

PRESENT: J. Curd, Chairman
T. Cole
K. Shiflett
E. Shipplett
R.L. Earhart, Senior Planner and Secretary
T. Fitzgerald, Director of Community Development

ABSENT: K. Leonard, Vice Chairman
W. Garvey
W. Hite

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 2012, at 4:15 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 and the ordinance amendments. The Planning Commission traveled to Greenville to see how the Village Mixed Use District may be applied to an existing village.

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Chairman

Secretary

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ABSENT: K. Leonard Vice Chairman
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VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 12, 2012, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Curd stated as there were five (5) members present, there was a quorum.

MINUTES

Mr. Hite moved to approve the minutes of the called and regular meeting held on May 8, 2012.

Mr. Cole seconded the motion, which carried unanimously.

Sphinx Land Development, LLC

A request to add the Public Use Overlay zoning designation with proffers to 13.4 acres owned by Sphinx Land Development, LLC and located on the north side of Goose Creek Road (Rt. 640) approximately 0.4 of a mile east of the intersection of Goose Creek Road (Rt. 640) and Tinkling Spring Road (Rt. 285) in Fishersville in the Wayne District.

Mrs. Earhart explained the request. She explained that the area is part of Ruby Estates subdivision which contains business property, attached residential, and single-family residential zoned property. There is also a portion of the property that is zoned rural

residential. She explained that the applicant has submitted proffers that additional permitted uses would be limited to schools. The development for the school must be on public water and sewer. She stated that no more than 22 single-family dwellings could be built on the property. When the property was zoned for business and residential use, the single-family zoned portion of the property had 81 total units of density. She explained that the church will buy 13.4 acres for the church and school. If the church and school decide not to locate in this area, the residential density will be limited to 22 units. The remaining residential density that is proffered (the remaining 59 units) would go on the other single-family residentially zoned property. This will ensure if something were to happen with the church and school that are planned, there would be some residual value to the property. This will also serve as protection for the neighbors to know how dense the remaining acreage would be in terms of the residential density.

Mr. Peter Boutros of 39 Beatrice Court, Fishersville, representative of Sphinx Land Development, stated that his company plans to sell this property to Bethany Lutheran Church. He stated that the request for the rezoning was necessary for the contract to be accepted.

Mr. Shipplett asked if they had a site contract.

Mr. Boutros stated that they did have a site contract and confirmed that the contract was contingent upon the rezoning.

There being no further questions from the Commissioners, Mr. Curd opened the public hearing.

Mr. Tim Bohlmann of 316 Lee Drive, Waynesboro and pastor of Bethany Lutheran Church, explained that in the 240 year history of the church there has been a school in operation from time to time, including a boarding school. Currently, they operate a pre-school which serves 100 children. The school operates from 8:30 – 11:30 with extended care available from 7:30 a.m. to 6:00 p.m. He stated that they hope to further develop the pre-school ministry and also develop an infant/toddler care program, something that they are unable to do on their current site. They wish to continue to provide extended care for elementary aged children, as well as develop more elementary grades starting with kindergarten and moving into the early elementary grades.

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

Mrs. Shiflett stated that the application looks to be in order and she did not see a reason for opposition. She made the motion to recommend approval to the Board of Supervisors with proffers.

Mr. Cole seconded the motion, which carried unanimously.

Village Mixed Use District

An Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled "Village Mixed Use District". The district is intended for use in

established communities which have historically provided social and economic services to the area. The regulations are designed to recognize the mixed use character of the village, encourage its service functions, and to provide for appropriate expansion and redevelopment of the village while maintaining its historic development pattern. The district will allow the mixing of low impact commercial uses and single family and multi-family residential uses. The district provides for reduced parking requirements and limitations on signage.

Mrs. Earhart explained that this is a new district to be used in some of the County's older developed communities. She stated that the village of Greenville could be one potential place for the new district. The County has accepted bids for the Greenville sewer project which will allow for lots that have been vacant to be developed. The property in Greenville is currently zoned General Business. If the zoning is changed to Village Mixed Use, a mixing of residential and business uses would be permitted, which is the traditional development pattern, but is not supported by the current zoning. Village Mixed Use zoning would allow for the same historic development pattern to continue. It is expected that residential would be the predominant use for this area and would be on Main Street instead of Route 11. While this is an option for Greenville, it would also be available for other areas in the County to use as a zoning district.

Mrs. Earhart explained that in terms of permitted uses the Village Mixed Use zoning would include single family residential and lower impact businesses that could conduct their operations in a space of less than 5000 square feet with very little outside storage. Administrative Permit Uses would include home occupation and multi-family residential uses. This would allow for an Administrative Permit to be issued for apartments which could be converted from previous business buildings or from a single family home to multiple apartments. Apartments could also be in new buildings, if there is a business on the ground floor, as is currently allowed in General Business districts. Boarding houses would be allowed as well as outside display. Outside display is different from outside storage because outside display would be products that are available for sale. Special Use Permits could be issued for more intensive purposes with the new zoning. Brand new construction could be allowed and would be looked at on a case by case basis and for outside storage. Accessory buildings would be allowed in side and rear yards with a 5' setback. This zoning would also allow for placement of accessory buildings in required yards with a Special Use Permit. For instance, some businesses have dual street frontage, but because the front of the business may face one street they would naturally desire for an accessory building to be placed behind the business which would face the other street. This would be allowed with a Special Use Permit.

Mrs. Earhart stated that signage would need to be compatible with residential uses and would need to be either wall signs or small free standing signs. Parking will be a challenging factor to allow for adaptive reuse of some of these properties. Street parking would be allowed for businesses, if approved by VDOT. If a public parking lot was established, it could reduce the required parking by up to 50%. In Mixed Use projects where there is competing uses with similar hours, a reduction of up to 30% could be requested. In non-competing uses, a reduction of up to 75% could be requested. If parking is going to be next to an established business use, there is a requirement now in place for screening. In the Village Mixed Use district, the screening would still be

required; however, if an adjacent single-family property owner wanted to sign a waiver and have it recorded in the court house, he could waive the right to have a buffer installed.

There being no questions from the Commissioners, Mr. Curd opened the public hearing.

Diane Korte of 109 Pleasant Hill Lane, Churchville, stated that she thought the Village Mixed Use district was a great idea. She asked if there were any restrictions for lighting.

Mrs. Earhart stated that if the use is Business, regardless of the zoning, the owner of the business would need to meet the lighting ordinance requirements.

Ms. Korte asked if there were any provisions for use of alleyways or parking from the rear.

Mrs. Earhart stated that if the alleyway was already there and parking was accessible through the alley, there would be no provisions against that.

Ms. Korte stated that she was concerned about line of site, especially where signs for businesses are too close to the road or where shrubbery may obstruct vision. She asked if there are any provisions as to how far back signage or shrubbery needs to be off the road to prevent obstruction of line of vision.

Mrs. Earhart stated that the County does not have a site distance triangle requirement. The County doesn't have setback requirements for signs or shrubs.

Ms. Korte recommended that the County consider a regulation that would prevent blocking site distance. She feels that in the smaller villages such as Churchville or Greenville, pedestrian traffic should be encouraged, and unless a regulation is put into place preventing blockage of site distance, pedestrians would be in danger.

Ms. Korte also asked if there are any restrictions on hours of operations for cafés or restaurants in villages.

Mrs. Earhart stated that the ordinance does not limit the hours of operations.

Ms. Korte stated that if there was a café or restaurant that had a wine or liquor license within a residential area, there may be a concern as to later hours of operation and liability.

There being no further comments, Mr. Curd declared the public hearing closed.

Mr. Cole asked if hours of operation for establishments should be addressed in the Village Mixed Use Districts.

Mrs. Earhart stated that it could be recommended to the Board of Supervisors that hours of operations for certain establishments be limited, in addition to the fact that the business uses would be no larger than 5000 square feet. She stated that if the use for

an establishment does not meet the criteria, it could be moved to Special Use. She said she thought this could be easily implemented into the ordinance as it exists.

Mrs. Earhart asked if there should be a stipulation as to a starting time for establishments.

Mr. Cole stated that he was not concerned with a starting time.

Mrs. Shiflett addressed the front setback issue. She stated that two options had been presented for the front lot line setback. She likes the first proposal because of its simplicity; however, she feels there are some buildings that are setback far out of line with other buildings in the village and that could skew the average. She stated that even though the second proposal is more complicated, it would take care of some variations in the setbacks and she would favor going with the average of at least 60% of the buildings within 250' of the new structure.

Mr. Cole made the motion to recommend approval of the Village Mixed Use District with the addition of setting hours of operation for establishments to no later than 10:00 p.m. and any establishment wishing to operate past the 10:00 p.m. stipulation would require a Special Use Permit.

Mr. Shipplett seconded the motion.

Mrs. Shiflett made a motion to amend the motion by adding the recommendation of Proposal #2 for the minimum front setback requirement.

Mr. Hite seconded the motion, which carried unanimously.

The amended motion to recommend approval of the Village Mixed Use District with the addition of setting hours of operation for establishments to no later than 10:00 p.m. and any establishment wishing to operate past the 10:00 p.m. stipulation would require a Special Use Permit with Proposal #2 for the front setback carried unanimously.

Height Limitation in Multi-family Residential Districts

An Ordinance amending the Zoning Ordinance of Augusta County by decreasing the height limitation in Multi-family Residential districts. This ordinance amends §§ 25-238 and 240.2 by lowering the allowable height and density of multi-family residential structures to four (4) stories and twenty (20) units per acre, however, in no case shall the structure exceed 75' in height. The ordinance also establishes a Special Use Permit issued by the Board of Supervisors to consider modifications to the height requirement.

Mrs. Earhart explained that this was a public hearing on changing the height requirement on apartment buildings. She stated that in 2010 the height was increased to 75' and allowed for five and six story apartment buildings. The ordinance would decrease the maximum height to four story buildings. This ordinance would establish a Special Use Permit to be issued by the Board of Supervisors and would be the only Special Use Permit that the Board of Supervisors would hear. It would require site plans

of the apartment complex to be presented to the Board of Supervisors so public health and safety concerns that have been raised could be addressed. Other considerations are that the overall density cannot exceed what is recommended in the Comprehensive Plan and there are no adverse impacts on the community and its resources which would include fire, rescue, and water.

Mr. Curd opened the public hearing. With there being no one to speak in favor of or against the amendment, the public hearing was closed.

Mr. Shipplett stated that he worked for a development company and there is a lot of time and money spent in planning projects. The ordinances are set up to give guidance as to what can and cannot be done based on certain steps. While he is concerned about fire and rescue and the safety of the public, he is concerned about leaving decisions that determine if the guidelines have been met up to the Board of Supervisors. While he thinks the amendment is a good idea, he would like to recommend that the amendment be sent back to staff for further study. He feels it would be best to meet with Fire & Rescue to see if particular guidelines can be put into place so a developer will know what steps will need to be taken and what will need to be provided to show proof that a building is safe for the public. He feels that this should not become a political issue by involving the Board of Supervisors.

Mr. Curd asked if Mr. Shipplett was referring to just sending back for further study §25-240.2D (the Special Use Permit provision) and not necessarily the change to limit the height to four story buildings.

Mr. Shipplett said again that he thinks there should be steps in the ordinance that developers have to follow and that they would have to prove that a project is safe. If the developer proves they have followed the steps and can prove the project is safe, then they would automatically be approved for a five or six story complex. He feels there should be more study on this.

Mr. Cole asked if there were any apartment complexes that have over four stories in the County.

Mr. Fitzgerald indicated that as of right now there are not.

Mr. Shipplett asked how other localities address issues like this.

Mr. Fitzgerald stated that there would need to be changes to other ordinances to accomplish what Mr. Shipplett is requesting. He stated that Augusta County has not adopted the International Fire Code which addresses some of those issues. In order to allow staff discretionary review of site plans, there would need to be additional requirements put in the ordinance that are not being required now, for instance the ability to ensure 360° access around buildings which is needed for fire trucks to get close enough to the building to reach people in the taller buildings. He stated that when the ordinance committee reviewed it they felt if someone went to the extra effort to prove that a five or six story building could be safely accommodated, they should approach the Board and request a Special Use Permit for the five or six story building.

Mr. Shipplett stated that developers are always looking at how to use the smallest footprint to accommodate as many people as possible without using up substantial amounts of land. He thinks the proposal would create hurdles for developers when planning developments. He is requesting again that this be studied further.

Mrs. Earhart stated that the site plan review happens in one of two ways at other localities. Either the site plan is subject to review by the Planning Commission or another body like that on a case by case basis. The other way, as Mr. Fitzgerald said, is if the fire code were adopted, staff could have more discretionary approval authority. Currently, the fire chief cannot turn down the site plan on the basis of design. When the Ordinance Committee looked at the proposal, they felt it was a more appropriate decision to be made by the Board of Supervisors than by a staff person.

Mr. Shipplett asked if the fire chief could say what the requirements would be for the fire trucks to access a particular development.

Mrs. Earhart stated that the fire chief cannot make a developer make changes to the development. The fire chief can state that his trucks may not be able to access a certain building or floor due to the way the development or buildings are designed.

Mrs. Shiflett stated that it sounds like it will cost more money at the site plan stage for everyone if we change the site plan process or for only the ones that want five and six story buildings if we go with the amendment before us.

Mr. Shipplett stated that what he speculates would happen is that developers will realize that they will not be able to build five and six story buildings because it will be too expensive to have the possibility of being turned down by the three or four people that will be making the decision. He stated that he does not want to be misunderstood and that he wants the County as a community to be able to protect people in these types of buildings. He wonders if there could be a pattern set up to cover developers that want to build five or six story buildings without leaving it in political hands where developers are begging for the vote.

Mr. Hite asked why the ordinance states that buildings can be no larger than four stories and 75'. He asked why the ordinance could not state 75' only.

Mrs. Earhart stated that is the way it was before and it was problematic.

Mr. Fitzgerald stated that the County does not allow for any building to be over 75'.

Mr. Hite made a motion to amend the zoning ordinance to reflect the height limitation in multi-family districts.

Mrs. Shiflett seconded the motion.

The motion passed 5 – 1, with Mr. Shipplett being opposed.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Earhart reviewed with the Commissioners the requests coming before the BZA.

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

12-26 and 27 – Monte N. and Donna L. Atkins

The Planning Commission voiced concern about the magnitude of the current and proposed business use of this property in an Agriculture Conservation Area. They also expressed concern about the potential negative environmental impacts if storage of materials and equipment is allowed to expand to the wooded area across from the existing site. Mr. Cole moved to recommend that the expansion of the business not be allowed at this location and the business be encouraged to relocate to a business zoned piece of property better suited for this use. Mr. Shipplett seconded the motion which carried unanimously.

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GREENWAY PLAN

Mr. Fitzgerald thanked the Planning Commission for attending and helping with the greenway planning effort. He stated there was some additional discussion with the Board of Supervisors on May 21, 2012. The Board voted to put the Greenway Plan on hold due to economic concerns. They feel there are more demanding issues facing the County at this time. He stated that they would keep the information collected so far on greenways until the Board is ready to move forward. Mr. Fitzgerald stated that the Board did grant some latitude as specific developments are proposed for areas that lend themselves well to greenways; the County can look at them on a case by case basis. However, they do not wish to proceed with a Greenways Plan that would be included in the Comprehensive Plan and the Parks and Recreation Master Plan at this time.

Mr. Cole asked if Staff would be making recommendations for certain projects to look at greenway options.

Mr. Fitzgerald stated again that it would be on a case by case basis, but they would be looking at options as projects come in.

Mr. Cole stated that he would like to see the greenway options in some of the projects that come before the County, even though the County is unable to take that on right now.

Mr. Curd suggested the possibility of dedicating a 15 to 20 foot right-of-way for greenways when projects come in.

Mrs. Earhart reminded the Commissioners that as they receive and review potential rezoning reports they look at the possibility and desirability of a greenway connection being made.

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

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Chairman

Secretary