

PRESENT: C. Bragg, Chairman
R. Harris, Vice Chairman
D. Henderson
L. Howdyshell
R. Thomas

E. Goodloe, Planner I
D. Wolfe, Director of Community Development

ABSENT: K. Leonard
B. Schindler

A. Vane, Planner II

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 9, 2023 at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission reviewed the following rezoning request and traveled to the following site, which will be considered at the Public Hearing:

Augusta County Board of Supervisors
1011 Lee Highway
Verona, VA

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Chairman

Secretary

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R. Thomas

E. Goodloe, Planner I
D. Wolfe, Director of Community Development

ABSENT: K. Leonard
B. Schindler

A. Vane, Planner II

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, May 9, 2023, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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DETERMINATION OF A QUORUM

Mrs. Carolyn Bragg stated, as there were five (5) members present, there was a quorum.

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MINUTES

Mr. Larry Howdyshell moved to approve the minutes of the called and regular meeting held on April 11, 2023.

Mr. Harris seconded the motion, which carried unanimously.

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PUBLIC HEARINGS

Mrs. Bragg stated that there were three (3) items on the agenda for Public Hearing.

Ms. Elizabeth Goodloe introduced the first agenda item as a request for an ordinance amendment to Section 25-12, Single-family dwellings. Ms. Goodloe stated that the section of the ordinance addresses how the square footage of a single-family dwelling is calculated, in order to determine if the dwelling meets the 900 sq. ft. minimum. Ms. Goodloe explained that the current language is out of date, and does not reflect how the size is currently calculated. Therefore, this amendment would revise the ordinance to state that the size of a single-family dwelling is measured by calculating “the total floor area of each floor,” which is how it is currently calculated.

Mrs. Bragg asked if there were any questions from the Commissioners. Being none, Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Harris moved to recommend approval of the request as presented.

Mr. Robert Thomas seconded the motion which carried unanimously, 5-0.

Ms. Goodloe introduced the next agenda item as a request for an ordinance amendment to Section 25-492, Additional uses permitted within a Public Use Overlay District. Ms. Goodloe stated that the amendment would allow for “government or municipal animal shelters, with or without outdoor runs” as a permitted use within Public Use Overlay districts. Ms. Goodloe reminded the Commission that Public Use Overlay requests have to be seen by the Planning Commission and Board of Supervisors for public hearings. During that process, the applicant would have to state which specific additional uses they want added with the PUO. Therefore, the proposed amendment would have no effect on properties with an existing PUO, it would only allow future applicants to request a PUO for the specific use.

Ms. Goodloe asked if there were any questions from the Commissioners regarding this request. Seeing none, Mrs. Bragg opened the Public Hearing regarding the request.

Seeing no speakers, Mrs. Bragg closed the Public Hearing regarding the request.

Mr. Howdyshell moved to recommend approval of the request as presented.

Mr. Thomas seconded the motion which carried unanimously, 5-0.

Ms. Goodloe introduced the third agenda item as a request by the Augusta County Board of Supervisors to add a Public Use Overlay (PUO) for a government animal

shelter with outdoor runs on approximately 20.195 acres (TMPs 036C 1 1A, 036A 1 2, 036C 1 3, 036C 1 4, 036C 1 5, 036C 1 6, and 036C 1 7) owned by the Augusta County Board of Supervisors located at 1011 Lee Hwy in Verona in the North River Magisterial District. The property is located in an Urban Service Area of the Comprehensive Plan, planned for Public Use. Ms. Goodloe stated that the proposed Public Use Overlay would not change the current zoning of the parcel. Instead, the overlay would add the proposed animal shelter as an additional permitted use on top of the current single-family residential zoning.

Ms. Goodloe asked if there were any questions from the Commissioners regarding the request.

A member of the audience asked what a PUO was. Ms. Goodloe stated it was an additional use added to the current zoning. Mrs. Bragg gave the example of a school as a Public Use Overlay added on top of the current zoning.

Seeing that there were no questions from the Commissioners, Ms. Goodloe invited the applicant to speak.

Mrs. Candy Hensley introduced herself as the Assistant to the County Administrator and stated that she would present the request on behalf of the Board of Supervisors. Mrs. Hensley stated that they were proposing to move the current animal shelter, a municipal shelter located in Lyndhurst, to Verona Elementary School. Mrs. Hensley stated that the request would be to renovate the existing pods with no additions. The Verona Community Association will continue to utilize the gym and the ball fields.

Mrs. Hensley reviewed the concept plan, describing the location of the administrative offices, training areas, a medical examiner room, laundry facilities, and other uses. Animals would not be located in those areas for long periods of time.

Mrs. Hensley indicated the six (6) pods in blue on the concept plan on the right side of the site. Of those pods, two (2) pods will be for cat adoptions and two (2) will be for dog adoptions. The two (2) pods that are farthest to the right are for future use, but will not be used at the current time. In the future, if needed, they will be used for additional adoption areas. The two (2) pods near the gym are intake areas. There is a medical exam room in each intake pod for examination and vaccination. Mrs. Hensley explained that there will also be a court hold area for court hold animals.

Mrs. Hensley stated that the estimated cost for the project is \$2.7 million dollars. It will be funded primarily from ARPA funds, and some local money. Staunton, Waynesboro, and Augusta County are funding this project, and Augusta County is responsible for approximately sixty percent (60%) of those expenses, based on animal intake.

Mrs. Hensley stated that they have been working with Lineage Architects to develop and finalize the plan.

Mrs. Hensley reminded the Commission that, during the site visit, they discussed installing a fence on the south side of the property along the residential area near the apartments. Mrs. Hensley stated that the applicant was willing to install a three-hundred foot (300') long, six foot (6') tall privacy fence, along with planting trees to break up the fence.

Mrs. Bragg asked if the Commissioners had any questions for Mrs. Hensley.

Mrs. Bragg asked if the \$2.7 million included any work on the future use pods. Mrs. Hensley responded that there will not be work done on the future pods at this time, except for mowing and general clean-up.

Seeing that there were no other questions from the Commissioners, Mrs. Bragg opened the Public Hearing on this request.

Mr. Dave Meadows, located at 1049 Lee Highway, stated that there were cattle around Verona Elementary School and that he was concerned about them stressing due to noise and then going through the fence towards Route 11. Mr. Meadows stated that he was also concerned for his wife, Mrs. Shelly Meadows, who works from home. Mr. Meadows stated his concern that Mrs. Meadows would not be able to maintain her job due to dogs barking.

Mrs. Shelly Meadows, located at 1049 Lee Highway, reiterated Mr. Meadows' concerns about the noise conflicting with her working at home. Mrs. Meadows also stated concerns about the impact of the shelter on her property value and with the proximity of her driveway, which is conjoined to one of the proposed shelter's access road.

Mr. Keith Clark, the current managing member of DSW Properties and co-owner of Blue Ridge Properties, spoke in opposition to the request. Mr. Clark stated that they have plans to build ninety-six (96) new townhouses behind the current apartments, and his concern that those approximately two hundred (200) families would be impacted by noise. Mr. Clark asked Mrs. Hensley about the location of the proposed dog runs, and Mrs. Bragg noted that Mrs. Hensley would answer questions at the end. Mr. Clark also stated his concern about changing the ordinance in order to locate the shelter in this location. Mr. Clark was also concerned about the possibility for medical treatment facilities at the site, and asked if the permitted use would allow for veterinary facilities. Mr. Clark restated that his biggest concern was for the noise impact to his residents and that the proposed 300' fence would be insufficient to limit noise. Mr. Clark also stated his concern with dogs with a bite history being located near his properties.

Mrs. Bragg asked if there was anyone else present to speak regarding the request.

Mr. Meadows spoke again and reiterated his concern about the cattle.

Seeing no other speakers, Mrs. Bragg closed the public hearing.

Mrs. Bragg invited Mrs. Hensley to address the questions and concerns expressed by the three (3) speakers. While Mrs. Hensley was approaching the podium, Mrs. Bragg stated that this request is not by the SPCA, this is the municipal shelter where animal control brings strays.

Mrs. Hensley stated that, due to funding, the new proposed shelter would house approximately the same number of animals as the current shelter: ninety-two (92) cats, fifty-four (54) dogs, and six (6) other animals, for one-hundred and sixty-four (164) animals in total. Mrs. Hensley stated that, if future areas are used, the number of animals may increase. Currently, SVASC has an average of sixteen hundred (1,600) animals coming into shelter annually.

Mrs. Hensley stated that court hold dogs would be restricted to an enclosed pod and in a kennel. Those animals will not be allowed to go outside due to risk. Mrs. Hensley also stated that all of the pods and the main area will be enclosed with a fence, so any animals escaping would be enclosed in the facility. Animal control will also unload animals in a self-enclosed area.

Mrs. Hensley indicated the perimeter of the fence on the concept plan.

Mrs. Bragg asked Mrs. Hensley to further address security.

Mrs. Hensley stated that animal control would unload animals in the sally port area, and that some staff would park in the back, but that area was not for the public. The public must check in to enter the building.

Mrs. Bragg noted that the existing gym is located between the proposed animal shelter and the Meadows' driveway, which would create natural buffering. Dogs would not be located in the gym.

Mrs. Hensley stated that there are different types of runs. There are five (5) indoor and outdoor runs proposed, which are in an enclosed area with an existing overhang. The other type of outdoor runs are play yards, which are fenced in areas for dogs to play. If people want to walk the dogs on the track, those dogs would be on a leash. Mrs. Hensley stated that the dogs will not be in the play yards at night.

Mrs. Hensley noted that there will be no veterinary facilities on site, but there will be an exam room for staff.

Mrs. Bragg asked the Commissioners if they have any further questions.

Mr. Howdyshell asked if the County was required by law to have a municipal animal shelter, and Mrs. Hensley said yes.

Mrs. Bragg asked Mrs. Hensley if she was in agreeance with having the opaque fence and some landscaping. Mrs. Hensley stated that she was. Mrs. Bragg reminded the

audience that the Planning Commission is a recommending body, and that the Board of Supervisors will make the final determination on the request.

Mr. Henderson stated that the shelter needs to be relocated, and that there was enough distance where the cattle would not be bothered by the barking. He stated that he was concerned with the noise for the apartments and townhouses. Mr. Henderson asked if there was a way to stipulate that noise mitigation is a high priority, and that if the fence and trees are not sufficient, alternative methods of reducing noise would need to be found. Mrs. Bragg stated that they can make that suggestion to the Board. Mr. Henderson added that they should recommend that, if the buffering is insufficient, aggressive steps need to be taken to mitigate impacts. Mrs. Bragg noted that they could not obligate the Board to do so, but they could stipulate that this is a high priority for the Planning Commission.

Mrs. Bragg asked if there were any more comments from the Commissioners. Seeing none, she asked the pleasure of the Commission.

Mr. Howdyshell stated that the County's facility was deteriorating; however, he was concerned about noise impacts on the neighbors. Mr. Howdyshell emphasized if the fence and trees do not sufficiently mitigate the impact, additional measures need to be taken. Mr. Howdyshell stated that cows would deter dogs from their areas, and that there is significant fencing to keep dogs restrained. Mr. Howdyshell reiterated that, if there are issues with noise, the request would need to be revisited so that those could be addressed.

Mr. Henderson seconded the motion.

Mrs. Bragg restated that the motion was to recommend approval with the recommendation for the fence and trees for buffering. Mr. Howdyshell added that, if there is an additional issue with noise to the north, then it needs to be mitigated also.

The motion, including the recommendation for buffering, was passed unanimously, 5-0.

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NEW BUSINESS

Ms. Goodloe introduced Mr. Phil Martin, the Executive Director of Augusta Water, and stated that he was there to speak to the Planning Commission about the role of the Augusta Water Strategic Plan in support of the Augusta County Comprehensive Plan.

Mr. Martin explained the new mission of Augusta Water: "[Augusta Water] is working together with Augusta County to achieve development objectives in a fiscally responsible manner."

Mr. Martin also explained Augusta Water's values, highlighting three: sustainability, affordability, and accountability.

Mr. Martin reviewed a brief history of Augusta Water, and clarified that they are funded by availability fees and fees from their bi-monthly billing, not tax dollars.

Mr. Martin explained that Augusta Water has \$240 million of gross capital assets, and explained the eight categories of assets.

Mr. Martin highlighted several objectives and goals from the Augusta County Comprehensive Plan that illustrate how Augusta Water works with the Comprehensive Plan.

Mr. Martin explained the importance of water and wastewater service for economic development and the development of affordable housing. Mr. Martin noted that the Augusta County Code sets the standards for fire flow, and that the availability of fire flow can be an issue for potential developers.

Mr. Martin reviewed past projects throughout the County, including: two water projects (Stuarts Draft Area Wells and the Berry Farm Water Treatment Plant) and three wastewater projects (in Fishersville, Stuarts Draft, and Middle River). Mr. Martin stated that all are able to handle additional development.

Mr. Martin reviewed potential future projects, including the expansion of a water treatment plant at Berry Farm, to prepare for renegotiating a contract with the City of Staunton. Mr. Howdyshell asked if the additional water capacity from Berry Farm would come from wells. Mr. Martin answered that a well had been drilled. Mr. Howdyshell stated that he previously saw the spring dried up. Mr. Martin said that he had not, and that any issues were not caused by the source. Mr. Martin added that an additional well site was available. Mr. Martin explained five other future water projects.

Mr. Martin explained the questions that Augusta Water considers in evaluating future projects. Mr. Martin also noted that Augusta Water seeks to avoid developing a "stranded asset," where an asset is built but is never used.

Mr. Martin asked if the Planning Commission had any questions, and offered a meeting between the Augusta Water Board and the Commission.

Mr. Howdyshell asked about a pump station near Jerusalem Chapel in Churchville and asked about the status of a well that was drilled. Mr. Martin said he believed the County had given up the well. Mrs. Hensley stated that the County did close the well. Mr. Martin agreed that the well had been abandoned recently.

Mr. Howdyshell asked if the water coming up to Buffalo Gap was from Churchville. Mr. Martin said yes.

Mrs. Bragg asked if any of the Commissioners had any other questions for Mr. Martin, and expressed that she would like members of the Planning Commission to meet with the Augusta Water Board.

Mr. Howdyshell asked Mr. Martin if developers contributed to some of the extensions. Mr. Martin referenced the County Ordinance and stated that developers build the infrastructure, and then donate the infrastructure to Augusta Water to maintain.

Mr. Howdyshell asked if there are water sources that do not have to be treated with chlorine. Mr. Martin said he would look to see if any plants in the County did not treat water.

Mr. Henderson asked Mr. Martin if there were any fire hydrants near Buffalo Gap High School, and if they were required. Mr. Martin stated that fire flow requirements are set by the County Ordinance. Mr. Doug Wolfe stated that the school most likely has a fire suppression system. Mr. Wolfe stated that it would be shown on the site plan, which Mr. Henderson could review. Mr. Wolfe additionally noted that Augusta Water will be an integral part of the upcoming Comprehensive Plan Review.

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OLD BUSINESS

Ms. Goodloe reviewed the revised proffers from National Developers, LLC. The Planning Commission saw this request in March of this year, and had recommended denial. The applicant has since resubmitted proffers that address the Planning Commission's concerns with agricultural uses being incompatible with the adjacent single-family residential development. The Board of Supervisors will see this request for public hearing on Wednesday, May 24th. Ms. Goodloe noted that this item was not a public hearing but a time to discuss revised proffers.

Mrs. Bragg added that the Planning Commission was looking at two parts of one application: the amended proffers for Phase 1 and Phase 2 of the subdivision, and the rezoning back to General Agriculture. Mrs. Bragg asked if there were any additional comments or suggestions to send to the Board of Supervisors.

Mr. Howdyshell stated that, since the request had already been seen by the Planning Commission, the Planning Commission could take no further action.

Mrs. Bragg asked if the Commissioners would like to send their past recommendation to the Board of Supervisors, and all of the Commissioners agreed.

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STAFF REPORTS

Ms. Goodloe gave an update on the status of the Comprehensive Plan and Economic Development Strategy RFP. Ms. Goodloe stated that four proposals were received and the top three firms were invited to interview. The names of the firms and their respective interview dates were included in the Commission's packets. Ms. Goodloe stated that, after interviews are completed, the County will enter negotiations with the top-ranked firm. Staff anticipate presenting a contract for approval to the Board of Supervisors at the June 14th Board of Supervisors meeting. The Planning Commission will continue to receive a full status update at each Planning Commission meeting for the lifetime of this project. Ms. Goodloe asked if there were any questions from the Commission regarding the status of the Comprehensive Plan.

Ms. Goodloe reviewed with the agenda items for the June 2023 Board of Zoning Appeals meeting. No comments were submitted.

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There being no further business to discuss, Mr. Harris made a motion to adjourn.

Mr. Thomas seconded the motion which carried unanimously.

Chairman

Secretary