

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

ABSENT: K. Leonard
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 14, 2014, at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

The Planning Commission assembled in the Augusta County Government Center to hear a presentation by Michele Abstarb, Subdivision Administrator for Augusta County on the renewal of the Middlebrook Agricultural and Forestal District.

Mrs. Earhart also presented for review the revised Education, General Government, Historic Resources, Housing, Library, and Public Safety chapters of the Comprehensive Plan. Mrs. Earhart reviewed the changes that have been made since the last time the Planning Commission reviewed these sections. The Commission made no additional changes.

Chairman

Secretary

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ABSENT: T. Fitzgerald, Director

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, October 14, 2014, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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MINUTES

Mr. Leonard moved to approve the minutes of the regular meeting held on September 9, 2014.

Mr. Bridge seconded the motion, which carried unanimously.

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NEW BUSINESS

CONSIDERATION OF THE RENEWAL OF THE MIDDLEBROOK AGRICULTURAL AND FORESTAL DISTRICT

Mrs. Earhart stated the Commissioners heard the presentation given by Michele Astarb in the earlier worksession regarding the renewal of the Middlebrook Agricultural and Forestal District. There are 2528 acres that are being requested to be renewed in the

Middlebrook Ag Forestal District. The Ag Forestal Committee recommended that the 2528 acres be placed back in the district with the previous conditions and the term of the district be eight years.

Mr. Leonard moved to recommend approval of the Middlebrook Agricultural and Forestal District and to recommend the conditions of the district remain the same and the term of the district be eight years.

Mr. Bridge seconded the motion which passed unanimously.

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NOMINATING COMMITTEE

Mr. Cole appointed Kyle Leonard and Becky Earhart to the nominating committee

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OLD BUSINESS

NATIONAL DEVELOPERS, ETAL

A request to amend and restate proffers on approximately 112 acres owned by National Developers of Virginia, LLC; Raiké Real Estate Income Fund, LLC; Turner Turn Key Homes; William R. or Kelly L. Smith; Steven P. or Audra A. Sours; Kenneth M. or Carolyn Sue Clark; and Mark D. or Dana L. Frazier and located on the north side of Howardsville Turnpike (Rt. 610) approximately 0.6 of a mile west of the intersection of Howardsville Turnpike (Rt. 610) and Patton Farm Road (Rt. 633) in the South River District.

Mr. Foschini stated he was recusing himself from this matter due to a conflict of interest.

Mr. Bridge moved to remove this matter from the table.

Mrs. Shiflett seconded the motion, which passed 6-0, with Mr. Foschini abstaining.

Mrs. Earhart explained the request as presented on PowerPoint. She pointed out three lots, owned by Southall Construction who has declined to participate in the rezoning, and stated these lots will not be affected by the amended proffers. She reminded the Commissioners that the request is primarily to change the size of the dwellings from 2800 square feet to 2500 square feet and eliminate the requirement to plant street trees. Public water is available, public sewer is not, and the property has been zoned Rural Residential since 2004. Construction on the punch list items appears to have been done. The as-builts were not received until today, therefore, there was not enough

time to get them to the Service Authority and VDOT for review before tonight's meeting. The bond has been submitted to VDOT.

Mr. Raike stated everything requested by VDOT has been completed. The bonds VDOT requested have been purchased and the cul-de-sac has been built. Everything that was proffered originally will be kept bonded including the sidewalks. The objective is to build a smaller house in order to keep in line with home sales in the area. Lot sales are pending assuming the square footage of the homes can be reduced.

Mr. Shipplett stated he is concerned that Southall Construction is not interested in the three lots being part of the rezoning.

Mr. Raike stated Southall Construction originally purchased six lots in 2007. The lots were never built on and the owner will not pay the Homeowner's Association fees or the water connection fees. Mr. Raike stated he has tried to contact Mr. Loudermilk on several occasions to discuss the rezoning and has never received a response from him.

Mr. Cole explained since there are no new proffers being presented, the Public Hearing will not be reopened.

Mr. Bridge asked for an explanation of the as-builts that were received.

Mrs. Earhart stated as with any new project, once the infrastructure is in place, such as the water and sewer lines, the drainage facilities, streets, etc., the engineer has to provide construction plans of what was built. The plans will verify that the services are at the correct location and will require approval by the Service Authority, VDOT, and the County.

Mr. Leonard asked if there is a possibility there may be issues that will need to be addressed upon review of the as-builts.

Mrs. Earhart stated she cannot guarantee the as-builts are approvable. Once the as-builts are approved, the streets will be ready for acceptance into the VDOT system.

Mr. Raike informed the Commissioners since the meeting in July the engineer has met with John Shy of VDOT on numerous occasions to make sure all requirements have been met. The engineer also communicated with Doug Wolfe regarding the easements.

Mrs. Shiflett stated the Board of Supervisors have asked the Planning Commission not to pass on uncompleted projects with pending items. Because the as-builts were late being submitted, she cannot support passing this request on without review of the as-builts.

Mr. Shipplett stated he feels it is poor planning to have three lots that have a different set of rules and regulations. He sympathized with Mr. Raike and the circumstance regarding Southall Construction, but he cannot support the request without the entire development being under the same covenants and restrictions.

Mr. Bridge stated it cannot be assumed the as-builts will be approved. The concerns are the same as they were in July and he cannot support the request. He moved to recommend denial of the amended proffers.

Mrs. Shiflett seconded the motion, which carried 6-0 with Mr. Foschini abstaining.

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REVIEW OF CHANGES OF COMP PLAN SECTIONS

Mrs. Earhart stated the Planning Commission made great progress during the worksession reviewing the changes to the Comp Plan sections that have been made since the first draft was reviewed by the Commission. The changes to the sections are relatively minor and are changes that were recommended by the Planning Commission or staff over the last several months. These changes will be finalized and additional sections will be brought before the Planning Commission in November for approval. Once the draft plan is approved by the Planning Commission it will then be forwarded to the Board of Supervisors for a joint worksession and public hearing which will be scheduled for after the first of the year.

Mr. Cole asked for confirmation that the eight sections that were reviewed at this meeting are essentially completed.

Mrs. Earhart stated that was correct.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

The Planning Commission took the following action on the BZA items:

14-57 Steve A. or Pamela Kisamore

The Planning Commission expressed concern about parking business vehicles on this property in such close proximity to their business location. The Planning Commission would encourage all business vehicles to be parked at their business location rather than building a parking area on this property for the business in close proximity to residential development. Ms. Shiflett made the motion to pass along those concerns to the Board of Zoning Appeals. Mr. Leonard seconded the motion, which carried 6-1, with Mr. Foschini being opposed.

14-58 Kenneth Ray Bradley, Jr., Inc.

This property is shown on the Comprehensive Plan Future Land Use as Community Mixed Use which is a mixture of business and residential uses. The Planning Commission was concerned about the intensity of the uses proposed for this site on the existing neighbors, as well as the impact on future development. The Commission also expressed concern about moving a business from a business zoned piece of property to a property zoned General Agriculture. The Commission again expressed their concern about the possibility of setting a precedent of facilitating businesses moving from Business zoning to General Agriculture zoning in direct conflict with the County's Comprehensive Plan. Mr. Shippett made the motion to pass along those concerns to the Board of Zoning Appeals. Mr. Bridge 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