

PRESENT: E. Shipplett, Chairman
T. Cole
J. Curd
K. Leonard,
K. Shiflett
R.L. Earhart, Senior Planner and Secretary
Jean Marshall, Administrative Secretary

OTHERS PRESENT: Ray Burkholder, Balzer & Associates

ABSENT: S. Bridge, Vice Chairman
C. Foschini
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, February 10, 2015, at 4:30 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.

Mrs. Earhart reviewed with the Commissioners the items coming before the BZA in March.

Mrs. Earhart briefly reviewed the Beiler Family Properties, LLC rezoning request coming before the Commission. She explained to the Commissioners that Chris Foschini, Planning Commission member and applicant of the request, has signed a Conflict of Interest form recusing himself from any discussion and decision making on this request. She indicated Mr. Foschini would not be attending today's briefing and would only attend the Commission meeting as an applicant and not sit as a Planning Commission member for any part of the meeting. She stated Staff did not make a recommendation on the request.

James Curd asked why Staff did not make a recommendation on this request.

Mrs. Earhart explained that it was the opinion of the County Attorney that Staff should not make a recommendation when the request was being made by a Planning Commission member.

Mr. Shipplett asked if Staff would make a recommendation if a request for rezoning was submitted by his employer, Countryside Investments.

Mrs. Earhart stated based upon the advice of Mr. Morgan, Staff would no longer make a recommendation in that type of situation.

Mr. Shipplett asked if Staff would make a recommendation if the applicant requested them to do so.

Mrs. Earhart stated they would not. She also stated this was consistent with what County staff did when a request involved property she or her husband owned. In those instances, staff does not make a recommendation on the request.

The Planning Commission traveled to the following site which will be considered by the Commission:

1. Beiler Family Properties, LLC - Rezoning

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Chairman

Secretary

PRESENT: E. Shipplett, Chairman
T. Cole
J. Curd
K. Leonard
K. Shiflett
R. L. Earhart, Senior Planner and Secretary

ABSENT: S. Bridge, Vice Chairman
C. Foschini
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, February 10, 2015, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

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

MINUTES

Mr. Cole moved to approve the minutes of the called and regular meeting held on January 13, 2015.

Mr. Curd seconded the motion, which carried unanimously.

Beiler Family Properties, LLC – Rezoning

A request to rezone approximately 9.3 acres from General Agriculture to General Business and approximately 10.8 acres from General Agriculture to Multi-Family Residential with proffers owned by Beiler Family Properties LLC. The property is located on the east side of Colters Place Drive less than 0.1 of a mile north of the intersection of Colters Place Drive and Stuarts Draft Highway (Rt. 340) in Stuarts Draft in the Beverley Manor District.

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

1. A public street system will be constructed from Colters Place Drive and will be stubbed to the remaining General Agricultural portion of Tax Map 75-52. The exact location will be determined at time of final design. The road may be constructed in phases.
2. Building permits for no more than 66 dwelling units will be issued until the continuous public street from Colters Place Drive to the remaining General Agricultural portion of Tax Map 75-52 has been built or bonded.
3. No multi-family development shall have direct access to Colters Place Drive.
4. Prior to the issuance of the first building permit for any new structure on the 20.059 acres, the developer will provide a HEC-1 hydrology and hydraulics existing conditions model of the project site watershed from the point where it meets the South River. Ground topography will be based on publicly available topographic data (VGIN, USGS, LiDAR, etc.) supported by field survey data at culverts, roadways, and defined channels.
5. The intersection of Colters Place Drive and Stuarts Draft Highway (Rt. 340) will support at least 1,657 vehicles per day. If there are changes to the assumptions used in the Traffic Study titled 'Turn Lane Analysis and Signal Warrant Analysis for Foschini Property' with a date of January 21, 2015, additional transportation improvements may be needed subject to proposed uses. Therefore, if changes are proposed at the time of submission of a site plan for any new construction on any portion of this property, the developer shall submit to Augusta County and VDOT for review and approval an amended Traffic Study. The Traffic Study will project the additional vehicle trips to be generated by the proposed development and take into consideration any remaining undeveloped portions of the property along Colters Place Drive, as well as a proposed church on 75-52D. Prior to issuance of building permits for any additional development on subject property, the Applicant or his successors or assigns shall construct or bond road improvements, as required by the findings of the approved Traffic Study, commensurate with the extent of the proposed development for which building permits are requested.
6. Prohibited uses of this property will include:
 - Adult businesses
 - Cemeteries
 - Vehicle sales lots
 - Recreational attractions and public amusement businesses
 - Carnivals, circuses, and fairs
 - Business support businesses
 - Transportation related businesses
 - Wood processing businesses
7. Development of the multi-family and attached residential portions of the project will not utilize VHDA tax credits or government subsidies or similar measures to finance/refinance construction of the units. This proffer shall not apply to the financing of any individual unit by a third party property owner.

8. Building height shall not exceed 3 stories in the Multi-Family zoned portion of the property. If developed as townhouse style units, there shall be no more than 8 units per structure.
9. For the multi-family portion of the project, the exterior appearance of each building with more than 3 units shall include varying facades, varying setbacks from the street, a mix of masonry and siding, contrasting trim, and multiple roof lines.
10. For the business portion of the project, the building height of any building within 50' of Colters Place Drive shall be no more than 35'. The exterior of any building adjacent to Colters Place Drive shall have a mix of masonry and siding on the sides adjacent to Colters Place Drive. No overhead doors shall face towards Colters Place Drive along the first row of structures. If the building(s) fronts on Colters Place Drive and there is parking in the front of the building, then a 25' landscape strip shall be installed and maintained along Colters Place Drive which will include an evergreen hedge at least 3' in height and planted on 5' centers between Colters Place Drive and any parking facilities. Additionally, street trees shall be installed and maintained on 50' centers along the street frontage.
11. Within 30 days of rezoning, a plat will be recorded creating the 20.059 acre tract. The plat will include the easement as represented on Rezoning Exhibit 'A'.

Christopher Foschini, who is a Planning Commission member and who signed a Conflict of Interest form stating he would recuse himself from any discussion and decision making by the Commission on this request, stated he resides at 421 Brookwood Road and has resided in Augusta County for 42 years. He stated he has worked closely with Staff and has spent a considerable amount of time and effort addressing any concerns Staff has had regarding this request. He understands this rezoning request is for a portion of a potentially much larger development area; however, he feels the uses proposed are in line with, and are based on, the Comprehensive Plan. It could be many years before the larger tract is developed. While greater development needs to be recognized, it is a fact that this property has been for sale for many years. He is willing to take the first step in developing this property while honoring the Comprehensive Plan and taking into consideration the connectivity of the road from Colters Place to Gloucester Road, stormwater management, and appropriate business type uses. He hopes the Commission will agree that it is time to move forward in developing this property. While working with Staff on this request, the public road was a concern. In doing more research and evaluation of other successful projects in the County that had to utilize a public street, Mr. Foschini was able to determine the cost of the road was about 20% more than if a private street could be put through the multi-family portion. He realized the costs could be absorbed and this would be a feasible project. He stated he understands that the road would be his responsibility until it is taken into the public system. The location of the road has been a concern and he recognizes the need for the road to be built, mainly for connectivity purposes from Colters Place to Gloucester. He has agreed to build the road in phases and Proffer #3 provides assurance that no multi-family development will be allowed to have direct access off of Colters Place. He intends to build and phase the road while working closely with Staff in determining the final location for it. Determining the final location has a lot to do with the existing house on the property owned by Dennis Bradley, who will be retaining three acres of the property. Mr. Bradley's desire is for the three acres to be zoned multi-family as well. Mr. Foschini is currently working with Mr. Bradley on a potential road agreement with shared costs. It would not be feasible to put the road between the business portion and the multi-family

portion because Mr. Bradley would not have access to his multi-family portion. In the plan there will be multi-family structures on both sides of the road.

Mrs. Shiflett asked how the business portion would be accessed if the new road would only provide access to the multi-family portion.

Mr. Foschini stated the business portion would be accessed through a private entrance directly off of Colters Place. It has been proffered that the multi-family portion will not have access off of Colters Place, making it necessary to build a public road. The business portion will have only one entrance because it will be a very low impact business.

Mrs. Shiflett asked for confirmation that the business portion would only be accessed from Colters Place and there would be no entrance from Gloucester.

Mr. Foschini stated that if Gloucester is completed there would be a potential to access from Gloucester. At this point, the plans are to access from Colters Place only.

Mrs. Shiflett asked how the road into the business will be constructed.

Mr. Foschini stated the first part will be paved from Colters Place to the security gate. It has not been determined if the inside of the facility will be paved or graveled.

Mr. Leonard referred to proffer #10 and asked if the street trees that are going to be planted will be planted along the proposed road.

Mr. Foschini stated the street trees are just for the business portion on Colters Place.

Mr. Leonard asked what the plans are for landscaping between the business and residential portions.

Mr. Foschini stated there will be a buffer between the business and residential portion, once the site plan for the residential portion has been completed.

Mr. Leonard asked if the buffer will be on the business or residential property.

Mr. Foschini stated it will probably be on the business property.

Mr. Curd asked how many units are anticipated in the multi-family portion.

Mr. Foschini stated they are planning for 100 units. The Neighborhood Mixed-Use District allows between four and eight units per acre. There currently is not a site plan designed for the multi-family portion. All focus is on the business portion at this time and the multi-family will be addressed next year.

Ray Burkholder, Landscape Architect with Balzer and Associates located at 1561 Commerce Road, Verona, referred to pictures on PowerPoint that show the style of

buildings planned for the multi-family portion of the property and illustrate what is meant in proffer #9 regarding the facades and the varying setbacks. He pointed out that the proposed structures are similar to the attached-residential units on the adjacent property.

Mr. Burkholder explained that the house structure and storage unit that are currently on the property were previously located where the Sheetz store is being built. Mr. Beiler and Mr. Bradley, owner of the Sheetz property, agreed to trade some property and some values with the improvements that were required up at the signal light on Rt. 340. That is why the house was moved back to the Beiler's property. In exchange, Mr. Bradley is to get three acres around those structures. They are trying to incorporate the agreement between the Beilers and Mr. Bradley with the rezoning.

Mr. Leonard asked Mr. Burkholder if the structure he was referring to was the house that was moved.

Mr. Burkholder stated that was correct, as well as the storage building that was beside the house.

Mr. Leonard asked if the structure was part of the rezoning.

Mr. Burkholder stated that was correct and at some point three acres will be transferred to Mr. Bradley. He stated in proffer #9 buildings with three or less dwelling units have been excluded from the proffers so that the house doesn't have to conform to the same standards.

Mr. Burkholder stated they realize road connectivity is an important aspect of the rezoning. While we are not master planning the entire tract we are trying to be cognizant with how the road connectivity will be developed, as well as the densities. He used Myers Corner in Fishersville as an example and stated it is zoned as Mixed-Use. It has business lots in the front with multi-family and attached residential developments in the back. He stated he envisions the Beiler property would be developed in a similar fashion as Myers Corner with higher densities closer to the primary road and transition to lighter densities with 1-2 units per acre in the back, which would be typical of recent development within the County.

Mr. Burkholder stated that they want to honor the existing neighborhood and provide appropriate buffering. On the business side, hedges will be planted to prevent headlights from shining into the neighborhood.

Mr. Burkholder stated they are proffering to prepare a drainage study for the area. This site is in the upper headwaters of the watershed and there has been a lot of development in it. This will be the first step in correcting drainage issues.

Mr. Cole asked based on the conclusions of the drainage study, what will be done to correct the issues.

Mr. Burkholder stated that will be a County decision. The study has to be done first and then a plan can be prioritized. With future developments and funds created by them, the problems can start to be resolved.

Mr. Cole referred to the paved ditch at the bottom of the property and stated there will be a lot of water going into it. He asked if the paved ditch could be replaced with something that could absorb the water.

Mr. Burkholder stated they will replace the ditch if it is determined that needs to be done. The issues with the ditch are going to be part of the analysis of the drainage study. The study is from this site to the South River. They will still be required to meet stormwater regulations such as water run-off reduction, water quantity, and water quality.

Mr. Shipplett asked if Doug Wolfe, County Engineer, will need to sign off on the drainage study.

Mrs. Earhart stated the study needs to be done, then the appropriate permits can be obtained. The drainage issues from Wayne Avenue to the South River have been taken care of, but now the issues are with this site. The study with this project will tell the County where the needs are so as other developments occur there will be an overall plan. The developer of this site is proffering to be responsible for the study and not the improvements.

Mr. Burkholder stated he does not know what the State will unveil as far as improvements that need to be made. If they are simple improvements, the developer will have the right to make the improvements as part of the development.

Mr. Shipplett asked how long the study will take.

Mr. Burkholder stated a month or less.

Mr. Cole asked if the study was subject to TMDL.

Mr. Burkholder stated it is.

Mr. Leonard asked if Balzer and Associates will conduct the study.

Mr. Burkholder stated they would.

Mr. Leonard addressed the business portion of the rezoning asking if they have an idea of what the business parcel will be used for.

Mr. Burkholder stated they plan to utilize the business portion for mini-warehouse storage. The traffic study showed storage use has a very low impact on traffic.

Mr. Leonard referred to the first sentence of proffer #10 which states 'the building height of any building within 50' of Colters Place Drive shall be no more than 35'. He asked if it was anticipated there would be a building higher than 35' farther back on the property.

Mr. Burkholder stated they are not anticipating that but County Code allows for taller structures and they want to make sure what they are doing is appropriately scaled to residential.

Mr. Leonard asked if they are going to be concerned about the aesthetics on Rt. 340 and do they plan for any buffer on the front.

Mr. Burkholder stated the property is wide open with a vacant parcel in front. Typically, that is not something that raises a concern from business to business. It is anticipated there will be development at some point on the vacant parcel and screening will take place at that point. Proffers are sometimes implemented to protect the worst case scenario and it is doubtful that the buildings will reach 35'.

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

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

Mr. Cole stated he understands once the drainage study is complete, there is no obligation by the developer to implement any of the recommendations made from the study. The paved ditch, which will not absorb any of the water, is primarily along the section that will be developed. He is wondering if the sequence of the study and development is correct.

Mrs. Earhart stated that Mr. Burkholder was correct in stating they will meet the requirements of the law for what they are doing on the site. The concern of the engineer is that ultimately more water will get to the South River. The question is how to get the water to the South River and what part of the solution is the developer responsible for? At this point, we cannot tell them what they need to do because we don't know what improvements are going to be needed. The proportionality of the issue and solution was determined that if the study is done, then as other sections of this property and the properties between Broadmoor subdivision and Wayne Avenue are developed then we will know what the solution needs to be. As other development occurs, the study will serve as a guide as to what improvements need to be made. The study will also provide to the County what additional easements are needed downstream.

Mr. Leonard stated he applauds the developer for taking the steps to have the study done for this and future developments.

Mr. Curd asked for verification that the density within the multi-family is 4-8 units per acre.

Mrs. Earhart stated the Comp Plan recommends 4-8 acres as an overall density for the whole property. The proffers limit the multi-family residential development to three stories which would be 16 units per acre, totaling 172 units. They are not proffering to come down to the 4-8, they are saying it would not exceed three stories. Although the pictures on PowerPoint show townhomes, that is not being proffered either. At this point it could be a three story development which allows for up to 16 units per acre.

Mr. Curd asked without a proffer limiting the number of units. is there a potential for 160 units?

Mrs. Earhart stated the traffic study was done based on 129 units. At 66 units they are required to develop another road, and any more than 129 units would require a new traffic study. In that case, the density could go up to 172 units.

Mr. Leonard stated with the existing house and Mr. Bradley getting three acres of that property these proffers would apply to what he gets as well and taking the three acres out of the 10.755 that Mr. Foschini is going to develop, what is the allowable density?

Mrs. Earhart stated Mr. Bradley would still get his 3 x 16 units and the proffers apply regardless of the ownership.

Mr. Leonard stated unless he tears down the house, the house will sit on a .75 acre lot.

Mrs. Earhart stated it depends on if he keeps the house and develops it as apartments and how much parking he has. Based on the proffers Mr. Bradley gets the same density potential.

Mr. Leonard stated there has been a lot of discussion on the public road through the property connecting to the other side. When the Planning Commission viewed the property, they noticed that some work was being done up from the Sheetz store on the proposed public road at the intersection. Why is that work being done now?

Mr. Burkholder stated the site at Sheetz had extra dirt they needed to remove from the site. They are filling in low places in the approximate location of the new road as it goes up through the field.

Mr. Leonard asked for confirmation they are not building a road at this point to any specifications and are only using it as an access road?

Mr. Burkholder stated that was correct and it was all affiliated with the Sheetz site.

Mr. Curd stated that normally a total of 172 units would be a concern for school capacity. The schools in this area are below capacity and should not be affected by the development. He likes the idea of how the development is laid out and that public water and sewer are available. He moved to recommend approval of the request with proffers to the Board of Supervisors.

Mr. Leonard seconded the motion which carried unanimously.

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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.

15-11 Bennie W. and Anna M. Byler

The Planning Commission expressed their concern about constructing such a large building in an area identified as a Rural Conservation Area by the Comprehensive Plan. Mr. Leonard moved to recommend that building a building in excess of 10,000 square feet would be more appropriate in a business zoned area and to recommend that the business not be allowed to expand at this site. Mr. Curd seconded the motion, which carried unanimously.

15-12 Jennifer S. Frank, Family Trust

This property is shown on the Comprehensive Plan Future Land Use Map as being in the Urban Service Area and slated for Medium Density Residential development. Mr. Leonard moved to comment to the BZA that while the Planning Commission recognizes that another business operated at this location for many years, they are concerned about establishing a new business with new buildings and outside storage at this location. They also wanted to voice their concern to the BZA about the impact of the use proposed for this site on the existing neighbors, as well as the impact on future development. Mr. Curd 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