

PRESENT: J. Curd, Chairman
S.N. Bridge, Vice-Chairman
W.F. Hite
T. H. Byerly
K. A. Shiflett
J. Shomo
J. D. Tilghman
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, January 8, 2008, at 3:45 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 discuss the rezonings and the preliminary plats. The Planning Commission traveled to the following sites which will be considered by the Commission:

1. Jack R. Crummett, Jr. – Rezoning
2. Countryside Service Company, LC – Amend proffers

* * * * *

Chairman

Secretary

PRESENT: S.N. Bridge, Chairman
J. Shomo, Vice-Chairman
J. Curd
W.F. Hite
T. H. Byerly
K. A. Shiflett
J. D. Tilghman
R. L. Earhart, Senior Planner and Secretary

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, January 8, 2008, at 7:00 p.m. in the Meeting Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

ELECTION OF OFFICERS

Mr. Curd asked Ms. Tilghman to present the nominating committee report.

Ms. Tilghman placed into nomination the names of Stephen Bridge as Chairman, Joseph Shomo as Vice Chairman, and Becky Earhart as Secretary.

Ms. Tilghman moved the nominations cease.

Ms. Shiflett seconded the motion, which carried unanimously.

MINUTES

Ms. Tilghman moved to approve the minutes of the Called and Regular meeting held on November 13, 2007. Mr. Byerly seconded the motion, which carried unanimously.

Jack R. Crummett, Jr.

A request to rezone from General Business and Single Family Residential to General Agriculture with proffers approximately 0.5 of an acre owned by Jack R. Crummett, Jr. located in the southeast quadrant of the intersection of Draft Avenue (Rt. 608) and West High Street (Rt. 1510) in Stuarts Draft in the South River District.

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

1. No manufactured or mobile homes will be allowed on the property.
2. No agricultural animals will be kept on this .5 acres except horses and/or ponies and no more than 2 horses and 4 ponies can be kept on the site.
3. Within 30 days of rezoning approval, a plat will be submitted to the Community Development Department and recorded at the Augusta County Courthouse combining lots 11,12, 13, and 14 into a single tract of land.
4. No uses allowed by Administrative Permit or Special Use Permit in General Agriculture will be allowed, except those also allowed in Single Family Residential districts.
5. The minimum house size will be 1000 square feet.

Jack R. Crummett, Jr., 15 West High Street, Stuarts Draft, explained to the Planning Commission he has horses and ponies, but that he does not keep them at this location all of the time. He stated he keeps them at three other locations and then brings them to this field for things like vet appointments and when his grandchildren and other children come to visit. He stated he thought the property was agriculture when he purchased it, and explained that he bought a building as a shelter for the horses and he felt he was doing everything correctly. Mr. Crummett explained he keeps the property clean and well kept. He stated there are pigs and longhorn steers across the street. He understands the keeping of those animals was grandfathered in, but he feels his property should be rezoned.

Mr. Shomo asked Mr. Crummett if the building he purchased can be moved.

Mr. Crummett answered yes.

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

Shane Tatersaw, 15 West High Street, Stuarts Draft, explained she has known Mr. Crummett for a long time and she has knowledge of horses and their care. She stated Mr. Crummett has purchased a barn for the ponies and that they are for the children. She

explained the ponies are enjoyed by everyone in the community and she feels Augusta County is more concerned with “big businesses” rather than the small landowner. She stated she would like for the Planning Commission to consider options for Mr. Crummett to be able to keep the horses and ponies at this location for everyone to enjoy.

Elizabeth Riley, 36 West High Street, Stuarts Draft, stated she purchased her property in July. She explained she feels if the ponies are left on the property, they will be in character with the neighborhood. She stated she feels while the properties on the street seem large enough for the keeping of these ponies she now understands that the property is not zoned for agriculture. She asked if the Planning Commission would make an exception in Mr. Crummett’s case. She asked the zoning of the properties across the street and down the street from Mr. Crummett. She stated she feels the maps are in conflict, because she stated she saw a map that did not show these parcels zoned General Business. Ms. Riley also asked the logic of the previous zoning.

Ms. Earhart stated the property was zoned General Business in 1948 and all maps should show this, but she would check. She further explained traditionally, Augusta County does not rezone property on behalf of other landowners. She stated the County would possibly take a look at this area during the development of the Stuarts Draft Small Area Plan, as more business development occurs along Route 340 and Draft Avenue has transitioned to a more residential character. She stated the development pattern is different than the zoning pattern.

Ms. Riley asked if there were zoning maps available for her to purchase.

Ms. Earhart stated they were available for \$5.00 in the Community Development Department.

Mr. Bridge asked if there was anyone wishing to speak in opposition to the request.

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

Ms. Shiflett stated she feels great sympathy for the situation and feels that Mr. Crummett has been doing a good job in caring for his horses and ponies and being a good neighbor. She stated her concern is the zoning is permanent and that the proffers would stay with the land if it were to be transferred. She stated there would be problems down the road if other owners did not care for their property and animals the way Mr. Crummett has done. She also stated there is no General Agriculture zoning near the property and therefore if the property were to be rezoned, it would be a spot zoning. She moved to recommend denial of the request.

Mr. Curd seconded the motion.

Mr. Byerly stated in observation, the lot did not have a lot of vegetation or ground cover. Considering the size of lot, it would be difficult to maintain proper ground cover.

Mr. Bridge stated he agrees with Ms. Shiflett.

The motion carried unanimously.

Countryside Service Company, LC

A request to amend the proffers on approximately 26.3 acres currently zoned Multi-Family Residential and owned by Countryside Service Company, LC located at the end of Imperial Drive (Rt. 1334) approximately 0.15 of a mile north of the intersection of Imperial Drive (Rt. 1334) and Jefferson Highway (Rt. 250) in the Wayne District.

Ms. Earhart explained the request. She stated the property is currently zoned Multi-Family and has the following proffers:

1. A maximum of 210 two story townhouses will be built on the property shown as a 33.039 acre parcel (Parcel #1) on the attached map.
2. A maximum of 36 two story townhouses will be built on the property shown as 14.773 acre parcel (Parcel #2) on the attached map. This density represents a 2.5 unit per acre density which would be the same density as an R-12 development (using the rule of thumb of 2.5 units per acre).

She stated the applicant has submitted the following proffers:

1. No more than 96 multi-family units (apartments) will be allowed on Tract A (12 acres) as shown on the plat entitled "Plat Showing Division of Property Owned by Countryside Service Company, LC prepared by Paul Julian and dated November 26, 2007.
2. No more than 75 multi-family units (apartments) will be allowed on the Residue Tract (14.258 acres) as shown on the plat entitled "Plat Showing Division of Property Owned by Countryside Service Company, LC prepared by Paul Julian and dated November 26, 2007.

Frank Root, 30 Root Lane, Staunton, stated the property was zoned Multi-Family Residential many years ago and the development proposed would have been two-story townhomes. Since then, he stated the County has revised their Ordinance, and townhomes are not permitted in the Multi-Family Residential zoning. This change left the property zoned for apartments, but with proffers for townhomes. Mr. Root further stated the existing proffers were for two story townhomes which are not as desirable in today's market. Mr. Root stated a portion of the property is currently under contract, and

the developer has plans for a development that appeals to the handicapped and elderly, which would be difficult in a two-story unit.

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

Mr. Bridge asked if there was anyone wishing to speak in opposition to the request.

Neige E. Diehl, 744 Jefferson Highway, Staunton, stated he is concerned the proposed development will carry more runoff onto his property. He stated he has seen a proposed map that shows a pond that joins his property that will have a large drain discharging onto his property. Mr. Diehl stated the developer does not have an easement for this to be on his property and if the water crosses his property, it will do extensive damage.

Mr. Bridge stated the applicant can explain their proposed plans for the development to Mr. Diehl and the public that is in attendance.

Ms. Earhart explained the map that Mr. Diehl is referring to is for a townhouse development and is not the subject of the request. She stated the plan he is referring to was abandoned by the developer several years ago and never approved by the County.

Mr. Bridge reiterated the comments and map that Mr. Diehl is concerned about are not the subject of the request. Mr. Bridge stated the applicant at this time has not submitted any plans to the County, but once plans have been submitted, there will be time for the County and Mr. Diehl to review them.

Mr. Diehl asked that the Planning Commission move to recommend denial of the request and the proposed plans.

Bill Tueting, 92 Fieldhaven Place, Staunton, stated he is concerned with the impact on the school system. Mr. Tueting also asked if the proposed apartments will have any impact on the stormwater management and the Augusta County Service Authority. He asked if there will be any difference in tax revenue from apartments vs. townhouses. He stated with this density, are there any proffers for green space or recreational facilities. He stated he is concerned with the future impact of the water. Mr. Tueting stated he feels this change may be a fact of cost avoidance for water and sewer. He feels the developer should address these concerns.

Mr. Bridge asked if there was anyone else wishing to speak in opposition to the request.

Mr. Root addressed Mr. Diehl's concerns. He stated the development will be in accordance with Augusta County's and the State's stormwater management programs. He stated he is not asking for an increase in the density. Mr. Root stated the apartments may even have less runoff than the townhomes, as the size of the roofs will be smaller. He also stated the property has been zoned multi-family, so the zoning will not change. In regards to the green space, Mr. Root stated the developers are working with the Augusta County Parks and Recreation Department in determining the standards for the recreational facilities.

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

Ms. Shiflett reiterated this request is not a rezoning, but a change in the proffers and the style of the development from a two-story townhome to an apartment. She stated this is not a change in density. She stated the water issues will be taken care of when a plan is submitted.

Ms. Tilghman stated it is not a question of the Planning Commission approving the number of units, but rather the style of units. She stated the impact on the schools is always a concern with these requests, but she stated if the development is more designed for the elderly, it may be a relief on the school system. Ms. Tilghman also noted the entrance of Route 250 is effective. She moved to recommend approval of the request with the revised proffers.

Mr. Byerly seconded the motion, which carried unanimously.

* * * * *

NEW BUSINESS

C. Layman Subdivision

Located on the north side of Howardsville Road (Rt. 701) just west of the Riverheads School Complex in the Riverheads District. The plat contains 70 lots zoned Single Family Residential, 124 lots zoned Townhouse Residential, and 1 utility lot.

Ms. Earhart explained the location of the preliminary plat. She stated all of the comments have been addressed and the plat meets the technical requirements of the ordinance.

Ms. Shiflett asked if the water issues from the adjoining landowners were addressed from the rezoning request on October 9, 2007.

Ms. Earhart explained the comments from the County Engineer. She reiterated the issues will be addressed at the construction plan phase. His comments state, "Normally stormwater channels are not analyzed for long distances downstream from the property line of a proposed development. However, during the recent rezoning public hearings, a nearby landowner discussed his existing drainage problems and concerns with more development near the high school. With these concerns, during the construction plan phase, the outlet channel will need to be shown adequate to the interstate (I-81). Any improvements needed as a result of the analysis will be at the developer's expense".

Mr. Shomo stated Ms. Sorrells had suggested recommending lowering the speed limit from Old Greenville Road to Route 11 from 55 mph to 35 mph at the rezoning phase at

the October 9, 2007 Planning Commission meeting. Mr. Shomo asked Ms. Earhart if she knew the status on this request.

Ms. Earhart stated a traffic study would have to be completed, but she would check the status and get back to Mr. Shomo.

Mr. Byerly moved to recommend approval of the preliminary plat as submitted.

Ms. Tilghman seconded the motion which carried unanimously.

* * * * *

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

08-03 Harry Moore, Inc.

As this property is located in an Urban Service Area and slated for medium density residential development in the Comprehensive Plan and in close proximity to business zoned property Mr. Bridge stated the Board of Zoning Appeals should take into consideration the zoning and size requirements of a Special Use Permit.

Ms. Tilghman moved to recommend the Board of Zoning Appeals look strongly at the Zoning Ordinance requirements limiting the size of the proposed buildings and how it might benefit the immediate neighbors. The Commission is concerned that the business may already be larger than anticipated by the Zoning Ordinance and at some point the County will need to limit the business' size and now is the time to take a hard look at the request.

Ms. Shiflett seconded the motion which carried unanimously.

08-4 Zeb M. Harry, Jr.

Ms. Shiflett moved to recommend to the Board of Zoning Appeals that the permit be issued if the apartment is for a family member or farm worker or serves to supplement the farm income.

Ms. Tilghman seconded the motion which carried unanimously.

B. ANNUAL REPORT 2007

Ms. Earhart summarized the report. She explained that there were nineteen rezonings, two requests for a Public Use Overlay, one Plan of Development for a multi-family project in Spring Lakes, and one request for removal from the North River Agriculture and Forestal District. Ms. Earhart further stated the Commission considered two amendments to the Zoning Ordinance and revisions to the County's floodplain regulations. The acreage being recommended for rezoning increased again in 2007 from over 400 acres in 2006 to over 575 acres this year. However, over 170 acres, while rezoned, remained in Agricultural zoning, just switching from Exclusive Agriculture to General Agriculture. The Planning Commission also considered three (3) masterplans/ preliminary plats and participated in several worksessions on the Update to the County's Comprehensive Plan. Ms. Earhart explained the Annual Report has been shortened this year to reflect the new addition of the Annual Scorecard which will be distributed in April of this year, which will track progress in relation to the Comprehensive Plan.

Mr. Byerly commented on the relative insignificance of the amount of acreage that was rezoned in regards to the overall size of Augusta County. He asked that the total acreage of the County be added to the report, which will put things in perspective.

Ms. Tilghman stated there was no land moved from agriculture zoning, unless it was so designated in the Comprehensive Plan.

Mr. Byerly moved to approve the Annual Report and forward it to the Board of Supervisors for their consideration.

Ms. Tilghman seconded the motion which carried unanimously.

* * * * *

C. ADULT BUSINESS ORDINANCE WORKSESSION

A date and time of Tuesday, January 29, 2008 at 5:30 pm was established for a worksession on the proposed ordinance.

* * * * *

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

* * * * *

Chairman

Secretary