

PRESENT: J. Curd, Chairman  
S.N. Bridge, Vice-Chairman  
W. F. Hite  
T. H. Byerly  
K. A. Shiflett  
J. Shomo  
J. D. Tilghman  
D.L. Cobb, Director of Community Development

ABSENT: R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 8, 2007, 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 the upcoming items on the BZA agenda. The Planning Commission traveled to Crozet and to the following sites which will be considered by the Commission at their regular meeting:

1. Rutherford Construction – Add Public Use Overlay
2. H. Steven Byrd – Rezoning
3. CKK, Inc. – Rezoning
4. Draft Plant Food and Chemicals and Charles F. Urquhart and Mary Louisa U. Bryant - Rezoning

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Chairman

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Secretary

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D. L. Cobb, Director of Community Development  
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 8, 2007, at 7:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

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

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**MINUTES**

Ms. Tilghman moved to approve the minutes of the Called and Regular meeting held on April 10, 2007 and the Worksession held on April 3, 2007. Mr. Bridge seconded the motion, which carried unanimously.

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**Rutherford Construction – Add the Public Use Overlay**

A request to add the Public Use Overlay with a proffer to approximately one acre owned by Rutherford Construction, Inc. located southwest of the end of Sandy Ridge Road (Route 621) in Beagle Gap Forest Subdivision in the Wayne District.

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

1. Additional permitted uses at this site will be:
  - a. Water storage tank.

Kyle Olson, 119 Afton Chapel Road, Afton, VA, Rutherford Construction, explained the purpose of the request is to put a water tank at the highest point in the subdivision to serve fifty lots.

Jim Chaplin, 231 Beagle Gap Run, Waynesboro, VA, stated he does not want to see a large water tank on this property because it will obstruct his view of the mountains and that was his reason for purchasing the property. He stated he realizes County water is not provided to that section of the subdivision, but he would rather see the water tank constructed towards the back of the property. Mr. Chaplin concluded by stating he opposes the location of the water tank because he does not want to see the tank devalue his property.

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

Mr. Bridge asked Mr. Olson the proposed location of the water tank.

Mr. Olson answered the tank will be placed on the highest knoll. He explained that gravity will then flow the water to the residents in the subdivision below.

Mr. Bridge stated it has been discussed before about needing a water tank to serve the remainder of Beagle Gap Subdivision. Mr. Bridge moved to recommend approval with the proffer.

Mr. Byerly seconded the motion which carried unanimously.

#### **H. Steven Byrd – Rezoning**

A request to rezone from Single Family Residential to Townhouse Residential with proffers approximately 3 acres owned by H. Steven Byrd located north of the intersection of Bridgeport Drive and Boyington Boulevard in the Bridgeport Subdivision adjacent to the Waynesboro City Limits in the Wayne District.

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

1. The minimum square footage for townhouse dwellings will be fifteen hundred (1500) square feet.
2. No more than 18 townhouse lots shall be developed on the 2.99 acre tract. The lot and building layout shall be in general conformance with the plan entitled "Schematic Drawing Bridgeport Unit 6" prepared by Balzer and Associates and dated April 12, 2007.
3. There will be no more than 4 units in a single building.
4. All lots shall have access to Boyington Boulevard which shall be built with curb, gutter, and sidewalks.

Steven Byrd, 47 Lillian Drive, Fishersville, VA, stated he would like to rezone approximately three acres from Single Family Residential to Townhouse Residential.

Ms. Shiflett asked Mr. Byrd if he had any design ideas for the townhouses.

Mr. Byrd answered yes. He explained the exterior of the townhomes will be a combination of brick or stone and vinyl siding. Mr. Byrd showed the Planning Commission members pictures of the proposed design plans. He stated in order to be successful, he had to build an attractive project.

Eric Yates, 54 Bridgeport Drive, Waynesboro, VA, explained he was required to build his home at a minimum of eighteen hundred square feet. He stated he was concerned about the added traffic. He stated there is only one way in and one way out of the subdivision and he is concerned about the added congestion. He stated the lots were supposed to be large, nice homes, and townhomes will deviate from that.

Jeff Demastus, 74 Bridgeport Drive, Waynesboro, VA, explained he lives on the corner of Bridgeport Drive and Boyington Boulevard. He stated that he too is concerned with the added traffic. He asked if Boyington would be finished out. He also expressed concern with the decrease in his property value if the townhomes were to be developed. Mr. Demastus concluded he is concerned with the mud and runoff onto his property from the new development.

Ray Burkholder, Balzer and Associates, explained to the members of the Planning Commission and those from the public that were in attendance, that building a road to Route 250 is a given. He stated they are in conformance with what exists, in regards to the size of the dwellings being a minimum of fifteen hundred square feet. He explained the issues with mud and runoff originate from the previous developer and that Mr. Byrd is working to correct the problem. Mr. Burkholder explained Mr. Byrd bought the property approximately one month ago "as is" and understands that a second connection is needed.

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

Ms. Shiflett stated from looking at the pictures Mr. Byrd presented, and the home size of fifteen hundred square feet, the homes look similar to what already exists. She stated that a second entrance is greatly needed. Ms. Shiflett stated she believes it is a good transition from the commercial property on Lew Dewitt Boulevard to the Single Family.

Mr. Byerly stated he feels it is an appropriate transition to have this type of development. He commented on the architectural work the developer presented and stated he feels the added road would be a plus.

Mr. Curd added that he too feels the connection to Route 250 will be a plus. He added the development is compatible with the density the Comprehensive Plan recommends and the townhomes will make an appropriate transition. Mr. Curd voiced concern about the capacity of the schools and added that Wilson Middle School is currently at capacity.

Mr. Bridge stated he can concur with the other Planning Commission members.

Mr. Shomo moved to recommend approval of the request with the proffers.

Ms. Shiflett seconded the motion.

Mr. Curd stated the motion has been made and properly seconded to recommend approval of the rezoning with proffers. The motion carried unanimously.

### **CKK, Inc. – Rezoning**

A request to rezone from General Agriculture to General Business with a proffer approximately 0.5 acres owned by CKK, Inc. located on the south side of Jefferson Highway (Route 250) approximately 0.1 of a mile west of the intersection of Jefferson Highway (Route 250) and Lambert Lane (Route 1021) in the Wayne District.

Ms. Earhart explained the request.

She stated that the applicant has submitted the following proffer:

1. Within 60 days of rezoning approval, this .477 acres will be combined with parcel 67-74B as depicted on the plat entitled "Plat Showing CKK, Inc. Property" prepared by Hamrick Engineering and dated March 26, 2007.

Charlie Koogler, 82 Koogler Lane, Staunton, VA, stated he is requesting the .477 acres zoned General Agriculture be rezoned and attached to an existing parcel that is already zoned General Business. He stated that the parcel is currently for sale with an interested buyer.

Linda Sachs, explained that she lives on the parcel behind the Koogler's that is zoned General Agriculture. She stated in 1998, her mother owned the parcel in front that is currently proposed for rezoning. She said at that time, her mother wanted to rezone the parcel to Single Family Residential. However, the request was denied because the schools affected were already overcrowded at the time of the request and there was not enough road frontage. She stated that she did not understand why the property can be rezoned now.

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

Ms. Earhart explained the parcel is not being created as a lot. It is being rezoned so that the boundary line can then be adjusted, increasing the size of the business lot that is currently being used for the business operation. She stated that currently the lot is being operated for business purposes with a Special Use Permit. She stated within 60 days of the rezoning, the applicant has proffered this lot will be conveyed to the business lot. It does not have road frontage, so the lot could not stand on its own.

Ms. Tilghman questioned if the road is part of the rezoning.

Ms. Earhart answered that Payne Lane is private and not part of the request.

Mr. Bridge stated after viewing the property, he feels it would be appropriate for rezoning. Therefore, he moved to recommend approval of the request with the proffer.

Mr. Shomo seconded the request.

Mr. Curd stated the motion has been made and properly seconded to recommend approval of the rezoning with the proffer.

Ms. Shiflett stated the gravel area of the property is already being used for business.

Mr. Byerly stated he could concur with Ms. Shiflett. He stated combining the .477 acres of the property with the General Business lot and removing the Special Use Permit was good zoning and good planning.

The motion carried unanimously.

### **Draft Plant Food and Chemicals and Charles F. Urquhart and Mary Louisa U. Bryant - Rezoning**

A request to rezone approximately 111.3 acres from General Agriculture to Planned Unit Development with proffers and approximately 95 acres from General Agriculture to General Agriculture with proffers owned by Draft Plant Food and Chemicals and Charles F. Urquhart and Mary Louisa U. Bryant located on the east side of Stuarts Draft

Highway (Route 340), south of the intersection of Stuarts Draft Highway (Route 340) and Augusta Farms Road (Route 649) in Stuarts Draft in the South River District.

Ms. Earhart stated that the applicant has submitted the following proffers:

1. No use will be permitted on the property shown as "94.993 acres, to remain general agriculture with proffers" on the plan entitled "Master Plan for Stone Valley Subdivision" prepared by EGS and Associates, Inc. and dated November 22, 2006, last revised April 19, 2007, that generates more than 50 vehicle trips per day without rezoning approval by the Board of Supervisors.
2. The cost of installing a traffic signal at the intersection of U S Route 340 and Stone Drive shall be at the cost of the owner at the time of Development. Prior to beginning construction, the owner shall enter into VDOT's form "Signal Agreement" and post security acceptable to VDOT for installation of the signal in an amount to be determined at the time of the request.

Ms. Earhart explained the requests separately. She stated the applicants have submitted an Ordinance. However, staff is still in the process of reviewing and commenting on this Ordinance.

Richard Fitzgerald, representative of Draft Plant Food Inc., stated he and his family own the property being rezoned. He stated he realized in 1994 after seeing his property in "red" on the Comprehensive Plan the County did not want dairy farms in the Urban Service Areas. He stated he would need a 2,000 ft setback for a farm building to be built or he would have to use the existing footprints of his buildings. Mr. Fitzgerald explained that as a property owner, he also learned he was not able to build a house for his children, because the property did not have the required amount of road frontage. He was not able to use the Family Member Exception because Draft Plant Food was a corporation. He then realized that long term growth for the farm was no longer an option with the County, so he is expanding three miles away. Therefore, he feels this request is the most compatible with the Comprehensive Plan.

Jeff Gentry, EGS & Associates, 15 Terry Street, Staunton, VA, stated he was representing the applicant on the request. Mr. Gentry presented a Power Point presentation for the Planning Commission and public to view and pointed out the location of the rezoning in relation to surrounding businesses and schools. He explained the property will have public water and sewer. He explained the development will include townhomes and single family dwellings and businesses along Route 340. He stated there will be a mixture of private and public streets. Mr. Gentry explained that the main road, Stone Valley Drive, can be connected with other developments in the Urban Service Area and to Wayne Avenue and is being designed to carry a volume of 7,000 vehicles per day. He stated there will be roundabouts for traffic calming. Mr. Gentry explained a portion of the property will remain General Agriculture with a potential for industrial development in the Comprehensive Plan. He described the single family

dwellings as having alleyway access to the rear of the homes. Mr. Gentry stated the development will have several quad packs and described them as being four lots served by one private drive. He explained the benefits of approving the development because it is in an Urban Service Area with public water and sewer, it will be within eyesight of the schools, it caters to the County's Comprehensive Plan and it will have direct road access to Route 340.

Ms. Tilghman asked Mr. Gentry the distance from the center line of the alley way to the garages.

Mr. Gentry answered the paved alleys will be twelve feet wide with a twenty foot private right of way. On the townhome section, he stated there will be a fifteen foot rear setback to the alley way. He stated there are different setbacks in the Single Family and townhome sections.

Ms. Earhart explained the distance between the alleys and the garages will depend on whether or not the building or garages will be attached or detached from the home.

Ms. Tilghman asked what will be the minimum distance from the alley ways to the garages.

Mr. Gentry stated from the paved alley there will be four feet to the property line. He explained that the distance will depend on whether or not the building is attached to the home. He explained the majority will be attached garages, but if it were detached, it could be as little as six feet.

Ms. Tilghman asked Mr. Gentry if the plans were for attached or detached buildings, or a mixture of both.

Mr. Gentry answered the plan is for mostly attached buildings.

Ms. Tilghman stated she saw a lot of detached garages in the pictures that were displayed.

Mr. Gentry answered the examples she saw of detached garages were built on a much steeper slope than this development.

Ms. Tilghman stated that she wanted to see what the developer wanted to build rather than someone else's work. Ms. Tilghman questioned whether these houses will be moderately priced, affordable housing, an upscale development or a mixture.

Mr. Gentry answered the development will consist of moderately priced, high density homes.

Ms. Tilghman stated that high density does not always mean moderately priced homes. She replied the developers have great ideas and are going in the direction of the



Comprehensive Plan. She stated that this is the first development of its kind to come before the County; therefore it needs to be done right. Ms. Tilghman added the reason for the inquiries on the development were because of this being the first of its kind in Augusta County and she feels staff and the other members of the Planning Commission need time to go over the details.

Mr. Gentry stated that even though these pictures are not of the proposed development, the concept remains the same. He stated he feels he has provided everything that has been asked for in regards to plans, etc.

Mr. Curd questioned the concepts for the business properties.

Mr. Gentry explained the applicant envisions limited businesses to support the residential area and the guidelines in the Comprehensive Plan.

Mr. Curd stated limited business has many possibilities that may not necessarily be compatible with the surrounding neighborhood, especially with a community that encourages sidewalks and walking.

Mr. Gentry stated any business on these lots will have to be viable to the community. He stated these businesses will be offices and small retail.

Mr. Curd asked if they were proposed to be mini warehouses.

Mr. Gentry answered no.

Mr. Curd asked what the businesses are envisioned to look like.

Mr. Gentry stated the businesses will be in line with the residential lots. He explained the buildings will be constructed mostly of brick.

Mr. Curd explained the idea of safe access to Stuarts Draft Elementary, Middle and High Schools. He asked Mr. Gentry if there were any intentions of providing safer access to these schools across Route 340.

Mr. Gentry stated they are working on providing sidewalks to Route 340 and they are working on redesigning the traffic signal to accommodate traffic, but he does not have the potential to access the schools across Route 340 because the applicant does not own that property.

Mr. Shomo asked Mr. Gentry the amount of feet from the pavement to the property.

Mr. Gentry answered it will be a fifteen feet minimum. He stated all townhome lots will be narrow with short front yard setbacks. He stated the lot is deep enough to attach the garage; the intention is the garage would not be detached, but rather an attached accessory building.

Mr. Shomo asked if the minimum will be fifteen feet off the pavement of the alley.

Mr. Gentry answered yes, if it were to be the minimum setback.

Mr. Curd asked if there is to be on street parking.

Mr. Gentry answered the alleys are to strictly serve the residents. He stated there will be parking allowed for visitors on the public streets. Mr. Gentry explained the pavement will be wide enough to allow for on street parking.

Mr. Curd asked if it were intended to have sidewalks throughout the development.

Mr. Gentry answered yes every street shown on the map will have sidewalks. However, he explained that Stone Drive will have limited on street parking.

Dennis Yamrose, 3217 Stuarts Draft Highway, Stuarts Draft, VA, stated his biggest concern is stormwater runoff. He explained that his home would be in front of the proposed business lots. Mr. Yamrose questioned whether or not there will be a buffer between those lots and his home. Mr. Yamrose wanted to know if the business deliveries will be in the back of the business or on the street. Mr. Yamrose stated he understands the lots will be .25 acres and he wanted to know the setback from the businesses to the property line. He explained that his garage was built some time ago, with a twelve feet setback and he wants to know the current setback for those properties.

George W. Campbell, Jr., 3229 Stuarts Draft Highway, Stuarts Draft, VA, stated he owns a small welding shop on Route 340 that will be in front of the business lots. He asked if there was going to be any buffers separating his property from the businesses and if this buffer will be at the applicant's expense.

Jerry L. Fox, 3149 Stuarts Draft Highway, Stuarts Draft, VA, stated he is concerned with water runoff from the development. He explained he currently has trouble with water coming onto his property from the agriculture land. He also wanted to know information regarding how the development was going to affect the schools, water and sewer, the rescue squad and fire department.

Earl Kindig, 3546 Stuarts Draft Highway, Waynesboro, VA, explained he has been a resident of Route 340 for eighty-two years. He stated he has an adjoining farm northeast of the property. He stated he too, is concerned with excess water runoff, more specifically the low lying bridge on the way to Sherando. Mr. Kindig stated he was concerned with the extra feet of floodwater that will be running from the development to Waynesboro. He stated he understand there are no plans for retention ponds. He also voiced his concern with the impact of the development on the school system that is already at capacity.

Paula Rau, 235 Locust Grove Lane, Stuarts Draft, VA, stated she is concerned with the intersection of Augusta Farms Road and Route 340. She stated she would like for Augusta County or VDOT to make improvements to the intersection before the development is completed. She stated her second concern was the acreage that was to remain General Agriculture with proffers. She stated she understands it has been agreed that while the 94 acres are zoned General Agriculture, it will not generate more than fifty cars per day in traffic. She understands the County would like to see the parcel zoned General Industrial, but she stated she did not want to see the Industrial entrance off of Locust Grove and she would like to see some type of buffer between the properties. Her final concern she concluded, is regarding the alley setback on the townhomes that adjoin her property.

Steve Hewitt, 3995 Lyndhurst Road, Stuarts Draft, VA, stated he agrees with Mr. Kindig, that the schools are overcrowded. He also stated he is concerned with traffic congestion and the benefits of a second traffic light. Mr. Hewitt stated he is concerned with runoff to the South River.

Mr. Curd asked if the applicant would like to answer the public's questions.

Mr. Gentry answered the concerns raised in terms of the drainage concerns, he explained the detention will be piped and diverted away from Mr. Fox's property. He stated Mr. Campbell will have a twenty-five foot setback around the perimeter of the property. He stated it will be up to the property owner to provide a buffer if they want one. He explained to Mr. Kindig the runoff is primarily from the General Agriculture property and will not drain from the proposed development area. He stated the development will have two stormwater detention ponds that will be designed in accordance with Augusta County's and the State of Virginia's regulations to provide stormwater relief in quantity and quality. Mr. Gentry stated he understands the current traffic light is not the best design. He stated they are widening Locust Grove which will allow for a better alignment. It has been agreed that the signal will be redesigned as part of the proposed Phase I. He explained the Industrial Zoning will be limited to less than fifty trips a day, limiting the use to agriculture. He stated that alley connections bordering the surrounding properties are limited.

Mr. Byerly asked Mr. Gentry to comment on school capacity.

Mr. Gentry commented he believes there is some capacity at all three schools. He stated there are agriculture lots that are created every year that generate school age kids as well. He explained this development encourages development to occur where the County wants development. He stated the development will be in phases, which will allow the schools, etc. to prepare.

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

Mr. Cobb stated in regards to the schools, they all have instructional capacity at this time.

Ms. Shiflett commented she feels the plans are following what the Steering Committee and the Board of Supervisors adopted in the Comprehensive Plan including connector roads, alleys, traffic calming measures, diverse housing and business, walkable communities and open spaces with recreation. Ms. Shiflett stated, however, she felt there was not enough time given to them to review the project prior to making any decisions on this request. Ms. Shiflett explained there are still issues that need to be resolved. She stated she would like to see a design manual of the proposed development. She stated that the developers get more density, but the County wants better design. Ms. Shiflett stated the County has problems with stormwater runoff and that is also a concern she has with this development. She stated she would like to see them oversize the detention facilities wherever they can. She stated she feels there are issues that the developer and staff need to address before a decision can be made. She would like to see at least twenty feet from the centerline of the alleys to the garage, whether they are detached or not. She wants all approvals received before they get the request back for action. Ms. Shiflett moved to recommend tabling the request until these issues can be addressed.

Ms. Tilghman seconded the motion.

Mr. Byerly stated he did not feel comfortable voting for this request until all the details have been worked out. He stated this is a large step for Augusta County and it is the responsibility of staff and the Planning Commission that it be done right.

Mr. Curd concurred with Mr. Byerly. He stated he believes the project is a great concept. He feels the development is going in the right direction with a walkable community, recreational amenities, open space and curb and gutter. He stated school capacity is a concern with this subdivision having the potential to greatly impact the school system. He stated he would like to see more crosswalks. Mr. Curd concluded by stating that this being the first development of its kind in Augusta County, he can not stress enough the importance of making sure everything is done thoroughly.

Mr. Curd stated the motion has been made and properly seconded to recommend tabling the request until all concerns have been adequately addressed. The motion carried unanimously.

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**NEW BUSINESS**

**Lynview Subdivision - Preliminary Plat**

Lynview Subdivision – Contains 79 lots zoned Single Family Residential, located on Mt. Torrey Road (Route 624) adjacent to Featherstone Manor and Kingswood Meadow Subdivisions in the South River District.

Ms. Earhat stated at this time the plat does not meet the technical requirements of the Ordinance.

Mr. Bridge moved to table the request until the plat meets the technical requirements of the Ordinance.

Ms. Shiflett stated options for traffic calming should be addressed other than speed bumps.

Mr. Byerly seconded the motion.

Mr. Curd stated the motion has been made and properly seconded to recommend tabling the request until the plat meets the requirements. The motion carried unanimously.

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**OLD BUSINESS**

**The Bennett Realty, LLC- Rezoning**

A request to rezone from General Agriculture and General Business to General Business with proffers approximately 4.8 acres owned by The Bennett Realty, LLC located in the southeast quadrant of the intersection of Lee Highway (Route 11) and Weyers Cave Road (Route 256) in Weyers Cave in the North River District.

Ms. Shiflett moved to remove the request from the table.

Mr. Bridge seconded the motion which carried unanimously.

Ms. Earhart explained the request.

She stated that the applicant has submitted the following proffers:

1. The minimum setback for any buildings shall be fifty feet (50') from the on ramp from State Route 256 to southbound Interstate 81. A restrictive covenant, in a form acceptable to the county, shall be recorded by the Applicant to evidence such restriction.
2. The applicant shall complete a boundary line adjustment with Simonetti's Antiques, Inc. to create the necessary entrance required by VDOT and to combine the property acquired from Simonetti's Antiques, Inc. with the property owned by the Bennett Realty, LLC. The property to be acquired from Simonetti's Antiques, Inc. is

depicted on the survey prepared by David Lee Ingram, Land Surveyor, dated May 8, 2005.

3. Applicant shall dedicate for public street purposes a parcel of land containing 0.0615 acres designated as "right of way requested by VDOT 0.0615" on plat entitled "Signalized Entrance Sketch" prepared by Ingram-Hagen & Co., PLC dated July 27, 2005.
4. Applicant shall record a restriction on the property, in a form acceptable to the county, providing for the following items:
  - a. The construction of the commercial entrance at the location shown on the plat entitled "Signalized Entrance Sketch" prepared by Ingram-Hagen & Co., PLC dated July 27, 2005 shall be at the cost of the owner of the property at the time of construction.
  - b. The installation of a traffic signal at the commercial entrance shall be at the cost of the owner at the time of application for the commercial entrance permit from the Virginia Department of Transportation (VDOT). Prior to the approval of the entrance permit for the commercial entrance by VDOT, the owner shall:
    - i. Enter into VDOT's form "Signal Agreement" and post security acceptable to VDOT for installation of the signal in an amount to be determine at the time of the request.
    - ii. Enter into an agreement with VDOT agreeing to pay twenty-five percent (25%) of the cost of construction of a right turn lane from westbound State Route 256 to northbound Route 11 and to post security for the estimated cost of construction as of the date of the agreement. The posted security shall remain in effect for a period of ten (10) years from the date of the agreement. If at the end of the ten (10) year period the improvements have not been constructed, the posted security shall be released by VDOT.
    - iii. Enter into an agreement with VDOT agreeing to pay twenty-five percent (25%) of the cost of installation of signalization at both I-81 ramp intersections with State Route 256. The posted security shall remain in effect for a period of ten (10) years from the date of the agreement. If at the end of the ten (10) year period the improvements have not been installed, the posted security shall be released by VDOT.

John Hagen, Ingram-Hagen, Mount Crawford, addressed several items in the Staff Report. He commented on Staff's Comment regarding the safety of the intersection of Route 11 and Route 256. Mr. Hagen stated he has provided Ms. Earhart with a copy of

the traffic impact analysis that was submitted to VDOT last year. He stated in this study, it was found that the current intersection is below the acceptable level of service. He stated one problem is that traffic on Route 256 turning left on Route 11 backs up on the interstate ramp. He stated the intersection needs a right turn lane which will relieve the left turning movement back-up and participation was proffered. Mr. Hagen stated he feels with maximum use of the rezoned parcel, the traffic in the build out year, the interstate lights, and the right turn lane, the intersection will function better than it is currently. Mr. Hagen quoted Staff Comments, "The County would like to encourage the development of the site by utilizing the existing commercial entrance of Rocky's", he stated if the site were to connect to Rocky's, a tractor trailer coming south out of their site passing Rocky's place of business, would not be able to make a U-turn to go north bound on Route 11. Therefore, he stated it would not be feasible to use this entrance. Mr. Hagen quoted the comments in regards to VDOT's involvement in September 2006. He stated his firm had met with VDOT and it was his belief that issues had been worked out to VDOT's satisfaction. He stated there was one final tweaking that was presented to VDOT in October 2006. Mr. Hagen explained he had not heard any negative comments from VDOT since then, and it was his expectation that VDOT would respond in a positive manner to this rezoning request. Mr. Hagen stated this is where his firm and the applicants stand from their prospective. He stated he has worked with VDOT for two years and has provided the necessary documentation as requested.

Mr. Curd asked if anyone had any questions for Mr. Hagen.

Ms. Earhart clarified staff has requested in writing documentation from VDOT regarding what improvements can be required as part of the permit process. However, staff has not received these items.

Ms. Shiflett asked Ms. Earhart if anything was known regarding full build out versus the turn lane.

Ms. Earhart stated she believes the traffic study indicates once the turn lane is in, traffic flow will improve. Ms. Earhart explained per Mr. Miller, the applicant would pay 25% of those improvements, as long as there was a way for their expenses to be paid back. Arguably, the intersection would be better if the improvements were made, but the resources are not available for the remaining 75% of the costs.

Ms. Shiflett stated VDOT is demanding too much from the applicant. She stated she feels there is no way to make that intersection safe, even with the proffers that are presented. Ms. Shiflett moved to recommend denial of the request until the property has an owner, or improvements have been made to the intersection. She further stated, if the Board of Supervisors recommends approval of the request, she moved that the proffers be amended to:

1. The minimum setback for any buildings shall be fifty feet (50') from **the right-of-way of** the on ramp from State Route 256 to southbound Interstate 81. A restrictive

covenant, in a form acceptable to the county, shall be recorded by the Applicant to evidence such restriction.

2. The applicant shall complete a boundary line adjustment with Simonetti's Antiques, Inc. to create the necessary entrance required by VDOT and to combine the property acquired from Simonetti's Antiques, Inc. with the property owned by the Bennett Realty, LLC. **into a single parcel within 60 days of rezoning approval.**
3. Applicant shall dedicate for public street purposes a parcel of land containing 0.0615 acres designated as "right of way requested by VDOT 0.0615" on plat entitled "Signalized Entrance Sketch" prepared by Ingram-Hagen & Co., PLC dated July 27, 2005.

Mr. Curd stated a motion has been made to recommend denying the request until an owner is determined or such time as the intersection is improved. However, if the Board of Supervisors approves the request, it is recommended the changes as outlined in the Staff Report be made.

Mr. Byerly seconded the motion. He stated he regrets denying the request because of a problem with VDOT and the fact that the County is not able to fund the remaining 75% of the improvement costs. Regardless of who the developer of this parcel will be, he stated he feels the area needs to be developed and he has high hopes for the parcel.

Mr. Curd stated the intersection needs to be improved, but at this time there is no adequate way of achieving this.

The motion carried unanimously.

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## **STAFF REPORTS**

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

Mr. Curd asked if there were any comments regarding the upcoming items on the BZA agenda. The Commission took the following actions:

### **SUP 07-40 Bruce W. or Tammy S. Crow**

Ms. Shiflett moved the Planning Commission recommend requiring a buffer or requiring that all business equipment be stored inside, if this property is within a residential area.

Mr. Bridge seconded the motion which carried unanimously.



**SUP 07-42 Verna Doyle or James Davis**

Ms. Tilghman recommended the Board of Zoning Appeals deny the request to utilize a privy for the events and encouraged the Board of Zoning Appeals to require the applicant to install a private sewage disposal system for the site.

Mr. Curd seconded the motion which carried unanimously.

**SUP 07-6 Crosco Co.**

Mr. Shomo moved to recommend tabling the request until a survey of the property is provided and the exact location of the building and the right of way of the Shenandoah Valley Railroad can be verified.

Ms. Tilghman seconded the motion which carried unanimously.

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Ms. Earhart commended those members of the Commission who attended the 2007 CPEAV Planning and Zoning Law Seminar on May 7, 2007 in Charlottesville, VA. She stated the seminar was very educational and an excellent overall event. Ms. Earhart noted the key speakers were attorneys with law firms working with county governments.

Ms. Shiflett noted one of the speakers emphasized the importance of documentation. She explained how substance is less important than the idea of documenting every detail.

Mr. Curd added that when municipal governments lose court cases, in many instances it has been because of procedure.

Ms. Earhart explained to the Planning Commission information from the conference will be found in their June packets.

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

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Chairman

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Secretary