

PRESENT: G. Campbell, Vice Chairman
S. Bridge
K. Shiflett
L. Howdyshell
K. Leonard
L. Tate, Planner II

ABSENT: T. Jennings, Chairman
J. Curd
J. Wilkinson, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, June 11, 2019, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Bridge moved to approve the minutes of the called and regular meeting held on May 14, 2019.

Mr. Leonard seconded the motion, which carried unanimously.

Public Hearings

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions.

Mrs. Tate read the ordinance amendment, which adds the limited outdoor storage definition from Planned Commerce Zoning Districts to the definition section of the zoning ordinance to clarify that such definition applies to all zoning districts when referenced. The definition states that Limited Outdoor Storage is the keeping of goods, materials, equipment, or merchandise other than in a completely enclosed building during any time other than normal business hours. Limited outdoor shall be in a designated storage area of less than 10,000 square feet and no more than twelve (12') in height. Limited outdoor storage shall be fully shielded or screened from view. Limited outdoor storage shall be located in the rear yard and may be located to the side of a building, provided it is not located within a required buffer yard.

Mrs. Tate stated that she had an earlier question from Mr. Howdyshell, asking if this also applied to General Agriculture (GA) Districts. Would it apply to farming equipment or other materials related to farming? She stated that it would not as there are a number of uses and structures listed as accessory uses in GA Districts.

Mrs. Tate stated the amendment would clarify what the ordinance means when referencing types of outdoor storage. Mr. Howdyshell asked if this was a new definition. Mrs. Tate explained that it was an existing definition in the planned commerce section.

Mr. Leonard asked if this amendment applies to residential districts. Mrs. Tate stated that outdoor storage is not permitted in residential districts.

Because there was no Public to speak in favor of or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Bridge made a motion to recommend approval of the amendment that was presented. Mrs. Shiflett seconded the motion, which was carried by a four to one vote in favor with Mr. Howdyshell being against the recommendation for approval.

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article I. General Provisions. Section 25-4. Definitions.

Mrs. Tate read the amended definition which states that a mobile home is a detached unit that was manufactured prior to **1976**, the passage of the National Manufactured Home Construction and Safety Standards Act in 1976, designed for transportation, after fabrication, on streets or highways on its own wheels or on flatbed or other trailer, and arriving at the site where it may be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations,

location on jacks or other temporary or permanent foundations, connections to utilities and the like.

Mrs. Tate stated that this is really just a housekeeping measure for the definition of a mobile home as it references the correct year and legislation for distinguishing a mobile home from a manufactured home and removes a regulatory component included in the definition.

Because there was no Public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Bridge made a motion to recommend approval of the amendment as presented. Mrs. Shiflett seconded the motion, which was carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture (GA) Districts. Section 25-73. Uses permitted by administrative permit. L. attached accessory dwelling units.

Mrs. Tate explained that the next three amendments were all the same, only in different zoning districts. She also explained that the amendment would make things simpler for someone who is not trying to expand the footprint of their dwelling for the purposes of creating an accessory dwelling, but trying to create an accessory dwelling within their dwelling, such as the finishing of a basement.

Mrs. Shiflett made a motion to recommend approval to the amendment presented. Mr. Leonard seconded the motion, which was carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division C. Single Residential Dwelling Districts. Article XII. Rural Residential (RR) Districts. Section 25-123. Uses permitted by Administrative Permit C. Attached accessory dwelling units.

Mrs. Tate read the proposed amendment for changes to regulations related to attached accessory dwelling units which was previously reviewed for another zoning district.

With no Public to speak in favor of or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Howdysshell made a motion to recommend approval to the amendment presented. Mr. Bridge seconded the motion, which was carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division G. Mixed Use Districts. Article XLV. Village Mixed Use Districts. Section 25-454.2. Uses permitted by Administrative Permit. C. Attached accessory dwelling units.

Mrs. Tate read the proposed amendment for changes to regulations related to attached accessory dwelling units which was previously reviewed for another zoning district.

With no Public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Bridge made a motion to recommend approval of the amendment as presented. Mr. Leonard seconded the motion, which carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division C. Single Residential Dwelling Districts. Article XIII. Single Family Residential (SF) Districts. Section 25-133. Uses permitted by Administrative Permit C. Attached accessory dwelling units.

Mrs. Tate read the proposed amendment for changes to regulations related to attached accessory dwelling units which was previously reviewed for another zoning district. Mrs. Tate also noted a removal of an incorrect reference to "detached" accessory dwelling units which are not permitted in Single Family Districts.

With no Public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mrs. Shiflett made a motion to recommend approval of the amendment presented. Mr. Howdysshell seconded the motion, which carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division B. Agriculture Districts. Article VII. General Agriculture (GA) Districts. Section 25-74. Uses permitted by special use permit. R. Short-term rentals, bed and breakfasts, and vacation rentals.

Mrs. Tate stated that this amendment would allow either the owner of record or a facility operator to reside on the site. In addition, a lease would have to be provided to the Zoning Administrator showing that a facility operator would be personally residing on site.

Mr. Campbell opened the Public Hearing.

Rebecca Adams of 156 Dividing Ridge Rd. spoke in favor of the amendment stating that she is currently a facility operator on site for a Bed and Breakfast.

Tom Penzing of 1045 Old White Bridge Rd. was opposed to this amendment. He stated that he felt the owner needs to be there on site. He stated that he felt people went to bed and breakfast locations for the experience of feeling like a guest in someone's home. "What's the difference in a bed and breakfast and a hotel if the owner isn't present", he asked. Mr. Penzing said he felt that a facility operator did not hold the same accountability as an owner.

After hearing all Public comment, Mr. Campbell closed the Public Hearing.

Mr. Howdysshell mentioned that people are starting to hear more about Bed and Breakfasts, and that there might be an issue that comes up that would be difficult to take care of if the actual owner was not present. He believes the owner should be responsible for these properties.

Mr. Bridge made a motion to recommend approval of the amendment presented. Mr. Leonard seconded the motion, which carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division C. Single Residential Dwelling Districts. Article XII. Rural Residential (RR) Districts. Section 25-124. Uses permitted by Special Use Permit G. Operation of a Bed and breakfast or short-term rental within a principal dwelling or detached accessory dwelling unit.

Mrs. Tate explained that this amendment was the same as the previous amendment but in Rural Residential Districts.

Mr. Campbell opened the Public Hearing.

Ms. Janet James of 1045 Old White Bridge Rd. spoke in opposition to the amendment. She stated that she felt there should be someone there in control who is responsible. She expressed great concern of the proposed amendment.

After hearing all Public comment, Mr. Campbell closed the Public Hearing.

Mr. Bridge made a motion to recommend approval of the amendment presented. Mr. Leonard seconded the motion, which carried unanimously.

Mrs. Tate reminded everyone that all of these ordinances will still go before the Board of Supervisors at a public hearing.

An ordinance to amend Chapter 25. Zoning. Division E. Business Districts. Article XXX. General Business (GB) Districts. Section 25-303. Uses permitted by Administrative Permit L. Day care centers, nursery schools, and private schools.

Mrs. Tate explained that there is a Public Use Overlay process, which is used for public schools, private schools, and public facilities. This amendment clarifies that private schools will require a Public Use Overlay rather than an administrative permit.

With no public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Leonard made a motion to recommend approval of the amendment presented. Mr. Howdyshell seconded the motion, which carried unanimously.

An ordinance to amend Chapter 25. Zoning. Division A. In General. Article V. Accessory Buildings and Uses. Section 25-56. Uses accessory to business or commercial establishments.

Mrs. Tate read the amendment, which adds walk-in freezers and generators as accessory to business or commercial establishment, provided they are screened from view.

With no Public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mrs. Shiflett made a motion to recommend approval of the amendment presented. Mr. Leonard seconded the motion which carried unanimously.

An ordinance to amend Chapter 25. Zoning 25. Division A. In General. Article V. Accessory Buildings and Uses. Section 25-57. Uses accessory to industrial establishments.

Mrs. Tate stated this amendment was the same as the last amendment, but for industrial establishments, with the exception being the walk-in freezers and generators did not have to be screened from view as outdoor storage is a permitted use in General Industrial Districts.

With no public to speak in favor or against the request, Mr. Campbell opened and closed the Public Hearing.

Mr. Bridge made a motion to recommend approval of the amendment presented. Mr. Leonard seconded to motion, which was carried unanimously.

Matters to Be Presented By The Public

Mr. Max Quillen of 73 Hibernia Circle spoke on behalf of the Quillen family and Waynesboro Nurseries to have their parcels removed from the Urban Service Areas and Community Development Areas.

Mr. Quillen owns property where the Augusta Solar Project was to take place. He requested that his land be removed from the Urban Service and Community Development Areas. Mr. Quillen expressed frustration over how parts of the Comprehensive Plan were not considered in evaluating the Augusta Solar project. He specifically thinks that landowner rights need additional protections within the Comprehensive Plan. Please see copy of comments from Mr. Max Quillen attached.

Mrs. Tate informed Mr. Quillen that he was asking for a Comprehensive Plan amendment, and for that to happen, he will need to make a formal request with the Community Development office and it will then have to be reviewed.

Mr. Eric Martin of 18 Laurel St. Harrisonburg spoke on behalf of his mother Ruth Martin. He stated that in his opinion the Comprehensive Plan seems to tie the hands of the landowners. He affirmed the Mr. Quillen's comments concerning the misuse of the

Comprehensive Plan. He stated that he too would like to withdraw his property from the marketed site. Please see copy of letter from Mr. Eric Martin and family attached.

Mr. Bob East of 217 Vance Rd. stated that he agrees with the previous comments and he was not even aware that his property was in a Community Development area. He also stated that he would like his land removed from the Community Development zone. He said that his land was not suitable for residential development. He stated the Augusta Solar Project was very important to him.

Mr. Rodney Martin of 563 Hall School Rd. also spoke on the Comprehensive Plan. He stated he believed the plan was being used against him. He stated the Augusta Solar Project didn't have to do with the Comprehensive Plan but with zoning. Mr. Martin would like to remove his property out of an Urban Service Area.

Mr. Lee Quillen of 6 Whippoorwill Cove asked that if one had to apply to have land taken out of the Comprehensive Plan if they could be denied.

Mrs. Tate answered yes to his question stating that it would be an amendment to the Comprehensive Plan. Application for any amendment to the Comprehensive Plan would have to be reviewed and acted upon by the Board of Supervisors.

Also attached is a letter received by e-mail from Mr. James Kindig concerning the Comprehensive Plan.

With no more matters from the public, Mr. Campbell thanked everyone for their comments.

New Business

Mrs. Tate spoke on the recent passing of past Planning Commission member Mr. Thomas Byerly. Mr. Byerly served 19 years as a Planning Commission member.

Matters To Be Presented By the Commission

Mr. Bridge stated he would like some information on light aircraft, where it can be and take-off and landing. Mrs. Tate stated that she would find out more information on this.

STAFF REPORTS

A. CODE OF VIRGINIA – SECTION 15.2-2310

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

The Planning Commission commented on the number of wedding event facilities being applied for through Special Use Permit. The Planning Commission addressed concerns over proximity and number of wedding event facilities in agriculture zoned districts and hopes the Board of Zoning Appeals is considering accessibility and conditions of roadways serving these facilities.

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


Chairman


Secretary

