

PRESENT: Steve Bridge, Vice Chairman
K. Leonard
K. Shiflett
R.L. Earhart, Senior Planner and Secretary

ABSENT: E. Shipplett, Chairman
T. Cole
J. Curd
C. Foschini
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 12 2015, at 5:00 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.

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

1. Community Fellowship Church of the Nazarene – Rezoning

The Planning Commission returned to the Government Center for a briefing on the floodplain ordinance amendment. Doug Wolfe, County Engineer, reviewed the map changes to the Back Creek floodplain. He also explained the text amendments to the ordinance which have been made to reflect recommendations made in FEMA's model ordinance.

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Chairman

Secretary

PRESENT: S. Bridge, Vice Chairman
T. Cole
K. Leonard
K. Shiflett
R. L. Earhart, Senior Planner and Secretary

ABSENT: E. Shipplett, Chairman
J. Curd
C. Foschini
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, May 12, 2015, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

DETERMINATION OF A QUORUM

Mr. Bridge stated as there were four (4) members present, there was a quorum.

MINUTES

Mr. Leonard moved to approve the minutes of the called and regular meeting held on April 14, 2015.

Mrs. Shiflett seconded the motion, which carried unanimously.

Community Fellowship Church of the Nazarene

A request to rezone from General Agriculture to Single Family Residential with proffers approximately 18.4 acres owned by Community Fellowship Church of the Nazarene located on the south side of the intersection of Long Meadow Road (Rt. 608) and Kiddsville Road (Rt. 796) in Fishersville in the Wayne District.

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

1. There will be no more than 30 single family dwellings built on the property.
2. The minimum square footage for the single family detached dwellings will be 1800 square feet, not including any finished area in the basement. A minimum of 1200 square feet must be on the first floor.
3. The developer will dedicate to VDOT sufficient right-of-way to total 35' of r-o-w from the existing centerline of Kiddsville Road (Rt. 796) and Long Meadow Road (Rt. 608).
4. Access will be limited to a single access off Kiddsville Road and no access on to Long Meadow Road. The road and lot layout will be in general conformance with the plans shown in Exhibit A.
5. All development on the property will utilize public water and sewer and no request will be made for any waivers of that requirement.

Mrs. Jody Sipe, agent for West Construction who is agent for Community Fellowship Church, stated she resides at 157 Kiddsville Rd. in Fishersville, approximately one-half mile from the proposed development. She stated that she has lived in Augusta County when Rt. 250 was a two lane road and she attended school at what is now the Augusta County Library. In addition to the Augusta County Comprehensive Plan, Augusta County implemented a Small Area Plan for the Fishersville area. She was involved in that process in 2009. She referred to a map on PowerPoint indicating the area that was set aside for the Small Area Plan in Fishersville. The Fishersville area is expected to have a 45% increase in population by 2028. This means there will be a need for an additional 1200 to 1300 housing opportunities. The County believes it is better to have growth in areas where services can be clustered and are convenient. This area has been determined by the County to be an Urban Service Area. There are already several substantial neighborhoods in this area, such as Emerald Hills, Wyndham Hills, and Teaverton. The Fishersville Small Area Plan relies heavily on the fact that the County wants to place developments in clusters or as close together as possible in order to preserve open space. Most medium density developments have three to four houses per acre. The proposed development will have one house per .6 of an acre, which is substantially less than what the Comp Plan allows. Although running the sewer lines to the development will be challenging, utility services will be available and will allow for adjacent properties to connect. This development will further the infrastructure the County has started in this area. As stated in the comments submitted by Augusta County Schools, there will be no impact on the schools in this district if the property is fully developed. The tax benefits and the utilization of public utilities will be valuable to the County. Pricing for the homes is anticipated to be between \$350,000 and \$400,000. They have agreed to dedicate a right-of-way of 35' to VDOT for any additional road improvements that may be needed. She referred to pictures on PowerPoint of houses West Construction has built and stated the houses built in this development will be very similar.

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

Mrs. Earhart stated that James Curd, Commissioner, elected not to attend the Public Hearing in order to avoid a conflict of interest since he is an adjacent property owner to the proposed development.

Mrs. Earhart read emails from two adjacent property owners stating their concerns for the rezoning.

My family lives on the 8 acres adjacent to the 18.4 acres that is being considered for rezoning tonight. Our concerns with this proposal will be the additional traffic on an already busy road. Kiddsville is a heavy traveled road with two large subdivisions on it already and Long Meadow has a large subdivision as well. The two stop signs are congested with morning traffic making the morning commute difficult. Our hope is if the rezoning is approved some much needed updates to the roads and intersections will also be done.

Thank you for your consideration.

Darren and Stephanie Ballew

My name is Monika Blackburn and I, like many of my neighbors, were notified recently regarding the possible rezoning of land that is adjacent to, or across from the property under consideration. I have lived here in the Wyndham Hills/Emerald Hills subdivision for approximately 3 1/2 years. I, like many of my neighbors, are opposed to the development of this nearby land for several reasons. First, Kiddsville Road and Long Meadow Road both now already have a high amount of traffic and are usually always very busy and congested, especially during the morning and evening school/work drive hours. Adding the proposed amount of additional traffic that a new development would bring would make this traffic problem much worse than it already is. Also, my children all attend school in the Wilson district and have already been moved from one elementary school to another recently. Wilson Elementary School and Wilson Middle School are already very crowded now and adding more students to these schools would not be beneficial to our children or our community. Finally, my family and I moved to this particular neighborhood in Fishersville because of the family-like community and beautiful open views. Like most homeowners, we are very concerned as to what adding so many new homes in such a small area would do to our property and home values in the future. Thank you for hearing my concerns and taking them into consideration along with those of my neighbors.

Sincerely,

*Monika Blackburn
211 Wyndham Hill Drive
Fishersville, VA 22939
(540)943-1828*

Mrs. Cyndi Steele of 189 Wyndham Hill Dr., Fishersville, stated she and her husband moved to Virginia eight years ago. The back of their property is adjacent to and overlooks the property being considered for rezoning. She stated the property on Kiddsville Road is in a flood zone which would reduce the amount of acreage homes could be built on. She referred to a letter dated March 30, 2015 which stated 15 to 20 houses would be built within the proposed development. Since the time of that letter, the

proffers were changed and the number of houses was increased to a potential of 30 homes. With that number of homes there will be at least two to six people per household which would add 60 to 180 more people in a confined area with an addition of 40 to 60 more automobiles. With that many homes, traffic will become more congested, especially at peak times of the day. They would like to see VDOT's traffic studies for Kiddsville and Long Meadow Roads and find out what the plans are for enlarging and improving them. She stated they are concerned about schools in the Wilson complex being overcrowded. She asked the Commissioners to consider either keeping the property zoned as General Agriculture or rezoning to Rural Residential which would allow for two to five homes on the 18.4 acres. The provided plot map shows the builder's intention to acquire adjacent property and adding more homes in the future. She is concerned losing the beautiful view she currently has will decrease her property values.

Mr. Joseph Steele of 189 Wyndham Hill Dr., Fishersville, stated the property on Kiddsville Road has flooded a number of times. Construction costs will increase because of the drainage issues that will need to be dealt with. The property is unsuitable for building and the flooding issues will make it difficult for VDOT to expand the roads.

There being no questions from the Commissioners, Mr. Bridge closed the Public Hearing.

Mrs. Shiflett stated traffic for this area is a concern. An alternative would be to develop one lot at a time with several road entrances onto Rt. 608 and Kiddsville Road. Public water and sewer are available and the development will have a single entrance. Rezoning the property will be better than leaving it zoned as General Agriculture because the land is unproductive as it is. Even with the road issues, which are not planned for correction in the near future, rezoning would be the best fit for this area.

Mr. Cole stated given the options available, this does appear to be a good effort to address the issues with this tract of land. When funds become available, hopefully the road issues can be addressed.

Mr. Bridge stated this property is slated for development in the Comprehensive Plan. With water and sewer available it is more attractive for what the County has planned and probably will not be the last request for that area. There have been problems with the road for a long time, however, development should continue.

Mrs. Shiflett asked if the concept plan had been modified to address staff's concerns.

Mrs. Earhart stated it has been modified to show the VDOT r-o-w. Two connections are being made to adjacent properties in order to be in compliance with the County's regulations. The County does require interconnectivity to adjacent properties within a development area.

Mrs. Shiflett moved to recommend approval of the request with the proffers as stated.
Mr. Cole seconded the motion which carried unanimously.

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An Ordinance amending the Zoning Ordinance of Augusta County Related to the Floodplain Overlay Zoning District and adopting new floodplain maps for the Sherando / Lyndhurst Area. This ordinance amends Article XLVII, Floodplain Overlay Districts by codifying administrative responsibilities with respect to the District, including the appointment of a Floodplain Administrator, citing statutory authority, adding Abrogation and Severability clauses, amending and adding selected definitions, codifying existing standards currently enforced through reference to the Virginia Uniform Statewide Building Code and the National Flood Insurance Program, clarifying the determination of “fair market value”, and making miscellaneous administrative changes. The ordinance will also adopt new Flood Insurance Rate Maps (FIRMs) for the Sherando / Lyndhurst area which will add approximately 456 acres to, and remove approximately 440 acres from, the Floodplain Overlay Zoning District in the Back Creek area of Augusta County.

Doug Wolfe, County Engineer, explained the proposed changes to the Ordinance. He stated at the County’s request, the flood maps were revised in 2011 to correct elevation errors made in 1990 and 2007. Mr. Wolfe referred to a 2007 map on PowerPoint showing an area with a base flood elevation of the 100 year flood being 1588’ and a ground elevation of 1552’. Based on these elevations, FEMA was saying the flood would be 36’ deep, which is unreasonable. FEMA was asked to correct the elevations. They changed the maps to reflect the base flood elevation as 1556’ and ground elevation as 1552 showing the flood would be 4’ deep, which is more reasonable. Residents of the area questioned the accuracy of the maps, but because there was no official appeal period granted by FEMA, the County had no choice but to adopt the 2011 maps, or all citizens in a floodplain countywide would lose their flood insurance. The Board of Supervisors commissioned another study to be done which was funded in part by grants from FEMA and the Department of Conservation and Recreation. In 2014 FEMA gave the County preliminary maps to review. FEMA advertised the maps in the newspaper and gave an official appeals period from August to November 2014. In February a final Notice of Final Determination was issued and therefore, the maps will go into effect on August 3, 2015. The County is required to adopt the maps and send the ordinance to FEMA showing the new maps have been adopted before August 3, 2015, or again, residents will lose their flood insurance countywide.

Mr. Wolfe referred to the floodplain study as shown on PowerPoint. He indicated the areas where floodplain is being added, such as the Featherstone Manor area, and showed the areas that are being removed from the floodplain. He indicated the homes on the upper side of Creekside are not shown in the 100 year floodplain that originates from Back Creek. This does not mean the homes will not flood, but flooding will not originate from Back Creek.

Mr. Wolfe explained there are some amendments required to the ordinance to bring it into compliance with federal regulations. Mr. Wolfe reviewed the current ordinance regulations which state floodplain development is prohibited in Augusta County with the following exceptions: 1. A lot created prior to 2010 and has no area to build outside of the floodplain; 2. Structures normally built in the floodplain, such as sewage treatment plants, docks, and picnic areas; 3. Driveways or public streets where no other reasonable access exists or need to build for connectivity purposes. When a property owner falls into any of these exceptions, there is a process they are required to go through. They must provide a sketch plan that describes the type of work they would like to do. If the property is not in the floodplain, they will proceed with the normal permitting process. If the property is in the floodplain, they will be required to have a floodplain development plan submitted by an engineer or surveyor showing elevations and if the property is in or out of the floodplain. If it is in the floodplain, they will be required to follow the regulations listed in the ordinance. If they are not in the floodplain, they will continue with the normal permitting process.

Mr. Wolfe explained with the proposed amendment, no new provisions are being added to the floodplain ordinance. Each restriction and provision, other than the changes to the maps, are in the existing ordinance. Map references are periodically updated and regulation definitions that are in the federal legislation are added as needed. The version of the ordinance that was advertised for this meeting included a section called Administration. That section was adapted from the State's model ordinance. Staff and ordinance committee members do not think this section belongs in the ordinance, as it seems more like a job description. The new version of the ordinance was submitted to FEMA to review and did not include the Administration section. FEMA approved the draft without the Administration section. Staff is asking the Commission to recommend approval of the ordinance without the Administration section.

Mr. Wolfe stated there were three separate letters mailed to residents in regard to the changes in the floodplain. The letters explained to residents if floodplain would be added to, deleted from or changed on their property. As required by the State, a letter was sent to adjacent property owners explaining the changes being made to surrounding properties.

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

Bill Waggy, of 700 Mt. Torrey Road, Lyndhurst stated he was confused by the maps and he would like clarification if he is in the floodplain. He asked if his insurance rates were going up or if property values will go down, if he is in the floodplain. He has lived on his property for 50 years and it has never flooded.

Mr. Wolfe stated he would be glad to review the maps with Mr. Waggy at the close of the meeting.

Gary Madison of 2600 Mt. Torrey Road, Lyndhurst stated he is concerned about the flood insurance and asked if everyone in Augusta County would be required to have insurance. He stated he has lived on his property for 27 years and the only part of his property that would flood would be the last 10-20 feet of his property.

Mr. Wolfe explained that if any piece of a property was in the floodplain, a letter was sent to the property owner. The letter was sent based on the parcel having floodplain and not based on the structure being in or out of the floodplain. He stated that most federally backed mortgage companies require flood insurance, if the property is in a floodplain. Insurance is optional if there is no mortgage holder.

There being no one further to speak in regards to the proposed amendment, the Public Hearing was closed.

The Commissioners expressed their gratitude for the work that has been done to improve the floodplain maps.

Mr. Leonard moved to recommend approval of the ordinance amendment excluding Section 25-472.1 Administration.

Mr. Cole 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.

15-26 Allen B. Simmons, Jr., Estate

This property is shown on the Comprehensive Plan Planning Policy Area/Future Land Use Map as being located in a Community Development Area slated for Low Density Residential development and is surrounded by existing residences. Mrs. Shiflett moved to convey the Planning Commission's concern about permitting such a large business at this location, even though it has been the site of small businesses prior to this request and they are currently operating at this location without a permit. She also noted this property is located in a Community Development Area where the County wants to encourage additional residential development and that this use would be better suited for business zoning rather than General Agriculture. Mr. Bridge seconded the motion, which carried unanimously.

15-27 Huey W. or Mary L. Mullins

This property is shown on the Comprehensive Plan Planning Policy Area/Future Land Use Map as being in a Rural Conservation Area. Mr. Leonard moved to recommend to

the BZA they are concerned about starting a business at this location which is currently surrounded by residential uses and in an area which is expected to see additional rural residential development. They would encourage the BZA to establish limits on the amount of the lot that can be utilized, the number of vehicles and equipment that can be stored on site, as well as the materials allowed to be stored at this location in order to protect the existing and expected residential uses in this area. Mrs. Shiflett 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