

PRESENT: W.F. Hite, Chairman
J. Curd, Vice Chairman
T. Cole
B. Garvey
E. Shipplett
T.K. Fitzgerald, Director of Community Development
R.L. Earhart, Senior Planner

ABSENT: K. Shiflett
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, February 8, 2011, at 4:00 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. Wilson Office Park, LLC and Royal Care Properties, LLC - Rezoning

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Chairman

Secretary

PRESENT: W.F. Hite, Chairman
J. Curd, Vice Chairman
T. Cole
B. Garvey
K. Shiflett
E. Shipplett
T.K. Fitzgerald, Director of Community Development
R.L. Earhart, Senior Planner
K. Bullerdick, Associate Planner

ABSENT: K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 8, 2011, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mr. Hite stated as there were six (6) members present, there was a quorum.

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MINUTES

Mr. Curd moved to approve the minutes of the Regular Meeting on January 11, 2011 as received.

Mr. Cole seconded the motion, which carried unanimously.

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NEW BUSINESS

Wilson Office Park, LLC and Royal Care Properties, LLC - Rezoning

A request to rezone with proffers 4.14 acres from Single Family Residential to General Business, 0.71 acres from Multi-Family Residential to General Business, 2.38 acres from Single Family Residential to Multi-Family Residential and add proffers on 1.76

acres currently zoned Multi-Family Residential. The property is owned by Wilson Office Park, LLC and Royal Care Properties, LLC and located on the south side of Jefferson Highway (Rt. 250) across from the intersection of Jefferson Highway (Rt. 250) and Idlewood Boulevard (Rt. 1316) in Fishersville in the Wayne District.

Mrs. Earhart made the following statement, "Before the Commission considers this matter, I would like to make a statement for purposes of the State and Local Government Conflict of Interests Act.

I am a member of the Board of Directors of Augusta Mutual Insurance Company, an adjacent property owner to this request. However, I am able to participate in the transaction fairly, objectively and in the public interest and I have filed a written declaration of personal interest, as required by the Act".

She noted the request was deferred in January at the applicants' request.

Mrs. Earhart stated the applicant has submitted the following revised proffers:

1. The road layout for the property, including the street connection lining up with Idlewood Boulevard, will be in substantial conformance with the Wilson Office Park Proposed Rezoning Exhibit (Exhibit A) prepared by Balzer and Associates and dated January 18, 2011. There shall be no access to Route 250 other than the street connection shown on the plan.
2. Prior to site plan approval of any development on the business zoned property, a traffic study shall be completed and submitted to VDOT and the County for approval analyzing the intersection of Route 250, Idlewood Boulevard, and the new public road serving the site, as well as the need for a traffic signal. Based on the results of the study, the applicant will build any required improvements including turn lanes and enter into a traffic signal agreement for up to 50% of the cost of the light, if warranted.
3. Any outdoor lighting installed on the Multi-family zoned property shall be in conformance with the lighting standards for Business and Industrial zoned properties as contained in Article VI.A. Outdoor Lighting of the Augusta County Zoning Ordinance.
4. No building on the Multi-Family Residential zoned property shall exceed two stories, there shall be no more than 48 individual dwelling units total on the property and there shall be no more than 8 units per building. The buildings adjacent to Tax Map 66-73D and identified as buildings A-D on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011 shall contain no more than 6 units per building.
5. The buildings constructed in the Multi-Family Residential portion of the property shall have multiple roof lines and covered porches and be similar in appearance to the rendering submitted as Exhibits C-1 and C-2.
6. Buildings in the Multi-Family Residential portion of the project shall be phased. Building permits (for anything other than the foundation only) for dwelling units 25-48 shall not be issued until at least 60 calendar days have passed from the date of

issuance of Certificates of Occupancy (either temporary or permanent) for the first 24 individual dwelling units.

7. There shall be planted and permanently maintained in front of each dwelling unit a minimum of 4 shrubs on the Multi-Family Residential portion of the property and as generally depicted on the rendering submitted as Exhibits C-1 and C-2.
8. The existing vegetation along the southern property line adjacent to Tax Map 66-73D will be permanently retained in its natural undisturbed state within a variable width buffer area 12-20 feet as generally depicted on Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. In order to limit the visual impact of the proposed project, the grading from the southwest corner of the property for at least 150 feet shall be completed in such a manner that will lower the improvements in that area below existing grade at least 3'. The existing vegetation along the western property line adjacent to Tax Map 66-90A shall be permanently retained within a minimum 10' wide buffer area, with the exception of the area within the right-of-way (including the required grading) of the proposed public road and as generally depicted on the Wilson Office Park Multi-Family Layout (Exhibit B) prepared by Balzer and Associates and dated January 18, 2011. As part of the road construction project for the new public road accessing this property at least 15 evergreen trees shall be planted on Tax Map 66-90 within 50' of the proposed public road right-of-way. The trees must be at least 4' at the time of planting and must live for at least 24 months after planting (or replanting, if applicable) at which time the responsibility for the retention and maintenance of the trees shall transfer to the owner of Tax Map 66-90, unless other arrangements have been made.
9. No building on the General Business portion of the property shall exceed two stories.
10. There shall be no exposed metal siding or vinyl siding installed on the north side of any building or structure in the General Business portion of the property.

Howard Vance, Balzer and Associates, 151 Commerce Road, Verona, representative for Wilson Office Park, LLC, applicant for the request, stated parties have met with staff and adjacent property owners and concerns have been addressed in the revised proffers. Aside from the proffers, Mr. Vance noted the applicant has met with the adjacent property owner and has agreed to address the drainage issues which were described in the staff report as well as drainage issues that exist on the eastern property line adjacent to Royal Care Drive. He explained the project will be privately financed and both Bob Haggerty and PJ Wright are experienced developers in Augusta County. He noted the development already has several proposed tenants for the commercial part of the property and if the rezoning is approved, site plans will be submitted to the County immediately.

Mr. Shipplett asked the applicant the number of proposed buildings on the commercial lot.

Mr. Vance answered while planning is still in the preliminary stages, approximately 3-4 buildings are proposed.

Mr. Shipplett asked Mr. Vance if there was anticipation for more than 4 buildings.

Mr. Vance stated no more than 4 buildings are anticipated.

Mr. Curd asked Mr. Vance if the developers will be using local contractors.

Mr. Vance answered based on the past history these developers have used local companies.

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

Mark Van Arnsdale, owner of Birch Garden and Royal Care, and Royal Care Properties, LLC, noted concerns he originally had have been addressed. He stated the developers for the project have been very accommodating and he is in favor of the request.

Neal Conyers, representing Ada Conyers, 40 Troxell Lane, Staunton, stated his mother is an adjacent property owner. He noted the developers have worked well with adjacent neighbors and they are in favor of the request.

Mr. Hite asked if there was anyone wishing to speak in opposition to the request. There being no one else desiring to speak, Mr. Hite declared the public hearing closed.

Mr. Curd explained his original concern was the request was not in compliance with the Comprehensive Plan and Fishersville Small Area Plan. He further stated while 100% of the request is not in compliance with these plans, times have changed and the economy is not the same as it was when the plans were developed. He stated this development will be an economic benefit to the county and provide employment to the area. Another concern Mr. Curd stated he had was the impact the request would have on the schools, but after review, he noted "by-right" the property could have the potential for units then what the request is proposing and even further, he explained if the entire property were to be in compliance with the Comprehensive Plan and Fishersville Small Area Plan, the impact on the schools would be even greater. Mr. Curd stated not only does it make better sense to have the portion of the property on Route 250 zoned business, but this also decreases the density. He commented rather than viewing this rezoning as a request going against the recommendations of the Comprehensive Plan, it is more of a "tweaking" of the plan and overall getting a better finished product. He further stated the developers have worked well with staff and adjacent property owners and the proffers will provide buffering to the southern property line and address drainage issues. Mr. Curd concluded by noting he does have concern with Troxell Lane and while this concern is outside the scope of this request, there may need to be some type of agreement or improvements made in the future with regard to access. He moved to support the request with proffers.

Mr. Shipplett seconded the motion. He commented the proposed development is well planned.

Mr. Hite noted he was concerned with the impact the request would have on the schools but after considering the potential of the property “by-right”, he feels this request will have less impact on the schools. He is in support of the request with proffers.

Mrs. Shiflett stated she can support the request as written. She thanked the developers for their cooperation with staff and adjacent property owners.

Mr. Garvey stated the request seems like a good project and noted the fact there was no opposition from adjacent property owners.

Mr. Cole stated it is a good project and noted the importance of taking advantage of existing infrastructure.

Mr. Hite commented even if the development is not in compliance with the recommendations of the Comprehensive Plan, the fact there is no opposition indicates it is a good project.

The motion carried unanimously.

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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.

Mr. Hite asked if there were any comments regarding the upcoming items on the BZA agenda.

The Planning Commission took no action on the BZA items.

B. ANNUAL REPORT 2010

Ms. Bullerdick summarized the report. She explained there were nine (9) rezoning requests, three (3) requests to amend and restate proffers, and six (6) requests to add the Public Use Overlay Designation. She further stated as of March 1, 2010, Plans of Development and Preliminary Plats are no longer reviewed by the Planning Commission. She stated during 2010 the Planning Commission considered three (3) Zoning Ordinance changes including a Planned Commerce District, permitting further processing of meat products in General Industrial Districts and adding a Special Use Permit option for wood processing businesses to General Business Districts. Ms. Bullerdick explained in 2010 the amount of actual acreage rezoned was considerably higher than the last two years, approximately 506 acres. However, she explained 342 of those acres were for Mill Place Commerce Park, where no land was taken out of

General Agriculture zoning and developed. Instead it was rezoned from General Business and General Industrial to Planned Commerce, a new mixed use business and industrial district. With regard to acreage recommended for rezoning by Comprehensive Plan Area, approximately 497 acres were rezoned in the Urban Service Area (USA), and approximately 9.6 acres were rezoned in the Community Development Area (CDA), and there were no rezonings in the Rural Conservation and Agricultural Conservation Areas. Ms. Bullerdick stated the majority of land rezoned was to Single Family Residential and this breakdown is appropriate for smart growth as recommended by our Comprehensive Plan as there was no major development in our rural areas was brought before this recommending body in 2010.

Mr. Curd moved to forward the report to the Board of Supervisors.

Mr. Cole seconded the motion which carried unanimously.

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

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Chairman

Secretary