis parked on the lots. He indicated they hadn't really discussed that level of detail amongst the partners.

Ms. Shiflett asked if they are planning on addressing those issues.

Mr. Gordon said they think they will. He indicated that having curb and gutter and having the driveways paved helps the neighborhood.

There being no one else to speak in favor or against the requests, Ms. Shiflett closed the public hearing.

Mr. Curd stated while he recognized the housing market has changed, 1300 square feet is small and he is concerned that there is no limit to the number of single story homes that can be built. He stated that he supports the business portion of the request, he thinks the curb and gutter and sidewalks are positive, as is the right-of-way dedication. However, with such a drastic reduction in house size from 2000 square feet to 1300 square for one story and 1600 square for two story, he has a real concern with that and he is having trouble getting over that. He concluded by saying that he likes the look of the business units they are proposing.

Mr. Bridge stated that he agreed for the most part with Mr. Curd. He indicated that he thought the plan was well thought out with the roads, the detention, and the business lots, all of that is good. He stated the reduction in house size is a red flag and the only real problem he has with the request.

Ms. Shiflett asked if there was any way the developers could increase the square footage on the homes.

Mr. Monger stated when they started out they talked about a 28' x 48' house which is a good basic house to build. Staff indicated that they didn't want to have a 1344 square foot house minimum, as they liked even numbers and that is why they proffered 1300 square feet. He stated that makes a nice three (3) bedroom house for retirees. He further stated that they have reduced the number of lots from the original plan for the subdivision and reduced it further with the addition of the business acreage. He stated they need to keep the house size smaller so they will fit on the lots. He indicated in today's market, there is no desire for a 2000 square foot house.

Mr. Shipplett asked if they would be willing to proffer that only a certain amount of the houses could be a minimum of 1300 square feet.

Mr. Monger indicated they could do that or increase the square footage to 1400 square feet.

Mr. Shipplett stated that he isn't opposed to the commercial part of the request. However, the developers aren't settled on their covenants or their square footage. He supported tabling the request to give the developers time to come back to the Commission with more answers to their concerns.

Mrs. Earhart stated another option would be to make a recommendation on the business portion of the request and table the request to amend the proffers on the residential portion.

Mr. Monger stated that he didn't realize the house size was going to be a concern.

Mr. Gordon stated that they could raise the minimum to 1440 square feet if that would help the County at all. He stated he envisions this as an ideal development for

retirees. He stated if we limit the number of one-story houses, we limit the number of retirees that can live here. He stated they could amend the proffers to be 1440 square feet for single family dwellings and 1800 square feet for two-story dwellings plus garages.

Mr. Shipplett concurred that retirees want garages.

Mr. Bridge stated that the increased square footage makes the request better and he is more inclined to support the request with the new square footages.

Mr. Curd stated that he understands that 2000 square foot houses aren't selling now, but 1440 square feet is still low and he would like to see more protective covenants in place to help enhance the neighborhood and address the concerns that have been raised. He further stated he can support the business portion of the request, but doesn't want to see ninety (90) 1440 square foot homes on the property.

Mr. Gordon stated the first section had fifty-four (54) lots and they would be concentrating their development in that section. The second section on the eastern side of the property can't handle forty (40) homes; he explained they are looking more at 2-3 acre lots for that portion. Ninety (90) lots are currently shown on the plat, but he stated he doesn't think they can actually be developed.

Mr. Curd asked if they would be willing to reduce the number of lots down from 90.

Mr. Monger stated they could reduce the number of lots to something in the eighties.

Mr. Curd asked what the maximum number of lots is for the development.

Mr. Gordon stated the lots shown on the east side of the stream could never have been developed as it is shown, but they don't know an exact number. He stated they will concentrate on the lots on the west side of the stream and the acreage on the east side of it will have to be redesigned.

Mr. Monger stated they don't know how to limit the number of single story homes that can be built on the property. He indicated they will be building on some of the lots, but other lots will be sold to others to build on.

Mr. Gordon stated he developed Southside Heights off Route 11 in Harrisonburg and those are duplexes for retirees. He reiterated that a 2000 square foot home and a garage can't fit on the lots. He stated that smaller houses don't necessarily mean cheap homes.

Mr. Curd stated the curb, gutter, and sidewalks are excellent, but questioned how they plan to market the homes to retirees. Would it be with pricing, with the quality of the homes.

Mr. Gordon said he doesn't have the answers at this time. He indicated that he would build a 1500 square foot house with a garage, granite countertops, nine foot (9') ceilings, porches, and brick on the front. However, the design of the houses depends on the layout of the lot.

Mr. Curd asked if they will build all the houses.

Mr. Gordon replied they would not. He stated they would get the development started, but wouldn't build them all.

Mr. Shipplett moved to approve the rezoning request with the amended proffers that single story homes would be at least 1440 square feet and two story homes would be at least 1800 square feet.

Mr. Bridge seconded the motion which passed on a 4-2 vote, with Mr. Curd and Mr. Cole opposed.

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## **STAFF REPORTS**

### **A. CODE OF VIRGINIA – SECTION 15.2-2310**

Mrs. Earhart reviewed with the Commission the requests coming before the BZA. Mrs. Shiflett asked if there were any comments regarding the upcoming items on the BZA agenda.

The Planning Commission took no action on the BZA items.

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### **B. ANNUAL REPORT 2009**

Ms. Earhart summarized the report. She explained that there were seven (7) rezoning requests, one (1) Plan of Development for a manufactured home park development, and one (1) request to amend and restate proffers. Ms. Earhart further stated that while the rezoning workload might have been down, the Planning Commission and staff stayed very busy with the revisions to the Zoning and Subdivision Ordinances. She reminded the Commission that due to the changes in the ordinances, this would be the last year that they would review plans of development and preliminary plats. She reviewed with the Commission the data on new lot creation over the last two (2) years and indicated that while the percentage of lots being created in Agriculture districts is very high, the number of lots being created countywide is down, most significantly in residentially zoned subdivisions. As the economy improves, the development patterns

may change and the staff will continue to track those changes and share that information with the Commission.

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C. ZONING AND SUBDIVISION ORDINANCE UPDATE

Ms. Earhart stated that the Board of Supervisors adopted the revised Zoning and Subdivision Ordinances at their last meeting. Those ordinances will become effective March 1<sup>st</sup>. She stated the Board tabled consideration of the new Urban Service Overlay district boundaries which would have corresponded to the County's Urban Service Areas adopted as part of the Comprehensive Plan in 2007. She indicated the new ordinances are now available on the County's website and the development community will be made aware of the new regulations going into effect. She reviewed with the Commission the major changes the Board of Supervisors made to the Ordinances from the Planning Commission's recommendations.

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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