

PRESENT: E. Shipplett, Chairman
S. Bridge, Vice Chairman
J. Curd
C. Foschini
K. Leonard
K. Shiflett
R. L. Earhart, Senior Planner and Secretary

ABSENT: T. Jennings
T. Fitzgerald, Director of Community Development

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, October 13, 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.

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

1. LeXeal Development, LLC – Amend Proffers
2. Crescent Development-Goose Creek II and III, & Denstock Goose Creek, LLC – Amend Proffers
3. Crescent Development Group, LLC & Melissa Jurick – Rezoning

Chairman

Secretary

PRESENT: E. Shipplett, Chairman
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K. Leonard
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R. L. Earhart, Senior Planner and Secretary

ABSENT: T. Fitzgerald, Director of Community Development

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, October 13, 2015, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

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

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MINUTES

Mr. Bridge moved to approve the minutes of the regular meeting held on September 8, 2015.

Mr. Leonard seconded the motion, which carried unanimously.

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SOURCE WATER PROTECTION OVERLAY DISTRICTS

Jennifer Hoover, Senior Project Engineer with the Augusta County Service Authority, gave a presentation on the importance of source water protection and reviewed the Source Water Protection Overlay District regulations. She stated source water protection is an important goal of both the Augusta County Service Authority's long term Capital Plan and the Augusta County Comprehensive Plan. She stated water quality has deteriorated in some places and now the water sources have to be treated. The

purpose for the overlay is to prevent further contamination to delineated areas and to prohibit certain hazardous materials and uses to be located or used within these areas.

Ms. Hoover stated the Service Authority has spent a significant amount of money on treating water sources. \$4.25 million has been spent for four systems that serve 2,246 customers. Protecting the water sources is cost avoidance. Costs to define recharge areas for all sources past, current, and future through fiscal year 2016 is \$911,510. \$388,250 in grant money has been received from VDH and Department of Environmental Quality to assist in paying for the studies. Currently, the assets for the water supply facilities are valued at \$72 million. She stated the Service Authority is currently working on studies for Berry Farm and Middlebrook with Augusta Springs and Deerfield planned for fiscal year 2017.

Ms. Hoover briefed the Commission on the ordinance requirements. She asked for the Commission to recommend approval of the Area 2 designations.

Source Water Protection – Churchville

A request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Churchville wells. This request contains approximately 1,093 acres located along Buffalo Gap Highway (Rt. 42), Dry Branch Road (Rt. 720), and Whiskey Creek Rd (Rt. 725) in the Pastures District.

Mrs. Earhart stated this request was to add the Source Water Protection Overlay District Area 2 designation to approximately 1093 acres in the Churchville Area. She reminded the Commissioners of the ordinance that was passed four years ago to establish the source water protection overlay districts. This request is to add more recharge areas to the overlay.

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

Henry Alvin Cook of 315 Chapel Road, Churchville, VA stated he owns land on Jerusalem Chapel Road as well. He stated that his understanding is that the County is going to take over the wells and put it all into one well and instead of being able to use his own well, the County is going to charge him for using well water.

Mrs. Earhart explained to Mr. Cook the purpose of adding the overlay is to protect the public water supply and a fringe benefit is that it will protect his water supply. The main purpose is to prohibit certain uses that could have the potential to contaminate the public water supply and to protect the investment that the Service Authority has in it. The overlay would not have any impact on him as a private well owner. Normal residential uses and agricultural uses are exempt from the ordinance changes, as long as best management practices are being used. It does place restrictions on businesses and industrial uses that would require a Special Use Permit. The ordinance will not have any impact in terms of running public water to your house, if you are not on public water currently.

Mr. Cook stated according to the maps it looks as if new lines will be running through his property.

Mrs. Earhart referred to the map on PowerPoint and stated the area that is shown in blue is the area that would contribute to the recharge of public wells. The County is not running any additional water lines. The County is trying to protect the ground water from getting contaminated, which could ultimately contaminate the public wells.

Mr. Cook stated the County will have to run water lines if they are running it from the pump station.

Ms. Hoover stated no new wells, pump stations, or new infrastructure is planned with this ordinance change.

Mr. Cook stated if someone wanted to hook to public water, new lines will need to be installed.

Mr. Shipplett explained to Mr. Cook if someone wants to run new water lines, it would be a separate issue. If the County was running new water lines they would need to contact the people that would be affected. The issue being addressed tonight is for the protection of your well and the County's wells.

William Little stated he owns property in Churchville. He stated he needs to see a demonstrated need for the regulatory overlay. The provision that is being talked about tends to create a bureaucratic nightmare. He asked what the projected cost for adding the overlay is. He stated the grants that Ms. Hoover talked about were wonderful, but they come from taxpayers' pockets. He thinks more work needs to be done because he does not see where this has demonstrated it is something new and it is not addressed by current regulatory agencies. He asked what the cost would be for someone who has a demonstrated need and how much money would an individual be required to spend on providing certain research data.

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

Mr. Jennings stated the County has a responsibility to protect the water sources for the public. The ordinance offers a vehicle which will further protect public resources. He moved to recommend approval to add the Source Water Protection Overlay District Area 2 designation for the Churchville wells.

Mr. Bridge seconded the motion, which carried unanimously.

Source Water Protection – Harriston

A request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Harriston wells. This request contains approximately 1,574 acres located south of Harriston Road (Rt. 778) to Trayfoot Road

(Rt. 615) and from East Side Highway (Rt. 340) to the Shenandoah National Park in the Middle River District.

Mrs. Earhart pointed out the 1574 acres under consideration for designation as the Area 2 for the Harriston wells as presented on PowerPoint.

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

Charles Patterson, III of 91 Trixie Lane, Grottoes, VA stated he appreciates the County's efforts to protect the watersheds. He stated he owns Jollette Spring (the spring, not the manufactured home park) and was concerned how the overlay would affect him if he wanted to develop the property at some point. He has talked with Jennifer Hoover and is no longer concerned about the regulations if he were to develop the property, since it does not cover overflow water from a spring. He stated in his opinion the areas are not big enough. He encouraged the County to keep up the good work in protecting the water sources.

Robert King of 246 Horsehead Road, Grottoes, VA asked if he wanted to drill a well on his property, would he be required to have a geological survey or just a permit for the well and what would be allowed for irrigation for agricultural uses.

Ms. Hoover stated for a residential well, he would be required to obtain a permit through the Health Department. In regard to the irrigation, there is a 10,000 gallon a day limit, and to exceed more than that would require a permit from the Service Authority and he would be required to comply with the Department of Environmental Quality standards.

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

Mrs. Shiflett said the importance of protecting the water sources cannot be overstated. She moved to recommend approval to add the Source Water Protection Overlay District Area 2 designation for the Harriston wells.

Mr. Foschini seconded the motion, which carried unanimously.

Source Water Protection – Vesper View

A request to add the Source Water Protection Overlay District Area 2 designation to properties in the recharge area for the Vesper View wells. This request contains approximately 3,405 acres located between Thorofare Road (Rt. 628) and Turk Mountain Road (Rt. 672) and from East Side Highway (Rt. 340), to the Shenandoah National Park in the Middle River District.

Mrs. Earhart pointed out the area for consideration as presented on PowerPoint. She stated it cover 3,405 acres.

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

Stephen Wright of 553 Locust Avenue, Waynesboro, VA stated this ruling was illegal because President Obama's rules have blocked national water rights. He stated he contacted Larry Wills, Board of Supervisors representative for Middle River District regarding the ordinance. He was told by Mr. Wills that the EPA was not involved with this ordinance change and asked if that was true.

Mrs. Earhart stated the driving force behind the ordinance is to protect the water sources. It was initiated by the Service Authority and the Board of Supervisors to protect the water supply. The EPA is not involved with this issue.

Mr. Wright stated he does not like the 11 page ordinance that can be twisted and bent. He asked if the ordinance is being proposed as a means to stop the Dominion pipeline.

Mrs. Earhart stated the studies to add the overlay were conducted a long time before the pipeline was proposed.

Mr. Wright stated the County is using the source water protection overlay to thwart the pipeline and Ms. Hoover had stated that in her demonstration.

Ms. Hoover stated the pipeline could not be put near the source water protection area.

Mr. Wright stated he feels the rule that states toxic poison cannot be released is very vague. The rules need to be set in stone. He stated he purchased property in Crimora Mines in 1984 that had been sitting since 1958. The water was polluted and the Homeowner's Association received money from the State Mine Reclamation Act. The County took no part in cleaning up the water or the lakes at Crimora Mines. He does not feel the County has a very good track record for protecting water sources.

Ms. Hoover reiterated that the ordinance does not affect residential or agricultural uses. It is intended for businesses such as asphalt plants and funeral homes.

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

Mr. Bridge stated the ordinance is designed to provide clean water for everyone and there will be no burden on Augusta County citizens. He moved to recommend approval to add the Source Water Protection Overlay District Area 2 designation for the Vesper View wells.

Mr. Jennings seconded the motion, which carried unanimously.

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LeXeal Development, LLC

A request to amend the proffers on approximately 89 acres currently zoned Rural Residential owned by LeXeal Development, LLC, located on the south side of Ladd Road (Rt. 631) approximately 0.6 of a mile west of the intersection with Hickory Hill Rd. (Rt. 834) in the South River District

Mrs. Earhart explained the request as presented on PowerPoint. She stated the owner is requesting to have one street connection as well as a private driveway entrance that would serve a neighboring parcel.

Alex Patterson, of Charlottesville, VA stated he is making this request to have one street connection and to allow for Brett VanLear, an adjacent property owner, to have a private entrance onto his property.

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

Brett VanLear of 395 VanLear Lane, Fishersville, VA stated he supports this request as it will allow him to purchase land that his family farm lane occupies, instead of having a right-of-way to access the property.

Scott Wine of 53 Windy Grove Lane, Fishersville, VA stated he is not concerned about the road situation. He is concerned about the parcels that were previously subdivided into five acre tracts and planned as a 40 home development. Although public water would be available for the development, public sewer is not and he does not feel the land can handle the increase in the number of sewer systems for a development.

There being no one else to speak in favor of or in opposition to the request, Mr. Shipplett closed the public hearing.

Mrs. Earhart stated the property was rezoned in 2007 to Rural Residential with a two acre minimum lot size.

Mr. Patterson stated only 26 lots have been approved to date. He is not planning on developing the property into 45 lots. He stated he wants larger lots.

Mr. Shipplett asked if a perk test had been done in the development.

Mr. Patterson stated a perk test has been done and all 26 lots did perk.

Mr. Shipplett asked Mr. Patterson if he would consider proffering the 26 lots.

Mr. Patterson stated he does not want to proffer the 26 lots because he is unsure of what he is going to do with the property at this time. He stated the County has asked for a 12 acre strip across the street from this property.

Mr. Leonard asked Mr. Patterson what 12 acres he was referring to.

Mr. Patterson stated the 12 acres is a strip of land between Ladd Road and I-64. In order to get the entrance approved back in 2007 when it was rezoned, VDOT required the 12 acres be proffered.

Mr. Jennings asked for confirmation that the request is to amend the proffers and not a request for a rezoning.

Mrs. Earhart stated that was correct and only one proffer was being added to the existing proffers.

Mr. Leonard asked for confirmation that the additional proffer will allow Mr. VanLear to purchase the land to have his own private drive.

Mrs. Earhart stated that was correct.

Mr. Bridge moved to recommend approval of the amended proffers.

Mr. Leonard seconded the motion, which carried unanimously.

Crescent Development-Goose Creek II & III, LLC & Denstock Goose Creek, LLC

A request to amend the proffers on approximately 41 acres owned by Crescent Development-Goose Creek II and III, LLC, and Denstock Goose Creek, LLC located in the northwest quadrant of the intersection of Lifecore Dr. (Rt. 636) and Village Creek Dr. (Rt. 1382) in Fishersville in the Wayne District.

Mrs. Earhart explained the request as presented on PowerPoint and reviewed the proposed proffers.

Scott Williams, Co-owner of Crescent Development-Goose Creek II & III and whose address is P. O. Box 1046, Fishersville, VA stated Murphy Deming is almost at full capacity. They anticipate Murphy Deming will increase their programming and will be adding buildings to the existing campus. Student housing will need to be available within walking distance to the campus. It would make sense to take the multi-family density at Myers Corner and find a place for it that better serves the anticipated growth at Murphy Deming. The apartments at Goose Creek are a class A apartment project designed for student aged population and include many amenities. There are 33 leased and occupied apartments to date.

Mr. Shipplett asked how many units were completed to date.

Mr. Williams stated an estimated 75 units are complete. Once the project is completed, there will be a total of 204 units.

Mr. Shipplett asked what the rental rates are on the units.

David Grandville stated they rent between \$860.00 and \$1,200.00.

Mr. Curd asked for clarification that the purpose of the request is to transfer the 127 multi-family units slated for Myers Corner to Murphy Deming?

Mr. Williams stated that was correct. It seems to be a better fit to have the additional multi-family units at this site rather than a separate multi-family project at Myers Corner.

Mr. Curd asked for clarification that signal lights would be installed if warranted by VDOT.

Mrs. Earhart stated that was correct.

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

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

Mr. Foschini stated it makes sense to increase the number of multi-family units near Murphy Deming. He moved to recommend approval of the amended proffers.

Mr. Jennings seconded the motion, which carried unanimously.

Crescent Development Group, LLC & Melissa K. Jurick

A request to rezone 6.348 acres from Multi-Family Residential to General Business, .004 acre from Multi-Family Residential to Single Family Residential, 46.209 acres from Attached Residential to Single Family Residential, and 8.024 acres from Single Family Residential to Attached Residential owned by Crescent Development Group, LLC and Melissa Jurick located in the southwest quadrant of the intersection of Jefferson Highway (Rt. 250) and Lifecore Dr. (Rt. 636)/Woodrow Wilson Avenue (Rt. 358) in Fishersville in the Wayne District. This request also restates the existing proffers on the entire 122 acres known as Myers Corner.

Mrs. Earhart explained the request as presented on PowerPoint. She indicated it was both a rezoning and a restatement of the proffers.

Scott Williams, Co-owner of Crescent Development Group, LLC stated they are requesting this rezoning to change all of the Multi-family zoned property in Myers Corner to General Business. From a business perspective adding six acres of General Business property to the already successful business park would encourage business growth, increase job growth, and expand the County's tax base. There are already several businesses at Myers Corner and construction has begun for two more businesses. The change in zoning should not present a conflict with the residential property that abuts the business property since the businesses will be the same type of businesses already seen there, and since the residential portion has not yet been developed. The request to rezone the portion of Attached Residential to Single Family Residential and the portion of Single Family Residential to Attached Residential is reconfiguring what is happening inside the boundary lines. Fishersville has experienced

a lot of growth and the opportunities with Murphy Deming and the continued growth of Augusta Health and Lifecore Drive will make this a more attractive area to live and work. It is apparent that the type of person who would want to live in this area has changed over the years and the rezoning would better suit the needs of the community.

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

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

Mr. Curd stated there has been a lot of housing and business growth in this area and with the completion of Lifecore Drive, this request would make sense. It is in compliance with the Comprehensive Plan and has water and sewer. He moved to recommend approval of the request with the proffers.

Mr. Bridge seconded the motion, which carried unanimously.

Sections 25-4, 54.1, 73, 94.2, 123, 133,163, 223, 233, 303, 383, 439, 454.2 – Keeping and Use of Commercial Vehicles

An ordinance to amend §§25-4, 54.1, 73, 94.2, 123, 133, 163, 223, 233, 303, 383, 439, 454.2 of the Augusta County Code regarding the keeping and use of commercial vehicles in residential districts and on agricultural lots less than one (1) acre.

John Wilkinson, Augusta County Zoning Administrator, discussed the definition of commercial vehicles and stated the definition has been changed over the years and citizens have frequently questioned the definition. He feels the change to the definition in the ordinance will be more straightforward.

Mr. Leonard asked if someone uses a truck and a trailer but at some point the trailer is detached, is the trailer considered a separate vehicle.

Mr. Wilkinson stated a truck with a pull behind trailer is considered one unit unless defined by district regulations. If it is used for personal use, it is not considered a commercial vehicle.

Mrs. Earhart stated a vehicle with a trailer counts as one commercial vehicle, not two separate vehicles, even if the trailer is detached.

Mr. Leonard stated he does not see in the definitions that a trailer itself is defined in reference to a tractor and trailer.

Mr. Wilkinson stated “trailer” does not have a separate definition at this point. The truck and trailer are considered one unit.

Mr. Jennings asked if a church van would be considered a commercial vehicle.

Mr. Wilkinson stated it is considered a commercial vehicle.

Mr. Wilkinson discussed accessory uses to single family dwellings. Currently, only one commercial vehicle is allowed as an accessory use to a single family home. Citizens have questioned why more than one commercial vehicle is not allowed, especially if more than one person in the home has a business. With the ordinance change, more than one commercial vehicle will be allowed in Single-family Residential Districts and on lots less than one acre in General Agriculture Districts. There will only be one commercial vehicle weighing 10,000 pounds or more of gross vehicle weight allowed on the site, however, multiple small vehicles will be allowed.

Mr. Bridge asked if an individual drives a tractor trailer as an employee for a business, are they allowed to park it at their residence.

Mr. Wilkinson stated they can keep the tractor at the home in residential districts or in agriculture districts if the lot is less than one acre. The trailer will need to be parked at the business site.

Mr. Curd asked if the number of small vehicles at a residence would not be limited by the proposed ordinance.

Mr. Wilkinson stated that was correct.

Mr. Wilkinson discussed Home Occupation Class A Permits. He stated in residential districts and on small agriculture lots, there are several businesses that are not allowed unless the equipment is stored off site, such as a landscaping business and mobile motor vehicle repair.

Mr. Foschini asked how the ordinance change would affect a mobile repair business.

Mr. Wilkinson stated the owner would be allowed to have a truck on site, but not a trailer. They would need to prove the trailer is being stored off site.

Mr. Wilkinson discussed Home Occupation Class B Permits. This permit is for lots in agriculture districts over one acre. Trailers are allowed to be stored on site as long as they do not exceed 16' in length. Also, 500 square feet of an accessory structure may be used for the business. This is not a change to the ordinance.

Mrs. Earhart reiterated the purpose of the ordinance change is to allow for more than one commercial vehicle per house. The larger vehicles, 10,000 pounds or more, will be allowed on site and will be regulated more closely.

Mr. Curd asked for confirmation that the larger vehicles would not be allowed to be parked on the street or in the yard.

Mrs. Earhart stated commercial vehicles would not be allowed to park on the street or in the yard. That part of the ordinance did not change.

There being no further questions from the Commissioners, Mr. Shipplett opened the public hearing.

There being no one to speak in favor of or in opposition to the ordinance change, Mr. Shipplett closed the public hearing.

Mr. Curd moved to recommend approval of the ordinance changes.

Mr. Leonard seconded the motion, which carried unanimously.

Section 25-71 – Agritourism Activities

An ordinance to amend §§25-71.1 and 72.1 of the Augusta County Code to allow agritourism activities as accessory uses to agricultural uses if meeting certain criteria and to add farm breweries and farm distilleries to the farm wineries category of accessory uses and regulate their activities consistent with the State Code.

Mr. Wilkinson discussed the Agritourism section of the ordinance. He stated the proposed changes are in response to changes to State Code. It was mandated that localities make provisions in the ordinance for ag-tourism. Agritourism will be considered an accessory use to an ag operation if certain criteria outlined by the State Code are met, if it is an accessory to an on-site bona-fide operation, and it doesn't create a substantial impact to the health, safety and welfare of the area, it will be considered a "by right" use on the farm.

Mr. Bridge asked who determines that water and septic systems are adequate to the operation.

Mr. Wilkinson stated the Health Department regulates wells and septic systems.

Mr. Bridge asked if events held at the site would be one-time only events.

Mr. Wilkinson stated these would be events allowed by right, if the criteria in the ordinance is met and would not be limited to a one-time event, which are regulated separately.

Mr. Leonard asked in regard to farm breweries and distilleries, what percentage of the product has to be grown on site.

Mr. Wilkinson stated 51% has to be grown on site. The owner is allowed a three year period for growth and they are allowed to use other materials not grown on site that are State regulated during the three year period.

Mr. Wilkinson discussed On the Farm Activities. He stated Augusta County has allowed for people to have one event a year on the property. This has not been a part of the ordinance in the past. The proposal is to add it to the ordinance and allow two events per year, each event could not last more than two days, all parking has to be off street, and the number of attendees will be determined by the size of the lot.

Mr. Bridge asked if a property owner was having a one-time event, if a permit would be required.

Mr. Wilkinson stated a one-time event can be held twice a year without any zoning permits, as long as the criteria is met.

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

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

Mrs. Shiflett stated the ordinance complies with the State Code. She moved to recommend approval of the ordinance changes.

Mr. Leonard seconded the motion, which carried unanimously.

Section 25-303 Mini-warehouses

An ordinance to repeal Paragraph F from §25-303 of the Augusta County Code which allowed mini-warehouses in general business districts by administrative permit and add Paragraph K to §25-304 allowing mini-warehouses only by special use permit.

Mr. Foschini stated the following regarding a possible conflict of interest: "In accordance with Section 2.2-3112 A. 4. of the Code of Virginia, I may participate in this transaction because it does not just affect me, it affects the general public, even though my personal interest as a member of the public, may also be affected by this transaction."

Mr. Wilkinson stated since 2010 mini-warehouses have been allowed by administrative permit as long as there was an approved site plan. The change to the ordinance will require a special use permit be granted for mini-warehouses. If the site is set against single-family or areas planned for residences, a minimum setback of 100' will be required. A 200' setback from arterial streets will be required unless the BZA determines it is in keeping with the rest of the neighborhood, which would allow for closer setbacks.

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

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

Mr. Foschini stated he has some issues with the way the proposed ordinance is written, not because it will affect his project but because there are other businesses that are currently operating storage facilities that have land or assets in place and may wish to expand the business. The premise that the ordinance will not affect current business owners is not necessarily true. If there is not a site plan on file, the ordinance change will not allow for established businesses to expand without a special use permit. The

County has not and is not required to notify current business owners about the proposed ordinance change. Even though it was advertised and is on the County web page, what happens to other businesses that do not have an approved site plan? The County hasn't reached out to these business owners to make them aware of the change. He is not objecting to the ordinance, but he believes established business owners should be notified. There needs to be some type of grandfather language in the ordinance that protects existing businesses.

Mr. Curd asked if the change would affect current owners of this type of property that are already operating, or only new businesses from this point on.

Mrs. Earhart stated it will not affect businesses currently operating mini-warehouses that may not meet the current standards.

Mr. Wilkinson stated the ordinance will apply to existing businesses that want to expand, if there is not a site plan approved. They will have to get a Special Use Permit.

Mr. Foschini stated he does not think this change should be allowed without notifying existing businesses and giving them a chance to submit a site plan. This change will not allow them to expand without a Special Use Permit.

Mr. Leonard asked what the current setback is for mini-warehouses.

Mr. Wilkinson stated it is 25' for the structure from all residential zoning and buffering is required.

Mr. Leonard asked if the proposed 100' setbacks could be changed.

Mr. Wilkinson stated they could not.

Mrs. Earhart stated they could not be changed unless the Board of Supervisors amends the ordinance and changes the setbacks required for the Special Use Permit.

Mr. Foschini stated it is unlikely that single-family homes would be built beside a business parcel. He said the ordinance change will not allow a business owner that started a business on a "by right" type of parcel to expand based upon the setbacks. The ordinance change should be looked at more closely and the existing property owners should be notified

Mr. Leonard stated the only issue with the ordinance would be the 100' setback from residential. If there is an existing business that has property to expand, they could approach the BZA for a SUP. He moved to recommend approval of the ordinance with language added that would allow the BZA to grant a different setback if the BZA is satisfied that it is in keeping with the rest of the neighborhood.

Mr. Foschini stated that the ordinance change will say that someone who already has a business that was started on a "by right" type of parcel, may not be allowed to expand depending on the setbacks.

Mrs. Shiflett seconded the motion, which carried on a 6-1 vote, with Mr. Foschini opposed.

Section 21-36 – Subdivision Bond Fees

An ordinance to amend §21-36 of the Augusta County Code applicable to subdivision bonds by reducing from 25% to 10% the amount the County can require for administrative fees in excess of the estimated costs of constructing, installing or furnishing public facilities and improvements.

Mrs. Earhart stated the fees are changing to comply with State Code which mandates that only 10% can be charged for bond fees.

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

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

Mr. Leonard moved to recommend approval of the amendment.

Mr. Curd seconded the motion, which carried unanimously.

Section 21-53 – Plant Growth

An ordinance to amend §21-53 of the Augusta County Code regarding the height of plant growth in an easement area.

Mrs. Earhart explained the proposed ordinance change. She stated there has been a requirement in platted subdivisions that required drainage easements must be kept mowed and not allowed to grow more than 15". However, the nuisance ordinance was changed several years ago to reduce the height in residential districts to 10". The proposed changes would modify the language of the note and cap the height at whatever is required by the nuisance ordinance, but also allows for a different height if plantings are done for stormwater management facilities, for instance, a bioretention facility, which would require something different.

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

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

Mrs. Shiflett moved to recommend approval of the amendment.

Mr. Jennings seconded the motion, which carried unanimously.

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NEW BUSINESS

Nominating Committee

Mr. Shipplett appointed Kyle Leonard and Becky Earhart to the nominating committee.

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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.

15-43 Justine Daniel Tilghman

Mrs. Shiflett stated this request is very similar to Mr. Chester’s last request which was withdrawn. She moved to make the same recommendation to the BZA on this request.

Mr. Curd seconded the motion which carried unanimously.

Those comments are a portion of this property is located in a Community Development Area slated for Low Density Residential development and a portion is located in an Agriculture Conservation Area. The Planning Commission is concerned about the ability and desirability to develop this use this close to the floodplain. They are concerned about building new buildings, especially this large, for business purposes in General Agriculture zoning and recognize that, if permitted and built, there will be a business at this location for the foreseeable future. Therefore, they recommend to the BZA, if they allow the large business building to be built, that the building be built using the building code requirements and not the agricultural building exemption. They also recommend the BZA put in place measures to ensure the protection of the water resources and the Little Calpasture River.

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

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Chairman

Secretary