

PRESENT: J. Curd, Chairman
T Jennings, Vice Chairman
S. Bridge
L. Howdyshell
K. Shiflett
J. Wilkinson, Director of Community Development
L. Tate, Planner II

ABSENT: G. Campbell
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 2018, at 6:30 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

Mr. Curd called the meeting to order.

Mrs. Tate reviewed with the Commissioners the items coming before the BZA in September, sharing aerial maps of the properties and specifics of the application requests.

Mrs. Tate reviewed with the Planning Commission the rezoning requests to be considered at the Public Hearing both of which had been heard by the Commission at earlier times.

Mrs. Tate clarified that the **Kenneth Ray Bradley, Jr., Inc., - Rezoning** was being heard again because of the need to advertise the submitted proffer prior to the Planning Commission meeting.

Mrs. Tate clarified that the **Garland F., Jr. & Melony Easter and Garland F. & Evelyn B. Easter – Rezoning** was also being reheard because of the submission of a proffer, associated with traffic impacts. Mrs. Tate clarified that after consultation with the County Attorney, a proffer related to such traffic impacts could be accepted. Garland Easter, applicant of the rezoning, was present for the staff briefing.

Chairman

Secretary

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S. Bridge
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K. Shiflett
J. Wilkinson, Director of Community Development
L. Tate, Planner II

ABSENT: G. Campbell
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, September 11, 2018, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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MINUTES

Mr. Howdyshell moved to approve the minutes of the called and regular meetings held on August 14, 2018.

Mr. Bridge seconded the motion, which carried unanimously.

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PUBLIC HEARING

Kenneth Ray Bradley, Jr., Inc.

A request to rezone approximately 8.5 acres from General Agriculture to General Business owned by Kenneth Ray Bradley, Jr., Inc., and located on the east side of East Side Highway (Route 340), approximately .17 of a mile south of Dooms Crossing Road (Route 611) in the Wayne District.

Mrs. Tate explained this is the same request the applicant presented at the August meeting, however, because a proffer was presented after the August ad was published, the Commission voted to continue the Public Hearing to September in order to advertise the proffer. She reviewed the proffer with the Commission which states that development of the parcel shall not include the following uses: fast food restaurants, gasoline retail outlets, and car washes.

Ray Burkholder, of Balzer and Associates and agent for Mr. Bradley stated the proffer that was submitted alleviates VDOT concerns.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mrs. Tate explained the Comp Plan identifies the area surrounding the rezoning request as community mixed use. It would be likely that business development would be towards the front along Rt. 340. Not every parcel would have to have the mixture of development uses, but it is envisioned within the area.

Mrs. Shiflett stated she felt the proffer took care of VDOT concerns. She moved to recommend approval of the request.

Mr. Bridge seconded the motion, which carried unanimously.

Garland F. Jr., & Melony Easter

A request to rezone from General Agriculture to Single Family Residential approximately 40 acres owned by Garland F Jr., or Melony Easter and Garland F. or Evelyn B Easter located on the east side of Old Goose Creek Road (Route 640), approximately 1.04 miles west of the intersection of Old Goose Creek Road and Lifecore Drive (Route 636) in Fishersville in the Wayne District.

Mrs. Tate explained the request as indicated on PowerPoint. She pointed out the property that is currently zoned as residential and the property that is currently zoned general agriculture. Originally the request was to rezone 12.6 acres, but because of an added proffer, all 40 acres are included as part of the rezoning. The property that is currently zoned single-family could not be developed because there is no access to that property,

therefore, the whole 40 acres are being included because the proffer will affect the whole 40 acres.

Mrs. Tate explained the proffer states that development is not expected to exceed 42 single-family detached residential units. Old Goose Creek Road will only be improved by providing intersection site distance as required by VDOT for the construction of those 42 units. If the development does exceed 42 units, then road improvements will include the following: pavement overlay on Old Goose Creek Road from the development's primary entrance to the intersection of Old Goose Creek Road and Route 250 and a signal analysis at the intersection of Rt. 250 and Old Goose Creek Road with the developer paying for the portion of any needed improvements, resulting from such analysis, and specifically attributable to the development.

Mrs. Tate stated while the proffer does not prevent more than 42 units from being developed, it does create a phased approach whereas, if the applicant was to exceed 42 units, there would be transportation improvements required as part of the rezoning. She explained the proffer does run with the land, so if the applicant was to sell the property at any time, the proffer would remain in effect. The applicant has met with adjoining property owners and they have signed letters of intent to say that the portion of Troxell Lane on Mr. Easter's property could be deeded to these individuals. This would be a private matter between Mr. Easter and the property owner.

Garland Easter stated he is attempting to rezone 12.6 acres for development.

There being no questions from the Commissioners, Mr. Curd opened the Public Hearing.

Sara Splaun of 35 Troxell Lane, Staunton asked how the rezoning has gone from 12 acres to 40 acres.

Mrs. Tate indicated on the map on PowerPoint the portion of land that is already zoned single-family residential and the portion that is zoned general agriculture. There will only be 12 acres rezoned, but the added proffer will affect all 40 acres. The entire 40 acres is undeveloped and the rezoning of the approx. 12 acres is needed to permit development of the already zoned portion.

Mrs. Splaun stated she thought proffers were no longer allowed to be accepted.

Mrs. Tate stated proffer legislation changed in 2017 and did not completely forbid proffers from being allowed on residential property, but it does greatly restrict the County from accepting certain proffers. Proffers can only be accepted relating to transportation, schools, parks and public safety. The proffer for this rezoning is related to transportation. After consulting with the County Attorney it was determined that the whole 40 acres could be considered as new residential development.

There being no one else to speak in favor of or against the request, Mr. Curd closed the Public Hearing.

Mr. Howdyshell asked of all the land being proposed for rezoning, it looks like there will only be three houses put on the parcel that is currently zoned general agriculture.

Mr. Easter stated that is just a preliminary plan. He would like to put more lots further down and less lots at the top.

Mrs. Tate explained this is just a concept plan and at this stage there is no requirement to be held to the concept plan.

Mr. Jennings stated the area is where the County desires single-family dwellings and there will be little impact on the schools in this district. He moved to recommend approval of the request.

Mr. Bridge seconded the motion, which carried 4-1 with Mr. Curd being opposed.

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STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

Mrs. Tate reviewed with the Commissioners the requests coming before the BZA at the September meeting.

The Planning Commission took no action on the BZA items.

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

Chairman

Secretary